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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

With Congress back in session, activity on Capitol Hill heated up. Energy, permitting, new production and environmental issues began moving to the forefront in the House. Meanwhile, the executive branch continued its regulatory push on Biden administration regulatory 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

March is National Ladder Safety Month. The American Ladder Institute has a host of [helpful training resources](#).

NMA's Rich Nolan Testifies Before House Mining Panel in Support of Industry-Backed Legislation



Yesterday, the NMA's President and CEO Rich Nolan testified before the House Natural Resources Subcommittee on Energy and Mineral Resources (EMR) in support of House Natural Resources Committee Chairman Bruce Westerman's (R-Ark.) Transparency and Production (TAP) of American Energy Act ([NMA Summary](#) and [bill text](#)) and EMR Chairman Pete Stauber's (R-Minn.) Permitting for Mining Needs (MN) Act ([NMA Summary](#) and [bill text](#)). Please find a link to the NMA's hearing memo [here](#) and press release [here](#). In his testimony, Rich discussed the need to strengthen our domestic supply chains, reduce our mineral import reliance, lower electricity costs through coal and uranium energy generation – both key sources of dispatchable, baseload power – and to support policies that unlock our nation's full energy and mineral

potential. These pieces of legislation are expected to contribute to a broader permitting, production, and energy legislative package being prepared in the House.

NMA Participates in Congressional Minerals Briefing



Last week, the NMA's Justin Prosser participated in a hardrock minerals briefing for congressional staff to discuss mineral supply chains, the need for mine permitting reforms, and reshoring mineral processing and refining capabilities. The briefing was hosted by the Congressional Western Caucus and included remarks from the Uranium Producers of America. Members of Congress and their staff are strongly interested to learn more about mining industry priorities and better understand what policy changes must be made to support reliable and affordable baseload energy while ensuring that U.S. manufacturers have access to robust domestic mineral supply chain.

House Committee Advances Bill to Rescind Overreaching WOTUS Rule as NMA and Industry Support State Opposition Efforts



Today during a full committee [markup](#), the Committee on Transportation and Infrastructure (T&I) approved [H.J. Res. 27](#) – a joint resolution under the Congressional Review Act to overturn the Biden administration’s new waters of the United States (WOTUS) rule. The resolution was approved by a 30-22 party line vote, with all Republican members voting in support. Before the markup, the NMA worked with our coalition partner – the Waters Advocacy Coalition – to develop support through a [letter](#) for the hearing record to the chair and ranking members of the T&I and Senate Environment and Public Works Committee’s to highlight the significant importance of the resolutions of disapproval for industries, and to urge committee members to vote for the legislation. The NMA and coalition continue to engage moderate Democratic members ahead of a full vote in the House next week to encourage bipartisan support for the resolution.

At the same time, litigation continues in lawsuits challenging the 2023 WOTUS rule in three district courts across the country. Recall that the NMA’s industry coalition filed suit in the Southern District of Texas, where a hearing on our preliminary injunction motion is expected on March 15. NMA’s industry coalition also moved to intervene in the District of North Dakota, where our intervention

motion is pending, but the parties' briefing schedule will proceed through the first half of March. Most recently, a coalition led by the Kentucky Chamber of Commerce filed suit in the Eastern District of Kentucky. The schedule for that case is moving quickly, with a hearing expected on March 10. The NMA will keep you informed of important developments as this litigation proceeds.

NMA Joins Coalition Group to Oppose the FTC's Proposed Rule on Noncompete Agreements

Yesterday, the NMA joined a broad group of organizations in opposing the Federal Trade Commission's (FTC) [proposed rule](#) to impose a nationwide ban on almost all noncompete clauses. As the [coalition letter](#) highlights, the proposed rule would harm both employees and employers who benefit from noncompete clauses through encouraged investment in employees and protection of intellectual property. The coalition argues that the FTC lacks authority to impose the proposed rule, which would have the effect of invalidating millions of contracts around the country and even violate Constitutional limitations on the ability of executive agencies to issue rules such as the one proposed by the FTC without clear guidance from Congress, thus invoking the major questions and non-delegation doctrines which the Supreme Court found in *West Virginia vs. EPA* last year.

The [coalition letter](#) calls on Congress to assert its Constitutional role to limit the proposed regulatory overreach by the FTC, specifically mentioning a means to do so through the appropriations process.

NMA Files Comments on EPA's Proposed Clean Air Act Implementing Regulations for Emission Guidelines

This week, the NMA filed [comments](#) on the U.S. Environmental Protection Agency's (EPA) [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). In general, the NMA supports EPA's effort to address outdated deadlines in Subpart B of the Section 111(d) implementing regulations for states and EPA to act on state plans. However, the NMA believes those deadlines should be extended to mirror current Section 110 deadlines. Additionally, the NMA urges EPA to take a second look at other proposed revisions to the implementing regulations that are inconsistent with either the Clean Air Act statutory scheme, controlling judicial precedent, or both. In particular, the NMA objects to any proposed revision that would allow states to impose trading and averaging schemes either as a standard of performance or to facilitate compliance with one. Finally, the NMA objects to proposed constraints on states' ability to consider remaining useful life and other factors when setting source-specific requirements, as well as to provisions that would allow EPA to approve state plans imposing standards more stringent than required by the "best system of emission reduction" (or BSER).

Reminder: Responses Requested on Bond Release and State Escalation Factors

The NMA is requesting assistance in updating its current information on bond release and state escalation factors for standardized bond reclamation. The

NMA's original request for bond release information is accessible [here](#). This information will be compiled and discussed at the upcoming Coal Subcommittee meeting at the Environment and Lands Committee meeting in Scottsdale, Ariz., on Mar. 7, 2023. Please use this attached [spreadsheet](#) to provide additional information on bond release timelines. The NMA would also like any additional information on state escalation factors or values. Please email this information to Katie Mills at kmills@nma.org.

EPA Schedules Regional Listening Sessions on PFAS Strategic Roadmap

EPA announced several upcoming virtual listening sessions of EPA's per- and poly- fluoroalkyl substances (PFAS) [2021-2024 Strategic Roadmap](#). These sessions are designed to provide opportunities for communities and tribes to share feedback directly with the EPA regional leaders to inform the implementation of actions outlined in the roadmap. These sessions will occur for each EPA region. A registration link to these listening sessions may be accessed [here](#). In November 2022, EPA released "[A Year of Progress Under EPA's PFAS Strategic Roadmap](#)," which summarizes key actions taken by the Agency during the first year of implementing the PFAS Strategic Roadmap. The NMA encourages member companies who believe they may have used PFAS to participate in these meetings.

NMA Hosts Chairman of House Natural Resources Committee and Key Congressional Allies



This week, the NMA hosted a fundraiser for the Chairman of the House Natural Resources Committee, Bruce Westerman. Chairman Westerman is one of the key leaders in Congress working on moving new mining permitting and production legislation to meet the ever increasing demand for minerals and to keep the U.S. competitive. Chairman Westerman brought as his special guests Congressman Peter Stauber (R-Minn), chairman of the House Energy and Mineral Resources Subcommittee, who is the authoring of the new Permitting for Mineral Needs Act which will be a principal bill in the House mining legislative package, and Congressman Gary Palmer (R-Ala.), a key member of the House leadership and the House Energy and Commerce Committee. NMA's Board of Directors Chairman Mitch Krebs, President and CEO of Coeur Mining, introduced our Congressional guests to a packed room including J.R. Simplot Company President and CEO Garrett Lofto, NMA member company representatives and NMA staff contributors to MINEPAC and COALPAC.



The NMA's Spring Board Meeting is Just One Month Away



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.

See you in Georgia!

NMA and Third Parties In the News

The [Mesabi Tribune](#) (Minn.) carries 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.

The NMA is interviewed by [Innovation News Network](#) for a piece on lithium.

The NMA is mentioned by [Roll Call](#) in a story noting 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 Biden administration blocking two major mining projects have drawn Republican criticism that it will be unable to meet future demand.

The NMA is mentioned in an [Inside EPA](#) report noting that major industry groups are urging EPA to drop its proposal to tighten national ambient air quality standards (NAAQS) for fine particles, arguing that the plan is discretionary and therefore unnecessary because of high implementation costs, although environmentalists are warning that any consideration of costs would be unlawful.

From our third parties, [Yahoo News](#) (USA), the [Jacksonville Courier Journal](#) (Ill.), [Johnstown Tribune Democrat](#) (Pa.), [Logan Daily](#) (Ohio), [Waco Tribune](#) (Texas), [Grand Junction Sentinel](#) (Colo.), [Huntington Herald Dispatch](#) (W.Va.), [Steubenville Herald Star](#) (Ohio), [Fayette Tribune](#) (W.Va.), [Northwest Signal](#) (Ohio), [Springfield News Leader](#) (Mo.), [Bakersfield Californian](#) (Calif.) and [Elko Daily Free Press](#) (Nev.) all ran 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 to maintain the existing coal fleet.

Mining and Energy News

[Politico Pro](#) reported that the EU is teaming up with the U.S. toward a mini-deal on raw materials under which both stand to gain — at China's expense.

[**Utility Dive**](#) reported that bipartisan legislation would increase U.S. uranium production to promote nuclear energy.

[**Mining.com**](#) reported on International Nickel Study Group (INSG) data indicating that the global nickel market was oversupplied by 112,200 metric tons last year after a deficit of 166,600 tons in 2021.

[**The Nevada Independent**](#) reports lithium mining offers economic opportunities and difficult decisions.

[**Mining.com**](#) reported that the world's hottest market now is molybdenum, used to help strengthen steel. A key benchmark for molybdenum — which boosts the performance of alloys in pipelines, jet engines and power-generation turbines — surged 122 percent in the past year to \$799 per ton, as of last week due to tight market supply.

[**Argus**](#) reported that the Illinois basin had its highest fourth-quarter coal output in three years in October-December 2022, partially reflecting producer efforts to capitalize on rising demand earlier in the year and higher prices.

[**Washington Examiner**](#) reported that fossil fuel generation was responsible for nearly all the additional electricity needed when demand peaked in regions affected by winter storm Elliot, according to a new report which found generators with on-site fuel, like coal and oil were especially instrumental in staving off even worse blackouts.

[**Argus**](#) reported that western coal moving by rail may have been hampered by last week's heavy storms moving through the west coast, Rocky Mountain region and Great Plains.

[**Utility Dive**](#) reported that the Department of Energy is offering \$2.5 billion for

carbon capture projects at power plants, and industrial sites. Demonstration projects could be built at two coal-fueled power plants, two gas plants and two industrial facilities.

[Mining.com](#) reported that the U.S. will raise tariffs on more than 100 Russian metals, minerals and chemical products worth \$2.8 billion to Russia.

[Wall Street Journal](#) editorialized on an ominous report from PJM Interconnection, one of the nation's largest grid operators, forecasting power supply and demand through 2030 across the 13 eastern states in its territory covering 65 million people. "Its top-line conclusion: Fossil-fuel power plants are retiring much faster than renewable sources are getting developed, which could lead to energy "imbalances." That's a delicate way of saying that you can expect shortages and blackouts."

The [International Copper Study Group's \(ICSG\) preliminary data](#) indicates that world copper mine production increased by about 3.3 percent in 2022, with concentrate production increasing by around 3 percent and solvent extraction-electrowinning (SX-EW) up by about 5 percent.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	2/27/2023	\$15.50
Copper Spot Price (\$/lb)	2/28/2023	\$4.09
Gold Spot Price (\$/ounce)	2/28/2023	\$1,810.20
Lithium Spot Price (\$/kg)	2/28/2023	\$55.13
Molybdenum Spot Price (\$/kg)	2/27/2023	\$96.00
Nickel Spot Price (\$/lb)	2/27/2023	\$11.47
Silver Spot Price (\$/ounce)	2/28/2023	\$20.52
Steel HRC Price (\$/mt)	2/28/2023	\$1,192.80
Steel Rebar Price (\$/mt)	2/28/2023	\$600.76
Zinc Spot Price (\$/lb)	2/28/2023	\$1.37
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	2/28/2023	\$335.00
Coal Spot Price - Central Appalachian (\$/st)	2/24/2023	\$135.70
Coal Spot Price - Newcastle futures (\$/mt)	2/28/2023	\$189.26
Coal Spot Price - Rotterdam futures (\$/mt)	2/28/2023	\$144.50
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	2/22/2023	\$2.08
Uranium Spot Price (\$/lb)	2/27/2023	\$51.00
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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