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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in the News

Congress returned to face contentious gun policy issues and a Thursday night public debut of January 6 committee findings. On the energy front, attentions shifted to a potential slimmed down reconciliation bill as any prospects for a bipartisan agreement evaporated. With the midterm election season continuing to heat up, 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

Falls account for nearly one-third of all non-fatal injuries in the U.S., and every 20 minutes, an older adult dies from a fall. The National Safety Council shares steps to help older adults [remain independent longer](#).

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## FWS Proposes Changes to Experimental Populations Under ESA



This week, the U.S. Fish and Wildlife Service (FWS) issued a [proposed rule](#) to revise the regulations concerning experimental populations of species listed under the Endangered Species Act (ESA). The proposed rule would remove language that generally restricts the introduction of experimental populations to only the species' "historical range" and would allow for the introduction of species outside of historical ranges for conservation purposes. The FWS has determined that it may be increasingly necessary to establish experimental populations of species outside of their historical ranges due to the impacts of climate change and invasive species. Comments are due Aug. 8, 2022. The NMA will host a conference call closer to that date to discuss our comment strategy.

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## NMA Files Comments on Washington State HHC

The NMA recently filed [comments](#) on the U.S. Environmental Protection Agency's (EPA) proposed rule establishing human health criteria (HHC) for Washington state. [Recall](#) that while this proposed rule would only apply in Washington state, the NMA was concerned that the proposed rule could have precedential impact in other states.

The NMA's comments highlighted several concerns, including: the premature nature of this rulemaking given EPA's anticipated rulemaking to address tribal treaty rights in water quality standards; the overly conservative inputs used to establish the criteria; the limited economic analysis that appears to underestimate anticipated compliance costs for point source dischargers; and disagreement with EPA's approach to apply HHC necessary to protect tribal treaty rights to all of Washington state.

Many thanks to the members who provided input and feedback on the comments during the drafting process. The NMA will keep you informed of important developments.

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## NMA Requests Comment Extension on TSCA Asbestos Reporting Rule

As previously reported, EPA recently published a [proposed rule](#) to require a one-time reporting obligation under the Toxics Substances Control Act (TSCA) for certain information on asbestos. Specifically, EPA is proposing to require certain persons that manufactured (including imported) or processed asbestos and asbestos-containing articles (including as an impurity) in the four years prior to the date of publication of the final rule to electronically report certain exposure-related information that is known to or reasonably ascertainable by those entities. Notably for the mining sector, EPA is proposing reporting requirements for asbestos that is being mined or milled as a non-intentional impurity. This week, the NMA [requested](#) that EPA extend the comment period on this proposed rule for an additional 30 days (or until Aug. 4, 2022). While EPA clearly has vermiculite and talc in

its TSCA reporting and regulatory crosshairs, other mining products may be impacted by this proposed rule if they contain asbestos as an impurity. In contrast to the TSCA Chemical Data Reporting rule, this rule would does not recognize an exemption for naturally occurring chemical substances relied upon by mining companies. Additional information on the proposed rule is available [here](#).

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## House of Representatives Passes Bipartisan Water Infrastructure Legislation



This week, the House of Representatives will vote to pass the biennial Water Resources Development Act of 2022 ([H.R. 7776](#)). A section-by-section summary can be viewed [here](#). The legislation grants authority for the U.S. Army Corps of Engineers to carry out critical water resources development projects and studies to keep U.S. waterways operating safely, efficiently and competitively in the global marketplace. The bill maintains federal costs share provisions in prior legislation that benefits key energy transfer ports. It also includes several provisions intended to increase the reliability, navigation and efficiency of federally-owned and operated inland waterways projects that energy exports rely on. Notably, the bill seeks to utilize more dredging capacity by mandating the Corps to develop a report and recommendations to assess the cost and capabilities of using both private and federal dredging fleets for authorized projects.

The NMA has led efforts, through a coalition of maritime organizations, to advance provisions that support and prioritize inland waterways, energy transfer ports, and our ability to meet increased demand for coal and mineral production. Last Congress' WRDA legislation saw significant policy changes favoring industry. Find NMA's [letter](#) from the 2020 WRDA bill outlining our priorities which we worked to keep in the 2022 bill and another [letter](#) joining a coalition of organizations outlining priorities for this year's bill. The NMA will continue to engage with key allies in the Senate in the lead-up to a full Senate vote of its [WRDA legislation](#) at some point in the future.

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## House and Senate Hearings Focus on Coal and Minerals Legislation



This week, the U.S. Senate and U.S. House committees are holding hearings on multiple bills potentially affecting coal and mineral operations. On Tuesday, the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining held a hearing on multiple public lands bills creating new area protection designations in specific states. Please find a link to the hearing [here](#) and the NMA's memo on relevant bills discussed at the hearing [here](#). Of the bills considered at the hearing, the Grand Canyon Protection Act

([S. 387](#)) is of specific concern. It would withdraw more than 1 million acres of highly mineralized lands well outside of the boundaries of the Grand Canyon National Park. During the hearing, Ranking Member Mike Lee (R-Utah) expressed opposition to the legislation citing known uranium reserves that would be permanently withdrawn by S. 387 at a time when the U.S. imports 56 percent of the uranium used in the domestic commercial nuclear fleet from Russia, all while “domestic uranium production is at its lowest point since 1949.” The NMA, along with the American Exploration & Mining Association, Arizona Mining Association, Arizona Rock Products Association, Colorado Mining Association, Utah Mining Association, Women’s Mining Coalition and the Wyoming Mining Association joined together to express concern for S. 387 and urged the committee to prioritize a strong, secure and reliable supply chain of domestic minerals. Please find a link to the coalition letter [here](#).

Tomorrow, the U.S. House Subcommittee on Energy and Mineral Resources will hold a [hearing](#) on multiple coal reclamation, bonding and royalties, and fee bills. Please find a link to the NMA’s memo on the hearing agenda [here](#) as well as a link to background information and talking points [here](#) that the NMA provided to staff and members of the Committee ahead of the hearing. The witnesses will be split into two panels, the first comprising of the bill sponsors, Congressmen Matt Cartwright (D-Pa.) and John Yarmuth (D-Ky.). On the second panel, Todd Parfitt, Director of the Wyoming Department of Environmental Quality, will testify on behalf of the minority. The majority witnesses include John Dawes (Executive Director at Foundation for Pennsylvania Watersheds), Erin Savage (Senior Program Manager for Appalachian Voices), and Elaine Tanner (Environmental Community Organizer at Friends for Environmental Justice). The NMA has used both hearings as an opportunity to educate members of congress and their staff by providing background and company-specific information to support the industry’s priorities.

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## NMA and Third Party Voices

Rich Nolan appeared on FOX Business to discuss coal and coal prices. (Link pending availability.)

[The Grand Rapids Herald Review](#) (MN) carries an op-ed by Rich Nolan in which he argues the U.S. can build a secure, responsible mineral supply chain under existing world-leading environmental and labor standards that underpins EV deployment, but it won't happen if we don't rise to the moment and recognize the intersection of mining policy with our energy security goals.

Rich Nolan is quoted by the [The Arizona Mirror](#) in a story on the court battle over the Rosemont Mine.

In his latest [President's blog](#), Rich Nolan discusses the Defense Production Act and what it means for minerals production in the U.S.

Our latest "NMA Digs In" video covers NMA's trade priorities with a special emphasis on the U.S.-Chilean Tax Treaty, which has been awaiting ratification for more than 10 years. The video features NMA's Vice President of International Policy & Sustainability Veronika Shime: <https://bit.ly/3zjeXW2>

From our third parties, [Forbes](#) carries an op-ed by Jude Clemente, the Principal at JTC Energy Research Associates, in which he argues U.S. mineral insecurity is a national security threat that could become even worse if proposed changes to the General Mining Law become reality.

## Mining and Energy News

[Argus](#) reported that some regulated utilities added to 2022-24 coal purchases over the past three months, according to filings with the Kentucky Public Service Commission.

[Forbes](#) carries an op-ed arguing that without domestic mining, our EV future is very much in doubt.

[Reuters](#) reported that the energy transition is causing concern in indigenous communities

across the globe that are near “green” minerals such as lithium, copper, cobalt and nickel.

[E&E GreenWire](#) reported that the Biden administration has pitched its use of a 1950 wartime law to subsidize domestic mining and mineral refining as a potential inflation buster. Market experts doubt it will make an impact.

The International Copper Study Group’s [copper report for May](#) shows that world copper mine production increased about 2.6 percent in the first quarter of 2022, with concentrate production increasing by 2.2 percent and solvent extraction-electrowinning up by about 4.7 percent.

[Axios](#) reported on a Bank of America assessment that concludes the world isn’t investing in and mining enough to meet net-zero targets.

[E&E GreenWire](#) asks if President Biden’s mining push can help fight inflation.

[The Wall Street Journal](#) reported that soaring coal prices threaten additional upward pressure on electricity bills.

[The Washington Post](#) joins the reporting on the threat of blackouts this summer, pointing to coal closures as a key driver.

[The Wall Street Journal](#) reported that the planned sale of emerging market coal plants is a test case for phaseout plans.

[E&E ClimateWire](#) reported that India is leaning on coal to get through sweltering heat waves.

[Mining.com](#) reported that China’s major renewable energy planning document through 2025 included a small shift in wording from previous government guidance that could pave the way for more new coal-fueled power generation.

[Utility Dive](#) reported on recent Bloomberg NEF analysis indicating that global EV sales will triple by 2025, but there is a “widening gap” between wealthy and emerging economies

when it comes to the adoption of emissions-free vehicles.

[Argus](#) reported that Hampton Roads, Va. coal exports topped year-earlier levels in April but continued to recede from the three-year high set in February.

[E&E EnergyWire](#) reported that a coal pile slide buried and killed two workers at a Colo. power plant.

[Argus](#) reported that coal generation in the Southwest Power Pool (SPP) rose 10.5 percent in May from year-earlier levels as electricity demand climbed.

[The Wall Street Journal](#) carries an op-ed by retired Admiral Dennis Blair in which he argued the U.S. should jump into undersea mining to meet the needs of the electric vehicle revolution.

[E&E GreenWire](#) reported that USAID is warning that mining for energy transition metals risks more conflict and abuses overseas.

[Wall Street Journal](#) reported that natural gas isn't the only power-plant fuel on fire this year. Thermal-coal prices have soared from Appalachia to Australia, threatening more increases in manufacturing costs and power bills this summer.

[Yahoo Finance](#) reported on Research and Markets' analysis estimating that the global mining equipment market is expected to reach US\$133.2 billion in 2026, growing at an annual growth rate of 5 percent, during 2022-2026. Factors such as increasing coal consumption in China, rising copper production from underground mining, growing sales of mineral fertilizers, rising demand for cobalt batteries and increasing use of electric machinery in underground mining overall is expected to drive the growth of the market.

[The Billings Gazette](#) reported that Montana coal production is up slightly due to increased exports and a slight rise in domestic power sector demand.

[Bluefield Daily Telegraph](#) reported that coal production is rebounding slowly in McDowell County as well as in the state of West Virginia, but with the current surge in worldwide as

well as domestic demand, the potential market for coal is being hindered by many factors, from manpower to transportation.

[Axios](#) reported that officials and power operators in a swath of Western and Midwestern states are bracing the public for blackouts this summer caused by higher-than-average temperatures and a human-caused extended drought.

[San Antonio Report](#) featured a story noting that in recent months, and with San Antonio facing stricter air quality regulations, calls to diversify CPS Energy's generation portfolio and speed up the closure of the J.K. Spruce coal-fueled power plant have intensified.

[Salt Lake Tribune](#) reported that Utah's dispute with the city of Richmond over coal exports was settled last month with a federal judge's signature on a settlement stopping coal shipments through Richmond, California, until the end of 2026. "The deal allows Wolverine Fuels, Utah's top coal producer, to continue using the Levin-Richmond terminal as its primary link to the Japanese utilities it serves for nearly four more years. Meanwhile, its opportunities for exporting Utah coal through West Coast ports appear to be narrowing."

[Power Engineering](#) published: "Coal generating utilities grapple with rail service issues."

[E&E ClimateWire](#) reported on Energy Information Administration (EIA) survey data indicating that electricity eclipsed natural gas as the leading form of home heating in the U.S. in 2020, marking the first time electricity has exceeded natural gas for heating in the four-decade history of the federal survey.

[Desert Sun](#) reported that the California legislature recently proposed \$80 million in one-time general funds to expand the San Diego State University, Brawley Center in Imperial County to include a science and technology campus, largely to support the area's so-called "Lithium Valley" development.

[E&E GreenWire](#) published: "Army Corps deals blow to Ga. titanium mine, reverses Trump move - Indigenous activists and environmentalists have argued the proposed mine would damage the Okefenokee Swamp."

[McKinsey](#) published: “Lithium mining: How new production technologies could fuel the global EV revolution.”

## Mining Action Strategy Team

Access the latest snapshot of the NMA’s ongoing regulatory efforts. The MAST tracker is updated weekly to the extent new actions have occurred.

Current password: Mining

[Mining Action Strategy Team](#)



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