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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

Issue 4 | January 26, 2022

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This Week in the News

As international tensions moved to the forefront in Washington, D.C., congressional proponents of the stalled Build Back Better proposal began exploring options for breaking the initiative into pieces. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus, we have updates on how the mining and energy markets are faring.

Safety Share

"AskReddit" delved into "What is a safety tip [everyone should know about?](#)"

Supreme Court Takes Case on Scope of WOTUS and Members of Congress Request WOTUS Extension



Last week, House Committee on Transportation and Infrastructure Ranking Member Sam Graves (Mo.) and Subcommittee on Water Resources and Environment Ranking Member David Rouzer (N.C.), working with the NMA and coalition allies, [sent a formal request](#) to Environmental Protection Agency (EPA) Secretary Michael Regan and Army for Civil Works Assistant Secretary Michael Connor requesting the 60-day comment period be extended to 90 days for the proposed rule to define waters of the United States (WOTUS). The letter states the current timeframe is insufficient for stakeholder input on the agencies “expansive approach to the definition of WOTUS” and because of the overlap it will have with stakeholder engagement in agency roundtables and public hearings as part of the rulemaking process. The NMA, the Waters Advocacy Coalition (WAC) and other stakeholders have also sent formal requests asking the agencies to extend the comment deadline.

On Monday, after the Supreme Court announced that it will consider *Sackett v. EPA*, a case that will decide the scope of WOTUS, Representatives Graves and Rouzer [released a statement](#) urging the administration to “immediately cease its efforts to issue a new WOTUS definition rule.” Details of the Supreme Court announcement and stakeholder response can be found in a NMA memo [here](#).

The NMA anticipates the agencies will maintain their February 7 comment deadline and encourages members to join a conference call this Friday, Jan. 28, at 3:00 p.m. (ET) to share feedback on the NMA and WAC comments. Conference call details and draft comments can be found in a NMA memo [here](#).

Western Caucus Offers Alternatives to 30x30 Initiative



On Jan. 20, Senator Steve Daines (R-Mont.) and Rep. Dan Newhouse (R-Wash.) – Chairmen of the Western Caucus in their respective chambers – urged the Department of the Interior (DOI) to reverse course on its 30x30 / *America the Beautiful* initiative and instead support the caucus’ conservation principles document, which was put together with input from the NMA and other stakeholders. Please find a link to the letter and principles document [here](#). Recall that earlier this month, the DOI [announced](#) next steps on implementation of the *America the Beautiful* initiative, which would establish a conservation goal of at least 30 percent of U.S. lands and waters by 2030. DOI is currently requesting comments on the creation of an American Conservation and Stewardship Atlas to track a clear baseline of information on lands and waters that are conserved or restored. These comments are due on March 7, 2022. The NMA plans to submit comments stressing the

importance of land access to ensure a secure supply of minerals for the nation and discouraging large scale mineral withdrawals.

Western Caucus Minnesota Mining Forum - Part

II

Minnesota Mining and American Potential: An Opportunity for a Brighter and More Secure Future."



On Jan. 13, the Congressional Western Caucus (CWC) held a mining forum in Washington, D.C. titled, [“Minnesota Mining and American Potential: An Opportunity for a Brighter and More Secure Future.”](#) As a follow up to the overwhelming Members of Congress interest in that forum, the CWC will hold a similar forum on Feb. 10 called the Western Caucus Mining Summit, only this time, it will take place in Virginia, Minn. Forum participants include former-DOI Secretary David Bernhardt, Energy and Mineral Resources Subcommittee Ranking Member Pete Stauber (R-Minn.), CWC Chairman Dan Newhouse, and House Natural Resource Committee Ranking Member Bruce Westerman (R-Ark.). They will discuss mineral development in Minnesota and the need for greater domestic production of metals and minerals necessary for key industries. Please find additional information on the forum [here](#). If you have an interest in attending the forum, please reach out to Justin Prosser at jprosser@nma.org for additional information.

Invitation to Participate in BLM Sage-Grouse Scoping

As we previously informed you, the Bureau of Land Management (BLM) recently announced its [notice of intent](#) to prepare environmental impact statements to address the management of Greater Sage-grouse and sagebrush habitat on BLM-managed land. The scoping process is designed to solicit input on issues the agency should consider while it evaluates the need to update range-wide management plans for sagebrush habitat finalized in 2015 and amended in 2019. The NMA reached out to the BLM and requested a meeting with the BLM National Sage-Grouse Coordinator to allow discussion and questions about the ongoing scoping process in advance of the Feb. 7 comment deadline. The meeting is scheduled for Thursday, Jan. 27 at 4:00 p.m. ET. To facilitate candid discussion, the meeting with the BLM National Sage-Grouse Coordinator is only for NMA member companies. To receive information about participation, please contact James Scribner at jscribner@nma.org.

OSHA Withdraws COVID Emergency Temporary Standard



COVID-19 Emergency Temporary Standard

The Occupational Safety and Health Administration (OSHA) [today withdrew](#) its [Interim Final Rule](#) on Mandatory Vaccines or Weekly Testing as an “enforceable” emergency temporary standard (ETS). Recall, in Nov. 2020, OSHA used its ETS authority to publish the rule requiring businesses with at least 100 employees to mandate workers get fully vaccinated or be tested weekly for COVID-19. The action is in response to the emergency stay granted by the U.S. Supreme Court that determined challengers were likely to prevail on the argument that the ETS exceeds OSHA’s statutory authority. The withdrawal also likely moots the underlying petitions for review that remain before the 6th Circuit. Please note, that while OSHA withdrew the ETS as an enforceable standard, it specifically notes that it has not cancelled the notice and comment rulemaking it began when it issued the interim final rule. The NMA submitted [comments](#) opposing the ETS earlier this month.

U.S. House Unveils its Compete Act

Yesterday, U.S. House of Representatives majority leadership unveiled the [America Competes Act of 2022](#). You may find the text of this nearly 3,000 page bill [here](#), a section by section of the bill [here](#), and fact sheet [here](#). The legislation is meant to be a House version of Senate-passed legislation from last summer, [the U.S. Innovation and Competition Act](#) (USICA). The primary part of both bills attempts to address the

semiconductor shortage, but includes a myriad of provisions designed to ensure U.S. competitiveness abroad and attempt to address supply chain impediments. Enacting the USICA has been a principal priority for Senate Majority Leader Chuck Schumer (D-N.Y.), and late last year, he and Speaker Pelosi agreed to conference the two versions sometime in the new year. The NMA worked with Senators Cynthia Lummis (R-Wyo.) and Jacky Rosen (D-Nev.) during Senate consideration on a bipartisan amendment which became [Section 2214 of the Senate passed USICA](#). The amendment directs new research dollars through the National Science Foundation to support innovation advancing critical minerals mining strategies and technologies and a new \$100 million grant program through the U.S. Department of Commerce for financing pilot projects for the development of critical minerals and metals in the United States with a third of the funding reserved for secondary recovery projects. Through House consideration of the America Competes Act and especially through conferencing of the USICA and America Compete Act, the NMA will continue to advocate for provisions addressing domestic production, financing and supporting strong domestic supply chains through new U.S. mineral development.

NMA and Third Party Voices

The NMA today [issued a statement](#) on the [DOI's decision to cancel Twin Metals' leases](#) in northeastern Minnesota. NMA's statement was echoed by key members of the U.S. House Natural Resources Committee and Congressional Western Caucus following a forum held a little over a week ago specifically on the Twin Metals project with representatives from local leadership, labor union leadership, the company and industry representatives. You can find a copy of the statement and background on the forum [here](#).

Statistics from the NMA are quoted in an [AZ Big Media](#) report on the benefits the mining industry holds for the economy.

From our third parties, [MSN.com](#) (USA), [Yahoo News](#) (USA), [Johnstown Tribune Democrat](#) (Pa.), [The Bryan Times](#) (Ohio), [Salem News](#) (Ohio), [East Liverpool Review](#) (Ohio), [Lisbon Morning Journal](#) (Ohio), [Bakersfield Californian](#) (Calif.), [New](#)

[Castle News](#) (Pa.), [Deming Headlight](#) (N.M.), [Casper Star Tribune](#) (Wyo.), [Wichita Falls Times Record News](#) (Texas), [St. Joseph News Press](#) (Mo.), [Arizona Capitol Times](#) (Ariz.) and [Towanda Daily Review](#) (Pa.) all ran an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues the coal fleet helps to stabilize electricity prices.

Mining and Energy News

[E&E News PM](#) reports the Labor Department launched a pilot initiative aimed at encouraging mining communities to get vaccinated against Covid-19.

The International Copper Study Group's (ICSG) January data [release](#) indicates that world copper mine production increased by 2.6 percent over the first ten months of 2021, with concentrate production increasing by around 4.1 percent and solvent extraction-electrowinning (SX-EW) declining by about 3.8 percent.

[Resource World Magazine](#) reported that Cruz Battery Metals Corp. is drilling a significant new lithium discovery at its Solar Lithium project in Nevada.

[Politico Pro](#) reported that to win the war on global warming and triumph in an economic showdown with China, President Joe Biden needs an essential weapon — lithium.

[CNBC](#) reported that around the world, a number of firms are looking to develop facilities focused on direct lithium extraction.

[Grid](#) reported that electric cars rely on lithium-ion batteries. China produces 76 percent while the U.S. makes only 8 percent.

[Reuters](#) reported that the world faces a shortage of lithium for electric vehicle batteries.

[WIRED](#) reported that in an effort to reduce dependency on hard-to-source cobalt and Chinese manufacturing, U.S. makers are finally getting into the cathode business.

[E&E Media](#) published: “How Biden Could Close Coal Plants Without CO2 Regulations”

[Bloomberg](#) reported that the National Weather Service projects below-freezing temperatures in Texas in the coming days and that it may mark a test of readiness both for the energy industry and for the state's power grid, nearly a year after the state suffered a massive power crisis in similarly freezing conditions.

[Chicago Sun-Times](#) and others reported that Craig, Colo., is losing its coal plant, and people who live in the town in northwest Colorado fear this is the beginning of the end for their community.

E&E News published: “Michigan could see all of its coal-fueled power plants close by 2035 under a new [draft climate plan](#) from the state.”

In a *Wall Street Journal* interview, U.S. Environmental Protection Agency Administrator Michael Regan said the agency will propose [stricter air-quality standards](#) for mercury and other pollutants, as well as new restrictions on wastewater generated by power plants.

E&E News published: “Biden [preps full-court press](#) to curb coal as emissions spike.”

CNN reported China mined a [record amount of coal](#) in 2021 and may produce even more this year.



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