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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

Issue 13 | March 30, 2022

Brought to you by the National Mining Association

This Week in the News

Attention on Capitol Hill turned to domestic mineral supply chains critical for renewable energy development as the White House introduced a \$5.8 trillion budget proposal and remained engrossed with foreign affairs issues. 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

More than 53 million vehicles on the road today have open recalls, many related to safety issues. “[Check to Protect](#)” allows you to find out if your vehicle has an open recall. It’s free to check and free to repair at a dealer.

Executive Order on Use of Defense Production Act to Secure Battery Metal Supply Chains



Reportedly, the White House may issue, as early as tomorrow, an executive order that invokes the Defense Production Act to address supply constraints for battery metals. The order follows a March 11 [letter](#) from Senators Murkowski, Manchin and others to President Biden to urge accelerated production of battery materials. While the letter referenced battery materials broadly, it is rumored the order may be limited to the five battery metals—graphite, manganese, cobalt, nickel, and lithium—specifically enumerated in that letter. The NMA has been involved with a number of the federal departments contributing to the administration’s efforts to secure mineral supply chains and will continue to urge solutions that encourage domestic production broadly rather than those tailored to selected

minerals. We will be monitoring developments on the issuance of the order and provide updated information as soon as available.

Request for Information to Inform IWG on Mining Reforms

As we previously alerted you, the Department of the Interior (DOI) recently announced the creation of an interagency working group (IWG) on federal hardrock mining laws, regulations and permitting. DOI today issued a [request for information](#) (RFI) to provide stakeholders an opportunity to supply data and recommendations for the IWG's consideration. Additionally, the RFI indicates that virtual or in person public listening sessions will be announced in the upcoming months in advance of the July 31 closure of the RFI comment period. The NMA will schedule a conference call in the upcoming weeks to discuss strategy for the RFI comments and the listening sessions.

Natural Resources Committee to Hold Hearing on Legacy Cleanup Activities



On Thursday, March 31, the House Natural Resources Subcommittee on Energy and Mineral Resources will hold a [hearing](#) on the “Benefits of the Legacy Pollution Clean-Up Programs in the Bipartisan Infrastructure Law.” The hearing will highlight new coal Abandoned Mine Lands (AML) funding included in the recently passed infrastructure law, and orphan oil and gas well cleanup activities. The NMA has worked with committee staff to provide witness recommendations, questions for the record, and additional information ahead of the hearing.

Confirmed witnesses are Steve Feldgus, Deputy Assistant Secretary for Land and Minerals Management, who will testify on behalf of the Department of the Interior; Adam Peltz (Environmental Defense Fund) and Uduak-Joe Ntuk (California Geologic Energy Management Division), to discuss the majority’s viewpoints on orphan oil and gas wells; and Rebecca Shelton (Appalachian Citizens’ Law Center), who will discuss coal AML funding. The minority’s witness will be John Baza, Director of the Utah Division of Oil, Gas and Mining.

Senate Energy and Natural Resources Upcoming Hearing on Domestic Mineral Supply Chains

On Thursday, the Senate Energy and Natural Resources Committee will hold a hearing to discuss the opportunities and challenges facing domestic mineral mining, processing, refining and reprocessing. Please find a link to the hearing and witness testimony [here](#). Two NMA members, Julie Padilla (Chief Regulatory Officer for Twin Metals Minnesota) and Scott Melbye (Executive Vice President of Uranium Energy Corp and President of the Uranium Producers of America), will testify on behalf of industry about the importance of a robust domestic mineral supply chain, not only for battery minerals but uranium as well, and the need to improve the mine permitting process to include certainty, stability, and timeliness. Other witnesses include Dr. Steve Fortier (Director of the USGS National Minerals Information Center) leading continued work on USGS mineral mapping, Abigail

Wulf (Vice President of the Critical Minerals Strategy at Securing America's Future Energy), and Dr. Paul Ziemkiewicz (Director at the West Virginia Water Research Institute at West Virginia University). The NMA has worked with bipartisan committee staff to provide witness recommendations and additional background information ahead of the hearing. The NMA will provide a more detailed report on the hearing at this week's Minerals Policy Task Force meeting on Thursday afternoon at 2:00 p.m.

Senate Confirms Williamson as MSHA Assistant Secretary



The Senate yesterday confirmed [Christopher J. Williamson](#) as the Assistant Secretary of Labor for Mine Safety and Health (MSHA). Mr. Williamson had received the backing of the United Mine Workers of America. He most recently served as senior counsel to Chair Lauren McFerran of the National Labor Relations Board. He previously served in a political position at MSHA under the Obama administration and as a policy advisor to Sen. Manchin.

NMA Files Comments on MSGP Sector-Specific Fact Sheets

On March 28, the NMA filed [comments](#) on the Environmental Protection Agency's (EPA) sector-specific fact sheets for the 2021 multi-sector general permit (MSGP). The NMA's comments provide recommendations for sectors G, H, and J. The NMA's comments urge EPA to clarify that the best management practices (BMPs) listed are voluntary and not mandatory requirements; acknowledge that BMPs are site-dependent and often dictated by the approving agency and not the permittee; and clarify that BMPs for haul roads and access roads must be informed by safety considerations. NMA's comments also urge EPA to remove numerous references to Per- and Polyfluoroalkyl Substances (PFAS) and to ensure that the fact sheets align with any changes to the "waters of the United States" definition which is so broad that it could unintentionally encompass BMPs like diversion ditches. The NMA's comments also provide targeted corrections and requests for clarification to the Sector H fact sheet. Many thanks to the member companies and consultants that provided feedback and input during the drafting process. The NMA will continue to engage with EPA to address these comments and recommendations in the coming weeks and months.

EPA Proposed Rule on CWA Hazardous Substance "Worst Case Discharge" Planning Regulations

On March 28, the EPA formally published its [proposed rule](#) concerning planning regulations for Clean Water Act (CWA) hazardous substance "worst case" discharges: 87 Fed. Reg. 17890 (March 28, 2022). Comments are due May 27. [Recall](#) that this proposed rule could impose significant burdens on the mining industry. The NMA continues to analyze the proposal and will schedule a conference call to discuss our comment strategy

in the coming weeks. Please contact Caitlin at cmchale@nma.org if you have any questions or feedback in the interim.

The NMA Weighs in on Recent EPA Actions on Coal Ash

On Mar. 25, the NMA joined America's Power in commenting on the EPA's preliminary decisions on [requests for extensions](#) to the current deadline to initiate the closure of unlined coal ash surface impoundments. These decisions are a tool EPA is using to force coal plants into early retirement. The NMA and America's Power submitted four letters to the rulemaking dockets open for the Dallman Power Station [here](#), Clifty Creek Power Station [here](#), Gavin Power Plant [here](#), and Ottumwa Generating Station [here](#). These letters urge EPA to grant these facilities' extension requests to avoid jeopardizing the reliability and resilience of the grid caused by forced idling or premature retirements of coal plants. Additional information is available in the NMA's memorandum.

Continued Progress on U.S.-Chilean Tax Treaty



This week the U.S. Senate Foreign Relations Committee [favorably reported](#) the treaty for full U.S. Senate consideration by a voice vote. You can find a copy of the treaty [here](#) with additional language, otherwise known as [reservation language](#), also favorably reported. The lack of a roll call vote is another indication of broad bipartisan support for finally ratifying this important treaty to ensure tax parity for NMA member companies operating in Chile. The [NMA has long supported ratification of the treaty](#) and will continue to work with our [coalition](#) to quickly ratify the treaty through the U.S. Senate. The NMA's press release can be found [here](#).

The NMA Meets with Senator Cramer on the Fair Access to Banking Act



This week Ryan Jackson, Senior Vice President of Government and Political Affairs, and Rebeckah Freeman Adcock, Vice President of Government Affairs, met with U.S. Senator Kevin Cramer (R-N.Dak.) on next steps to move his [Fair Access to Banking Act](#), fighting against lending discrimination against the fossil fuel industry. In the Senate, the bill has 34 cosponsors. A group of 66 members of the U.S. House of Representatives led by Congressman Andy Barr (R-Ky.) have [introduced an identical measure](#). The coalition involved in this bill is steadily working to add additional support for the bill and taking

advantage of key Congressional hearings and nominations to arm Congressional allies to raise concerns over many examples of lending discrimination to simply ensure fair access to capital. The NMA will continue to work with leaders like Senator Cramer and our long list of allies in the Senate and the House to build support for this NMA long-standing priority.

Election 2022: MINEPAC & COALPAC



MINEPAC and COALPAC are the Political Action Committees (PACs) created by the NMA to support and educate our allies in Congress and help elect pro-mining candidates to Capitol Hill.

With the 2022 midterm election cycle upon us, it is imperative that we continue to support candidates and members of Congress who play key roles in influencing and affecting legislation and policies that have a direct impact on our industry. In 2021, the NMA's PACs

contributed over \$220,000 directly and through NMA-hosted events to our bipartisan allies in Congress who are essential advocates of the domestic mining industry.

For even more information on the NMA's PACs please contact Ryan Jackson at rjackson@nma.org or MK Kirlin at mkirlin@nma.org. In the meantime, see our [FAQs](#) here to learn more.

NMA and Third Party Voices

[RealClearEnergy](#) (D.C.) carries an op-ed by Rich Nolan in which he argues our mineral insecurity and the collision course it's on with our energy and climate ambitions deserves the decisive action the Defense Production Act can provide.

Rich Nolan is quoted in stories from the [New York Sun](#) and [Texas Border Business](#) on congressional support for banning imports of uranium from Russia.

The NMA is quoted in an [E&E Greenwire](#) report stating that environmentalists are growing nervous that President Biden may invoke a Cold War-era program to fund more mining at home.

From the NMA's third parties, [The Trentonian](#) (N.J.), [Pottstown Mercury](#) (Pa.), [Exton Daily Local](#) (Pa.), [Swarthmore Times Herald](#) (Pa.), [Lansdale Reporter](#) (Pa.), [Delaware County Times](#) (Pa.) [Northwest Signal](#) (Ohio) and [Elko Daily Free Press](#) (Nev.) carry an op-ed by Gen. John Adams, U.S. Army brigadier general (retired), president of Guardian Six Consulting and a former deputy U.S. military representative to NATO's Military Committee, in which he argues employing the Defense Production Act can help cut red tape, de-risk investment in mining, and spur production at the speed and scale we need.

Mining and Energy News

[CNBC](#) reported that as automakers around the world set bold targets for vehicle electrification, many in the industry are looking to nickel — an integral component of most lithium-ion batteries — as a major hurdle.

[Greenwire](#) published: “Will Biden use the Defense Production Act to boost mining?”

[The Wall Street Journal](#) reported that prices of uranium have soared to \$57.50 per pound, up more than a third since Russia’s invasion of Ukraine. The immediate catalyst is fear that uranium supply out of Russia might be disrupted.

The International Copper Study Group’s (ICSG) preliminary annual [copper production](#) data shows that global mine production grew by around 2.3 percent in 2021, but this compares to a low 2020 basis when the copper mining industry was severely impacted by the global lockdown. Average annual growth over 2019-2020 was 0.3 percent.

[The World Gold Council](#) (WGC) reported that the London Bullion Market Association (LBMA) and the WGC are collaborating to develop and implement an international [system of gold bar integrity](#), chain of custody and provenance. “Over time, this will help consumers, investors, and market participants to trust that their gold is genuine and has been responsibly and sustainably sourced.”

[E&E Greenwire](#) reported that a Canadian gold company is abandoning a proposed mine in California after the Bureau of Land Management asked for a heightened review of an exploration project.

[Politico Pro](#) reported that Senators Joe Manchin (D-W.Va.) and John Barrasso (R-Wyo.) are teaming up on a bill boosting mining education.

[Argus](#) reported that Wyoming’s governor signed a bill that will lower the severance tax rate on surface coal mining.

[Politico Pro](#) reported that New England’s last remaining coal plant will continue chugging along through at least 2026 after securing another capacity contract in the regional auction that dictates what power resources will supply the Northeast power grid in the coming

years.

[S&P Global](#) reported that U.S. coal miners are experimenting with greener business projects as long-term coal demand collapses around them.

[Argus Media](#) reported that U.S. coal shipments continued to rise last week as producers try to capitalize on still-elevated seaborne and domestic prices.

Trains published: “Russia-Ukraine war likely to [bolster U.S. coal exports](#).”

[Bloomberg](#) reported that New Jersey's last two remaining coal-based power plants are set to shut down, a key step in the state's goal to get all its electricity from carbon-free sources by 2050.

[Utility Dive](#) published: “Ukraine war could extend bump in U.S. coal use, but utilities remain confident in decarbonization path.”

[Utility Dive](#) published: “Coal plant owners seek to shut 3.2 GW in PJM in the face of economic, regulatory and market pressures.”

An “Evolve Central Appalachia” initiative was formed to explore [extracting rare earth elements](#) from coal waste and coal ash.



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