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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

As the House of Representatives organized committees for the new Congress, the Senate returned to session and the House continued to joust with the White House over raising the debt ceiling later this year. Meanwhile, Biden administration regulatory actions continued to move forward. The National Mining Association (NMA) opened the year with a reorganization designed to adapt to the dynamic political environment and remain focused on actively advancing mining's interests at both ends of Pennsylvania Avenue. Plus, we have updates on how the mining and energy markets are faring.

Safety Share

It's [Radon Awareness Week](#). Centers for Disease Control and Prevention has lots of great information.

NMA Reorganizes for Strength



The NMA started January with several organizational changes to strategically strengthen our capabilities across the association. First, Katie Sweeney has been promoted to Executive Vice President & Chief Operating Officer. In this elevated role, Katie will be part of the Office of the President, helping oversee the day-to-day functions of the association as well as critical NMA program platforms such as strategic development and membership recruitment, organized labor outreach, the work of the Environmental, Social and Governance task force, and CORESafety. As part of that realignment, Veronika Shime, Paul Krivokuca and Catherine Krill also move to the Office of the President.

With Katie's new role, the NMA's Tawny Bridgeford has been promoted to General Counsel & Senior Vice President of Regulatory Affairs, taking over the management of the regulatory and legal affairs department; she is already hard at work as the regulatory and legal pressures on the mining industry show no signs of easing.

Working to address the opportunities and challenges of the split control of Congress, we have beefed-up the Government & Political Affairs department. Justin Prosser and Scott Gemperline have been elevated to Directors, Political

and Government Affairs, and MK Kirlin to Manager, Political and Government Affairs. The recent hire of James Young as Director, Political and Government Affairs, rounds out the full bipartisan government affairs team for the 118th Congress. Wil MacPherson has been promoted to Associate, Office of the President & Government Affairs, assisting Rich and Katie, as well as Ryan Jackson in the Government Affairs shop.

NMA Sues EPA and Army Corps on Overreaching WOTUS Rule



Last week, the NMA and 17 agriculture and industry groups [filed a lawsuit](#) in the U.S. District Court for the Southern District of Texas, Galveston District, asking the court to declare unlawful and set aside the U.S. Environmental Protection Agency's (EPA) and Army Corps of Engineers' (Corps) final rule redefining the definition of "waters of the United States" (WOTUS) under the Clean Water Act (CWA). The [final rule](#) was published in the Federal Register on Jan. 18 and is scheduled to go into effect March 20, 2023. 88 Fed. Reg. 3004 (Jan. 18, 2023). The state of [Texas](#) also filed a lawsuit and we expect several Republican-led states and other interested parties to file suit in the coming weeks. For more information on NMA's complaint, please review our Jan. 19 [memo](#). The NMA will keep you apprised of important litigation developments.

EPA Proposes Clean Air Act Implementing Regulations for Emission Guidelines

EPA recently published a [proposed rule](#) to amend the implementing regulations that govern the processes and timelines for state and federal plans that implement emission guidelines for existing sources under Clean Air Act Section 111(d). The U.S. Court of Appeals for the District of Columbia Circuit [vacated](#) the prior administration's implementing regulations in the Affordable Clean Energy Rule that extended several compliance timelines, including when states were required to submit plans for emissions reductions and when sources were required to comply.

EPA is proposing to update several timing requirements in response to the D.C. Circuit's decision. Specifically, states would have 15 months after final emissions guidelines are published in the Federal Register to submit a state plan unless EPA supersedes this timeline in a particular emissions guideline. EPA is proposing that a federal plan would be issued within 12 months if: (1) a state does not submit a complete plan (beginning the day after a state's deadline for submittal); or (2) EPA disapproves a state plan (beginning when the disapproval is issued). Notably, EPA is also proposing requirements that would apply when a state includes a less-stringent standard for a designated facility in its plan, on the grounds that the facility will retire in the near future. EPA would identify an outermost retirement date, or conditions and methodology, in specific emissions guidelines that would govern whether a state could rely on the remaining useful life of the facility to set a less stringent standard.

Comments are due on Feb. 27, 2023. The NMA plans to submit comments. Additional information regarding this rule is available [here](#).

Webinar Outlines Financing Opportunities for Coal and Hardrock Mining Investments in Environmental Priorities

This week, the NMA held a webinar providing updates and further information on a series of financing and tax provisions available to the industry through the Infrastructure Investment and Jobs Act and Inflation Reduction Act designed to finance environmental goals like emission reductions throughout mining operations, replacing and updating vehicle fleets, new financing opportunities on former and current mine lands, and a variety of new tax provisions. This week the U.S. Department of Energy released further information concerning a new \$6.3 billion industrial emissions demonstration program funded through these bills aimed at energy intensive extraction and manufacturing industries. Please find NMA's memo with links to the webinars and other helpful information [here](#).

NMA Highlights Industry Trends at Critical Materials Institute Supply Chain Symposium



This week, the NMA's Scott Gemperline attended and presented at the Colorado School of Mines and the Critical Materials Institute (CMI). The event was attended by industry professionals, think tank representatives and federal and congressional staff, and featured remarks from Deputy Secretary of the Interior Tommy Beaudreau; Doug Hollett, Special Advisor for Critical Minerals and Materials Supply Chains for the Department of Energy; and NMA industry members. Presentations and panels addressed rare earth and critical mineral supply chains processes and future material demand, as well as geopolitical and trade considerations. Scott participated in a panel with CMI Director and Ames National Laboratory Deputy Director Tom Lograsso on the future of the mining workforce and highlighted industry trends and beneficial workforce activities of several NMA members including Coeur Mining, Newmont, Talon Metals and Lundin Mining.

Congressional Western Caucus Unveils 2023 Legislative Priorities



Today, House Western Caucus Chairman Dan Newhouse (R-Wash.) and new Senate Western Caucus Chair Cynthia Lummis (R-Wyo.), two principal NMA allies in Congress, discussed their legislative priorities for the 118th Congress at their 2023 Western Caucus Agenda Presentation. During the presentation, they reiterated their continued support for domestic energy production, including coal, energy reliability and security, as well as domestic mineral supply chains and fixing the broken federal permitting process. The NMA has met with both Chairs to share industry priorities for the current congress. Senator Lummis has led the Western Caucus previously in Congress. While in the House of Representatives, she chaired the caucus during the 114th Congress. Her experience will only lend further to help Congressman Newhouse newly elected to his second term leading the Caucus in the House.

Senator Manchin Introduces Bill to Enforce Domestic Mineral Sourcing



This week, Senator Joe Manchin (D-W.Va.), chairman of the U.S. Senate Energy and Natural Resources Committee, introduced the [American Vehicle Security Act](#) to delay the implementation of the new tax credit provisions included in last year's Inflation Reduction Act for electric vehicle manufacturing due to disagreements weakening the Administration's guidance implementing the new provisions. The NMA has worked to support the implementation of new domestic sourcing provisions in the bill including the ever increasing percentage of domestic minerals to be used in manufacturing of electric vehicles. Please find an NMA advocacy piece [here](#) outreach to Capitol Hill [here](#) to protect the provisions against being changed in end of the year legislation late last year, and NMA's Internal Revenue Service comments [here](#). Access Rich Nolan's comment [here](#).

Congress Continues to Push to Improve Rail Service



This week, Wyoming's congressional delegation continued to work to improve rail service requesting that corporate leadership at [BNSF](#) and [Union Pacific](#) take necessary steps to provide reliable rail service and honor contracts which have cost Wyoming coal production and cost the state of Wyoming in tax revenue. Additionally, this week the solicitation period ends for interested coal producing companies to apply to serve on the U.S. Surface Transportation Board's (STB) Rail Energy Transportation Advisory Committee which meets with STB Members directly twice a year to report on the status of rail service for the coal production industry. The STB chairman has three seats earmarked for coal production companies. We expect these seats to be filled sometime in February with the next RETAC meeting in April held in Washington, D.C. This will be another key opportunity to impact federal regulators to require the rail industry to improve its service throughout the country for a variety of commodities.

Black Lung Self-Insurance Proposal Published

The Department of Labor's Office of Workers' Compensation Programs' (OWCP) proposal on Black Lung Benefits Act (BLBA) self-insurance was formally [published](#) in the Federal Register on Jan. 19. OWCP is proposing to: (1) codify the practice of basing a self-insured operator's security requirement on an actuarial assessment of its total present and future black lung liability; (2) eliminate the financial scoring process; (3) require all self-insured operators to post security equal to 120 percent of their projected black lung liabilities; (4) remove the requirement that an operator's average current assets over the preceding three years must exceed its current liabilities; (5) remove trust funds as an optional form of security; and (6) clarify the process for operators to apply for authorization to self-insure, how long the authorization remains effective, the conditions under which OWCP will deny or revoke that authorization and the appeals process. While OWCP proposes continuing to base the security required on an actuarial assessment, the office is now adding the requirement that the actuarial report use OWCP-mandated actuarial assumptions.

Comments are due on March 20, but the NMA intends to request a 60-day extension. The NMA will be holding a conference call on Jan. 26 to begin discussing our comment strategy. To participate or for more information, please contact Katie Sweeney at ksweeney@nma.org.

NMA and Third Parties In the News

[The Trentonian](#) (N.J.), [Pottstown Mercury](#) (Pa.), [Exton Daily Local](#) (Pa.), [Swarthmore Times](#) (Pa.), [Lansdale Reporter](#) (Pa.), [Mainline Times and Suburban](#) (Pa.), [Delaware County Daily Times](#) (Pa.) [Elko Daily Free Press](#) (Nev.), [Montana Standard](#) (Mont.), [Billings Gazette](#) (Mont.), [Grand Rapids Herald Review](#) (Minn.), [Bakersfield Californian](#) (Calif.), [Johnstown Tribune Democrat](#) (Pa.), [Casper Star](#)

[Tribune](#) (Wyo.), [Grand Junction Daily Sentinel](#) (Colo.) and [Scranton Times Tribune](#) (Pa.) all ran an op-ed by Rich Nolan in which he argues regulatory certainty, transparency, and efficiency in mine permitting are essential to mobilizing investment in the way that's needed to meet surging demand.

[Argus](#), [Inside EPA](#), [National Mortgage Professional](#) and others all mention the NMA in reports that a diverse group of 17 national and regional organizations filed a lawsuit seeking to overturn a recent revision to the federal Waters of the U.S. (WOTUS) rule.

From our third parties, [Deseret News](#) (Utah) carries an op-ed by Gary Marlin Sandquist, professor emeritus of Mechanical Engineering at the University of Utah, in which he argues for the importance of mines in the push for a green economy.

[Eastern New Mexico News](#) (N.M.) carries an op-ed by Jim Constantopoulos, a geology professor at Eastern New Mexico University, in which he argues in favor of permitting and building new mines.

Mining and Energy News

[Bloomberg](#) reported that electric-vehicle makers are hoping that an imminent wave of lithium supply will bring relief for their expansion plans after a two-year squeeze, but the battery metal's die-hard bulls warn of more pain to come if producers fail to deliver.

[Financial Times](#) reported that lithium had a rollercoaster year. Prices doubled from record highs to end 2022 above \$75,000 per ton, underlining the worsening shortage of the material crucial for electric car batteries.

[**EnergyWire**](#) reported on MISO's preliminary report finding that more than one-fourth of Midwest natural gas generation went offline during Winter Storm Elliott. About half of those plant failures — or at least 22 GW each day — were gas-fired. More than a fourth of coal generation, or 14 GW, also experienced unplanned outages during the storm.

[**Fox Business**](#) reported that Talon Metals, an American-based metal manufacturer out of a small town in Minnesota, is fighting to establish a domestic nickel supply chain as demand for the product increases, and supply continues to deplete.

[**Reuters**](#) reported that "Gold prices are expected to rise towards record highs above \$2,000 an ounce this year, albeit with a little turbulence, as the U.S. slows the pace of rate hikes and eventually stops increasing them," according to industry analysts.

[**Mining.com**](#) reported that "Gold has powered higher smartly over the past couple months, achieving big gains. But this gold buying is only starting, implying this young upleg still has a long way to run yet. Speculators' gold-futures buying remains modest, while much-larger identifiable investment buying hasn't even begun. Traders will have to increasingly chase gold's upside momentum to restore normal portfolio allocations, really amplifying its gains."

[**Bloomberg**](#) reported that American Lithium Corp.'s top executive is seeing promising signs that the U.S. government is ready to ramp up funding for the domestic supply chain of battery metals, just as demand for electric vehicles surges.

The [**U.S. Department of Labor**](#) announced last week a notice of proposed rulemaking by its Office of Workers' Compensation Programs to revise regulations governing the standards related to self-insurance by coal mine operators.

[**Visual Capitalist**](#), using BloombergNEF data, graphically describes global lithium-ion battery manufacturing capacity by country in 2022 with projections for an eightfold increase in 2027.

[**Mining.com**](#) reported that the uranium market ended 2022 on a sour note. Spot U3O8 price declined 2.3 percent to \$48.31 per pound in December, but did finish the year 14.7 percent above its opening levels. Uranium mining equities fell 5 percent in December, bringing the sector's losses for the year to 11.4 percent.

[**The Cobalt Institute's**](#) recent global data for 4th quarter 2022 and industry risk outlook show that despite reduced cobalt intensity per electric vehicle, cobalt consumption jumped by over 60 percent in 2022. Aerospace cobalt demand also showed impressive growth in 2022. The analysis was commissioned by Wood Mackenzie.

[**Mining.com**](#) published: "ChatGPT doesn't know where the world's copper comes from, AI images show mining stuck in the Great Depression."

[**New York Times**](#) reported that cobalt, a mineral essential to the batteries of smart devices and electric vehicles — and therefore to the future — is haunted by a past of slavery and colonialism.

[**Mining.com**](#) reported that the UK's grid operator asked three coal-fueled power units to be ready to generate on Monday as it boosted electricity supplies during a cold snap.

The [**International Copper Study Group's**](#) recent copper market data for November shows that world copper mine production increased by about 3.2 percent in the first eleven months of 2022, with concentrate production increasing by around 2.7 percent and solvent extraction-electrowinning (SX-

EW) by about 5.3 percent.

Coal topped the list of the 10 best and worst-performing commodities of 2022.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	1/24/23	\$22.22
Copper Spot Price (\$/lb)	1/25/23	\$4.24
Gold Spot Price (\$/ounce)	1/25/23	\$1,939.90
Lithium Spot Price (\$/kg)	1/25/23	\$70.29
Molybdenum Spot Price (\$/kg)	1/24/23	\$73.50
Nickel Spot Price (\$/lb)	1/24/23	\$12.95
Silver Spot Price (\$/ounce)	1/25/23	\$23.81
Steel HRC Price (\$/mt)	1/24/23	\$732.06
Steel Rebar Price (\$/mt)	1/20/23	\$607.27
Zinc Spot Price (\$/lb)	1/25/23	\$1.57
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	1/24/23	\$334.33
Coal Spot Price - Central Appalachian (\$/st)	1/20/23	\$142.25
Coal Spot Price - Newcastle futures (\$/mt)	1/24/23	\$355.14
Coal Spot Price - Rotterdam futures (\$/mt)	1/25/23	\$166.25
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	1/18/23	\$3.11
Uranium Spot Price (\$/lb)	1/24/23	\$49.00

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



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