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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

This Week in the News

As President Biden departed Washington for meetings in the Middle East, Congress returned amid limited renewed prospects for a reconciliation bill that could pass without Republican support. However, with the House facing just three legislative weeks before its scheduled August recess and midterm elections around the corner, the clock is ticking for any action. 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

The odds of being struck by lightning are famously small – 1 in 1.2 million nationwide. But there are still some things you should do to [stay safe during a lightning storm](#). (And as a bonus, here are some fascinating [facts about lightning](#).)

House Considers Mineral Amendments in NDAA



This week, the full House of Representatives is considering H.R. 7900, the FY2023 National Defense Authorization Act (NDAA), which passed out of the House Armed Services Committee (HASC) on June 23 by a vote of 57 to 1. Please find a link to the HASC's press release [here](#) and a link to the bill text and legislative summary [here](#). The HASC NDAA prioritized concerns related to supply chain disruptions of antimony, which is a critical mineral with a variety of military applications, and directs the National Defense Stockpile to provide a congressional briefing on the existing and projected outlook of the antimony stockpile as well as any supply chain vulnerabilities. The bill also underscores the vulnerabilities of U.S. import reliance on foreign sources of minerals for battery supply chains and adds requirements through the Atomic Energy Defense Act directing the Department of Energy to consider uranium production by private industry and how uranium enrichment options would reduce reliance on importing uranium from foreign adversaries.

Ahead of floor consideration, there were as many as 1,230 amendments filed to H.R. 7900 (found [here](#)), including several NMA-backed bipartisan amendments like one from [Rep. Chrissy Houlahan](#) (D-Penn.), which directed a more complete report from the Department of Defense in response to NMA-backed FY2021 NDAA language ([Sec. 851](#)) describing strategic and critical materials requirements of the Department of Defense, including the gaps and vulnerabilities in supply chains of such materials, and another from [Rep. John Garamendi](#) (D-Calif.), which adds qualifying critical minerals projects under the [Defense](#)

[Production Act](#) (authorized by Presidential Determination No. 2022-11) to the Federal Permitting Improvement Steering Council's permitting dashboard to expedite the review of permitting process. Chairman Raul Grijalva (D-Ariz.) also filed an [amendment](#) seeking to withdraw more than 1 million acres of highly mineralized lands well outside of the boundaries of the Grand Canyon National Park. Following a House Rules Committee meeting yesterday, the Houlahan and Grijalva amendments were made in order, while the Garamendi amendment was not.

Timing for the Senate's consideration of its respective NDAA is expected in coming weeks.

House Continues Oversight of Electricity Reliability



Yesterday, U.S. House Energy and Commerce Committee Ranking Member Cathy McMorris Rodgers (R-Wash) led all Republican members of the committee in [new oversight](#) of the U.S. Environmental Protection Agency (EPA) specifically concerning EPA regulations and actions threatening the reliability of the grid. With industry and reliability experts like the North American Electricity Reliability Corporation – and Independent System Operators (ISOs) in all parts of the country – weighing in on new EPA regulations like coal combustion residual regulation and EPA's new Interstate Transport Rule, the committee members specifically called out EPA's strategy saying, "In recent months, you announced a suite of EPA actions to target fossil fueled electric generating units, an 'EGU

Strategy,' to drive the Biden administration's agenda. This 'EGU strategy' includes many major new regulations now under development or proposed – the Interstate Transport Rule, Regional Haze, Risk and Technology Review for the Mercury Air Toxics Rule, a new set of greenhouse gas performance standards, effluent limitations, and a legacy coal combustion residue rule—all of which directly affect power plants that are essential for reliable electric operations. We are concerned that EPA actions threaten to accelerate fossil generation retirements, at the very same time electric system operators report growing shortfalls in such baseload capacity will accelerate blackout risks.” The committee members directed EPA to report on its coordination with reliability ISOs, the U.S. Department of Energy, the Federal Energy Regulation Commission, and other federal entities to protect grid reliability. This new U.S. House oversight complements [oversight the U.S. Senate is conducting](#) on the same concerns. Further highlighting concerns in Congress about EPA's EGU strategy, the U.S. House will consider legislation funding the EPA for fiscal year 2023 which will feature bipartisan amendments offered to rein in EPA's aggressive rule making agenda. Already, two weeks ago, the EPA announced more delays in the Spring Unified Regulatory Agenda on successor regulations to the Clean Power Plan and new technology reviews necessary for increased mercury emission standards on electricity generating plants. The NMA remains engaged on both sides of Capitol Hill and with both parties with a coalition of industry groups arming allied members of Congress on the threats to the grid and targeting opportunities to impact the regulatory process.

House Critical Material Caucus Highlights Minerals Security



Eric Swalwell (D-Calif.)



Guy Reschenthaler (R-Pa.)

This afternoon, the House Critical Materials Caucus hosted a congressional briefing to discuss scaling critical minerals supply chains, with a specific focus on rare earth elements and battery materials. Opening remarks were made by caucus co-chairs Eric Swalwell (D-Calif.) and Guy Reschenthaler (R-Pa.) and a keynote address was provided by Halimah Najieb-Locke, the Deputy Assistant Secretary of Defense for Industrial Base Resilience at the Department of Defense (DOD) and Matt Zolnowski, portfolio manager at the Defense Production Act Title III Office at DOD who conducted a recorded webinar for interested NMA members concerning how to access DPA funding for mining projects. NMA members Talon Metals and Piedmont Lithium also participated in a panel discussion on securing domestic mineral supply chains. Before the briefing, the NMA engaged Rep. Reschenthaler's office to discuss industry priorities and to share relevant materials to support the development of the congressman's remarks.

Register Today for the NMA Fall Board of Directors and Annual Members Meeting in Washington



The NMA is looking forward to welcoming members back to Washington for the 2022 Fall Board of Directors and Annual Members Meeting, which will be held September 14-16, 2022.

This year, the meeting will be held at the Conrad Washington, D.C., 950 New York Avenue NW, Washington, D.C. 20001. Located downtown, near the new CityCenter DC, and within a mile of the National Mall and Walter E. Washington Convention Center, The White House, National Portrait Gallery, and Smithsonian museums can be reached in 10 minutes. Enjoy restaurants helmed by top chefs and a rooftop bar with unobstructed monument views. To register for the Board Meeting and the Congressional Reception, please click [here](#). An email has been sent to members with additional hotel information and opportunities to sponsor during the meeting. Please contact [Katie Coon](#) if you have any questions or did not receive the email.

FERC Rulemakings to Improve Reliability of the Bulk Power System Against Threats of Extreme Weather



The Federal Energy Regulatory Commission (FERC) recently published for public comment two proposed rules aimed at improving the reliability of the bulk power system against the threats of extreme weather. While these rulemakings are not squarely directed at the coal sector, they are opportunities for the NMA to continue elevating our messages about affordability, reliability and the critical role of coal in the electricity generation mix. Comments are due August 26 and August 30, 2022. For more information, review the NMA's July 11 memo, available [here](#).

Industry-Led National WOTUS Roundtable Discussion

The NMA invites you to join a roundtable policy discussion hosted by the U.S. Chamber of Commerce on the definition of "Waters of the United States" (WOTUS) on July 21, 2022, from 8 a.m. - 1 p.m. Eastern. Click [here](#) to register. The event will be held in-person at the U.S. Chamber of Commerce Headquarters in Washington, D.C., and virtually. Potential discussion topics include: timely and predictable permitting decisions that provide greater certainty for projects; a nationally standardized process for conducting and completing jurisdictional determinations across Army Corps districts; consistent and clear approaches for specific water features under the WOTUS definition; costs, impacts, and practical implications on stakeholders arising from the agencies' proposed rule, including on small businesses; and federal, state, and local options to protect water quality. For more background information, review the NMA's July 6 memo, available [here](#).

District Court Vacates 2019 ESA Regulations

Last week, the U.S. District Court for the Northern District of California (NDCA) issued a disappointing [order](#) remanding and vacating three Endangered Species Act (ESA) regulations (2019 rules) that were finalized in the previous administration by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services). The NDCA found, without adjudicating on the merits, that the record showed "fundamental

flaws” in the Services’ decision making, and that it was unlikely the same rules would be adopted on remand. Siding with environmental plaintiffs’ “preferred outcome,” the NCDCA denied the Services’ motion to remand without vacatur, and instead remanded with vacatur of all three 2019 rules.

As a result of the NCDCA order, the Services’ three 2019 rules will revert back to the regulations that were in effect prior to their codification, and the 2019 rules can no longer be enforced. Notably, the Services listed the 2019 rules in the most recent Unified Agenda for review and revision, indicating some portions of the 2019 rules may have been kept intact. At this point in time, it is unclear if the Services will appeal the order from the NCDCA.

Make Your Arrangements for Fall Environment & Lands Committee Meeting

For the first time in four years the NMA is offering an opportunity for members to meet in Washington, D.C., to discuss the association’s priority environmental and lands issues, as well as other matters impacting the mining industry. Please mark your calendars for the NMA’s Fall Environment and Lands Committee meeting scheduled on October 3-4, 2022, at the InterContinental Washington - The Wharf, an IHG Hotel, located at 801 Wharf Street SW, Washington, D.C., 20024.

This meeting is designed for in-person attendance. Virtual attendance options will not be provided. We are working to secure participation of key federal regulators and congressional staff on our priorities. Given ongoing teleworking agreements in the federal government and uncertainty regarding in-person availability, we are also considering committee breakout sessions to leverage member discussion on our advocacy strategies. Regardless of format, we are committed to developing a schedule of events that will bring value to your company as we navigate the [Biden-Harris administration’s regulatory agenda](#) and develop and refine our advocacy strategies. We will also provide a timely report on the upcoming midterm elections.

Additional details on reserving a hotel room, RSVPing to this event, and sponsorship opportunities are available [here](#). Please direct any questions regarding this meeting to Tawny Bridgeford at tbridgeford@nma.org. The NMA team looks forward to seeing many of you in October.

NMA and Third Party Voices

[The Washington Examiner](#) quotes NMA data in a story on domestic coal prices, which have shot to record territory as the global energy crisis and the European Union's impending Russian coal ban drive European power customers to seek out imports from the United States.

The NMA is mentioned by [Inside EPA](#) in a report that petrochemical and other industry groups are urging the White House not to tighten mandates under EPA's risk management plan (RMP) program that requires facilities using very hazardous substances to follow plans to reduce risk of dangerous releases, as the agency moves toward reviving Obama-era policies that the Trump administration rescinded.

The NMA is mentioned by [K2 Radio](#) in a story noting that Representative Liz Cheney put out a statement after co-sponsoring the Critical Minerals Classification Improvement Act, along with seven other members of Congress.

From our third parties, [Las Vegas Sun](#) (Nev.), [Harrisburg Patriot News](#) (Pa.), [Grand Junction Daily Sentinel](#) (Colo.) and [Reno Gazette Journal](#) (Nev.) ran an op-ed by Kevin Kearns, president of the U.S. Business and Industry Council, in which he argues Washington must address the bureaucratic hurdles handcuffing America's mining industry — particularly the duplicative and painfully cumbersome mine permitting process that regularly takes a decade or longer.

Mining and Energy News

[Wall Street Journal](#) reported that an energy-starved world is turning to coal as natural-gas and oil shortages exacerbated by Russia's War against Ukraine lead countries back to coal.

[E&E Energywire](#) reported that the chaos caused by Russia's invasion and bombardment of Ukraine has led to fears of future supply disruptions of natural gas that will likely reduce consumption this year and restrain its growth for the next three years, according to the International Energy Agency.

[Argus](#) reported that coal-fueled generation in the Midcontinent Independent System Operator (MISO) fell from year-earlier levels for a seventh month in a row in June amid greater competition from renewables and natural gas.

[Argus](#) reported that coal generation in the PJM Interconnect power region fell by 27 percent in June as use for natural gas and renewable energy climbed.

[E&E Energywire](#) reported that to fully decarbonize the U.S. grid, the Department of Energy needs to invest in developing energy storage technologies that do not rely on lithium, according to a recent study from the Massachusetts Institute of Technology.

[E&E Energywire](#) reported that EPA said the Tennessee Valley Authority should reconsider an initial decision to replace its largest coal plant with a natural gas one, arguing that there are cheaper and cleaner options to combat climate change.

[Argus](#) reported that China's coal imports from the U.S. dropped by more than two thirds (67 percent) in the first half of the year as domestic steel demand fell following Covid-19 lockdowns across the country, according to analytics firm DBX.

[Minnesota Reformer](#) reported that the thorny process of unearthing some of the world's most sought-after minerals is unfolding in Minnesota, which has some of the nation's largest deposits of nickel, cobalt and other metals used in electric cars and other green technologies.

[Clarksville Now](#) reported that Nyrstar is planning to expand operations at its Clarksville,

Tennessee zinc plant with the addition of a new gallium and germanium processing facility, one which will make Clarksville the nation's top provider of those materials.

[Utility Dive](#) reported that Hawaii is turning to a mix of demand response efforts, distributed energy resources and utility-scale renewable energy projects to keep the lights on after its last coal plant retires in September.

[Visual Capitalist](#) illustrated how gold prices perform during recessions.

U.S. Energy Information Administration's [Electricity Monthly Update](#) with data for April 2022 revealed total [coal stockpiles](#) had a month-over-month increase of 6.0 percent (but remain at a relatively low historical level) and consumption of coal for power generation was up 2.0 percent compared to April 2021.

Texas' grid operator warned residents to conserve energy for the second time this year to prevent [potential rolling blackouts](#).

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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