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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

Another busy week is unfolding in Washington as a major energy and permitting package continues to take shape in the House of Representatives and regulatory agencies continue to push forward an aggressive Biden administration agenda. 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

Daylight Savings Time starts Sunday. Changing the clocks has been linked to changes in people's diets, health, and can even increase the chances of an accident. Here are tips on [how to adjust](#).

Natural Resources Committee Set to Advance Mining Package



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

Tomorrow, the House Natural Resources Committee will begin [consideration](#) and passage of the committee's permitting reform legislation. The legislative package, known as the Transparency, Accountability, Permitting, and Production of (TAPP) American Resources Act is made up of Rep. Pete Stauber's (R-Minn.) Permitting for Mining Needs Act (H.R. 209), Rep. Bruce Westerman's (R-Ark.) Transparency and Production (TAP) of American Energy Act, and Rep. Garret Graves' (R-La.) Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act. Please find the NMA's hearing memo on H.R. 209 and the TAP American Energy Act [here](#) and the hearing memo on the BUILDER Act [here](#).

A large number of amendments are expected to be filed to the TAPP American Resources Act and the markup process could continue into Friday. The NMA is closely working with the House Natural Resources committee in advance of the markup to supply with key talking points, [rebuttals to attacks on the legislation](#), and additional resources to ensure they are able to push back

against harmful amendments that could damage the bill. The package is expected to be considered in the full House of Representatives later this month.

EPA Proposes More Stringent Power Plant ELGs

Today, the Environmental Protection Agency (EPA) released a prepublication version of its proposed rule to establish more stringent discharge standards for three waste streams from coal-fired power plants: flue gas desulfurization wastewater, bottom ash transport water and combustion residual leachate. This proposal would also establish new definitions for various legacy wastewaters, which may be present in surface impoundments prior to more stringent limitations in a discharge permit going into effect. Of note, the agency also included a 200+ page environmental justice analysis.

EPA simultaneously published a direct final rule to extend the deadline for plants to opt-in to the 2028 early coal retirement subcategory, which will become effective 60 days after publication in the Federal Register without further notice unless EPA receives adverse comments by 30 days from publication in the Federal Register.

The agency will hold virtual public hearings on the proposed rule on April 20 and 25, 2023. Comments on the proposal are due 60 days after publication in the Federal Register. The NMA continues to review the proposal and supporting documents and will set up a conference call with members soon to discuss comment strategy, and will also continue to coordinate with allied utility groups to reiterate the need for flexibilities for plants and the reliability issues this rule could cause if finalized as proposed.

White House Provides Guidance on Permitting Action Plan

This week the White House [released implementation guidance on the Biden-Harris Permitting Action Plan](#) that outlines how the administration plans to strengthen and accelerate federal environmental review and permitting, and offers guidance to agencies on how to develop their specific action plans on the permitting process. The guidance instructs agencies to engage in early cross-agency coordination, set timeline goals and track key project information, engage tribal/local communities, improve agency responsiveness and project environmental/community outcomes, and add projects to the Federal Permitting Improvement Steering Council dashboard. Both critical minerals and conventional energy projects are specifically mentioned as receiving potential consideration for inclusion on the dashboard.

EPA Finalizes Legal Underpinning for Mercury Air Toxics Standards

EPA this week [finalized](#) a rule reaffirming the agency's position that it remains "appropriate and necessary" to regulate hazardous air pollutants (HAPs), including mercury, from power plants after considering cost. This action revokes the opposite position finalized by the previous administration and reinstates the legal underpinning of the 2012 Mercury Air Toxics Standards (MATS) rule. [According to EPA](#), "[r]eaffirming the science behind these clean air standards advances the Biden-Harris Administration's whole-of-government commitment to environmental justice." EPA asserts that a reassessment of

costs “concludes that the cost for the power sector to comply with the MATS was likely billions of dollars lower than originally estimated.” The NMA filed [comments](#) asking EPA to more fairly recognize that the benefits cited are highly uncertain, the costs are real and substantial, and the risks from HAP from coal-fired electric generating units are now lower than any threshold Congress or EPA has ever before deemed worthy of regulation. Separately, EPA is pursuing a residual risk and technology review (RTR) of the MATS that could further lower emissions standards for mercury and particulate matter. EPA sent a draft proposed RTR rule to the Office of Management Budget for interagency review last month. We expect EPA to sign the proposed rule this Spring opening another opportunity to defend against more stringent standards.

NMA Meets with Idaho Governor Brad Little



Last week, Idaho Governor Brad Little met with NMA President & CEO Rich Nolan and the NMA staff in D.C. to discuss Idaho mining challenges and opportunities as well as what steps state officials can take to offer more mining solutions to the federal government. Specific topics discussed ranged from Waters of the United States (WOTUS) litigation,

Forest Service and Bureau of Land Management concerns and the National Environmental Policy Act (NEPA) reform scenarios. Governor Little expressed his strong desire to see permitting reform that allows domestic mining to meet the overwhelming mineral demands of U.S and global manufacturing.

NMA Shares WOTUS Perspective at Colorado Mining Meeting



Last week, NMA's associate general counsel Caitlin McHale spoke on a panel about the EPA and Army Corps of Engineers recently finalized "Waters of the United States" rule and its impact on the mining industry at the Society for Mining, Metallurgy & Exploration Inc. (SME) and Colorado Mining Association convention in Denver, Colorado. The panel addressed the many implementation challenges the mining industry will likely encounter, and the legal uncertainty of the regulatory regime given the Supreme Court's pending decision in *Sackett v. EPA*. The final rule is set to go into effect on March 20, 2023, but states and industry groups have already filed legal challenges to the rule in three federal district courts.

NMA Secures Extension of Comment Period for OWCP Self-Insurance Proposal

The Office of Workers' Compensation Programs (OWCP) this week [announced](#) an extension of the comment period for its proposal on Black Lung Benefits Act (BLBA) self-insurance. Recall that the NMA requested a 60-day extension but OWCP granted a 30-day extension. Comments are now due on April 19. Additionally, the NMA will meet this week with the Surety & Fidelity Association of America to discuss OWCP's flawed assumptions about the availability of surety instruments for this obligation.

NMA Joins Blue Dog Coalition in New Orleans



Last weekend, the NMA's Scott Gemperline joined members of Congress, their chiefs of staff and legislative directors for the Blue Dog Coalition's annual meeting in New Orleans. Members of Congress in attendance, and allies to the mining industry, included Representatives Jim Costa (Calif.), Henry Cuellar (Texas), Vicente Gonzalez (Texas), and Jared Golden (Maine). With a slim majority in Congress, the coalition has been, and will continue to be, integral to the advancement of pro-mining policies as well as a first line of defense against

legislation harmful to domestic mining. Over time, the NMA has worked to forge relationships with coalition members and their staff, who hold significant authority through membership on several committees of importance to the industry, including the House Committee's on Appropriations; Agriculture; Natural Resources; Financial Services; Transportation and Infrastructure; Ways and Means; and the Armed Services Committee.

The NMA's Spring Board Meeting Room Block Closes This Week



The NMA Spring Board of Directors Meeting will be held April 2-4, 2023, at the Sea Island Resort, in Sea Island, Georgia. To register for the board meeting, as well as optional activities including a golf outing and to register a guest (partner, spouse and/or child), please [click here](#). Hotel rooms in the NMA block are on a first come, first serve basis. The group rate (\$695/night) will be available until March 10, 2023, or until the block is full. [Click here](#) to reserve a room at the Sea Island Resort. You can also call the reservations department at 1-844-424-1034.

NMA and Third Parties In the News

Rich Nolan is quoted by [E&E Greenwire](#) in a story on electric vehicle buyers and makers, as well as mining companies, anticipating the Biden administration's expected announcement this month on which vehicles can get credits worth up to \$7,500 under last year's climate law.

An op-ed in [North of 60 Mining News](#) quotes Rich Nolan while arguing America's regulatory system is broken.

The NMA is mentioned in a [WFVX](#) story on last week's House Natural Resources Committee hearing.

The NMA is mentioned in an [Inside EPA](#) story noting that the EPA is planning to include "flexibility" measures in its forthcoming expansion of the Cross-State Air Pollution Rule (CSAPR) in order to allay grid operators' fears that the proposal could lead to reliability problems, EPA's air chief nominee Joe Goffman told the Senate environment committee during his confirmation hearing.

The NMA is quoted in an op-ed that ran in the [Bridge Michigan](#), which argues for the benefits of mining in Michigan.

From our third parties, [Harrisburg Patriot News](#) (Pa.), [Casper Star Tribune](#) (Wyo.), [Wheeling Intelligencer](#) (W.Va.) and [Las Vegas Sun](#) (Nev.) carry 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 Congress and the states must push back on EPA's misguided agenda.

[DC Journal](#) (D.C.) carries an op-ed by Syd S. Peng, the Charles E Lawall Chair

of Mining Engineering emeritus in the Department of Mining Engineering at West Virginia University, in which he argues for the importance of coal.

[The Hill](#) (D.C.) carries an op-ed by Chris Barnard, the vice president of external affairs for the American Conservation Coalition, in which he argues for the need for permitting reform.

Mining and Energy News

[Argus](#) reported that U.S. coal exports to Europe increased significantly in 2022 and are likely to maintain the higher pace into the balance of 2023.

[Silver Institute's](#) latest newsletter included estimations from a New South Wales University study arguing that solar cells may use most of the world's silver reserves by 2050. "Even though very small amounts of silver are used in solar cells, at the rate that the solar industry is growing, solar manufacturers would require over 20 percent of the current annual silver supply by 2027 and approximately to 85–98 percent of the current global silver reserves by 2050.

[Mining.com](#) reported on recent International Nickel Study Group's (INSG) latest data showing that the global nickel market flipped from deficit to surplus over the course of 2022. Supply of what is a key metallic input for electric vehicle (EV) batteries exceeded demand by 112,000 metric tons last year, the largest surplus since 2014, the INSG calculates.

[Visual Capitalist](#) graphically describes the ratio of recycled vs. unrecycled metals in the U.S. using 2020 recycling statistics from the U.S. Geological Survey (USGS). The analysis attempts to quantify the opportunity cost in terms of the potential economic and environmental benefits that could have been achieved through increasing metal recycling ratios.

[Argus](#) reported that U.S. coal generation rose 22 percent in December from a year earlier as temperatures dropped well below normal at the end of the month and natural gas and power prices increased.

[Energywire](#) reported that sport utility vehicles now make up more than half the global electric vehicle market, increasing demand for critical minerals, according to the International Energy Agency (IEA).

[Mining.com](#) reported that a handful of Arizona-focused copper companies are making steady progress delineating resources and fine-tuning potential development plans towards feeding an independent, western copper supply chain.

[Nevada Business](#) reported that mining is a sophisticated industry and an important industry in Nevada.

[Greenwire](#) reported that the administration is once again tapping a Cold War-era law to potentially unleash hundreds of millions of dollars to mine and process minerals and materials deemed critical for national security — a move that could be a boon for the mining sector as the administration attempts to blunt China's control of vulnerable supply chains.

[Roll Call](#) reported that both parties agree that the U.S. will need more critical minerals to fuel the expansion of clean energy, but recent actions from the administration blocking two major mining projects have drawn Republican criticism that it will be unable to meet future demand.

[Climatewire](#) reported on IEA analysis indicating that 2022 world carbon emissions were higher than any other year on records dating back to 1900. Global emissions increased nearly one percent and "coal-based emissions were up 1.6 percent, hitting a record high and offsetting a decline in emissions from natural gas, as countries such as India and Pakistan switched from gas to

coal.”

[Bloomberg](#) reported on Goldman Sachs analysis questioning the business decision of car manufacturers planning to acquire mining companies to secure raw materials based on past history.

[Mining.com](#) reported that Lithium Americas announced last week it has kicked off construction at its 100 percent-owned Thacker Pass lithium project in Humboldt County, Nevada, following the receipt of notice to proceed from the Bureau of Land Management (BLM).

[Associated Press](#) reported that a federal court refused last minute appeals to block construction at Thacker Pass.

[Supply Chain Dive](#) reported on federal efforts to support domestic lithium production.

[Climatewire](#) reports Citigroup Inc., one of the world’s largest banks, plans to slash CO2 emissions associated with its investments in thermal coal mining by 90 percent over the next seven years.

[Quartz](#) reported that electric vehicles are cleaner than gas-powered — even if batteries require more mining.

[The World Gold Council](#) recently reported that “central bank gold demand in 2023 picked up from where it left off in 2022. In January, central banks collectively added a net 31 metric tons to global gold reserves.”

[Bloomberg](#) reported that mergers and acquisitions will likely be top of mind at the Prospectors & Developers Association of Canada (PDAC) mining conference this week, just as project pipelines shrink and companies face increasing pressure to buy growth. Even smaller precious metals explorers and producers

will draw interest.

[Greenwire](#) reported that this week “workers are returning to Warrior Met Coal Inc.’s operations in central Alabama — including two underground mines and a preparation plant after leaving their posts in April 2021 to demand better pay and benefits.”

[Hellenic Shipping News](#) reports that Nippon Steel Corp could buy more stakes in coking coal and iron ore mines after its recent decision to invest in a Canadian mine, as it sees a risk of commodity prices staying high, an executive at the world’s No.4 steelmaker said.

[Hellenic Shipping News](#) also reports that India’s domestic steel industry has sought a roadmap to ensure 161 million tonnes of coking coal is available for scaling up the country’s annual steel making capacity to 300 million tonnes by 2030.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	3/7/2023	\$15.50
Copper Spot Price (\$/lb)	3/8/2023	\$4.04
Gold Spot Price (\$/ounce)	3/8/2023	\$1,814.31
Lithium Spot Price (\$/kg)	3/8/2023	\$51.38
Molybdenum Spot Price (\$/kg)	3/7/2023	\$90.50
Nickel Spot Price (\$/lb)	3/7/2023	\$10.85
Silver Spot Price (\$/ounce)	3/8/2023	\$20.05
Steel HRC Price (\$/mt)	3/8/2023	\$1,262.20
Steel Rebar Price (\$/mt)	3/8/2023	\$608.74
Zinc Spot Price (\$/lb)	3/8/2023	\$1.35
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	3/7/2023	\$353.00
Coal Spot Price - Central Appalachian (\$/st)	3/3/2023	\$128.60
Coal Spot Price - Newcastle futures (\$/mt)	3/8/2023	\$182.05
Coal Spot Price - Rotterdam futures (\$/mt)	3/8/2023	\$124.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	2/28/2023	\$2.51
Uranium Spot Price (\$/lb)	3/7/2023	\$50.85
Sources: publically available data from eia.gov, dailymetalprice.com, tradingeconomics.com, sgxgroup.com, investing.com		





The March edition of CORESafety TV looks into safety technology for powered haulage with Hexagon.



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