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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

That ticking sound is the political clock counting down to midterm elections in less than three weeks. With news coverage fixed solidly on the campaigns, 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 U.S. Occupational Safety and Health Administration published a simple fact sheet on [how to conduct a safety walk-around](#).

NMA Appeals Decision Reimposing Coal Leasing Moratorium



The NMA, as well as the states of Montana and Wyoming, recently [appealed](#) the legally suspect and outcome driven [ruling](#) by a judge in the U.S. District Court for the District of Montana that reinstated the coal leasing program moratorium established by former Department of the Interior (DOI) Secretary Sally Jewell. The federal government has until mid-December to decide whether it will also appeal the decision. Briefing of the case in the U.S. Court of Appeals for the Ninth Circuit will likely begin in the first quarter of 2023.

White House Launches American Minerals Initiative



As part of the Biden-Harris administration’s focus on boosting battery material production and processing, the White House today [announced](#) a new “American Battery Materials Initiative,” which is described as a “new whole-of-government effort to secure a reliable and sustainable supply of the critical minerals.” The initiative will be led by a White House steering committee and coordinated by the Department of Energy (DOE) with support from DOI and will leverage efforts by the Department of State and the Partnership for Global Infrastructure and Investment.

The initiative will coordinate White House and agency efforts to implement President Biden’s critical mineral strategy and align ongoing work on critical mineral supply chains, coordinate community and industry engagement, guide research, grants and loans supporting critical minerals extraction, processing and recycling, and aid diplomatic efforts to build reliable and sustainable global supply chains abroad. The press release specifically highlights the initiative’s commitment to strengthen federal engagement, partnership and early planning and consultation with the private sector, state, Tribal, and local governments, environmental groups, and labor unions “to more effectively marshal resources.”

The NMA's press release on the White House announcement can be found [here](#). The NMA will continue to engage the White House and administration to support these and other actions to secure domestic mineral supply chains.



NMA Members Selected for DOE Mineral Processing Funding

Today, the DOE [announced](#) its first round of projects funded by the Bipartisan Infrastructure Law Section 40207 (b)(c) to build and expand commercial-scale facilities to extract and process lithium, nickel, graphite and other battery materials, manufacture battery components, and demonstrate new separation and processing approaches. NMA members Talon Metals and Piedmont Lithium were two of the [20 companies](#) selected to receive a total of \$2.8 billion in federal funding, which will be matched by private investment. Detailed information for each project can be reviewed [here](#).

The NMA encourages interested members to regularly review and apply for

similar DOE funding opportunity announcements which are regularly updated and can be found [here](#).

NMA Chairman Mitch Krebs Visits with NMA Staff



Last week the NMA's new Chairman of the Board, Mitch Krebs, President and CEO of Coeur Mining, spent the day with NMA staff discussing his perspective on the value the association brings its members and sharing his views on the current state of the industry. He participated in detailed briefings on the Environment, Social and Governance Task Force's current and future planning, the NMA's communications program, along with CORESafety® and other association programs and activities.

EPA Proposes Reversal on Fugitive Emissions Accounting in Air Permits Impacting Surface Mining

Last Friday, the U.S. Environmental Protection Agency (EPA) published a [proposed rule](#) that would repeal a 2008 Clean Air Act rule that was supported by the mining industry. The proposal would require all existing “major” sources of air pollution to include both stack and fugitive emissions in determining whether a modification is “major,” triggering pollution control requirements under the major New Source Review (NSR) program. Comments are due on Dec. 13, 2022.

EPA’s proposal will not affect the analysis of whether an individual mine is a “major source”—a mine will still only be a “major source” if it has point source (non-fugitive) emissions of greater than 250 tons per year of a regulated pollutant. Rather, the proposal would require any mine that is a “major source” under that test to begin counting fugitive emissions in determining whether any project at the mine (any physical change or change in the method of operation) will result in a significant increase that would trigger NSR permitting. Mining operations generate substantial amounts of fugitive dust from activities such as blasting, movement of overburden and other material, and haul road traffic. Fugitive dust from these operations is not included in calculations of major source status and historically has been exempt from the threshold regulatory analysis for major modifications.

The NMA will be working with members to develop a response to this rulemaking. EPA’s fact sheet on the rule is available [here](#). If you are interested in contributing to the NMA’s advocacy plan development, please contact Tawny Bridgeford at tbridgeford@nma.org.

NMA Discusses Future of Rail Strike



This week, the NMA's Government Affairs Committee heard from John Ward, Executive Director of the National Coal Transportation Association concerning the prospects of an upcoming rail strike impacting every commodity transported by rail and the long-standing rail car issues impacting especially the coal production industry. You may find John's presentation [here](#). We also recorded the entire presentation including questions from our committee members. You can find a link to the entire presentation [here](#).

Members of Congress are weighing on both issues: the strike and lack of rail capacity. Senators Roger Wicker (R-Miss) and Richard Burr (R-NC) along with Congressmen Sam Graves (R-Mo) and Rick Crawford (R-Ark) have introduced Senate Joint Resolution 61 and House Joint Resolution 95 to simply codify the recommendations of the President's Emergency Board. Should rail unions continue to vote to not ratify the proposed new collective bargaining agreement, Congress may be forced to step in with legislation for the first time since 1992.

To start to address the railroads' common carrier obligations and lack of service, a group of House Democratic lawmakers have introduced the Freight Rail Shipping Fair Market Act to provide more authority to the Surface

Transportation Board to enforce service agreements on the railroads. Please find a list of supporting industry groups [here](#) including the NMA. Additionally, some rail carriers have agreed to meet with NMA members to try to work on rail issues. Please find a link to our NMA memo [here](#) outlining those opportunities.

NMA and Third Parties In the News

[Responsible Investor](#) cites NMA data on improved industry safety performance in a story covering growing pressure from regulators, investors and consumers for the industry to improve its social performance over the past two decades.

The NMA's PAC is mentioned in a [Charleston Gazette-Mail](#) story noting that Rep. Carol Miller's campaign committee extracted heavy support from coal industry representatives.

Mining and Energy News

[Greenwire](#) reported that "With climate change pushing the U.S. toward more rapid adoption of new technologies, many Republicans and Democrats are in rare agreement on one key point: This country needs a lot more mines." But exactly how much new mining is required for the energy transition isn't clear.

The U.S. [Department of Energy](#) has launched a \$32 million program to advance the domestic supply chain for critical minerals.

[Associated Press](#) reported that workers have begun loading uranium fuel into the new Vogtle nuclear power reactor in Georgia. It is the first new U.S.

nuclear reactor to be built in decades and is expected to go into operation next year.

[High Country News](#) reported that there's a boom in green metal mining and it's time to loosen mining regulations.

[Mining.com](#) reported that a tellurium study is just one example for the potential of extracting critical metals from existing mining operations.

[Energywire](#) reported that last week a federal appeals court appeared poised to toss out a National Environmental Policy Act challenge to the Nuclear Regulatory Commission's approval of a project in Ohio to develop and test a novel denser high-assay low-enriched uranium fuel for commercial nuclear power plants.

[Reuters](#) reported that the administration is letting eight Texas coal-fueled power plants avoid pollution controls by sitting on a request to amend the state's plans for pollution reduction, according to a new lawsuit filed by environmental groups.

[The Salt Lake Tribune](#) reported recently that a Utah logistics firm intends to build a rail transloading facility in Iron County, potentially connecting Utah agricultural products and minerals, including coal, to the national rail network and West Coast export terminals.

[Argus](#) reported that operations at the Westshore coal terminals in Canada have resumed following a three-week strike.

[Argus](#) reported that U.S. coal generation this winter will be lower than a year earlier despite relatively stable overall electricity demand, according to a recent Energy Information Administration forecast.

[Energywire](#) reported that the Department of Energy released details last week on a new \$32 million program to deploy technologies for extracting critical minerals from coal and coal byproducts.

[Argus](#) reported that coal generation in the Electric Reliability Council of Texas (ERCOT) power region fell from year-earlier levels for a fifth consecutive month in September despite higher overall electricity demand and restrained renewable power output.

[Coal Zoom](#) reported on recent Census data showing that U.S. coking coal exports fell to a seven-month low in August, largely because of lower shipments to China, while shipments to the rest of the world were higher, but they slipped from the previous month on weakening sentiment in steel markets and declining steel output.

EIA's recent [Winter Fuels Outlook](#) for 2022-23 predicts that coal supply constraints will limit coal as a power fuel alternative to natural gas this winter and that natural gas generation will remain at record levels despite its higher prices. Coal's share of power generation is forecast to average 20 percent, down slightly from 21 percent in winter 2021-22. Natural gas' share of generation is expected to remain at 36 percent, unchanged from last winter.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	10/17/22	\$23.57
Copper Spot Price (\$/lb)	10/18/22	\$3.41
Gold Spot Price (\$/ounce)	10/18/22	\$1,652.25
Lithium Spot Price (\$/kg)	10/18/22	\$75.36
Molybdenum Spot Price (\$/kg)	10/17/22	\$40.50
Nickel Spot Price (\$/lb)	10/17/22	\$9.71
Silver Spot Price (\$/ounce)	10/18/22	\$18.70
Steel HRC Price (\$/mt)	10/18/22	\$752.00
Steel Rebar Price (\$/mt)	10/18/22	\$521.03
Zinc Spot Price (\$/lb)	10/18/22	\$1.30
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	10/18/22	\$306.67
Coal Spot Price - Central Appalachian (\$/st)	10/14/22	\$176.65
Coal Spot Price - Newcastle futures (\$/mt)	10/18/22	\$387.85
Coal Spot Price - Rotterdam futures (\$/mt)	10/18/22	\$265.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	10/12/22	\$6.47
Uranium Spot Price (\$/lb)	10/17/22	\$51.00
Sources: publically available data from eia.gov , dailymetalprice.com , tradingeconomics.com , sgxgroup.com , investing.com		

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

CORESafety



The October edition of CORESafety TV:

- Exploring CORESafety's module ten on Resources and Planning



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