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**MINE** Update  
MINING INDUSTRY NEWS E-COMM UPDATE

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## **This Week in the News**

Confirmation hearings began for Supreme Court nominee Ketanji Brown Jackson, and President Biden prepared to travel to Europe as the Russia-Ukraine war ground toward its second month with no signs of a resolution. 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.

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## **Safety Share**

The National Safety Council's estimate of total motor vehicle deaths for 2021 is 46,020, up 9 percent from 2020 and up 18 percent from 2019. NSC's website breaks down the [data and trends](#).

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## SEC Proposes Expansive Climate Disclosure Rule



On March 21, the U.S. Securities and Exchange Commission (SEC) voted 3-1 to [propose extensive rule changes](#) that would require registrants to include certain climate-related disclosures in their registration statements and periodic reports. SEC Chair Gary Gensler [commented](#) that the proposal “would provide investors with consistent, comparable, and decision-useful information for making their investment decisions and would provide consistent and clear reporting obligations for issuers.” Republican Commissioner Hester Peirce criticized the rule, [saying](#) the proposed rule “forces investors to view companies through the eyes of a vocal set of stakeholders, for whom a company’s climate reputation is of equal or greater importance than a company’s financial performance.”

The proposed rules would require a domestic or foreign registrant to disclose certain

climate-related information in their registration statements and periodic reports, including information about climate-related risks that are reasonably likely to have a material impact on their business, results of operations, or financial condition, and certain climate-related financial statement metrics in a note to their audited financial statements. Notably, the proposed rule would require reporting on direct greenhouse gas (GHG) emissions (Scope 1) and indirect GHG emissions from purchased electricity and other forms of energy (Scope 2). The proposed rule would also require disclosure of indirect emissions generated by a company's suppliers and customers (Scope 3) if they are material to a company's performance or if the company has set targets for reducing emissions, subject to a safe harbor and exemption for smaller reporting companies.

The SEC proposes a phase-in period for all registrants, with the compliance date dependent on the registrant's filer status, and an additional phase-in period for Scope 3 emissions. For example, the disclosure compliance date for "large accelerated filers" for all proposed disclosures, including Scope 1 and Scope 2 GHG emissions, would apply to fiscal year 2023 (filed in 2024). Disclosure of Scope 3 GHG emissions would apply to fiscal year 2024 (filed in 2025).

The NMA's memorandum summarizing the rule may be accessed [here](#). The SEC's fact sheet may be accessed [here](#). The comment period will remain open for 30 days after publication in the *Federal Register*, or 60 days after the date of issuance and publication on [www.sec.gov](http://www.sec.gov), whichever is longer.

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## NMA Meets with CEQ on NEPA Regulations



As part of the Council on Environmental Quality's (CEQ's) ongoing review of its National Environmental Policy Act (NEPA) regulations, CEQ's Deputy Director for NEPA reached out to the NMA for its views on potential changes to the 2020 regulations. In the Tuesday meeting, the NMA stressed the importance of domestic mining to ease the exacerbated supply chain constraints. The dialogue with CEQ also allowed the NMA and its members provide examples of NEPA delays and offer solutions including elimination of consideration of insignificant issues, applicant driven alternatives, applicant driven environmental impact statements, the use of mitigation, and pre-planning initiatives.

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## Senate Turns to U.S. Competitiveness Legislation



This week the U.S. Senate began the process of formally conferencing with the U.S. House of Representatives on the House-passed [America Competes Act](#) from [earlier this year](#) and the Senate-passed [U.S. Innovation and Competition Act](#) passed last summer. This legislation has long been a priority for Senate Majority Leader Chuck Schumer (D-N.Y.) who reached an agreement with Speaker Pelosi in late 2021 to attempt to enact this legislation this year. The NMA expects what is now being called the Bipartisan Innovation

Act to be a principal legislative moving vehicle this year likely attracting numerous other legislative riders. Today, the Senate Commerce, Science and Transportation Committee held a [hearing](#) on how the Bipartisan Innovation Act could help address semiconductor shortages and vulnerabilities in semiconductor supply chains. The NMA submitted [testimony for the record](#) in that hearing highlighting bipartisan minerals provisions passed in the Senate bill. The NMA will continue to work on this legislation through the conferencing process protecting this provision and looking for new opportunities.

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## NMA Advocates for Inclusion of Coal and Uranium in Russian Energy Ban



On Monday, the NMA continued our work with the Senate Finance Committee Chairman Ron Wyden (D-Ore.) and Ranking Member Mike Crapo (R-Idaho), as well as Senate Energy and Natural Resources Chairman Joe Manchin (D-W.Va.) and Ranking Member John Barrasso (R-Wyo.), urging the inclusion of uranium and coal in legislation that would

ban the importation of Russian oil and gas to the U.S. Please find a link to the NMA's letter to these key U.S. Senate negotiators [here](#).

The Senate Finance Committee, which is currently negotiating legislation that would strip preferred trade status from Russia and Belarus, is also considering including provisions to prohibit oil and gas imports from Russia, a high priority for Ranking Member Crapo. In addition to advocating for a ban on imports of Russian uranium and coal, the NMA letter points out that Russia is the third largest supplier of uranium to the U.S., meeting more than 16 percent of U.S. demand for our nation's commercial reactors and that despite abundant domestic coal reserves, coal from Russia accounted for six percent of U.S. coal imports in 2021 according to the U.S. Energy Information Administration. The NMA will continue to advocate for stopping Russian uranium and coal imports to the U.S. and supporting domestic sources to supply our energy and national security needs.

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## House Members Urge Administration to Secure Domestic Mineral Supply Chains



Yesterday, House Energy and Mineral Resources Subcommittee Ranking Member Pete Stauber (R-Minn.) and House Oversight and Investigations Subcommittee Ranking Member Blake Moore (R-Utah.) urged the Department of the Interior (DOI) and the Department of Agriculture (USDA) to reverse course on recent anti-mining actions by the administration and support a secure domestic mineral supply chain. In the letter to DOI Secretary Deb Haaland and USDA Secretary Tom Vilsack, linked [here](#), Reps. Stauber and Moore used recent examples of DOI's Ambler Road decision in Alaska, the cancelation of Twin Metals Minnesota's leases, and the creation of a DOI interagency working group to amend the mining law to show the stark contrast between the administration's actions and President Biden's recent minerals roundtable where he called for a reliable and secure domestic mineral supply chain. They also reminded DOI and USDA of their statutory responsibility to fully implement the mineral supply chain provisions found in Sec. 40206 of the bipartisan infrastructure law (PL No: 117-58) and requested in-person briefings to better understand how the DOI and USDA plan to implement the law. The NMA strongly supports the letter sent by Reps. Stauber and Moore, which is similar to the recent [letter](#) sent by the NMA to DOI and USDA urging full implementation of Sec. 40206. The NMA will continue to work with Reps. Stauber and Moore as they work to conduct necessary oversight of DOI and USDA permitting processes and implementation of new efficiencies and reliable timelines.

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## **Fifth Circuit Reinstates the Social Cost of GHG Interim Metrics**

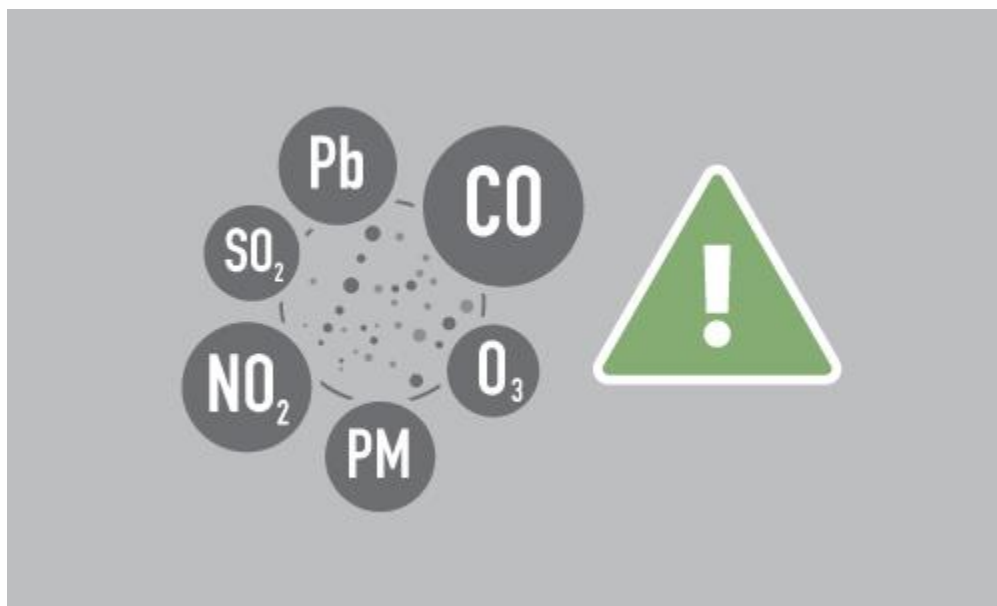


The U.S. Court of Appeals for the Fifth Circuit (Fifth Circuit) last week [granted](#) the administration’s request to stay a preliminary injunction issued by Judge James Cain of the U.S. District Court for the Western District of Louisiana that prevented the use of the revised interim social cost of greenhouse gas (SC-GHG) metrics. The Fifth Circuit concluded that government “made a strong showing that they are likely to succeed on the merits, and the balance of harms to the parties favors granting the stay.” The Fifth Circuit also found that the government demonstrated that “they will be irreparably harmed absent a stay,” characterizing the preliminary injunction as stopping or delaying “agencies in considering SC-GHG in the manner the current administration has prioritized within the bounds of applicable law.”

Ultimately, the Fifth Circuit’s order allows the government to resume using the SC-GHG interim metrics in rulemakings and environmental reviews, as well as to proceed with a recently [announced](#) independent external scientific review of the “Technical Support Document” that supports the SC-GHGs. As we previously informed you, the administration is working to publish proposed final SC-GHG metrics within the next several months for additional public comment.

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## EPA Proposes Aggressive "Good Neighbor" Federal Plan to Address 2015 Ozone NAAQS



The U.S. Environmental Protection Agency (EPA) recently announced a federal plan to reduce pollution from power plants and industrial sources that significantly contribute to downwind states' ground-level ozone. According to EPA's [press release](#), "this action would help states fully resolve their Clean Air Act 'good neighbor' obligations for the 2015 ozone National Ambient Air Quality Standards (NAAQS), enhancing public health and environmental protections regionally and for local communities." Notably, the proposed rule would double the number of covered states, set first-time limits on certain industrial source plant boilers, and require daily limits on emissions from large coal-fueled power plants. The NMA's memorandum summarizing this proposed rule may be accessed [here](#).

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## EPA Releases Proposed Rule on CWA Section 311 Worst Case Discharge Planning Regulations



Last week, the U.S. EPA released a [pre-publication](#) version of its new proposed requirements for facilities to prepare Facility Response Plans for worst case discharges of Clean Water Act hazardous substances designated in 40 CFR Part 116. Recall that this rulemaking is the result of a consent decree the agency and environmental groups entered into in 2020. A worst-case discharge is the largest foreseeable discharge in adverse weather conditions, including due to climate change. The proposed rule applies to hazardous substance discharges at onshore facilities that, because of their location, could reasonably be expected to cause substantial harm to the environment. Based on the NMA's initial analysis, this rulemaking could impose significant burdens on member companies. For more details, review the NMA's March 17 [memo](#). **Comments are due 60 days after publication in the *Federal Register*.** The NMA will inform you when the proposed rule is published in the *Federal Register* and will seek your input on our comment strategy.

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## Wyoming Coal Producers Catch a Break



Wyoming will reduce the state's severance tax rate for surface coal by half a percentage point under a bill signed by the governor. Governor Mark Gordon signed [H.B. 105](#) into law Monday. The bill was introduced Feb. 14 by Rep. Timothy Hallinan, (R-Gillette), and will reduce the state severance tax rate for coal from 7 percent to 6.5 percent. The reduced rate takes effect July 1 and should equate to a \$10 million reduction in taxes for Wyoming coal producers.

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## **U.S.-Chilean Tax Treaty to Advance: 10+ Years in the Making**



Next week, the U.S. Senate Foreign Relations Committee will [hold a business meeting](#) to consider, among other items, the U.S.-Chilean Tax Treaty. This important tax treaty ensures tax parity for NMA members and other U.S. companies operating in Chile. Although negotiated and approved by the government of Chile in 2010, it has yet to be ratified by the U.S. Senate. The NMA has long [supported ratification](#) of the treaty and is working with a [broad coalition](#) including NMA members Freeport-McMoRan, Komatsu American Corporation, Newmont Corporation, Rio Tinto and other organizations including the American Chemistry Council, American Council of Life Insurers, National Association of Manufacturers, and U.S. Chamber of Commerce to ensure that this treaty is finally ratified this year. Once out of the Senate Foreign Relations Committee, the NMA will work with our coalition to get it considered by the full U.S. Senate.

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## **NMA Staff Tours the Resolution Copper Mine**



NMA Vice President of Government Affairs Rebeckah Freeman Adcock, and Scott Gemperline, Manager of Government Affairs, joined by Brian Somers, President of the Utah Mining Association, toured the [Resolution Copper](#) project located 60 miles East of Phoenix. Representatives from the mine discussed with NMA key safety, technical, and operational aspects of the project as well details of the significant stakeholder initiatives they undertake, including efforts to support cultural heritage, education, youth programs, economic development, environmental mitigation, and recreation. At a depth of nearly 7,000 feet below ground, Resolution Copper holds the U.S. record for the deepest continuous mine shaft, and once fully operational, it could supply nearly 25 percent of U.S. copper demand. The NMA was grateful for the opportunity to tour the site and to learn more about member activities, which will further support congressional advocacy and outreach.

## NMA and Third Party Voices

[Fox Business News](#) carried a second story from their interview last week with Rich Nolan on the coal resurgence.

A [press release from Sen. Cramer](#), the [Wyoming Tribune Eagle](#), [Jurist](#) and [Press TV](#) all quote Rich Nolan in his support for legislation introducing a ban on Russian imports

of uranium.

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## Mining and Energy News

[NPR](#) reported that companies are betting hundreds of billions of dollars on electric cars and trucks. To make them, they'll need a lot of batteries. And that means they need a lot of minerals, like lithium, cobalt and nickel, to be dug up out of the earth.

[Washington Examiner](#) reports a new white paper by ConservAmerica examines the shortage of critical minerals supply in the U.S. and proposes a three-part framework to help the government reverse what it describes as “one of the nation's most persistent and pervasive national security and economic challenges.”

[E&E Energywire](#) reported that human rights groups now are concerned about alleged abuses linked to another key component for clean energy: cobalt, a silvery-blue battery metal that is pivotal for electric vehicle batteries.

[The Washington Post](#) reported that prices of key minerals are skyrocketing amid the pandemic and Russia's invasion of Ukraine, potentially increasing the cost of electric vehicles and other technologies crucial to the clean energy transition.

[Barrons](#) reported that “uranium prices have gained about 40 percent since Russia’s invasion of Ukraine, touching levels the market hasn’t seen in more than a decade—even though the war has little immediate impact on global supplies of the fuel used to generate nuclear energy.”

[Wired](#) reported that next-generation nuclear plants could be safer and more efficient, but first the U.S. must figure out how to fuel them up—without relying on Russia.

[Greenwire](#) reported that the U.S. currently relies on Russia for a significant share of the low-enriched uranium used to power nuclear reactors. Now, with the war driving uranium

prices up, U.S. miners are talking about rebooting idled mines.

[E&E Greenwire](#) reported that uranium mining in the United States could be on the verge of a revival.

[The New York Times](#) reported that Russia's invasion of Ukraine has shaken the global market for nickel just as the metal gains importance as an ingredient in electric car batteries, raising fears that high prices could slow the transition away from fossil fuels.

[Argus Media](#) reported that the UK is considering postponing the closure of its coal-based power plants as it looks to reduce reliance on Russian energy and safeguard energy security.

E&E News published: "[Coal's on a comeback](#) in energy-desperate Europe."

[Argus Media](#) reported that coal-fueled generation in the Electric Reliability of Texas (ERCOT) rose by 8.3 percent last month when compared with a year earlier as overall power demand grew and natural gas generation fell.

[Quartz](#) printed: "Coal prices spike as Europe searches for alternatives to Russian Energy."

In a recent [EIA Today in Energy feature](#), EIA reported that U.S. coal exports increased 23 percent in 2021. And [World Coal](#) reported that the EIA data show that in 2021, U.S. coal exports increased by 23 percent to 85 million short tons from 69 million short tons in 2020.

[The New York Times](#) reported that prices for coal used to generate electric power have hit record levels in recent days on fears that supplies from Russia could be disrupted.

Wall Street Journal published: "Coal stocks are [burning up again](#)."

[Utility Dive](#) reported that Consumers Energy has threatened to abandon plans to retire its coal-fueled power plant fleet by 2025 if the Michigan Public Service Commission (PSC) approves a recommended decision the utility says would unravel core parts of its

integrated resource plan.

[Argus Media](#) reported that limited supply and logistical issues may prevent Appalachian and Illinois Basin coal producers from benefiting from the surge in prices.

[Hellenic Shipping reported](#) on S&P Global analysis showing that nearly 27 percent of U.S. coal mined in 2021 went to plants set to retire this decade.



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