

[View this email in your browser](#)



MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 12 | March 22, 2023

Brought to you by the National Mining Association

This Week in The News

House Republicans wrapped up their policy retreat and introduced much-anticipated permitting and energy legislation to consider on the House floor next week. Meanwhile, the Biden administration continued to roll out its regulatory policy 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

The Epilepsy Foundation provides seizure [first aid training and certification](#), but also publishes a useful poster with [three simple steps](#) for caring for someone having a seizure.

Clock is Ticking on Appropriations Process

Appropriations Deadlines	House	Senate
	<i>6pm ET day of deadline</i>	<i>5pm ET day of deadline</i>
Agriculture and Related Agencies	Friday, March 24, 2023	Friday, March 31, 2023
Commerce, Justice, Science	Friday, March 31, 2023	Wednesday, April 5, 2023
Defense	Wednesday, March 29, 2023	Friday, April 14, 2023
Energy and Water Development	Friday, March 31, 2023	Thursday, March 30, 2023
Interior and Environment	Friday, March 24, 2023	Tuesday, April 4, 2023
Labor, HHS, Education, and Related Agencies	Friday, March 24, 2023	Thursday, April 13, 2023
Transportation	Friday, March 31, 2023	Thursday, April 6, 2023

Congressional offices are nearing the deadline for submitting language and programmatic funding requests to appropriators for potential inclusion in fiscal year 2024 federal spending legislation. Friday, March 24 marks the first of several deadlines to submit funding and language requests through April 15. Ahead of this Friday's deadline, the NMA has strategically engaged over 50 bipartisan members of Congress and their staff to discuss appropriations priorities supportive of the domestic mining industry, and to formally submit language and programmatic funding requests, which can be found [here](#). The NMA will continue to engage congressional appropriators and offices to advocate for the inclusion of priority bill and report language supportive of the mining industry, and we encourage individual NMA members to share these priorities with your bipartisan allies in Congress ahead of these deadlines as well. To further coordinate with the NMA on appropriations strategies, please contact [Scott Gemperline](#).

House to Consider Signature Permitting Reform Legislation Next Week



Next week, the House of Representatives is expected to consider [H.R. 1](#), the Lower Energy Costs Act, introduced by Majority Leader Steve Scalise (R-La.) along with House Natural Resources Committee Chairman Bruce Westerman (R-Ark.), House Energy and Commerce Committee Chairwoman Cathy McMorris Rodgers (R-Wash.), and House Transportation and Infrastructure Committee Chairman Sam Graves (R-Mo.). H.R. 1 is comprised of bills considered and passed out of all three committees targeting permitting and regulatory barriers that burden coal and mineral projects. The initial nearly 200 amendments filed to H.R. 1 can be found on the Rules Committee website, linked [here](#). The NMA is working closely with committee and House leadership staff ahead of floor consideration to oppose anti-mining amendments and protect pro-mining provisions in the bill, which span from a fix to the Rosemont litigation, timelines on environmental review and judicial reviews of permits, reversal of the coal leasing moratorium and streamlining leasing determinations, new restrictions on mineral withdrawals, among other key

provisions that the NMA has been advocating to achieve for a number of years. Please contact the NMA government affairs team for any questions on the bill, amendments and to help our bipartisan allies in Congress protect our provisions.

Federal Judge Blocks Implementation of Biden Administration's WOTUS Rule in Texas and Idaho



This week, Judge Brown of the U.S. District Court for the Southern District of Texas [preliminarily enjoined](#) the Biden administration's 2023 "waters of the United States" (WOTUS) rule. Recall that this rule was scheduled to go into effect nationwide on March 20, 2023. This injunction means that **the rule is blocked from going into effect in Idaho and Texas but is effective, at least for now, in the rest of the country.** Although the 2023 rule is only enjoined in two states, this is an important victory for the mining industry and regulated community. Importantly, Judge Brown cast doubt on two important topics in the 2023 rule that will be critical when the litigation proceeds to the merits stage: the significant nexus test and the categorical inclusion of interstate waters as jurisdictional regardless of navigability.

There are two other lawsuits in two additional federal district courts: the Eastern District of Kentucky and the District of North Dakota. The NMA will keep you informed of any developments in these cases. We could have more clarity on the status of these other cases in the next week or two. At the same time, the U.S. Supreme Court still has not issued its decision in *Sackett v. EPA*, which could also impact the viability of the 2023 rule.

NMA hosts the International Energy Agency's Coal Industry Advisory Board



Last week, the NMA hosted one of the annual meetings of the International Energy Agency's (IEA) [Coal Industry Advisory Board](#) (CIAB), a 45-year old board that provides the IEA advice on a wide range of issues relating coal production and related enterprises. Members of the board represent 80 percent of world coal production from 13 countries and are recommended to serve on the board by their respective governments. NMA member companies on the CIAB and participating at this spring's conference included Drummond Company, Peabody Energy, Komatsu and new CIAB member company Ramaco.

The U.S. Secretary of Energy nominates representatives for the IEA to consider from U.S. coal producing or service and equipment companies to serve on the CIAB. Members from 10 countries participated in the conference and working sessions and heard from a variety of speakers concerning carbon capture technologies and U.S. policy opportunities and challenges. U.S. government speakers included U.S. Department of Energy Assistant Secretary for Fossil Energy and Carbon Management Brad Crabtree and senior staff from the U.S. Senate Energy Resources Appropriations Subcommittee who discussed the variety of tax, lending and grant funding provisions through the Infrastructure Investment and Jobs Act, Inflation Reduction Act and annual appropriations legislation and the future funding of those programs. The NMA's Ryan Jackson also discussed the view from Congress and the administration and opportunities for the industry to engage.

Capitalizing on Congressional Oversight Opportunities

With the President's Budget being released this month, federal agency heads are testifying on the Hill defending the budget and the administration's regulatory priorities. From the Treasury secretary appearing before the [House Ways and Means Committee](#) and the [Senate Finance Committee](#), to the EPA administrator appearing at a hearing on the [U.S. Environmental Protection Agency's \(EPA\) Proposed Fiscal Year 2024 Budget](#), to the secretaries of [Defense](#), [State](#), [Energy](#) and the U.S. Trade Representative appearing at a [hearing](#) later this week, the NMA's government affairs team is providing allied and bipartisan members of Congress with information to pursue oversight of a wide variety of issues from the IRS implementation of the domestic sourcing and corporate alternative minimum tax provisions in the Inflation Reduction Act, to mineral trade opportunities and oversight of the Mineral Security Partnership, to the impact of new EPA regulations on

electricity reliability, and support for new investments in domestic mineral production and processing, carbon capture, and carbon utilization. Please contact the NMA's government affairs team to coordinate on priorities important to your companies throughout these key oversight hearing opportunities over the next few months.

Barrasso and Manchin Reintroduce Bipartisan Mining Schools Act

Today, Senate Energy and Natural Resources Committee (ENR) Ranking Member John Barrasso (R-Wyo.) and ENR Chairman Joe Manchin (D-W.Va.) reintroduced the bipartisan Mining Schools Act of 2023. The legislation, which they co-led in the last congress, would authorize \$10 million annually through 2031 and direct the Department of Energy (DOE), in coordination with the Department of the Interior (DOI), to establish a program to award up to 10 competitive grants annually for mining schools to support recruitment and education opportunities for engineers and other qualified professionals in the field of mining. Please find a link to the legislation [here](#) and the committee's press release [here](#). The NMA worked with committee staff to support reintroduction of the bill and expects companion legislation to be reintroduced in the House of Representatives in coming weeks. The NMA will continue to support efforts to advance the Mining Schools Act, either as a stand-alone bill or part of a larger legislative package.

New Video Discussing Funding Opportunities Through DOE



The Bipartisan Infrastructure Bill created new funding opportunities for the mining industry through the U.S. Department of Energy (DOE). From initial "Requests for Information" to "Funding Opportunity Announcements," the NMA is helping guide member companies through the complex process of engaging DOE and financing their critical projects. In a [new video](#), the NMA's Ryan Jackson explains how that process works.

Responses Requested on NMA's 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 an 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. Click [here](#) to fill out the 5-minute survey. We ask that all NMA members please submit responses to the survey by **Friday, March 31,**

2023. In the meantime, if you have any questions, please contact Katie Mills at kmills@nma.org.

CEQ Announces Guidance on Habitat Connectivity Guidance

The Council on Environmental Quality (CEQ) yesterday issued new [guidance](#) for “Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors.” Although not legally binding, the guidance appears to strong-arm federal agencies into prioritizing habitat connectivity in any land management decision, to include permitting as well as any federal approval, and requiring mitigation if impacts cannot be avoided to wildlife connectivity. CEQ’s new guidance recognizes the importance of connectivity and wildlife corridors in decision-making and landscape style planning. The guidance directs federal agencies, to the maximum extent practicable, to advance the objectives of the guidance by developing policies, through regulations, guidance, or other means, to consider how to conserve, enhance, protect, and restore corridors and connectivity during planning and decision-making. Federal agencies must submit a progress report to CEQ outlining progress on updating policies, and officially update those policies by the first quarter of 2024. Additional details regarding CEQ’s guidance and other conservation initiatives announced by the White House is available [here](#).

EPA Releases the 2021 Toxics Release Inventory National Analysis

Last week, the U.S. Environmental Protection Agency (EPA) released its 2021 Toxics Release Inventory (TRI) National Analysis. As you are aware, the metal mining industry's data is prominently featured in this report due to the large volume of "releases" reported under the program. A copy of the 2021 TRI National Analysis may be accessed [here](#). EPA Headquarters' press release may be accessed [here](#). Additional EPA press releases that highlight the metal mining industry's contributions to the overall release numbers in their respective states are available for [Region 8](#), [Region 9](#), and [Region 10](#). Notably, Alaska's Department of Environmental Conservation Commissioner Jason Brune issued a [press release](#) providing additional context to the metal mining industry's data in Alaska.

This year's overall numbers show an 8 percent increase in on- and off-site disposal or other releases from 2020. Despite this increase from 2020, environmental releases of TRI chemicals are 10 percent lower than 2012 releases. The metal mining industry accounted for 44 percent of all disposal or other releases for 2021 or 1.44 billion pounds. From 2012 to 2022, 99 percent of the sector's releases were on-site to land. EPA recognizes that metal mining facilities handle large volumes of material, that ore composition can impact the amount of "releases" reported, and that regulations require that waste rock containing TRI-listed chemicals be placed in engineered piles.

The NMA worked collaboratively with EPA for over four years to develop the [metal mining interactive diagram](#), which was introduced three years ago. It is the cornerstone of the NMA's advocacy plan for improving how the mining industry's TRI data is communicated to the public. This diagram is linked in the metal mining chapter of the TRI National Analysis. The NMA has also worked with EPA to improve its narrative around the metal mining sector's reported "releases" in the National Analysis.

National Mining Association Spring Board of Directors Meeting

April 2-4 | Sea Island, GA



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](#). While the NMA room block is now closed, you may contact [Katie Coon](#) to inquire about hotel accommodations, click [here](#) to reserve a room directly with the resort or call the reservations department at 1-844-424-1034.

NMA and Third Parties In the News

[The Detroit News](#) (Mich.) ran an op-ed by Rich Nolan which argues the U.S. electricity grid is in crisis.

[Washington Examiner](#) quotes the NMA in a story noting that coal and natural gas interests are locked in an existential cage match over which fuel source is best positioned to stop the bleeding as regulators at FERC and NERC warn about diminishing grid reliability.

The NMA is quoted in stories from [Politico Pro](#), [Washington Post](#), [The New American](#) and [NPR](#) on new rules from the EPA that will impact coal power plants and other industrial sources that cause downwind smog pollution.

[E&E Greenwire](#) quotes the NMA in a story on how a proposal the European Union unveiled last week calling for the creation of a “critical minerals club” and truncated permitting reviews for specific mining, recycling and processing projects is fueling a partisan clash over the scale and pace of mining regulation changes needed in the U.S.

From our third parties, [MSN](#) (USA) carries 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.

Mining and Energy News

[Energywire](#) reported that Volkswagen AG has chosen Canada to build its first battery plant outside Europe in a bid to fast-track an expansion in the key U.S. market.

[Wall Street Journal](#) reported that critical-mineral diplomacy needs to focus on supply, not demand. “U.S. and EU talk of collaborating to ensure energy security in the renewable age. A bigger priority should be strengthening trade links with big mining nations.”

[Energywire](#) reported that like the U.S., Europe needs minerals like lithium for batteries to power its clean energy future. Beijing is decades ahead.

[Utility Dive](#) reported on analysis by Moody’s Investors Services projecting that

lower natural gas prices in 2023 will lead to a 35-45 percent “plunge” in the price of on-peak power in most markets across the U.S. California is the exception, where peak prices are expected to fall “only around 9 percent.”

[**Argus**](#) reported that Appalachian coal production declined slightly in the fourth quarter of 2022 from year earlier levels, limiting supply despite still-elevated prices.

[**Reuters**](#) reported that the short-term global outlook for copper is "pretty healthy," with global stockpiles trending down and mine disruptions having eroded supply from Latin America, according to Rio Tinto's head of copper.

[**Bloomberg News**](#) reported that China will allow all domestic companies to import Australian coal, signaling an end to coal trade restrictions imposed on Australia in late 2020.

[**E&E Daily**](#) reported that EPA's latest crackdown on smog-forming pollution from power plants and other industrial sources drew denunciations last week from Republicans and one key Democrat, all of whom said the new regulations would raise electricity rates and imperil grid reliability. And [**Politico**](#) reported that EPA issued a sweeping federal plan on to curb pollution from power plants and manufacturing facilities across 23 states, a measure that's likely to further shrink the nation's fleet of coal-fueled power generation.

[**Bloomberg**](#) carried an op-ed discussing how for the first time ever, Britain had to call on emergency coal generation to keep the lights on, after keeping plants in reserve all winter.

[**Elko Daily Free Press**](#) reported on the development progress of the Thacker Pass and Rosemont mining projects in the U.S.

[**Visual Capitalist**](#), using various global data sources, graphically describes the

30-year trend of central bank gold demand noting that amid high inflation and geopolitical uncertainty, central banks bought a record 1,136 metric tons of gold in 2022. In fact, one fifth of all gold ever mined is held by central banks.

[Mining.com](#) reported that Moody's Investors Service has changed its global Metals & Mining outlook to stable from negative as business conditions have modestly improved in the U.S. and Europe, and China's reopening of the economy supports demand for base metals, steel and coal.

[Real Clear Energy](#) carries an op-ed arguing that we must stop the push to remove coal plant capacity, noting that Kentuckians have seen their electric bills increase by 78 percent since 2011 due to plant closures.

[NPR](#) reported that U.S. Steel announced it will begin closing three of its 10 remaining coke batteries at its Clairton, Pennsylvania plant later this month. The company first announced its plan to close batteries 1, 2, and 3 – its three oldest coke batteries two years ago. The three batteries were capable of processing 1,553,805 tons of coal, according to the county. The batteries bake coal at high temperatures to make coke, a key component of steelmaking. The company says it will reassign 130 workers of the 1,100 workers affected by the closure and would not lay any of them off.

[Mining.com](#) reported that enCore Energy will resume uranium production in Texas from the Alta Mesa central processing plant in early 2024. This will be enCore's second uranium-producing location after the Rosita processing plant, which is scheduled to restart in 2023.

[Argus](#) reported that coal may continue to be a part of the U.S. energy mix through 2050, but at a significantly reduced level, the U.S. Energy Information Administration (EIA) said in its latest annual long-term outlook.

[Greenwire](#) reported that the EU unveiled a proposal last week calling for the

creation of a “critical minerals club” and truncated permitting reviews for specific mining, recycling and processing projects.

[Mining.com](#) reported that Peninsula Energy has delayed the restart of commercial uranium production at its Lance project in Wyoming, from the first quarter of this year until mid-2023 due to delivery delays and weather. The Lance project holds a resource of 53.7 million pounds of uranium oxide (U3O8), making it one of the largest uranium projects in the U.S., and is estimated to eventually produce 14.4 million pounds of U3O8 over an estimated 14-year mine life.

[Indiana Capital Chronicle](#) reported on Indian state legislatures’ debate of a bill that seeks to slow down the retirement of certain coal-fueled power plants. Lawmakers say the bill to monitor early coal plant closures would ensure reliability and supporters maintain the bill will help ensure statewide energy reliability and keep Indiana from relying too heavily on natural gas. However, some energy advocates are more hesitant, with concern that the measure could slow the state’s transition to cleaner energy sources.

[Mining.com](#) reported that silicon, gold and copper, as well as electric fields, can be used to destroy the spike proteins of SARS-CoV-2, the virus that causes covid-19, according to new research by Curtin University published in the journal *Chemical Science*.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	3/20/23	\$15.50
Copper Spot Price (\$/lb)	3/21/23	\$4.02
Gold Spot Price (\$/ounce)	3/21/23	\$1,965.95
Lithium Spot Price (\$/kg)	3/21/23	\$43.56
Molybdenum Spot Price (\$/kg)	3/20/23	\$90.50
Nickel Spot Price (\$/lb)	3/20/23	\$10.23
Silver Spot Price (\$/ounce)	3/21/23	\$22.46
Steel HRC Price (\$/mt)	3/21/23	\$1,218.80
Steel Rebar Price (\$/mt)	3/21/23	\$609.24
Zinc Spot Price (\$/lb)	3/21/23	\$1.29
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	3/21/23	\$323.50
Coal Spot Price - Central Appalachian (\$/st)	3/17/23	\$88.80
Coal Spot Price - Newcastle futures (\$/mt)	3/21/23	\$174.10
Coal Spot Price - Rotterdam futures (\$/mt)	3/21/23	\$139.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	3/15/23	\$2.44
Uranium Spot Price (\$/lb)	3/21/23	\$50.20

Sources: publically available data from eia.gov, dailymetalprice.com, tradingeconomics.com, sgxgroup.com, investing.com

CORESafety



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



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](#).