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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

Congress returned from the Thanksgiving holiday to face a lame duck session replete with deadlines. A runoff election in Georgia that could affect the Senate balance of power on December 6. A potential nationwide rail strike on December 9. Expiration of government funding on December 16. And a host of issues legislators may wish to tackle before control of the House flips to Republicans in January. In this dynamic environment, 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 National Safety Council has tips for a [safe holiday season](#).

NMA Rail Strike Advocacy - Legislation Passes House



The road to avert a potential rail strike has been a long one – beginning back in September – but Congress finally appears poised to take action.

Back in September, in a [letter](#) to the Senate Commerce and the House Transportation and Infrastructure Committee, the NMA advocated for congressional enactment of a tentative labor agreement – one that Congress is now working to pass.

Last week, in response to four unions' votes against the tentative agreement, the NMA issued a press release that was picked up by [The Hill](#) and [others](#)

urging Congress to intervene. On Monday, a coalition of over 400 industry trade groups, including the NMA, directly [lobbied](#) bipartisan congressional leadership to act quickly to prevent a rail strike. President Biden then issued a [statement](#) Monday night calling on Congress to pass legislation affirming the tentative September agreement.

Yesterday, President Biden met with bipartisan congressional leadership and called on Congress to pass legislation to implement the tentative labor agreement established on Sept. 16 between the Class I carriers and the 12 labor unions. And early today, Speaker Pelosi passed [House Joint Resolution 100](#) by a strong bipartisan vote of 290-137. Senate leadership indicated they intend to follow the House and pass the legislation as soon as possible. The NMA will keep members apprised of any developments or unexpected challenges in reaching a deal.

NMA Work on Long-Term Rail Service Reliability

Even while efforts to avert a strike are ongoing, the NMA continues to engage Members of Congress and the administration to address the ongoing long-term freight rail reliability issues. The House T&I Committee introduced [H.R. 8649](#), the *Freight Rail Shipping Fair Market Act*. The NMA supported bill addresses input from two hearings; the [first hearing](#) in March featured testimony from rail customers, the Association of American Railroads, and others, and a [second hearing](#) in May featured witnesses from the Surface Transportation Board (STB). Additionally, in April, the NMA submitted [written testimony](#) in response to a STB hearing on rail reliability to highlight the impacts on coal producers. Similarly, in bipartisan oversight of the STB, Senators Baldwin (D-Wisc.), Cramer (R-N.D.), Manchin (D-W.Va.), Capito (R-W.Va.), and 17

Senators in May [highlighted service issues](#) raised by rail customers and labor organizations. Most recently, Sen. Lummis (R-Wyo.) and five bipartisan senators [issued an official inquiry](#) to the STB concerning the lack of membership from the coal production industry on the Rail Energy Transportation Advisory Committee (RETAC) despite three positions on the 25-member board being set aside for coal producers. The RETAC meets at least biannually and is an opportunity for the STB to receive testimony from coal producers and work with the industry on long-term rail car service issues.

STB Hearing on Union Pacific Railroad Embargoes



Last week, the Surface Transportation Board (STB) issued a [notice](#) of an oversight hearing pertaining to Union Pacific Railroad Company's embargoes on Dec. 13 and 14. The STB is concerned about the Union Pacific's (UP) substantial increase in use of embargoes as a method of reducing rail traffic congestion. As a result, the STB is directing the UP's CEO and other top executives to appear at the hearing and expects to hear testimony on topics including, but not limited to, the railroad's decision-making process in

determining whether to issue an embargo, data inputs, its consideration of shippers' operational needs, and explanations for the dramatic increase in embargoes since 2017. The upcoming hearing is closely related to the STB hearing [held](#) earlier this year in April, where the NMA participated and provided oral and [written](#) testimony about inconsistent rail service.

The STB specifically invites testimony from shippers and other stakeholders who can contribute to the STB's understanding of the cause and/or impact of the embargoes. Stakeholders wishing to testify at the hearing must file a notice of intent to participate no later than Dec. 5, 2022. In the most recent NMA rail survey, the NMA heard from members that the UP has had inconsistent service. If your operations utilize the UP for transportation and you would like NMA to testify at the STB hearing, please email Katie Mills at kmills@nma.org by Monday, Dec. 5, 2022.

Norfolk Southern Seeks NMA Collaboration on Rail Crew Size Rulemaking



On Nov. 18, the NMA, its members, and Norfolk Southern's (NS) Customer Operations and Coal Marketing groups participated in a call to better understand customer concerns about NS' service, and to communicate efforts undertaken to address challenges. The call was overall positive, recognizing that NS is making significant strides, but acknowledging there was more work to do. The NS team and NMA also discussed future collaboration on how to work toward common goals. The NS raised a new [Notice of Proposed Rulemaking](#) (NPRM) from the Federal Railroad Administration (FRA) and Department of Transportation on rail crew size requirements, the [comment extension timeline](#), and a [draft template of talking points](#), should the NMA be interested in providing comments. Comments are due Dec. 21, 2022.

The NPRM would establish minimum requirements for the location of crewmembers on a moving train and promote safe and effective teamwork. The NS believes that these crew requirements would stand in the way of increased productivity and greater movement of freight. The NS is concerned that regulating crew size could hinder service, particularly with the ongoing crew shortages. If you think that the NMA should provide comments on the NPRM, please email Katie Mills at kmills@nma.org by COB Tuesday, Dec. 6, 2022.

Senate Energy and Natural Resources Legislative Hearing on Mining-Related Bills



Tomorrow, the Senate Committee on Energy and Natural Resources will hold a legislative hearing on several pieces of legislation that may impact the mining industry. Please find the NMA's memo on the hearing [here](#). Specifically, the hearing will include the Mining Schools Act of 2022 ([S. 3915](#)), which requires the Department of Energy (DOE) to provide competitive grants to strengthen domestic mining education and workforce training programs. Please find NMA's letter of support [HERE](#).

The hearing will also include Sen. John Barrasso's (R-Wyo.) *NO RUSSIA Act of 2022* ([S. 3978](#)), which authorizes DOE to establish a national strategic uranium reserve while increasing domestic uranium production, conversion and enrichment activities. This bill will also help to eliminate the importation of Russian uranium, support domestic nuclear fuel supply chains, and ensure domestic nuclear reactors have the necessary fuel to continue operating. Another bill being considered of particular concern is the *Dolores River National Conservation Area and Special Management Area Act* ([S. 4542](#)), introduced by Sen. Michael Bennet (D-Colo.), which establishes new conservation and special management areas in Colorado through the withdrawal of nearly 70,000 acres of Bureau of Land Management and National Forest lands.

AGs Voice Concerns Over EPA Ozone Transport Standard

Attorneys General Patrick Morrisey of West Virginia and Daniel Cameron of Kentucky sent a formal [letter](#) to Environmental Protection Agency (EPA) Administrator Michael Reagan highlighting concerns over and objections to the recently proposed "Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard." The AGs commented that "the Proposed Rule takes on questions of vast economic and political significance without any clear textual basis to do so. Its scope is extensive, dictating sources for electricity production and increasing energy costs along the way. It departs from the agency's established practices for implementing NAAQS and claims jurisdiction over matters beyond EPA's expertise."

FWS Extends Comment Deadline for Proposed Eagle Take Permit Revisions



The U.S. Fish and Wildlife Service (Service) this week [issued](#) an extension of the comment period for its [proposed rule](#) to revise the existing regulations authorizing permits for eagle incidental take and eagle nest take (proposed rule). The comment period on the proposed rule was extended 30-days, with comments now due Dec. 29, 2022. The NMA sent out [draft comments](#) on the proposed rule last week arguing that mining activities should be permitted under the new general permit system since mining is not a significant source of take for bald and golden eagles. Please provide any edits or feedback on NMA's comments to Katie Mills at kmills@nma.org by Friday, Dec. 23, 2022.

NMA and Third Parties In the News

[The Hill](#) and [others](#) quote Rich Nolan on the implications of a possible rail strike.

From our third Parties, the [Wayne County News](#) (W.Va.), [Williamson Daily News](#) (W.Va.), [Logan Banner](#) (W.Va.), [Coal Valley News](#) (W.Va.), [Jacksonville Courier Journal](#) (Ill.) and [San Francisco Chronicle](#) (Calif.) 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.

[**The Eastern New Mexico News**](#) (N.M.) carries an op-ed by Jim Constantopoulos, professor at Eastern New Mexico University, in which he argues shutting down coal plants before replacement energy becomes available would wreck the nation's electricity system and the economy.

Mining and Energy News

[**Politico Pro**](#) reported that the copper, nickel and cobalt that lie untouched beneath the ground in the northeastern Minnesota woods near the Canadian border are at the center of a struggle over how far the U.S. will go to create the administration's clean energy future.

[**Greenwire**](#) reported that a company called Omnis Sublimation Recovery Technologies will hire 100 people and invest \$60 million in southern West Virginia to extract rare earth metals from coal waste impoundments.

[**Argus**](#) reported that Hampton Roads, Virginia coal exports fell from year-earlier levels for the first time in five months in October.

[**Climatewire**](#) reported that a climate fund founded by Bill Gates is investing in technology that uses surges of electricity to shatter rocks and mineral ores in a bid to reduce energy usage and carbon emissions at mines.

[**NPR**](#) reported that high demand for lithium is sending mines into overdrive.

[Wall Street Journal](#) carries an op-ed arguing that we can't rely on China for minerals.

[EIA's November edition of the Electric Monthly Update](#) shows total U.S. coal stockpiles had a month-over-month increase of 5.1 percent, reaching 80 million tons in September 2022. In addition, the average residential retail price of electricity was up 15.4 percent from the September 2021 level.

[CNBC](#) reported that China is leading the way when it comes to lithium — and the rest of the world has not been quick enough to respond to its dominance, according to the CEO of American Lithium.

[Mining.com](#) reported from Reuters that the global economic environment will be more supportive for commodities in mid-2023 on expectations the dollar will ease, while China's reopening from covid-19 curbs will boost risk appetite, a Goldman Sachs analyst said last week.

[Bloomberg](#) reported that China's coal production is set to climb for the sixth year in a row, reaching a new record of 4.4 billion tons in 2022, "as the Beijing government acts to ensure supplies in the top miner and consumer of the fuel, spurring further declines in prices."

[Mining.com](#) reported that copper miners are boosting output. But it may not be enough to meaningfully lift stockpiles from historically low levels, keeping supplies tight in a market critical to the energy transition. The reason is a bottleneck in the world's smelter capacity.

[Mining.com](#) reported that Mexico, which nationalized lithium resources in April of this year, plans to start producing lithium batteries in late 2023 as it has secured foreign investment and the backing of the U.S., its leading trading partner.

[Mining.com](#) reported from Bloomberg that “In what could prove a game changer for global supply, a U.S. startup says it’s solved a puzzle that has frustrated the mining world for decades. If successful, the discovery by Jetti Resources could unlock millions of tons of new copper to feed power grids, building sites and car fleets around the globe, narrowing and possibly even closing the deficit.”

[MSN.com](#) reported from Reuters that seaborne thermal coal prices have returned to pre-Ukraine invasion levels.

The [International Copper Study group’s](#) latest monthly preliminary data release indicates that world copper mine production increased by about 3.5 percent in the first nine months of 2022, with concentrate production increasing by around 3.1 percent and solvent extraction-electrowinning (SX-EW) by about 5 percent.

Commodity Prices

| Commodity Price - Snapshot | | |
|---|-------------|--------------|
| Metals Prices | Date | Price |
| Cobalt Spot Price (\$/lb) | 11/28/22 | \$23.56 |
| Copper Spot Price (\$/lb) | 11/28/22 | \$3.60 |
| Gold Spot Price (\$/ounce) | 11/28/22 | \$1,762.90 |
| Lithium Spot Price (\$/kg) | 11/28/22 | \$80.22 |
| Molybdenum Spot Price (\$/kg) | 11/28/22 | \$46.50 |
| Nickel Spot Price (\$/lb) | 11/28/22 | \$11.57 |
| Silver Spot Price (\$/ounce) | 11/28/22 | \$21.47 |
| Steel HRC Price (\$/mt) | 11/28/22 | \$651.67 |
| Steel Rebar Price (\$/mt) | 11/28/22 | \$517.74 |
| Zinc Spot Price (\$/lb) | 11/28/22 | \$1.33 |
| Energy Prices | Date | Price |
| Coal Price - Australian Premium Coking Coal Futures (\$/mt) | 11/28/22 | \$266.00 |
| Coal Spot Price - Central Appalachian (\$/st) | 11/25/22 | \$187.00 |
| Coal Spot Price - Newcastle futures (\$/mt) | 11/28/22 | \$379.90 |
| Coal Spot Price - Rotterdam futures (\$/mt) | 11/28/22 | \$250.00 |
| Natural Gas Spot Price - Henry Hub (\$/mmbtu) | 11/16/22 | \$5.74 |
| Uranium Spot Price (\$/lb) | 11/28/22 | \$50.35 |

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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