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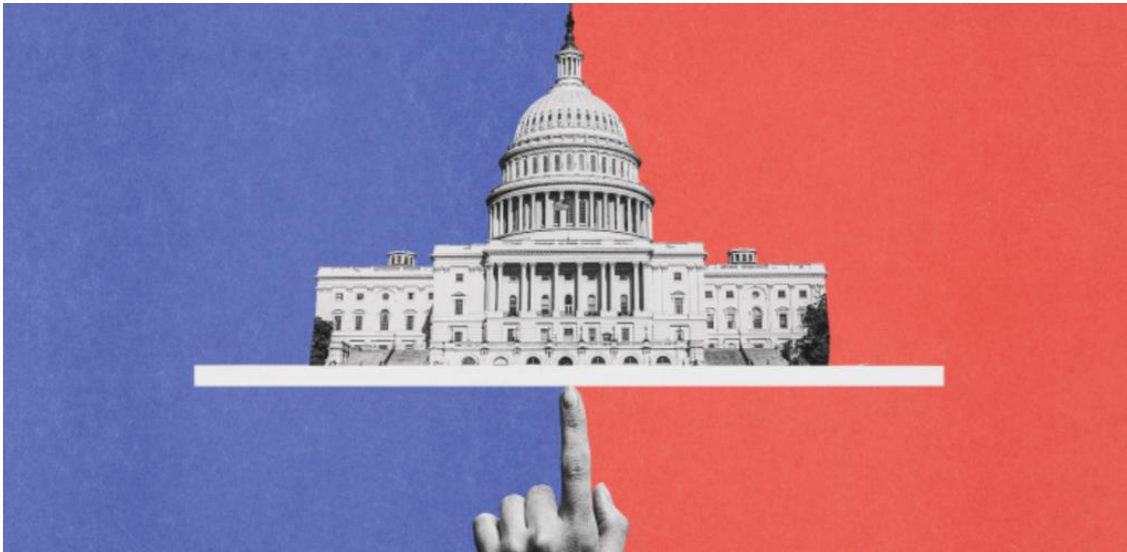
MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

This Week in The News



A presidential comment elevated coal and energy in the closing arguments of the midterm elections. With final election results likely weeks away, a switch to Republican control of the House of Representatives appears fairly certain, but control of the Senate remains undecided. Although initial projections had House Republicans netting as much as thirty seats, new projections after some of last night's results still indicate a House Republican majority but with less than half of the expected gains. In the Senate, the projections include perhaps a Democratic majority that could expand by a seat, a Republican majority that could end up with a one seat margin, or it is very possible the U.S. Senate may continue in a 50-50 split pending final results in Nevada, Arizona, and a Georgia runoff in early December. It all sets the stage for a dynamic lame duck congressional session followed by a dramatically different divided government for the next two years. 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

A recent survey revealed that employers view long-term mental health as the [key healthcare issue](#) coming out of COVID-19. National Safety Council offers a variety of resources for [prioritizing employee mental health](#).

NMA Joins Coalition Opposing Designation of PFOA and PFOS as CERCLA Hazardous Substances

On Monday, NMA signed on to a [coalition letter](#) representing 20 industry associations in response to EPA's [proposed rule](#) that would designate

perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). If finalized as proposed, this rulemaking would impose new mandatory release reporting requirements on facilities and allow the agency to impose CERCLA's strict joint and several liability scheme on parties responsible for releases of these chemicals.

The coalition's 71-page comment submission addresses the legal, economic, and practical shortcomings of EPA's proposed rule. In particular, the coalition argues that CERCLA Section 102(a) is the wrong regulatory tool to regulate such compounds. This is the first time EPA has used its this statutory authority to designate substances as hazardous. The coalition argues that such a novel application of this statute requires EPA to explain why PFOA and PFOS meet the "substantial danger" standard found in Section 102(a), particularly given that the this is an undefined term. The coalition also criticizes EPA's failure to consider cost in the proposed rule and cautions the agency on the magnitude of litigation that will result from this action.

House Natural Resources and Agriculture Committee Ranking Members Question USDA on Regulatory Overstep



Last week, House Natural Resources Committee Ranking Member Bruce Westerman (R-Ark.) and Agriculture Committee Ranking Member Glenn “GT” Thompson (R-Penn.) [wrote](#) to U.S. Department of Agriculture Secretary Thomas Vilsack expressing concern over the Biden administration’s “attempt to invent new authorities” within the agency’s jurisdiction, citing recent U.S. Supreme Court precedent requiring all federal agencies to point to clear Congressional authority when proposing regulations which would claim new authority to wield transformative powers, a standard referenced in the U.S. Supreme Court’s decision in *West Virginia vs EPA* issued in June.

Westerman and Thompson stated that U.S. Forest Service (FS) “actions have called into question whether the agency is exceeding its authority or acting purely for political purposes,” further saying that “the FS is hampering our nation’s development of domestic resources.” They questioned several actions taken by the FS under the Biden administration, including Rio Tinto’s Resolution Copper Project and the mineral withdrawal of significant acreage in the Rainy River Watershed which directly impacted the Twin Metals Minnesota project. The pair went on to request a list of all pending and expected rulemakings and the specific Congressional authority for each rulemaking by November 17. Westerman and Thompson are expected to become Chairmen of their respective committees as a result of yesterday’s election. Other Republican ranking members of Congressional committees have sent similar oversight requests to the federal agencies under their jurisdiction requesting authorities for proposed regulations and authorities for planned regulations. As these committees, and others, continue to prepare their legislative and regulatory oversight agendas for this next Congress, the NMA will continue to be deeply involved contributing to their development and implementation.

Seventh Rail Union Ratifies Tentative Agreement

Over the weekend, the International Association of Machinists ratified an agreement on wage, benefits and work rules with most Class I railroads. While this is positive news in hopefully preventing a strike or lock out by the Class I rail carriers, three other rail labor unions have yet to vote on ratification. Recall, two other unions recently voted to reject the agreements. Thus far, all unions have agreed to maintain the status quo until mid-November. We will keep you apprised of any updates in negotiations and the results of the three other union votes.

Register Now for NMA / CQ Roll Call's Minerals Event

The Global Race to Supply Our Future:

Mineral Demands, Supply Chain Vulnerabilities and Our Broken Permitting Process

[Register now](#) to join the NMA and [CQ Roll Call](#) for an in-person event as we hear from representatives from the Biden-Harris administration, analysts, industry experts, representatives from the auto industry, supply chain experts, and others, discussing the skyrocketing need for minerals in the U.S.; what needs to be done in the U.S. to ensure that these essential minerals are sourced here at home; how to wean the U.S. off of its reliance on geopolitical rivals like China

and Russia; and more.

Keynote speakers:

- Sameera Fazili, Deputy Assistant to the President and Deputy Director of the National Economic Council
- Jigar Shah, Director, Loan Programs Office, U.S. Department of Energy

A panel will be moderated by Jason Dick, Editor-in-Chief, CQ Roll Call, and include:

- John Anton, Director of Pricing and Purchasing, S&P Market Intelligence
- Joe Britton, Executive Director, Zero Emission Transportation Association
- Nick Snowden, Head of Industrial Metals Research, Global Commodities Team, Goldman Sachs
- Duncan Wood, Vice President for Strategy & New Initiatives; Senior Advisor to the Mexico Institute, Wilson Center
- Matthew Zolnowski, Office of the Deputy Assistant Secretary of Defense for Industrial Policy, U.S. Department of Defense.

Space is limited. Registration is required for entry into the event. Click below to learn more and register today!

[**Register Today!**](#)

NMA and Third Parties In the News

[Delaware Valley Journal](#), [Mining.com](#) and others quote Rich Nolan in their coverage of comments by President Joe Biden on closing coal plants.

The NMA is quoted by [S&P Global](#) in a report noting that the Biden administration is pouring cash into extracting crucial minerals from coal waste as corporate and academic optimism for the technology grows.

[Carscoops](#) quotes the NMA in its coverage of the Inflation Reduction Act (IRA), noting that it continues to be at the center of a debate among automakers, suppliers and other parties.

[MSN.com](#) (USA), [Grand Junction Daily Sentinel](#) (Colo.), [Fairbanks Daily News Miner](#) (Alaska), [Reno Gazette Journal](#) (Nev.), [The Bryan Times](#) (Ohio) and [New Castle News](#) (Pa.) all ran an op-ed by Terry Jarrett, an energy attorney and consultant who has served on both the board of the National Association of Regulatory Utility Commissioners and the Missouri Public Service Commission, in which he argues rather than race to dismantle more coal plants, the U.S. must recognize the essential utility of its remaining coal fleet as a reliability and affordability backstop.

Mining and Energy News

[Bloomberg](#) reported that “as many as 40 US coal-fired power plants that were slated to shut will run for longer than expected, with operators delaying plans to retire them as supply-chain issues and reliability concerns slow the transition to greener energy.

[Mining.com](#) reported that lithium is “a vital component in most electric-vehicle batteries, and is becoming one of the world’s most important commodities. Prices have soared to unprecedented levels as demand forecasts keep growing, leaving automakers scrambling to secure future supplies.”

[Utility Dive](#) reported that with just 3.6 percent of global reserves, U.S. access to lithium is vital to the country’s sustainable energy plans. The recent effort to

bolster domestic supply includes funding and resources for domestic lithium mining and the end-to-end supply chain, including the processing and manufacturing of electric vehicle batteries.

The [World Gold Council's](#) recent *Gold Trends* report reveals that gold demand (excluding OTC) in the third quarter of 2022 hit 1,181 metric tons, up 28 percent year-on-year. Strong demand pushed the year-to-date total to its pre-COVID levels. Gold demand was bolstered by consumers and central banks, although there was a notable contraction in investment demand.

[E&E Energywire](#) reported that experts are ever more worried that automakers' big plans to make millions of electric vehicles — and slow the pace of climate change — could stumble because miners and refiners simply won't be able to satisfy their hunger for critical minerals.

[Politico Pro](#) reported that the Canadian government has ordered three foreign state-owned firms to divest from three critical mineral companies, citing national security concerns.

[Greenwire](#) reported that the Forest Service indicated in a draft environmental review that it will greenlight plans for an Idaho gold mining project.

[New York Times](#) reported that China is burning more coal.

[Argus](#) reported that U.S. western bituminous coal production dropped by nearly 4 percent in the third quarter compared with the same period last year, despite higher exports. The decrease in output was from Utah and Colorado mines.

[Argus](#) reported that U.S. thermal coal exports slipped slightly from year-earlier levels in September despite still relatively robust demand from Europe.

EIA's recent [Today in Energy](#) reports on survey data indicating that due to

continued competition from natural gas and renewable resources, 23 percent of the 200,568 megawatts (MW) of coal-fueled capacity currently operating in the U.S. has reported plans to retire by the end of 2029.

[Argus](#) reported that U.S. utility company DTE Electric has accelerated by five years its target for stopping coal consumption.

[Mining.com](#) reported from Reuters on recent polling data that shows that analysts and traders have downgraded their forecasts for platinum and palladium next year as a global economic slowdown reduces demand.

[S&P](#) reports that the sentiment for finished steel prices continued to slide as the November scrap buy week was underway, according to the most recent S&P Global Commodity Insights US steel market participant survey.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	11/7/2022	\$23.0
Copper Spot Price (\$/lb)	11/7/2022	\$3.0
Gold Spot Price (\$/ounce)	11/7/2022	\$1,679.0
Lithium Spot Price (\$/kg)	11/7/2022	\$81.0
Molybdenum Spot Price (\$/kg)	11/7/2022	\$45.0
Nickel Spot Price (\$/lb)	11/7/2022	\$10.0
Silver Spot Price (\$/ounce)	11/7/2022	\$20.0
Steel HRC Price (\$/mt)	11/7/2022	\$676.0
Steel Rebar Price (\$/mt)	11/7/2022	\$493.0
Zinc Spot Price (\$/lb)	11/7/2022	\$1.0
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	11/7/2022	\$326.0
Coal Spot Price - Central Appalachian (\$/st)	11/4/2022	\$182.0
Coal Spot Price - Newcastle futures (\$/mt)	11/7/2022	\$344.0
Coal Spot Price - Rotterdam futures (\$/mt)	11/7/2022	\$200.0
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	11/2/2022	\$4.0
Uranium Spot Price (\$/lb)	11/7/2022	\$50.0

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 November edition of CORESafety TV features Dyno Nobel and their journey with the CORESafety System — including:

- An overview of Dyno Nobel
- An interview with Benjamin Houde, VP Health and Safety at Dyno Nobel



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