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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

PUBLISHING NOTE:

MINE Update will not publish next week due to the
NMA Spring Board of Directors Meeting

This Week in The News

An action-packed week is under way on Capitol Hill in advance of the looming two-week Easter/Passover recess. The House majority is advancing H.R. 1, the energy and permitting reform package. Meanwhile, regulatory agencies continue to press forward with Biden 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

April is Distracted Driving Awareness Month. The National Safety Council reminds us to "[just drive.](#)"

Mine Permitting and Energy Legislation to Pass House Tomorrow



After consideration in the House of Representatives this week, the Lowering Energy Costs Act ([H.R. 1](#)) is expected to pass the full House tomorrow. 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 with many long time NMA priorities targeting permitting reforms and regulatory barriers and benefiting hardrock and coal production. Of the 173 amendments filed to H.R. 1, the House Rules Committee placed 37 in order for consideration on the House floor. Please find the list of those amendments [here](#). During consideration in the Rules Committee, several anti-mining amendments, including ones to strike NMA-backed language to fix the Rosemont decision and USFS and BLM 5-acre regulations, were not made in order, preventing them from being considered on the House floor. Please find the NMA's memo on consideration of H.R. 1 [here](#), which provides additional information on the amendment process and specific provisions from the underlying bill.

Mining and Aggregates Industries Seek Congressional Action on Rail Shipping

Last week, the NMA and the National Stone, Sand and Gravel Association urged the Committee on Transportation and Infrastructure to confront the pervasive freight rail shipping challenges experienced by coal, hardrock and aggregate shippers, whose products make up the largest volume commodities transported on Class I rail. The oversight [request](#), which seeks a full committee hearing to hold Class I rail providers accountable, was addressed to House Committee on Transportation and Infrastructure Chairman Sam Graves and Ranking Member Rick Larsen (D-Wash.) and discusses impacts to shippers created by Class I carriers' inconsistent and poor service. The letter outlines frequent issues experienced by NMA members, including longer transit times, missed switches, pickups and restrictions on shipping cars without an official embargo notice, and increased storage costs caused by poor service.

The NMA continues to engage bipartisan allies in the House and Senate and the Surface Transportation Board to encourage effective oversight of the Class I rail industry.

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 this 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.

Introduction of Bicameral, Bipartisan Mining School Act



This week, Reps. Burgess Owens (R-Utah) and Jim Costa (D-Calif.) are expected to reintroduce the bipartisan Mining Schools Act in the House of Representatives. Both members co-lead introduction of the legislation in the last congress. Introduction of the House bill follows last week's introduction of the [bill](#) in the Senate by Energy and Natural Resources Committee (ENR) Ranking Member John Barrasso (R-Wyo.) and ENR Chairman Joe Manchin (D-W.Va.). Specifically, the bill 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. These bills remain a priority for the NMA, and we will work toward their enactment.

NMA Files Comments Opposing EPA's Lowering of Particulate Matter National Ambient Air Quality Standards

Yesterday, the NMA filed two comments letters on the U.S. Environmental Protection Agency's (EPA) [proposed decision](#) to lower the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The NMA supported the NAAQS Regulatory Review and Rulemaking coalition's extensive legal and [technical comments](#) that oppose the lowering of the PM_{2.5} standards. The NMA also filed separate [comments](#) that resubmit concerns the mining industry raised during the last administration's review of the NAAQS, including the substantial scientific uncertainties that continue to plague coarse PM health effects research and the importance of accounting for the impact of crustal PM on the PM_{2.5} standard. The NMA also urges EPA to consider wildfires and exceptional events before lowering the standards.

EPA Publishes Proposed ELG Rule Opening Public Comment

Today, EPA [published](#) in the Federal Register its proposed revisions to the effluent limitations and guidelines (ELGs) for the steam electric point source generating sector. This rulemaking is part of the Biden administration's unprecedented regulatory strategy designed to accelerate coal plant retirements. For more background on the proposed rule, please review NMA's

March 14 memorandum [here](#). Comments on the proposed rule are due May 30, 2023. EPA has also published a [direct final rule](#) to extend the date for existing plants to submit a notice of planned participation for the permanent cessation of coal combustion to June 27, 2023. The 2020 EPA rule provided this regulatory off-ramp, but participation closed on Oct. 13, 2021. Comments on the direct final rule are due April 28. There will also be two virtual public hearings on the proposed rule on April 20 and 25. The NMA is analyzing the rule and its impacts to the coal fleet. The NMA will hold a Teams meeting in the near future to discuss comment strategy.

EPA Holds Listening Sessions on CERCLA PFAS Enforcement Discretion

The EPA recently held two public listening sessions to receive input about potential liability concerns for releases of per- and polyfluoroalkyl substances (PFAS) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA is planning to draft a CERCLA PFAS enforcement discretion and settlement policy to address stakeholder concerns and reduce uncertainties by clarifying when EPA intends to use its CERCLA enforcement authorities or its CERCLA enforcement discretion. EPA has proposed to designate two of the most ubiquitous forms of PFAS as hazardous substances under CERCLA. Once EPA finalizes that rule, likely in August, EPA will have authority to take action against parties responsible for certain PFAS contamination.

In developing the CERCLA PFAS enforcement discretion and settlement policy, EPA intends to focus on manufacturers, federal facilities, and other industrial parties whose actions resulted in the release of significant amounts of PFAS. In identifying specific parties to be included in EPA's policy, the agency is considering whether to develop a set of equitable factors that could be applied

on a case-by-case basis. Such factors may include, for example, whether a party, such as a contractor, acts in the shoes of a local or state entity. Also, whether the entity performs a public service or the degree of the party's involvement in the use, treatment, transport or disposal of the hazardous substance.

Recordings of the listening sessions will be available [here](#).

NMA Member Testifies at House Western Caucus Permitting Forum



Last week, Randall Atkins, Chairman and CEO of NMA-member Ramaco Resources, testified at a permitting forum held by the House Western Caucus (WC). The forum, titled "Permitting Reform: Unleashing American Energy and the Path Forward," was hosted by WC Chairman Dan Newhouse (R-Wash.) who was joined by House Natural Resources Committee Chairman Bruce Westerman and Congresswoman Harriet Hageman (R-Wyo.). Mr. Atkins and other forum participants discussed the duplicative, lengthy, burdensome, and uncertain permitting process in the U.S. and the need to unlock American energy as a

means of securing U.S. economic and national security. Speaking in support of H.R. 1, the Lower Energy Costs Act, Mr. Atkins identified the need for coal and minerals as essential for domestic electricity, infrastructure and manufacturing, further saying that “delays in the permitting process have not proven to create corresponding environmental benefits. In fact, delays, uncertainty, and resulting high costs of permitting actually stifles investment in the U.S. because it instills a lack of confidence in any project’s success.”

Voices from many industry sectors, House Democratic members, and Senate Democratic members even from the more liberal parts of the Senate Democratic Caucus are laying out the policy priorities already on permitting legislation because members of Congress on both sides and the Capitol in both parties realize there is an opportunity for permitting, production, and energy legislation in this Congress.

NMA Participation in House Energy Roundtable



Last week, the NMA's James Young participated in a roundtable discussion hosted by Majority Whip Tom Emmer (R-Minn.) and House Majority Whip Steve Scalise (R-La.) on H.R. 1, the Lower Energy Costs Act, a bill containing many NMA priorities that is being considered on the floor this week. While a large portion of the discussion surrounded many of the provisions of H.R. 1, there was a significant amount of time dedicated to permitting, NEPA reform, critical supply chains, competition with China, and the need to maintain the dispatchable power fleet. Members of Congress and organizations at the roundtable included Natural Resources Committee Chairman Bruce Westerman, Transportation & Infrastructure Committee Chairman Sam Graves, Congressman Jerry Carl (R-Ala.), Congressman David Valadao (R-Calif.), Congressman Dan Crenshaw (R-Texas), Congressman Jeff Duncan (R-S.C.), Congressman Bill Johnson (R-Ohio), Congressman Bob Latta (R-Ohio), Congressman Matt Rosendale (R-Mont.), Congressman David Rouzer (R-N.C.), Congressman Pete Stauber (R-Minn.), Congresswoman Harriet Hageman, and representatives from coalition groups including the American Chemistry Council, American Petroleum Institute, National Association of Manufacturers and the National Rural Electric Cooperative Association. Passage of H.R. 1 a key first step toward new permitting, production, and energy legislation this Congress.

EPA Proposes Enforceable Drinking Water Standards for PFOA, PFOS, and Four Additional PFAS

Today, EPA [published](#) a proposal to set a National Primary Drinking Water Regulation (NPDWR) to establish legally enforceable standards, called Maximum Contaminant Levels (MCLs) for six per- and polyfluoroalkyl substances (PFAS) in drinking water. EPA is also proposing health-based, non-

enforceable Maximum Contaminant Level Goals (MCLGs) for these six PFAS. EPA intends to set the MCL at 4 parts per trillion (ppt) per liter for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), which is the lowest feasible level for which these chemicals can be removed from drinking water as well as reliably tested. EPA is proposing to set the MCLs for four other PFAS as follows: perfluorononanoic acid (PFNA) at 10.0 ppt, perfluorohexanesulfonic acid (PFHxS) at 9.0 ppt, perfluorobutane sulfonic acid (PFBS) at 2000 ppt, and GenX chemicals at 10.0 ppt.

The proposed rule would require public water systems to monitor these PFAS, notify the public of the levels of these PFAS, and reduce the levels of these PFAS in drinking water if they exceed the proposed standards. If finalized, the NPDWR would preempt any state-issued regulations that allow greater MCLs than those provided in the NPDWR. Importantly, these requirements would apply to non-transient non-community water systems (NTNCWS), which some mining companies operate. According to EPA, a NTNCWS is a public water system that regularly supplies water to at least 25 of the same persons for at least six months per year. Public comments are due on May 30, 2023. The NMA is working with a broad industry coalition that will request a comment deadline extension. The coalition also intends to submit comments.

NMA and Third Parties In the News

The NMA's Katie Sweeney is quoted by [Politico Pro](#) in a story on cooperation between the U.S. and Canada on sourcing the minerals required for electric vehicles, solar panels and other clean-energy technologies.

The NMA is quoted in a [Prescott News](#) story noting that modern economies like the U.S. and Europe aren't ready to walk away from coal.

The NMA is quoted in a [St. Louis Post-Dispatch](#) editorial on the Environmental Protection Agency's "good neighbor" rule.

From our third parties, the [Journal Courier](#) (Ill.) and [The Wheeling Intelligencer](#) (W.Va.) carry 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.

[RealClearEnergy](#) (D.C.) carries an op-ed by Dan Ervin, a Professor of Finance in the Perdue School of Business at Salisbury University, in which he argues the coal fleet is an essential reliability backstop in energy.

Mining and Energy News

[Washington Examiner](#) reported 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.

[Climatewire](#) reported that lithium is critical to the production of batteries for electric vehicles (EVs), but the U.S. mines very little lithium compared to countries such as China or Chile. California's governor wants to change that.

[Casper Star Tribune](#) reported that the company digging for critical minerals in southeastern Wyoming is becoming more and more confident that it's found the biggest known deposit of rare earth elements in North America.

[Mining.com](#) reported that Goldman Sachs expects a commodities supercycle driven by China and the capital flight from energy markets and investment this month after concerns triggered by the banking sector, the U.S. bank's head of commodities said recently.

[Hellenic Shipping News](#) reported that capesize vessel coal freight rates are set for a period of upside volatility as the fallout from the war in Ukraine continues to spread across the energy markets. In its latest quarterly dry bulk market outlook, Maritime Strategies International points to the re-routing of Russian exports to new destinations as a result of the EU ban on imports. At the same time imports to Europe are also traveling longer distances to reach the bloc from other sources. With Russian exports subject to the European Union's import ban, Russia has re-routed those flows.

[Argus](#) reported that Indiana lawmakers are working on passing legislation that could slow or halt retirements of coal-fueled power plants in the state.

[Northern Miner](#) reported that the EU has published its Critical Raw Materials Act (CRMA) and added copper, nickel and manganese to its list of critical materials.

[Visual Capitalist](#), using USGS data, graphically describes the value of U.S. nonfuel mineral production in 2022 ranked by state.

[Washington Examiner](#) reported that NERC CEO and President Jim Robb said recently that reliability problems for U.S. power grids are continuing to increase due to an increasingly diverse resource mix, retirements of traditional power generation sources like coal, and an increase in extreme weather events across the country.

[Energywire](#) reported that for the first time, no coal-fueled power plants in New England qualified for payments in the region's annual electricity auction.

[S&P Global](#) reported that lower natural gas prices in Europe this year have been making gas plants cheaper to run than coal since mid-February.

[**Silver Institute**](#) reported on their recent survey data indicating that silver is still in strong demand among jewelry retailers with 52 percent of retailers reporting that silver jewelry sales increased in 2022.

[**Mining.com**](#) reported that Goldman Sachs raised its gold price forecasts, describing it as the best hedge against financial risks, and reiterated its bullish view on commodities as the banking crisis has yet to spill over into physical markets.

[**Coal Age**](#) announced that NIOSH is establishing a new underground research lab near Mace, West Virginia that focusses on the mining safety and health issues and that will advance the agency's research capabilities.

[**Bloomberg**](#) reported that U.S. labor unions are pushing back on White House efforts to allow EU and Japanese firms mining and processing critical minerals to tap some of the lucrative subsidies available in the administration's massive climate law, fearing the move will sap American jobs.

[**Mining.com**](#) reported on the latest data from the International Nickel Study Group showing a 22 percent jump in January global nickel production despite registering a decline in output from the December total.

[**Kallanish**](#) reported that with increasing supply, Australian coking coal prices have fallen. Kallanish assessed premium hard coking coal at \$312.29/metric ton fob Australia, falling \$23.84/t from \$336.13/t the previous week.

[**Mining.com**](#), using an infographic from Benchmark Mineral Intelligence, describes how different EV models and battery types impact critical mineral demand.

[**Politico Pro**](#) reported that Canada has the minerals required for electric vehicles, solar panels and other clean-energy technologies. The U.S. wants

them.

[Argus](#) reported that U.S. exports of coking coal rose by 37.5 percent in January to nearly 3.7 million metric tons, with the increase driven by sharp increases in shipments to China, the EU and India.

[International Copper Study Group](#) (press release) reported that their “preliminary data indicates that world copper mine production increased by about 4.5 percent in January 2023, with concentrate production increasing by around 3.5 percent and solvent extraction-electrowinning (SX-EW) by about 9 percent.”

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	3/28/23	\$15.61
Copper Spot Price (\$/lb)	3/29/23	\$4.08
Gold Spot Price (\$/ounce)	3/29/23	\$1,969.13
Lithium Spot Price (\$/kg)	3/29/23	\$37.84
Molybdenum Spot Price (\$/kg)	3/28/23	\$74.00
Nickel Spot Price (\$/lb)	3/28/23	\$10.84
Silver Spot Price (\$/ounce)	3/29/23	\$23.38
Steel HRC Price (\$/mt)	3/29/23	\$1,117.60
Steel Rebar Price (\$/mt)	3/29/23	\$602.10
Zinc Spot Price (\$/lb)	3/29/23	\$1.34
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	3/28/23	\$299.00
Coal Spot Price - Central Appalachian (\$/st)	3/24/23	\$88.80
Coal Spot Price - Newcastle futures (\$/mt)	3/28/23	\$176.02
Coal Spot Price - Rotterdam futures (\$/mt)	3/28/23	\$137.80
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	3/22/23	\$2.04
Uranium Spot Price (\$/lb)	3/28/23	\$50.35

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.



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