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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News



A bruising battle to elect House Speaker Kevin McCarthy consumed the first week of the new Congress. Meanwhile, regulatory actions in the executive branch kicked into a post-holidays higher gear. 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.

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## Safety Share

The U.S. Occupational Safety and Health Administration has a useful and easily understandable booklet for [job hazard analysis](#).

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## Administration Releases Fall 2022 Regulatory Agenda



Last week, the administration finally released the [Fall 2022 Unified Agenda of Regulatory Actions](#) (Fall Agenda). The Fall Agenda identifies the policy

priorities that the federal departments and agencies are expected to act on over the next 12 months and other matters placed on the administration's long-term action list. While the Fall Agenda is simply an estimated timeframe for planned rulemakings, and often the agencies and departments miss their deadlines, it is still a useful planning tool. A listing of rulemakings that would impact NMA's membership and expected timing is available [here](#). As detailed in this document, the administration is continuing to execute its aggressive regulatory strategy despite continuing delays from last year on many notable rulemaking schedules. Pressure to act quicker is growing, so we expect those delays to abate with an active six months ahead as the administration attempts to move rulemakings forward with the goal of finalizing this presidential term.

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## **Mining Industry Ally Stauber Introduces Mine Permitting Bill**



On Monday, industry advocate Rep. Pete Stauber (R-Minn.), who is expected to be named chairman of the House Natural Resources Subcommittee on Energy and Mineral Resources, along with 16 cosponsors, reintroduced his Permitting

for Mining Needs (MN) Act (H.R. 209). The legislation continues to define “mineral” as any mineral locatable under the General Mining Law and includes updated language to address the Rosemont Decision based off NMA member recommendations. The bill also allows federal agencies to adopt environmental impact statements or environmental assessments prepared by or for a project applicant if National Environmental Policy Act (NEPA) requirements are fulfilled, ensures that Federal Register notices for all minerals are published within 45-days, codifies mining as a covered project on the Federal Permitting Improvement Steering Council (FPISC) dashboard, and limits judicial review to 120 days. The bill continues to expedite reviews of minor surface disturbance activities on federal lands providing consistency between the USFS and BLM and allows recipients of federal funds under the Defense Production Act for domestic mining or processing to be considered as a covered project under FPISC.

The Stauber permitting bill continues to be part of a larger domestic mineral supply chain legislation prioritized by the new House leadership that is expected to be reintroduced in coming weeks by House Natural Resources Committee Ranking Member Bruce Westerman (R-Ark.) and Energy and Commerce Committee Ranking Member Cathy McMorris Rodgers (R-Wash.). Please find a link to the NMA’s memo with additional details on the legislation [here](#).

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## **NMA Briefs Congress and EPA on WOTUS Rule, Industry Impact**



Last week, the NMA was invited by the House Congressional Western Caucus, the Senate Western Caucus, and the Western Caucus Foundation to brief congressional staff on the implications for the mining industry resulting from the final Waters of the United States (WOTUS) rule released before the New Year. Please find a NMA memo of the rule [here](#). NMA Associate General Counsel Caitlin McHale and Scott Gemperline, Director of Government and Political Affairs, along with industry partners from the Waters Advocacy Coalition, discussed with 100+ congressional staff the specific provisions of the rule and the importance of ensuring any new rules provide certainty and durability to support industry and manufacturing growth. Working with the Waters Advocacy Coalition, the NMA will support caucus members on congressional oversight activities as well as a near-term introduction of a Congressional Review Act resolution to overturn the new rule, which will go into effect 60 days after publication in the Federal Register. Following the congressional briefing, the NMA met with EPA Office of Water's leadership to discuss WOTUS implementation, the agency's forthcoming groundwater guidance and other regulatory initiatives impacting the mining industry. The NMA will continue to engage with EPA and the Army Corps of Engineers, our industry partners on the Waters Advocacy Coalition and congressional allies on the WOTUS rule and its impact on the mining industry.

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## **NMA Files Comments on EPA's Clean Power Plan Reconsideration**

The EPA last year opened a pre-rulemaking docket to collect public feedback on the agency's plans to regulate greenhouse gas emissions from new and existing fossil-fired electric generating units. The goal of this non-rulemaking docket is to gather perspectives from a broad range of stakeholders in advance of the agency's proposed rulemakings. The NMA yesterday filed [comments](#) to raise issues critical to the coal mining industry and coal-powered generation. EPA is expected to issue proposed rules in April 2023.

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## STB RETAC Nomination Process



For coal producers interested in submitting nominations to the Surface Transportation Board's (STB) Rail Energy Transportation Advisory Committee (RETAC) to fill the three currently vacant spots, individuals and organizations must submit an electronic letter to the STB at [STB.gov](http://STB.gov) through the [E-FILING LINK](#). In addition to the five elements described in the [notice](#) of intent to solicit nominations, the letter should outline the nominee's unique and comprehensive experience that the nominee's organization brings to the RETAC, like operations throughout the country, and transporting for domestic

use and exports. Filling these seats on the RETAC is one of many steps to address long-term and ongoing rail service issues for coal-producing members now leading to lawsuits in some cases against rail companies. Nominations are due Jan. 26, 2023.

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## NMA Quarterly Rail Survey

The NMA continues to hear from several members regarding ongoing freight rail service issues and recovery efforts involving Class I rail carriers. To further assess these rail issues and impacts, the NMA would appreciate your feedback on [this](#) 5-minute anonymous survey. The data from this survey will be used for further engagement with Congress, the Surface Transportation Board, and others to illustrate the rail service concerns of NMA members, and to stress that more relief is needed. We ask that all NMA members please submit responses to the survey by Jan. 20, 2023. In the meantime, if you have any questions, please email Katie Mills at [kmills@nma.org](mailto:kmills@nma.org).

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## CEQ Issues Interim Guidance on Consideration of GHG Emissions and Climate Change

This week, the Council on Environmental Quality (CEQ) issued interim [guidance](#) regarding how to evaluate greenhouse gas (GHG) emissions and climate change as Federal agencies conduct environmental reviews under NEPA. The new guidance recommends that agencies quantify and disclose reasonably foreseeable GHG emissions as well as reductions, to include upstream and downstream indirect effects. The guidance recommends

best practices for disclosing and contextualizing quantified GHGs, including using the Social Cost of Greenhouse Gases (SC-GHG) to estimate the dollar value of impacts associated with each emission in incremental metric tons. Agencies are encouraged to evaluate how a proposed action under NEPA, and each alternative would help to meet or detract from achieving climate action goals and commitments, such as those reflected in the Paris Agreement. The guidance also directs agencies to identify reasonable alternatives to proposed actions that will avoid or minimize GHG emissions or climate change effects. CEQ published the guidance as interim guidance so that agencies could make use of it immediately while CEQ seeks public comment on the guidance. Comments are due March 10, 2023.

## NMA and Third Parties In the News

The NMA is running advertising all week in E&E / Politico's newsletters targeting members of the new Congress and highlighting the importance of mining to modern life, supply chains security, national security and energy security. View screenshots of the campaign [here](#).

Rich Nolan is quoted in [the Committee on Transportation and Infrastructure](#)'s press release on WOTUS.

The NMA is mentioned by [E&E Daily](#) in a story on how the GOP will seek to overhaul the permitting process for energy projects with its new House majority.

From our third parties, [Inside Sources](#) (D.C.) ran an op-ed from Consumer Action for a Strong Economy (CASE) on grid reliability building off the [recently released issue brief](#) the NMA worked on with the same organization.

[Inside Sources](#) (D.C.) also carries an op-ed by Jaak Daemen, a professor emeritus of mining engineering at the University of Nevada, Reno, in which he argues now is the time for the administration and Congress to create a sound regulatory policy so that new mines in the United States can open without further delay.

## Mining and Energy News

[Mine Safety & Health Administration](#) mining fatality data for 2022 show total fatalities at 29, with 10 coal fatalities and 19 metal-nonmetal fatalities.

The [Silver Institute's](#) latest news report predicts that silver demand reached a new high of 1.21 billion ounces in 2022, up 16 percent from the year before, driven by increases in industrial use, jewelry and silverware offtake and physical investment.

[Mining.com](#) reported on a recent report from Rice University suggesting that policymakers in the U.S. and allied countries should start bolstering raw materials supply chains to reduce the country's dependence on rare earth minerals from China.

[Visual Capitalist](#) released an infographic providing a visualization of lithium production by country from 1995 to 2021 based on data from BP's *Statistical Review of World Energy*.

[Mining.com](#) reported that the ongoing war in Ukraine, continued high inflation and recession concerns will play a pivotal role in the gold, silver and platinum metals markets in 2023.

[Mining.com](#) reported that [researchers have figured out how to recover lithium, cobalt, nickel and manganese from an anode in just a few](#)

**seconds.**

**Visual Capitalist** graphically describes titanium's growth markets and the potential for mainstream application.

**Mining.com** reported that investors are hoping that China's efforts to bolster its economy will improve demand for copper and other metals.

**Mining.com** reported that "gold rebounded on Friday as U.S. Treasury yields and the dollar fell after new economic data cemented expectations of a less hawkish Federal Reserve, setting the metal up for a third consecutive weekly gain."

**Northern Miner** reported on a recent CPM Group analysis noting that they see a sharp rise for gold and other precious metals, but not until 2024.

**Bloomberg** reported on recent IEA data showing that global coal usage likely increased by 1.2 percent in 2022, surpassing 8 billion tons in a single year for the first time.

**Politico Pro** reported that FERC and the North American Electric Reliability Corporation opened an investigation into the performance of the U.S. power grid during the winter storm that stressed power systems across the country over the holidays.

**Argus** reported that coal-fueled generation in the Southwest Power Pool (SPP) region rose in December from year-earlier levels as electricity demand climbed and renewables lagged.

**Argus** reported that U.S. thermal coal exports fell from year-earlier levels again in November, led by a decline in sub-bituminous coal shipments.

EIA's recent [Quarterly Coal Report](#) with preliminary third quarter 2022 data shows U.S. coal production totaled 154.3 million short tons (MMst), which was 5.9 percent higher than the previous quarter and 4.0 percent higher than the third quarter of 2021. Production in the Western region, which represented about 58 percent of total production in the third quarter of 2022, totaled about 89.5 MMst (0.5 percent higher than the third quarter of 2021).

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	1/10/2023	\$22.22
Copper Spot Price (\$/lb)	1/10/2023	\$4.06
Gold Spot Price (\$/ounce)	1/10/2023	\$1,875.20
Lithium Spot Price (\$/kg)	1/10/2023	\$74.08
Molybdenum Spot Price (\$/kg)	1/9/2023	\$46.50
Nickel Spot Price (\$/lb)	1/9/2023	\$12.34
Silver Spot Price (\$/ounce)	1/10/2023	\$23.51
Steel HRC Price (\$/mt)	1/10/2023	\$728.88
Steel Rebar Price (\$/mt)	1/10/2023	\$595.20
Zinc Spot Price (\$/lb)	1/10/2023	\$1.44
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	1/10/2023	\$298.33
Coal Spot Price - Central Appalachian (\$/st)	1/6/2023	\$138.00
Coal Spot Price - Newcastle futures (\$/mt)	1/10/2023	\$385.56
Coal Spot Price - Rotterdam futures (\$/mt)	1/10/2023	\$172.10
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	1/10/2023	\$3.32
Uranium Spot Price (\$/lb)	1/9/2023	\$49.80

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 January edition of CORESafety TV highlights the most recent Sentinels of Safety Award winners.



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