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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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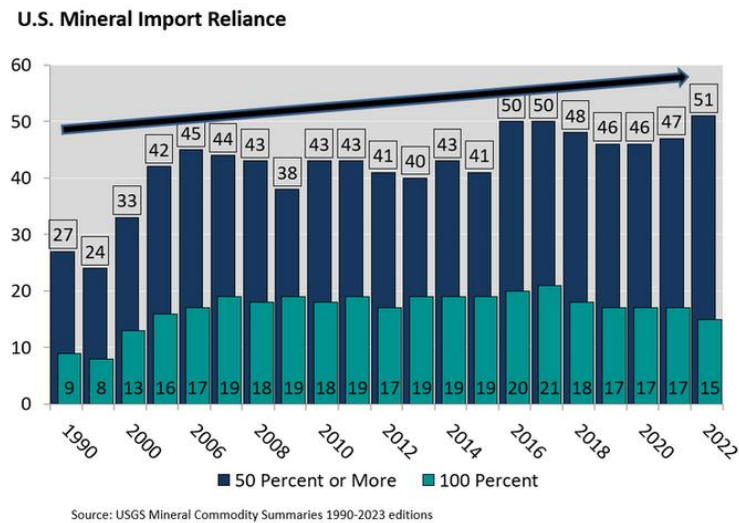
This Week in The News

Congressional leaders continued to explore ways forward on the looming debt ceiling issue as House Republicans settled into their razor-thin majority, with new oversight hearings announced daily. In the Executive Branch, the regulatory march forward continues. 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 energy and mining markets are faring.

Safety Share

Next week is National Burn Awareness Week. The American Burn Association has helpful information on [cooking safety](#).

New USGS Report Released: U.S. Reaches Highest Recorded Mineral Import Reliance



Earlier this week the USGS released its [annual Mineral Commodity Summaries report](#), which found we have reached a historic level of mineral import dependence. In 2022, imports made up more than one-half of the U.S. apparent consumption for 51 nonfuel mineral commodities – up from 2021, when imports made up more than one-half of the U.S. apparent consumption for 47 nonfuel mineral commodities. Key points from the USGS Mineral Commodity Summaries:

- In 2022, imports made up more than one-half of the U.S. apparent consumption for 51 nonfuel mineral commodities, and the United States was 100 percent net import reliant for 15 of those.

- Of the 50 mineral commodities identified in the “2022 Final List of Critical Minerals,” the United States was 100 percent net import reliant for 12, and an additional 31 critical mineral commodities (including 14 lanthanides, which are listed under rare earths) had a net import reliance greater than 50 percent of apparent consumption.
- Underscoring the vulnerability of U.S. mineral supply chains, China was the leading source of mineral commodities with a greater than 50 percent import reliance providing 26, with significant imports of other essential commodities also coming from Russia.
- The estimated value of U.S. metal mine production in 2022 was \$34.7 billion, 6 percent lower than the revised value in 2021. In 2022, the capacity utilization for the metals mining industry was 61 percent, less than the 63 percent capacity utilization in 2021.

The NMA issued a statement on the report, which can be found [here](#).

Natural Resource Majority Promises Rigorous Oversight of Federal Agencies

Last week, House Natural Resources Committee, led by Chairman Bruce Westerman (R-Ark.), [signaled](#) to Department of the Interior (DOI) Secretary Deb Haaland, Department of Agriculture Secretary Tom Vilsack, Department of Commerce Secretary Gina Raimondo, and Council on Environmental Quality Chair Brenda Mallory their intention to use “every available resource at our disposal to prevent waste, fraud, and abuse in the departments and offices under your purview.” Promising to “rigorously pursue information to best guide our policy decisions, and satisfy our obligations to hold Executive Branch officials accountable for any mismanagement of their delegated authority on

behalf of the American public,” the new Majority identified the Biden administration’s 30x30 initiative and policies that stifle domestic energy production as specific issues on which they plan to engage.

In addition to engaging in its normal oversight activities, the administration’s poor rate of response to oversight inquiries over the last two years contributed to the candid nature and direct tone of the letter. It also represents the first of many oversight engagements from the committee.

Westerman and Comer Express Concern over Administration’s Minerals Security Partnership



Yesterday, House Natural Resources Committee Chairman Bruce Westerman, House Oversight Committee Chairman James Comer (R-Ky.) and Representative August Pfluger (R-Tex.) expressed **concern** to State Department Secretary Anthony Blinken and DOI Secretary Haaland over the

Biden administration's repeated efforts to shore up mineral supply chains with foreign-sourced minerals. They went on to say, "with projected mineral demand soaring, it's imperative we prioritize addressing the self-imposed barriers to building domestic mineral supply chains before supporting mineral projects abroad." The letter comes in response to the recent signing of a Memorandum of Understanding (MOU) through the State Department's Mineral Security Partnership (MSP) to support electric vehicle (EV) battery supply chains in the Democratic Republic of Congo and Zambia.

Westerman, Comer and Pfluger went on to say that "We must get serious about strengthening domestic supply chains by streamlining the permitting process in the U.S. Attempting to secure supply chains through foreign nations at the expense of the domestic mining industry is the wrong approach." They also asked the State Department for a briefing on the MSP, the scope of the program, foreign projects being considered, and the program's implications on domestic mineral supply chains and the mining industry. The trio further ask DOI for a detailed update on the permitting assessment required under the Infrastructure Investment and Jobs Act, whose deadline was missed on November 15, 2022.

NMA and Congressional Allies Brief Hill on WOTUS Overreach



Last week, NMA Associate Counsel Caitlin McHale, along with several industry partners from the Waters Advocacy Coalition (WAC), were invited to join a House staff briefing to share the mining industry's views and anticipated industry impacts resulting from the final "Waters of the United States" (WOTUS) rule. The briefing was attended by more than 100 congressional staff and provided the NMA the opportunity to highlight examples of the significant costs that will be imposed for domestic mining and explanations for how the punitive rule will create regulatory uncertainty and threaten U.S. energy and critical minerals supply chain security.

The briefing capped off a busy week on Capitol Hill, which included additional oversight actions to hold the administration accountable for the preemptive WOTUS rule. The NMA, working in coordination with the Waters Advocacy Coalition, recruited 194 House Republicans to compel the Environmental Protection Agency and U.S. Army Corps of Engineers to rescind the rule and postpone any subsequent agency action on WOTUS to allow the Supreme Court to issue an opinion on *Sackett v EPA*. The letter and press release from the Congressional Western Caucus can be found [here](#).

In addition, this week 25 Republican governors sent a [letter](#) to President Biden

requesting that the WOTUS rule's implementation be delayed until after the Supreme Court's decision.

The NMA is also supporting House and Senate actions led by Environment and Public Works Committee Ranking Member Shelley Moore Capito (R-W.Va.) and Committee on Transportation and Infrastructure Chairman Sam Graves (R-Mo.), who will separately introduce a Joint Resolution of Disproval to invalidate the final rule. The bills are not likely to achieve the two-third vote threshold in either chamber to bypass a presidential veto. The NMA is also engaging the House Subcommittee on Water Resources and the Environment ahead of a tentative WOTUS hearing on Wednesday, February 8, and will provide additional details as necessary.

NMA Urges Congress to Confront Freight Rail Reliability Issues



COMMITTEE ON

**TRANSPORTATION
& INFRASTRUCTURE**

SAM GRAVES, REPUBLICAN LEADER

Today, the House Committee on Transportation and Infrastructure (T&I) held a full committee [hearing](#) on "The State of Transportation Infrastructure and Supply Chain Challenges." The hearing featured testimony from various transportation sectors, including [testimony](#) from [Association of American Railroads](#) and the [AFL-CIO](#). To support committee and individual members during the hearing, the NMA shared several suggested questions directed at witnesses to explore the root issues of rail reliability. The NMA also developed written testimony that was submitted for the committee record that outlined

the financial and operational impact to the mining industry and energy utilities recently caused by Class I rail carrier service problems. Please find a copy of the NMA's testimony [here](#).

Following the hearing, the NMA is leading coalition advocacy efforts along with industry groups representing primary commodities transported by rail in communicating with T&I Chairman Sam Graves (R-Mo.) and Ranking Member Rick Larsen (D-Wash.), urging action by the committee, including but not limited to scheduling a hearing dedicated to the issue of Class I freight reliability.

NMA Requests Extension of Black Lung Self-Insurance Comment Deadline

The NMA [requested](#) a 60-day extension of the comment period on the Department of Labor's Office of Workers' Compensation Programs' (OWCP) Black Lung Benefits Act (BLBA) self-insurance proposal. Absent an extension, comments are due March 20. In the request, the NMA notes the industry needs additional time to review the novel approach proposed by OWCP and to respond to the office's specific requests for comment on: (1) the assumption that premiums on surety bonds to cover the 120 percent will cost anywhere from 2 percent to 12 percent of the security amount; and (2) the estimated annual impact for operators as a percentage of annual revenue will be less than one percent. The NMA also requested OWCP provide the mandated actuarial assumptions required under the proposal. We encourage NMA members to use the letter as a model for similar company extension requests.

Federal Trade Commission Proposes Rule Banning Noncompete Agreements

The Federal Trade Commission (FTC) recently published a [proposed rule](#) that would prohibit employers from imposing noncompete clauses on workers, including independent contractors. FTC [claims](#) that noncompete clauses significantly reduce workers' wages, stifle new business and ideas, and exploit workers and hinder economic liberty. The FTC's rule would provide that noncompete clauses are an unfair method of competition and would require employers to rescind existing noncompete clauses with workers and actively inform their employees that the contracts are no longer in effect. The FTC requests public comment on, among other things, whether senior executives should be exempted from the rule and whether low- and high-wage workers should be treated differently under the rule. Comments are due March 20, 2023. The NMA [has joined](#) a broad industry coalition that is actively reviewing this rule. Yesterday, the NMA joined over 100 trade associations in requesting an additional 60 days to comment on the rule. We are interested in hearing from member companies on whether your company would be impacted by this rule.

EPA Vetoes Pebble Mine Project

In a disappointing development yesterday, the U.S. Environmental Protection Agency (EPA) issued its [final determination](#) under Clean Water Act Section 404(c) to preemptively veto the Pebble Mine Project. The [National Mining Association](#) (NMA), [Pebble Limited Partnership](#), Alaska Miners Association, [State of Alaska](#), and others released strong statements in opposition to EPA's preemptive action that is clearly at odds with this administration's mineral development priorities. The NMA previously filed [association comments](#) and

led a [coalition](#) of other industry trade groups in opposing this preemptive action and will continue to advocate for fair and consistent regulatory processes and against EPA overreach. The NMA will also continue to review the final determination.

Last Call! Book Your Room for NMA's Environment & Lands Committee Meeting

As a reminder, the NMA Spring Environment and Lands Committee meeting is scheduled on March 6 and 7, 2023, in Scottsdale, Ariz. at the Hotel Valley Ho. The NMA's hotel **room block expires Monday, Feb. 6**. Please use this [link](#) to book your room as soon as possible. If you plan to attend the meeting, please complete this [RSVP form](#). Information about the sponsorship opportunities for this year's meeting is [available here](#). Additional details regarding this meeting are available [here](#).

Comment Period Open on EPA's Particulate Matter NAAQS Proposal

The EPA last week [published](#) its proposed decision to lower the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). EPA concluded that the existing standards may not provide adequate protection based on available scientific and technical information. The NMA previously summarized EPA's proposed rule in a memorandum available [here](#). Comments are due Mar. 28. The NMA is supporting a broader coalition that will be requesting an additional 30 days to comment on the proposed rule. Yesterday, EPA also [published](#) notice of public hearings on the proposed rule. The virtual

public hearings are scheduled for Feb. 21 and Feb. 22. If EPA receives a high volume of registrations for the public hearing, the agency may continue the public hearing on Feb. 23, 2023. Registration closes Feb. 16, 2023. If your company is interested in testifying, you may register on EPA's [website](#). The NMA is considering whether to provide oral testimony at this hearing. During the last administration, the NMA gave [oral testimony](#) and filed [comments](#) addressing concerns the mining industry has regarding EPA's treatment of coarse PM. The NMA is interested in hearing from members regarding whether any of these issues should be raised again in this rulemaking proceeding. If you have any feedback to provide on this proposed rule, please contact [Tawny Bridgeford](#)

NMA and Third Parties In the News

[The Washington Post](#) , [Bloomberg](#), [WFMJ](#) and [E&E Greenwire](#) quote the NMA in stories on the Biden administration's preemptive Pebble mine ban.

Rich Nolan is quoted by The [Washington Post](#), [E&E Greenwire](#), [Roll Call](#), [The Hill](#), [Fox News](#), [The Northern Miner](#), [The Bharat Express News](#) and others on the Biden administration's announcement that it would complete a 20-year withdrawal of 225,504 acres in a northern Minnesota forest area that is home to some of the largest domestic critical mineral reserves.

Rich Nolan is quoted by [The Guardian](#) in its coverage of a report claiming that coal in the US is now being economically outmatched by renewables.

The [Salem News](#) (Ohio), [Steubenville Herald Star](#) (Ohio), [Gillette News Record](#) (Wyo.), [Weirton Daily Times](#) (W.Va.), [Jacksonville Courier Journal](#) (Ill.), [Lisbon Morning Journal](#) (Ohio) and [East Liverpool Review](#) (Ohio) 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.

From our third parties, [Knox News](#) (Tenn.) and [The Tennessean](#) (Tenn.) carry an op-ed by G. Ivan Maldonado, a professor in the Department of Nuclear Engineering at the University of Tennessee, in which he argues the U.S. must recognize the need to license mines in order to meet mineral demand.

Mining and Energy News

[Climatewire](#) reported that steel manufacturers should work with coal producers to curb methane leaks from mines to reduce the overall warming impact from making the alloy, according to a report from energy think tank Ember.

[Power Engineering](#) reported that Energy Harbor plans to close Ohio's W.H. Sammis coal plant this summer and has notified state labor officials that around 140 employees will be affected. The plant is being deactivated five years earlier than previously expected. Energy Harbor also plans to close the Pleasants Power Station in West Virginia.

[Cowboy State Daily](#) reported that the lack of coal trains may have cost the state of Wyoming an estimated \$100 million in coal revenue and the loss of about 50 million tons of production.

[Argus](#) reported that December coal exports out of Hampton Roads, Virginia, inched above year-earlier levels for the first time in three months.

[Climatewire](#) reported that converting the existing U.S. car fleet to battery-powered electric vehicles would require three times more lithium by 2050 than the world currently produces, according to new research from the University of

California, Davis, and the Climate and Community Project.

[Energywire](#) reported that the electric utility in San Antonio voted last week to phase out its last coal plant by 2028, though critics say a plan to keep the site partially online with natural gas falls short of climate goals for Texas' second-largest city.

[Washington Post](#) reported that U.S. reliance on Russian nuclear fuel is substantial, but American companies have some options if Rosatom, Russia's civilian nuclear firm, is hit with sanctions on uranium.

[Bloomberg](#) reported that "in its quest to secure the raw materials needed to make electric vehicles, the U.S. is turning to some questionable places."

[Visual Capitalist](#) graphically describes U.S. per capita mineral and energy consumption.

[Mining.com](#) reported that Stillwater Critical Minerals has increased its resource estimate tonnage significantly at its Stillwater West battery and platinum metals project in Montana. The new inferred resource estimate raised tonnage by 62 percent compared with figures from 2021, according to a company filing last week. Contained metal jumped across the board: nickel up 52 percent; copper 44 percent; cobalt 31 percent; platinum 66 percent, gold 30 percent and rhodium 76 percent.

[Reuters](#) reported that "An era of breathtaking palladium rallies is likely to be ending, analysts said, as rising supply and stagnant demand erode prices of the metal used to neutralize vehicle exhaust emissions."

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	1/30/2023	\$22.22
Copper Spot Price (\$/lb)	1/31/2023	\$4.21
Gold Spot Price (\$/ounce)	1/31/2023	\$1,905.20
Lithium Spot Price (\$/kg)	1/31/2023	\$70.67
Molybdenum Spot Price (\$/kg)	1/30/2023	\$73.50
Nickel Spot Price (\$/lb)	1/30/2023	\$13.16
Silver Spot Price (\$/ounce)	1/31/2023	\$22.99
Steel HRC Price (\$/mt)	1/31/2023	\$791.88
Steel Rebar Price (\$/mt)	1/31/2023	\$610.97
Zinc Spot Price (\$/lb)	1/31/2023	\$1.54
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	1/31/2023	\$310.75
Coal Spot Price - Central Appalachian (\$/st)	1/27/2023	\$142.25
Coal Spot Price - Newcastle futures (\$/mt)	1/31/2023	\$263.01
Coal Spot Price - Rotterdam futures (\$/mt)	1/31/2023	\$132.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	1/25/2023	\$3.08
Uranium Spot Price (\$/lb)	1/30/2023	\$50.80
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 February edition of CORESafety TV highlights module twelve on work procedures and permits.



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