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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in the News

Prospects for climate related legislation this year came crashing down again, amping up calls for President Biden to invoke emergency powers or take other executive actions to expand climate initiatives. However, current expected announcements may simply include additional resilience funding for communities and other current federal programs. In the meantime, the U.S. House is clearing six of 12 annual bills to fund the federal government working toward the August recess. The U.S. Senate is trying to ensure support for legislation providing direct financing and tax credits for semiconductor manufacturing in the U.S. and is working toward clearing healthcare related provisions through the partisan only budget reconciliation process before leaving for the August recess. 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 United States' first nationwide three-digit mental health crisis hotline is now live. It's designed to be as easy to remember and use as 911, but instead of a dispatcher sending police, firefighters, or paramedics, [988 connects callers with trained mental health counselors](#).

House Considers “Minibus” Spending Bill with Mining Amendments



This week, the House of Representatives is considering H.R. 8294, the “minibus” legislative vehicle consisting of six separate spending bills to fund part of the federal government the next fiscal year 2023. You can find a link to the bill text, bill summary, and report language [here](#). Included in H.R. 8294 are provisions funding for the Department of

Energy (DOE), the Department of the Interior (DOI) and the Environmental Protection Agency (EPA). You can find a summary of relevant provisions in these bills in a prior NMA memo [here](#). The minibus is the result of the House Appropriations Subcommittee markups of several spending bills three weeks ago, but excludes six subcommittee bills that include funding for the Department of Labor, Department of Commerce, Department of Defense and several agencies unrelated to the mining industry.

On Monday, the House Rules Committee held a [meeting](#) to consider over 600 amendments filed to the bill to determine which will receive votes on the House floor or [made in order](#). The NMA worked with bipartisan allies in the House to file amendments supporting domestic mining. Examples of those amendments include a bipartisan amendment by [Representative's Dan Newhouse \(R-Wash.\) and Kurt Schrader \(D-Ore.\)](#) to limit EPA funds to develop, propose, finalize, implement, enforce or administer new regulations defining the term "Waters of the United States" until the Supreme Court issues a decision in Sackett v. EPA. Additional submissions include [Rep. Ashley Hinson's \(R-Iowa\)](#) amendment prohibiting implementation of EPA's coal combustion residual rule. The House Rules Committee defeated both amendments in committee by party line votes. Other examples include an amendment by [Rep. Mark Amodei \(R-Nev.\)](#) prohibiting EPA funds from being used to list the greater sage grouse under the Endangered Species Act, and three amendments from [Rep. David McKinley's \(R-W.Va.\)](#), one to prohibit funds used to finalize, implement or enforce the EPA's proposed regional ozone transport rule and his amendment, another [McKinley amendment](#) to prohibit EPA from denying extensions for utilities under the coal combustion residual rule, and a [final McKinley amendment](#) to prohibit actions by federal agencies which would prohibit the mining of coal, hardrock minerals or rare earth elements on federal lands. These amendments highlight Congress' renewed interest in oversight of the administration especially affecting the mining industry. The NMA will have a broader report on the appropriations bill later this week after final passage.

House Committee Moves to Limit Domestic Minerals Access



On July 13, the House Natural Resources Committee held a [markup](#) on several bills, including Rep. Betty McCollum's (D-Minn.) *Boundary Waters Wilderness Protection and Pollution Prevention Act* ([H.R. 2794](#)), which seeks a mineral withdrawal of 234,328 acres squarely over a world-class mineral deposit containing copper, nickel and other essential metals co-located with the Twin Metals Minnesota project in Northern Minnesota. After a seven-hour markup, including 20 amendments filed by Rep. Pete Stauber (R-Minn.), H.R. 2794 passed along party lines by a vote of 24-16. Please find a link to Ranking Members Bruce Westerman (R-Ark.) and Stauber's press release [here](#).

The NMA continues to support allies in Congress highlighting the vital projects throughout the country important to new domestic production with material like this [graphic](#).

The NMA [opposed](#) H.R. 2794 and continues to oppose similar pieces of legislation that seek extreme restrictions on mineral development on federal lands and will continue to work with bipartisan members of Congress to prioritize access to our federal lands to ensure robust domestic mineral supply chains.

Emergency Board Established to Investigate Disputes Between Railways and Labor



Last week through [Executive Order](#), President Biden established an Emergency Board to investigate disputes between certain railways and certain railway labor organizations. The Board is to report to the President with respect to the disputes within 30-days and recommend how the disputes should be resolved. After the report is submitted, the railroads and labor organizations will have an additional 30-days to reach a voluntary settlement based on the recommendations. Under the Railway Labor Act, should an agreement not be reached, the labor organizations may strike or the railways may lock out. Historically when an agreement has not been reached Congress has acted to impose its own settlements to disputes, including issuing back-to-work orders or requiring additional arbitration between the parties.

Additional Peer Review Meetings on EPA Ozone NAAQS Scheduled



The Clean Air Scientific Advisory Committee (CASAC) has scheduled additional public meetings regarding the EPA's reconsideration of the ozone National Ambient Air Quality Standards (NAAQS). Last month, CASAC paused the review of the [external review draft](#) of the Policy Assessment that recommended retaining the existing 70 parts per billion ozone standards without change. Members of CASAC expressed concerns regarding EPA's characterization in the 2020 Ozone Integrated Science Assessment (ISA) of the science concerning health and welfare effects of ozone, signaling that they disagree with EPA's recommendation and may push for tighter standards. The CASAC Ozone Review Panel is now scheduled on Aug. 29, 2022, to receive a briefing from EPA on the 2020 Ozone ISA and to hear public comments. The CASAC panel will hold additional meetings on Sept. 12, Sept. 14, and Sept. 16, 2022, to discuss scientific issues related to the 2020 Ozone ISA. Additional information on these meetings is available [here](#). These additional meetings will impact EPA's ability to complete its reconsideration of the 2020 decision to retain the ozone NAAQS on its previously announced schedule. According to EPA's [Spring regulatory agenda](#), the agency is targeting April 2023 for a proposed rule.

NMA and Third Party Voices

The NMA is quoted by [Newsweek](#) in a story on House discussions on the annual National Defense Authorization Act (NDAA), which this year totals a record-setting cost of about \$840 billion. Among the various military funding provisions outlined in the bill are orders that seek to curb U.S. interconnectedness with China and Russia.

The NMA is quoted by [The Dispatch](#) in a report noting that, earlier this year, Goldman Sachs released a report claiming that the world will soon see an “oversupply” of the metals needed to manufacture the lithium-ion batteries that will power electric vehicles and facilitate a greener economy. Industry experts and consultants disagreed and soon after unleashed a storm of criticism rebutting the report: There is no imminent surplus of the battery materials—metals like nickel, cobalt, and lithium—but a looming shortage, they said.

From our third parties, [Inside Sources](#) (D.C.) and [Nashua Telegraph](#) (N.H.) carry an op-ed by Syd S. Peng, the Charles E Lawall Chair of Mining Engineering emeritus in the Department of Mining Engineering at West Virginia University, in which he argues our coal fleet is the bridge we need to cross to reach energy security.

[The Tennessean](#) (Tenn.) and [Knox News](#) (Tenn.) carry an op-ed by Ivan Maldonado, a professor in the Department of Nuclear Engineering at the University of Tennessee, in which he argues we need to fix our permitting process to secure the necessary minerals and metals for our needs.

[MSN.com](#) (USA) carries 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

The Department of Energy's Office of Fossil Energy and Carbon Management created an [infographic](#) on why the U.S. needs a domestic supply of critical minerals.

[Mining.com](#) reported that U.S. Energy Secretary Jennifer Granholm said the government is concerned that supplies of critical minerals, used widely in clean energy technology, could be subject to weaponization as oil and gas have been amid the Ukraine conflict.

[Mining.com](#) reported that developers of battery metals projects can win support from the U.S. government as it seeks to counter the dominance of China in clean-technology supply chains, Energy Secretary Jennifer Granholm said.

[Politico Pro](#) and [Axios](#) reported that a global shortfall of copper — the “metal of electrification” — will severely jeopardize the ability of the world to reach net-zero emissions by 2050, according to a report by S&P Global.

[Kallanish](#) reported on Bloomberg analysis projecting that total demand for lithium-ion batteries may reach one terawatt per hour (1,000 gigawatts) in 2023.

The U.S. Geological Survey's [quarterly mineral commodity report](#) for the first quarter 2022 shows U.S. base metals production unchanged from the same period in 2021. Precious metals production outcomes were mixed with gold unchanged, silver up 4 percent, and platinum and palladium down 4 percent each.

[Climatewire](#) reported that the Texas grid is breaking its power record amid a blistering heat wave and that utility operators are asking residents to conserve power as the spike in electricity demand is stoking fears of potential blackouts. [Utility Dive](#) reported that the grid operator for most of Texas asked customers last week to reduce electricity consumption for the second time in a week, citing lower wind and fossil fuel generation than anticipated, and spiking demand amid a sweltering heat wave - narrowly avoiding rolling blackouts.

[Argus](#) reported that U.S. thermal coal exports fell from a year earlier in May after reaching a 13-month high in April.

[Axios](#) reported on new analysis arguing that European plans to ditch Russian natural gas won't boost the bloc's coal-fueled power enough to trip up EU climate efforts.

[Argus](#) carried an interview predicting U.S. coal exports will struggle to meet 2021 levels.

[Coal Age](#) reported that Hallador Energy Co. is reopening the Sunrise Freelandville surface coal mine in Knox County, Indiana, and is hiring 200 new mining employees.

[Greenwire](#) reported that EPA proposed new deadlines for two plants — American Electric Power's Mountaineer plant in New Haven, W.Va., and CPS Energy's Calaveras Power Station in San Antonio, Texas — to comply with Obama-era regulations on coal ash ponds.

[Energywire](#) reported that power companies have traditionally made money by investing in new assets, from generating plants to power lines. Now, the utility business is trying to adapt as the energy landscape changes.

[Argus](#) reported that the Administration is trying to fend off a possible nationwide railroad strike by creating an emergency board to investigate and make recommendations on a labor contract settlement.

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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