

[View this email in your browser](#)



# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

---

Issue 3 | January 18, 2023

Brought to you by the National Mining Association

---

## This Week in The News

Congressional leaders began the work of filling out committee rosters as observers made predictions for upcoming investigations and a likely showdown over raising the nation's debt limit. Meanwhile, regulatory agencies continued to aggressively move forward on key Biden-Harris administration priorities. 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

Traffic fatalities in 2022 finally appeared to be [leveling off](#) after an unprecedented two-year surge, although pedestrian and cyclist deaths increased. National Highway Traffic Safety Administration has advice on how to [share the road](#).

---

## House Announces New Committee and Caucus Leadership and Member Updates



The Republican Steering Committee, which is responsible for recommending selections for committees, has started to announce key leadership and membership selections. Attached [here](#) is a list of Republican membership for committees and caucuses relevant to the mining industry along with new committee staff announcements and contact information. Notably, several mining industry allies were selected to lead key committees, including Idaho Rep. Mike Simpson, who will chair the Committee on Appropriations Interior and Environment Subcommittee; Rep. Cathy McMorris Rodgers (Wash.), who will lead the Energy and Commerce Committee; Rep. Bruce Westerman (Ark.), who will chair the Natural Resources Committee; Rep. Sam Graves (Mo.), who

will chair the Committee on Transportation and Infrastructure; and Rep. James Comer (Ky.), who will chair the Committee on Oversight and Reform. In addition, mining-related caucuses have grown in membership, including bipartisan additions to the Critical Materials Caucus. The NMA is already working with allies and new members within each committee and caucus to educate those offices on priorities important to the mining industry. Additional committee information will continue to be forthcoming such as key subcommittee leadership announcements in the House, Democratic members on House committees, and announcements on committee membership and key chairmanships in the Senate.

---

## Final WOTUS Rule Published in Federal Register



Today, the U.S. Environmental Protection Agency (EPA) and Army Corps' published in the Federal Register the [final rule](#) redefining the definition of "Waters of the United States" (WOTUS) under the Clean Water Act (CWA). The rule goes into effect March 20, 2023. [Recall](#) that the agencies' final rule expands federal jurisdiction over land and water features and relies on the problematic significant nexus test, making it more difficult to determine whether a project needs a federal CWA permit. The rule's expanded scope and lack of clarity around determining jurisdiction could cause delays at your

operation and increase your permitting and mitigation costs. The NMA continues to work with the Waters Advocacy Coalition, congressional allies, and our litigation coalition on determining next steps and will keep you informed of important developments.

---

## **Coal Industry Executives Voice Rail Concerns to Wyoming Governor Mark Gordon**



On January 12, the NMA hosted a meeting of **coal mining industry leaders and Wyoming Governor Mark Gordon**. The meeting was focused on the continuing rail issues that hinder transportation and production throughout the western United States. Governor Gordon stated his commitment to finding solutions for the issue and plans to reach out to fellow governors to gain support for solutions. Participants in the meeting included Paul Lang of Arch Resources, Mike Day of Eagle Special Materials, Vern Lund of Navajo

Transitional Energy Company, Travis Deti of Wyoming Mining Association and Rich Nolan of the NMA.

---

## IRS Proposed Rule on Conservation Easement Transactions



Last month, the Internal Revenue Service (IRS) issued a [notice of proposed rulemaking](#) that would require individuals and entities involved in certain syndicated conservation easement transactions and substantially similar transactions to file a disclosure of the transaction with the IRS. Under the proposed rule, material advisors and certain participants in these listed transactions would be subject to penalties for failure to disclose. Comments are due Feb. 6, 2023. The NMA is interested in hearing from members on whether the association should submit comments on this rule. Please email Katie Mills at [kmills@nma.org](mailto:kmills@nma.org) by **Jan. 20, 2023**.

---

## EPA Requests Comment on National Enforcement & Compliance Initiatives

The EPA last week published a [notice](#) requesting public comment on the existing and potential new National Enforcement and Compliance Initiatives (NECIs) for fiscal years (FYs) 2024-2027. Every four years, EPA selects a list of

national initiatives to focus resources on serious and widespread environmental problems that can be addressed through federal action. At present, the EPA has [six NEICs](#) underway from the FY 2020-2023 cycle related, among other things, to cleaner air, reducing risks of accidental releases at industrial and chemical facilities, and reducing non-compliance with National Pollutant Discharge Elimination System permits. The mining sector may be interested in EPA's proposed new NEICs on mitigating climate change, addressing PFAS contamination, reducing exposure to lead, and addressing coal combustion residuals (CCR). **Comments are due March 13, 2023.** A summary of the proposed rule is available [here](#). Please email Lucas Joseph at [ljoseph@nma.org](mailto:ljoseph@nma.org) with any concerns.

---

## NMA Quarterly Rail Survey

As a friendly reminder, the NMA would appreciate your candid feedback on our quarterly, anonymous survey concerning rail service issues. Click [here](#) to fill out the 5-minute survey. The NMA continues to hear from several members regarding ongoing freight rail service issues and recovery efforts involving Class I rail carriers. 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 **Friday, Jan. 20, 2023**. In the meantime, if you have any questions, please email Katie Mills at [kmills@nma.org](mailto:kmills@nma.org).

---

## NMA Team on the Road Visits CONSOL and ACNR



Earlier this week, members of the NMA leadership team visited CONSOL Energy's new headquarters in Canonsburg, Penn. Rich Nolan, Katie Sweeney, Ryan Jackson and Jerry Mullins met with Jimmy Brock, President and CEO of CONSOL, and discussed the outlook for the coal markets, policy priorities for the year, the Biden administration's coming regulatory actions and strategies to engage with the new Congress.

During their trip, Rich and the team also visited with American Consolidated Natural Resources Inc. (ACNR) in St. Clairsville, Ohio, meeting with Rob Moore, President and Chief Executive Officer of ACNR, to get his take on priorities for the year, market dynamics and the regularity outlook for 2023.

AMERICAN  
CONSOLIDATED  
**NATURAL**  
RESOURCES, INC.



## NMA and Third Parties In the News

The [Duluth News Tribune](#) mentions the NMA in an editorial which argues in favor of the Permitting for Mining Needs Act.

From our third parties, the [Nashua Telegraph](#) (N.H.) and [Waco Tribune](#) (Texas) carry an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues the U.S. coal fleet plays a vital role in providing balanced and secure energy.

The [Las Vegas Sun](#) (Nev.) and [Nashua Telegraph](#) (N.H.) ran 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

[Bloomberg](#) reported that dozens of companies have announced plans to open factories devoted to electric vehicle battery production, spurred by federal incentives and a growing market for cleaner cars.

[EIA's Short-term Energy Outlook](#) for January predicts that coal production, after increasing in both 2021 and 2022, will decrease by 11 percent to about 530 million short tons (MMst) in 2023, and a further 6 percent to 500 MMst in 2024. The primary reason for the decrease is the expected reduction in coal consumption in the electric power sector in 2023 due to plant closures.

[\*\*Mining.com\*\*](#) reported that copper mining byproduct molybdenum is up more than 50 percent in a little over a month, boosting margins for copper producers.

[\*\*Argus\*\*](#) reported on EIA data showing that U.S. coal production was an estimated 1.3 percent higher than the fourth quarter of 2022, likely leading to the second straight year of increases in annual output.

[\*\*Mining.com\*\*](#) reported that “Commodity prices are always volatile, but in 2022 metal and mining markets reached new levels of turbulence, as the pandemic played out in China, inflation plagued the developed world and the Ukraine war upended global energy.”

[\*\*Washington Examiner\*\*](#) reported that tame winter conditions are putting big dents in the prices of gas and coal, both of which have plunged from their 2022 highs in recent weeks.

[\*\*Mining.com\*\*](#) reported that Researchers at Dartmouth College have developed a durable copper-based coating that can be precisely integrated into fabric to create responsive and reusable materials such as protective equipment, environmental sensors, and smart filters.

[\*\*Boston.com\*\*](#) reported that Freeman Resources is entrenched in a complex effort to navigate Maine’s strict mining regulations and get permission to extract lithium-bearing crystals known as spodumene.

[\*\*Argus\*\*](#) reported that U.S. coal mining employment ended 2022 at its highest level in more than two years as some producers expanded output to take advantage of elevated demand and prices seen earlier in the year.

[\*\*CNBC\*\*](#) reported that lithium company Ioneer said Friday that it has secured a conditional commitment for a loan of up to \$700 million from the Department of Energy as the U.S. seeks to develop new supply chains for materials that are

critical to the energy transition.

[Argus](#) reported that about 23 percent of PJM Interconnect power region's total capacity went offline in "forced outages" on December 24, as severe winter storm battered eastern cities. Total capacity going offline included about 71 percent natural gas, 16 percent coal and 13 percent other power sources.

[Mining.com](#) reported that "gold prices scaled over an eight-month peak last week, surpassing the key \$1,900 level, as cooling U.S. inflation raised hopes for slower interest rate hikes from the Federal Reserve.

[Reuters](#) reported that the London Metal Exchange's (LME) global warehouse network held 654,345 metric tons of base metal at the end of December, less than half the tonnage registered at the close of 2021.

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	1/13/23	\$22.22
Copper Spot Price (\$/lb)	1/18/23	\$4.20
Gold Spot Price (\$/ounce)	1/18/23	\$1,904.63
Lithium Spot Price (\$/kg)	1/18/23	\$73.50
Molybdenum Spot Price (\$/kg)	1/17/23	\$46.50
Nickel Spot Price (\$/lb)	1/17/23	\$23.53
Silver Spot Price (\$/ounce)	1/18/23	\$23.39
Steel HRC Price (\$/mt)	1/18/23	\$723.45
Steel Rebar Price (\$/mt)	1/18/23	\$608.29
Zinc Spot Price (\$/lb)	1/18/23	\$1.52
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	1/17/23	\$317.15
Coal Spot Price - Central Appalachian (\$/st)	1/13/23	\$138.00
Coal Spot Price - Newcastle futures (\$/mt)	1/17/23	\$369.38
Coal Spot Price - Rotterdam futures (\$/mt)	1/18/23	\$176.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	1/11/23	\$3.35
Uranium Spot Price (\$/lb)	1/17/23	\$49.50

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.



*Copyright © 2023 National Mining Association, All rights reserved.*

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).