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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in the News

No floor votes are scheduled as the House conducts a “committee work week” and the Senate is not in session until July 11. News headlines continue to be dominated by a string of high-profile U.S. Supreme Court decisions and seven more states held primaries as the midterm elections season entered full swing. 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 urges leaving fireworks to the experts. But if you choose to use legal fireworks, NSC also offers [fireworks safety tips](#).

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## NMA Meets with MSHA Assistant Secretary



The NMA recently attended a meeting at the Mine Safety and Health Administration (MSHA) headquarters in Arlington, Va., with Assistant Secretary Chris Williamson and members of his leadership team. The purpose of the meeting was to introduce the NMA to the new assistant secretary, learn more about his priorities and discuss further collaboration on miner safety. In attendance from the NMA were Rich Nolan, President and CEO; Katie Sweeney, Executive Vice President and General Counsel; and Paul Krivokuca, Vice President Health and Safety. The Assistant Secretary provided his perspective of today's mining industry, the new silica enforcement initiative and MSHA's regulatory agenda. Additionally, the joint discussion highlighted opportunities where collaborative efforts would support MSHA's and the NMA's safety and health missions. Highlighted at the meeting was joint agreement to updating their 2004 MSHA/NMA alliance. For more details regarding the meeting see the NMA's [June 27 memo](#).

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## House Moves EPA, DOE, DOI and DOL Appropriations Bill Through Committee

This week, the House Appropriations Committee is considering several individual Fiscal Year 2023 spending bills for the Departments of Energy, Interior, Labor, and the Environmental Protection Agency, among others. Please find links to each spending bill, committee report and bill summary below. Yesterday, the committee advanced the \$56.28 billion Energy and Water spending bill by a vote of 32-24 after considering nearly a dozen non-mining related amendments. Notably, Representative Mike Simpson (R-Idaho) offered an NMA supported amendment that would prohibit EPA to use funds to administer new regulations regarding the "waters of the U.S." (WOTUS) until the Supreme Court hands down its decision in Sackett v. Environmental Protection Agency. While the amendment was not adopted, it drew bipartisan support from Rep.'s Sanford Bishop (D-Ga.) and Henry Cuellar (D-Texas).

This afternoon, the committee began consideration of the \$44.8 billion Interior, Environment, and related agencies spending bill for fiscal year 2023, and is expected to consider several amendments focused on industry priorities, including land access, endangered species, USGS mapping, EPA's Good Neighbor rule, WOTUS and grid reliability. Tomorrow, the committee will consider the \$242.1 billion Labor, Health and Human Services, and related agencies spending bill. The NMA will provide a comprehensive summary of each bill and key provisions of importance to the mining industry in coming days.

The House Appropriations Committee is expected to conclude consideration of the FY23 funding bills tomorrow after two weeks of committee activity. Timing for consideration of the bills in the full House of Representatives is unknown; however, the NMA will continue to advocate for industry priorities in the appropriations process moving forward.

- FY 2023 Energy and Water Development, and Related Agencies – [Bill Text](#) | [Committee Report](#) | [Bill Summary](#)
- FY 2023 Interior-Environment Appropriations – [Bill Text](#) | [Committee Report](#) | [Bill Summary](#)

- FY 2023 Labor, HHS, Education Appropriations – [Bill Text](#) | [Committee Report](#) | [Bill Summary](#)
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## Biden-Harris Administration Releases Spring 2022 Regulatory Agenda



Last week, the administration released the [Spring 2022 Unified Agenda of Regulatory Actions](#) (Spring Agenda). The Spring Agenda identifies the policy priorities that the federal departments and agencies are expected to act on over the next 12 months and other matters placed on the administration’s long-term action list. While the Spring Agenda is simply an estimated timeframe for planned rulemakings, and often the agencies and departments miss their deadlines, it is still a useful planning tool.

The NMA has reviewed the Spring Agenda against the association’s 2022 strategic objectives and other association priorities. A listing of rulemakings that would impact NMA’s membership and expected timing is available [here](#). As detailed in this document, while the administration is continuing its work to reverse regulatory actions taken during the last administration and execute its own regulatory priorities, there are significant delays

in many notable rulemakings for the second half of this year. While many of these delays may be welcomed at this time, significant rulemaking efforts are expected to continue throughout this administration's term that will greatly impact mining operations and require member engagement. We will keep you apprised of any regulatory announcements and opportunities to engage in rulemakings impacting the mining industry.

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## **Deadline Extended on CWA Section 404(c) Proposed Pebble Determination**

The EPA recently announced it would [extend the deadline](#) for comments on Region 10's Clean Water Act Section 404(c) proposed determination to prohibit and restrict the use of certain waters in the Bristol Bay watershed as disposal sites for the discharge of dredged or fill material associated with mining the Pebble Deposit. **The new comment deadline is September 6, 2022.** The NMA held a conference call last week with members to discuss our initial comment strategy and will circulate draft comments for your review and input in the coming weeks.

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## **FWS and NMFS Rescind ESA Definition of Habitat**



Last week, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) [published](#) a final rule that rescinds the 2020 regulatory definition of “habitat” under the Endangered Species Act (ESA) that was finalized under the previous administration. In rescinding the definition, the Services took issue with the 2020 definition of habitat’s preclusion of the Services designating areas that did not currently meet a species’ needs, even if the area could in the future due to natural processes or reasonable restoration. In the rescission, the Services maintain that they should be able to designate unoccupied areas of critical habitat if those areas fit within any reasonable biological understanding of habitat as established by the best available scientific data for a particular species.

Recall, the definition of habitat was promulgated in response to the U.S. Supreme Court ruling in 2018 that [unanimously](#) held that under the ESA, an area may be designated as critical habitat only if it is habitat for the species. The Services reviewed the regulatory definition of habitat in response to Executive Order [13990](#) that directed federal agencies to review and address agency actions during the last four years that may conflict with the new administration’s priorities. In last week’s final rule, the justification for the rescission mirrors the argument the Services made at the U.S. Supreme Court in 2018, arguing that habitat includes areas that would require some degree of modification to support a sustainable population of a given species. Notably, the rescission of the definition of habitat coincides with the recently [proposed rule](#) to modify the 10(j) experimental population regulations

under the ESA. That proposed language would allow ESA-listed species to be introduced and critical habitat designated in areas that are outside of the species' historical range due to climate change.

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## NMA and Third Party Voices

[The Washington Times](#) (D.C.) carries an op-ed by Rich Nolan in which he argues to preserve grid reliability and fight energy inflation we need to make better use of the resources we have here at home and the energy infrastructure we have in place.

The [Washington Examiner](#) (D.C.) quotes Rich Nolan in a story highlighting that coal interests see Europe's crisis-driven reversion to coal as a "wakeup call" to the U.S., arguing that it should better value the fuel in order to avoid the high energy prices afflicting allies in the region.

[Inside Sources](#) quotes, Rich Nolan, the NMA and NMA polling data in a piece on the threat of potential blackouts and much higher utility bills across the U.S.

The [Sierra Sun Times](#) (Calif.) quotes Rich Nolan in a story noting that Representatives Jim Costa (Calif.) and Burgess Owens (Utah) introduced the Mining Schools Act of 2022, bipartisan legislation to increase and improve opportunities for university and college mining and geological programs to prepare students to meet America's future energy needs.

The NMA released a [new video](#) from Rich Nolan on energy inflation.

Rich Nolan posted a [new President's blog](#) on the perilous state of the U.S. electricity grid.

[World Coal](#) reports polling released by the NMA shows, in the face of rising warnings over rolling blackouts, nearly eight in 10 voters – including a majority of Democrats, Republicans and Independents – want the US government to take action to prevent

premature closings of functioning power plants until replacement generating capacity is built and online.

From our third parties, [Steubenville Herald Star](#) (Ohio), [Martins Ferry Times Leader](#) (Ohio), [Coshocton Tribune](#) (Ohio) and [Yahoo News](#) (USA) carry an op-ed by Mike Cope, president of the Ohio Coal Association, in which he argues voters are concerned about rising electricity costs and coal can provide the reliable energy voters need.

## Mining and Energy News

[Washington Post](#) reported that Austria, Germany, Italy and the Netherlands announced plans last week to prepare to resurrect old coal plants as gas supplies dwindled. “The moves came just days after Moscow reduced natural gas flows to several European countries, including Italy and Slovakia, alarming leaders who are worried about energy reserves ahead of winter.”

[Mining.com](#) reported that the world’s biggest miners need to aggressively invest in critical metals or they will hold back the global energy transition away from fossil fuels, according to a new report.

[The Wall Street Journal](#) reported that metals prices are up, but mining companies aren’t spending. Their restraint could keep supplies tight and magnify shortages of raw materials such as copper and zinc that are critical for the transition away from fossil fuels.

[Washington Examiner](#) reported that German Vice Chancellor Robert Habeck said the country would need to return to coal-fueled power plants "for a transitional period" while putting more gas into storage to get the country through the winter following supply reductions from Russia.

[Axios](#) reported that European countries are preparing to burn more coal as Russia restricts gas shipments and the EU tries to wean itself off Vladimir Putin-backed fossil fuel

suppliers.

[E&E Energywire](#) reported that a federal appeals court struck down part of a program aimed at increasing reliable access to diverse energy sources during the winter months in New England.

[ClimateWire](#) published: “Bankruptcy filing complicates outlook for Western coal giant, Colstrip Generating Station has come to symbolize the fight over the Western electric grid and its future.”

[Mining.com](#) reported that Nippon Steel Corp. is prepared to make more investments in coal mines after a surge in price, as Japan’s biggest steelmaker looks at ways to stabilize the supply of one of its key raw materials.

[Reuters](#) reported that China could face further power shortages this summer despite taking drastic measures to boost coal production, as much of the new supply is of lower quality than before and burns more quickly in power stations, according to traders and analysts.

[E&E News](#) reported that the Interior Department today announced an almost \$75 million investment into improving maps of U.S. mineral resource potential. Interior said more than \$74.6 million will soon be given out for projects in 30 states overseen by a U.S. Geological Survey geoscience data program known as the Earth Mapping Resources Initiative, or Earth MRI.

[Yale Environment 360](#) reported that the European Union relies heavily on Russia to supply nickel and other metals for electric vehicle batteries and other renewable technologies. War-related price increases and shortages of these metals could hinder Europe’s drive to sharply cut emissions by 2030 and beyond.

[CNBC](#) reported that coal investments are set to rise 10 percent this year as nations fret over energy security.

The [Bismarck Tribune](#) reported that within North Dakota’s lignite coal seams lie a number

of materials needed to produce touch screens used on cellphones, guidance systems for missiles, and motors and batteries for hybrid vehicles.

The [World Steel Association](#) reported that world crude steel production was 169.5 million metric tons (Mt) in May 2022, a 3.5 percent decrease compared to May 2021.

[Wall Street Journal](#) published an opinion piece: "Team Biden's Endless Campaign to Make Energy Expensive."

[Argus](#) reported that investment in coal production is forecast to rise by 10 percent to \$115.6 billion in 2022 as tight supply continues, but a prolonged increase in coal financing is unlikely, according to the International Energy Agency.

[Bloomberg](#) reported that Electricity generators on the grid stretching from New Jersey to Illinois will be paid 32 percent less next year to provide backup power, a blow to aging coal plants.

[Argus](#) reported that a number of U.S. utilities have implemented coal conservation measures, saying trains are so slow that the generators need to preserve fuel for later in the summer and possibly for next winter.

[The Independent](#) reported that Boris Johnson has suggested that Britain should start mining and burning its own coal again, despite the climate emergency. The prime minister said it "makes no sense" for Britain to be importing coal from abroad for use in steelmaking "when we have our own domestic resources."

[WCNC](#) reported that as Piedmont Lithium continues to go through the regulatory process to open a lithium mine in Gaston County, NC, the company said they are moving forward with projects abroad to produce the material needed for electric vehicle batteries.

[Argus](#) reported that Central Appalachian basin coal mines produced 14.4 million short tons in the first quarter of 2021, according to U.S. Mine Safety & Health Administration data. But output still trailed the pre-pandemic level of 18.9 million short tons in the first quarter 2019.

[EnergyWire](#) reported that India's state power giant, NTPC Ltd., said it may have to add new coal power capacity to meet the country's surging demand for electricity, a policy shift triggered by recent energy shortages.

[ClimateWire](#) reported that Japan will withdraw financing for key coal power plant projects in Bangladesh and Indonesia under efforts aimed at accelerating a global phase-out.

[EnergyWire](#) reported that Missouri's largest utility, Ameren Missouri, announced plans to build a 1,200-megawatt natural gas plant as well as 800 MW of energy storage as a replacement for aging coal- and gas-fueled generators to be shuttered in the coming decade as the utility aspires to net-zero carbon emissions.

[Argus](#) reported that Colorado regulators unanimously approved utility Xcel Energy's plan to move up the retirement date for unit 3 of the Comanche coal-fueled power plant to 2031, accelerating the state's exit from coal power by four years.

[EnergyWire](#) reported that We Energies and Alliant Energy announced that they will extend the operating lives of four coal-fueled power plants in Wisconsin by between one and three years due to tight energy supply and renewable supply chain disruptions.

[EnergyWire](#) reported that Germany activated the second phase of its three-stage emergency plan for natural gas supplies last week, warning that Europe's biggest economy faces a "crisis" and storage targets for the winter are at risk after Russia reduced natural gas deliveries to several E.U. countries.

[Washington Post](#) reported that the U.S. Forest Service issued a draft environmental assessment Thursday to lay the foundation for a proposed 20-year moratorium on copper-nickel mining upstream from the Boundary Waters Canoe Area Wilderness.

[The Guardian](#) reported that China's premier has called for increased production of coal to stave off mass blackouts, as early summer heatwaves have prompted record electricity usage.

[Detroit News](#) published: “Michigan regulators approve Consumers Energy’s plan to end coal use by 2025.”

[Reuters](#) reported that Poland and Ukraine are increasing production of thermal coal this year in preparation for colder months as Europe grapples with an energy security crisis exacerbated by the war in Ukraine.

[Mining.com](#) reported on a new State Department initiative called the Minerals Security Partnership announced this month. The initiative aims to bridge the critical minerals gap by funneling foreign investment into a sector that supplies the raw materials crucial to the electric vehicle batteries and solar panels that underpin U.S. efforts to usher in a greener economy.

[E&MJ](#) reported that last week workers from different divisions of Chile’s state-owned copper company Codelco began a national strike in an effort to persuade the government invest more in the Ventanas smelting plant, and to avoid an imminent closure.

[E&MJ](#) reported that Australia’s Queensland Government announced changes to the coal royalty regime as part of its 2022-22 budget, making royalties paid by coal producers in Queensland the highest in the world.

[Reuters](#) reported that the French government could restart a coal-fueled power plant in the Lorraine region in northeastern France this winter, according to France's energy ministry.

[NY Times](#) reported that the U.S., the U.K. and other Group of 7 countries will ban imports of gold from Russia, seeking to undercut a key source of revenue for Moscow as it wages war in Ukraine, President Biden said on Sunday as G7 leaders gathered in the Bavarian Alps.

[GreenWire](#) reported that people in Tokyo are sweating it out as the government warns of possible power shortages and urges greater efforts to conserve energy while Japan endures unseasonably hot temperatures. “The power supply is relatively tight after Japan idled most of its nuclear reactors after 2011 meltdowns in Fukushima. It also has been closing down old coal plants to meet promises for reducing carbon emissions.”

The [International Copper Study Group's](#) preliminary data for April indicates that world copper mine production increased by about 2.9 percent in the first four months of 2022, with concentrate production increasing by around 2.1 percent and solvent extraction-electrowinning (SX-EW) by about 6.4 percent

## 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](#)

## The Bluefield Coal & Mining Show



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