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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

Congress remained out of session during its two-week spring holiday break, but the executive branch remained active in advancing the Biden administration regulatory 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

Tornado season is upon us in many parts of the country. The Occupational Safety and Health Administration and the National Oceanic and Atmospheric Administration are working together on a public education effort aimed at improving the way people [prepare for and respond to severe weather](#).

2023 WOTUS Rule Now Blocked in Over Half the Country



In an important victory for the 24-state coalition and the NMA's industry coalition, the U.S. District Court for the District of North Dakota today [enjoined](#) the 2023 "waters of the United States" (WOTUS) rule. Adding the two-state injunction from a Texas court several weeks ago, the rule is now enjoined in over half the country – 26 states in all. The rule is now enjoined in the following states: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia and Wyoming. Importantly, the court identified issues with numerous aspects of the 2023 rule, including the treatment of tributaries, the new relatively permanent standard, the broad scope of its jurisdiction and serious constitutional concerns. This is the second major victory in our coalition's challenges to the 2023 rule. The NMA will keep you informed of other important developments.

BLM Proposes Sweeping Overhaul of Public Lands Rules



Last week, the Bureau of Land Management (BLM) issued a [proposed rule](#) that would overhaul the way the agency manages federal lands under the Federal Land Policy and Management Act (FLPMA). The BLM contends that the proposed rule would advance its mission to manage public lands for multiple use and sustained yield by prioritizing the health and climate resilience of ecosystems across those lands. Signaling a potentially dramatic shift in how public lands will be managed, the proposed rule “clarifies” that conservation is a use on par with other uses of public lands under FLPMA’s multiple-use and sustained-yield framework, and prioritizes designating Areas of Critical Environmental Concern (ACECs) and avoidance of impacts to federal lands. Comments are due June 20, 2023. The NMA intends to comment on this proposed rule and will schedule a call in the next few weeks to discuss our comment strategy.

NMA Submits Final Comments on CEQ’s GHG Guidance Under NEPA

Yesterday, the NMA submitted its [final comments](#) on the Council on Environmental Quality's (CEQ) recently published [guidance](#) on greenhouse gas (GHG) emissions as federal agencies conduct environmental reviews under the National Environmental Policy Act (NEPA). The NMA's comments respectfully request that CEQ withdraw the guidance entirely for further consideration of the concerns the NMA raised. The NMA's comments reiterate, among other things, the importance of efficient NEPA permitting to achieve the Biden-Harris administration's goals and explain how CEQ's guidance will likely lead to greater uncertainty and delays in permitting.

Importantly, the comments explain that the NMA's members do not object to the assessment of GHGs in NEPA documents as long as the analysis is appropriately bounded. The NMA's comments reiterate that the scope of NEPA is limited by the scope of the agency's statutory authority, especially when considering the reasonably foreseeable effects of the action. The NMA urged that any new guidance should clarify that CEQ's existing regulations and guidance regarding applicant purpose and need remain in full force and effect, and environmental analyses should not include alternatives that are either commercially unreasonable or technologically unfeasible, or outside of agency statutory authority.

Additionally, the NMA's comments oppose the CEQ's guidance on using the social cost of greenhouse gases (SC-GHG) to monetize impacts on NEPA reviews and believes the guidance will needlessly and unlawfully distort the NEPA analysis by narrowly focusing on SC-GHG impacts above all other impacts, resulting in agency decisions that are biased against mining development. Finally, the NMA's comments outline that Environmental Justice (EJ) concerns are an important consideration in NEPA reviews; however, the guidance raises an expectation that EJ analysis should be given greater weight in NEPA reviews than other impacts. The NMA asserts that EJ concerns would be more appropriately addressed at the individual permit level rather than

putting the thumb on the scale of EJ considerations in a broad guidance document.

The NMA Files Comments on EPA Proposed Denials of Coal Ash Impoundment Alternate Liner Demonstrations

The NMA filed two comment letters responding to the U.S. Environmental Protection Agency's (EPA) preliminary decisions to reject requests from the Coal Creek Station (North Dakota) and Conemaugh Generating Station (Pennsylvania) to dispose coal combustion residuals (CCR) into certain surface impoundments. A copy of NMA's Coal Creek comments may be accessed [here](#). A copy of NMA's Conemaugh comments may be accessed [here](#). At issue is EPA's latest actions to implement the [2020 "Part B" CCR rule](#). EPA finalized procedures that allowed facilities to request EPA approval to use an alternate liner demonstration to continue operating unlined surface impoundments. Facilities were required to demonstrate that continued operation would pose no reasonable probability of adverse effects to human health or the environment. In February, EPA [announced](#) its preliminary decision to reject application requests from six coal power plants.

The NMA focused our advocacy on those two open dockets that members identified for engagement. Our comments expand on our prior criticism regarding EPA's flawed approach to addressing the grid reliability impacts that will result from forced outages when these denials are finalized. We provide additional warnings from grid experts on the nation's ability to ensure resource adequacy in the face of accelerated coal retirements. We also provide new

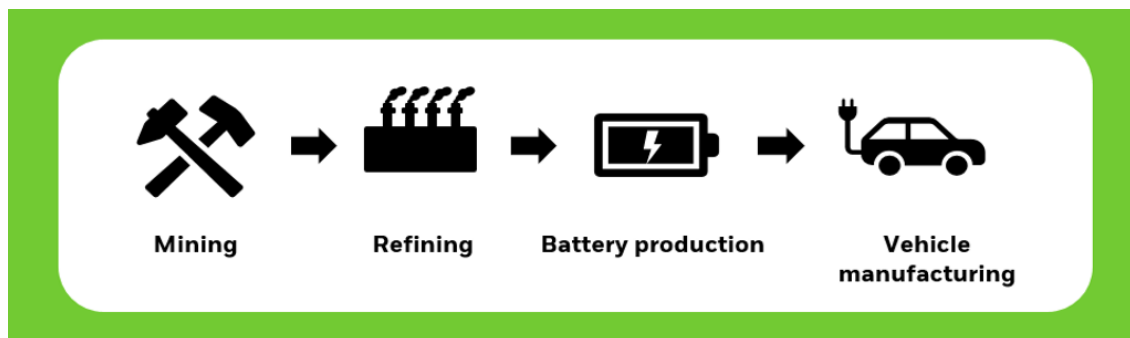
evidence of why EPA's approach is unworkable given changing Regional Transmission Organization procedures for handling outages and their warnings on the cumulative, regional impacts that are currently ignored by EPA. The NMA also recommends that EPA put its recent [memorandum of understanding](#) with the Department of Energy into action by holding a publicly accessible joint meeting that involves grid experts and regulators with the opportunity for public participation and engagement. We explain that this joint meeting should not only focus on the reliability impacts posed by EPA's implementation of the CCR "Part A" and CCR "Part B" programs, but also the cumulative risks and predicted generation capacity losses from the suite of EPA rules that form the agency's power plant sector strategy. We urge EPA to hold this meeting before any additional regulatory actions are taken by the EPA regarding the future of the coal electricity fleet.

NMA Welcomes Australian Chamber of Commerce for Summit on Domestic Mining Investment

Last week, the NMA hosted a delegation led by the Australian Chamber of Commerce, which included mining industry representatives from NMA member Jervois Global and several other companies who have U.S. operations or are interested in investment opportunities in the U.S. Ryan Jackson provided insight into Congressional actions to advance permitting reform and funding mechanisms within the Department of Energy and the Export-Import Bank. Veronika Shime discussed implications regarding the separate free trade agreements between the U.S., the European Union and Japan, and Katie Sweeney discussed implications for the mining industry caused by inefficient permitting and lack of coordinated approach to domestic mining by the administration. The NMA looks forward to continued engagement with our

international allies to encourage domestic investment in the mineral supply chain.

NMA Highlights Permitting, Mineral Funding During EV Mineral Supply Chain Panel



Yesterday, the NMA joined the Wilson Center for a roundtable discussion on EV mineral supply chain challenges and opportunities. Discussion from stakeholders throughout the six part series will inform recommendations in an upcoming report on EV mineral supply chain considerations. In his remarks, Scott Gemperline outlined existing funding mechanisms advanced by the administration and Congress, and the need for a unified approach for domestic mining to effectively utilize available funding and secure supply chains for EVs. Attendees included downstream customers such as battery maker Panasonic and General Motors who emphasized the importance of mine permitting reform and the mid-stream processing challenges the industry is facing. Anna Shpitsberg, Deputy Assistant Secretary for Energy Transformation at the U.S. Department of State, highlighted the importance in developing future trade agreements with allies to harness their strengths in downstream battery manufacturing. Continued dialogue with downstream consumers and other stakeholders is a continued effort of NMA staff to ensure policy and advocacy

efforts around permitting reform and funding incentives provide maximum benefit to the entire mineral supply chain.

Upcoming Congressional Activity

After a two-week district work period and holiday recess, the House and Senate will be back in session on Monday, April 17. Anticipating a busy few weeks, the House Natural Resources Committee has scheduled an oversight [hearing](#) to examine the Department of the Interior's (DOI) FY2024 budget request with Secretary Deb Haaland expected to testify. The Senate Environment and Public Works Committee plans an oversight hearing on April 26 to consider permitting legislation for this Congress. Although nothing has been officially noticed, the Senate Energy and Natural Resources Committee also expects to hold hearings on DOI and the Department of Energy's (DOE) FY24 budget request in the next week or two. Similarly, the House Energy and Commerce Committee will likely hold hearings on the DOE and EPA's FY24 budget request in the coming weeks. The NMA is working with committee and member-office staff to highlight industry priorities and provide background information and questions to elicit responses on the administration's regulatory actions.

NMA Presents at America's Coal Associations' Spring Coal Leadership Summit in Wyoming



The America's Coal Associations' April Summit featured a spirited discussion with Congresswoman Harriet Hageman (R-Wyo.) and moderated by the NMA's Rich Nolan on many of the topics affecting coal mining and the mining industry at large. Wyoming Governor Mark Gordon (R-Wyo.) also spoke to the group about the future of coal mining and mining in the state of Wyoming. The summit had industry leaders, public officials, and congressional staff from Wyoming and West Virginia. The summit included a tour of NMA members' WyoDak Resource coal plant and Eagle Specialty Materials Belle Ayr coal mine.





DOE Workforce Development Workshop

The DOE's Advanced Materials and Manufacturing Technologies Office (AMMTO) is hosting a virtual Critical Minerals and Materials Education and Workforce Development Workshop on April 19, 2023 from 12:00 PM - 4:00 PM EST. The workshop provides an opportunity for stakeholders to help identify challenges and opportunities to growing a diverse and skilled critical minerals and materials manufacturing workforce. Through this workshop, DOE wants to convene representatives from industry, trade groups, academia, national labs, and federal/state/local/tribal government to characterize the current and future workforce needs and opportunities for creating lasting education and workforce development impacts in a more culturally-, socially-, and commercially-relevant and sensitive manner. Ultimately, the workshop will inform the design and implementation of new and expanded critical minerals and materials related education and workforce development programs by DOE that stimulate the growth and skill development of a robust domestic U.S. workforce. Advance registration for the workshop is available at this [link](#).

NMA Board of Directors Holds 2023 Spring Board Meeting



Rep. Tom Tiffany - U.S. House of Representatives (R-Wis.) Chairman of House Federal Lands Subcommittee (Left) and **Brad Crabtree** - Assistant Secretary for Fossil Energy and Carbon Management U.S. Department of Energy (Right) speaking at the NMA Board of Directors Spring Board Meeting.

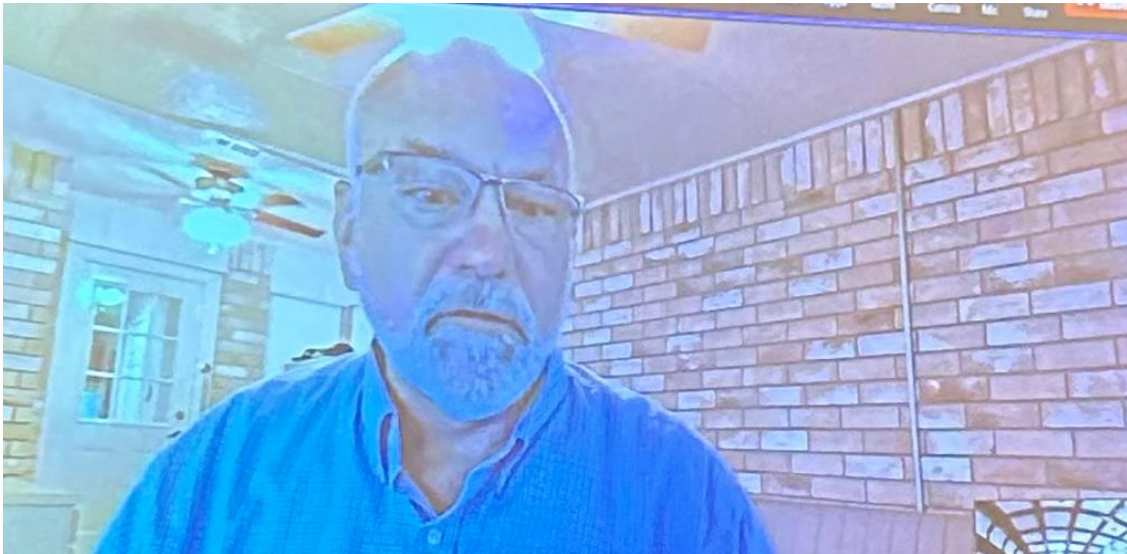
Last week, the NMA Board of Directors met in Sea Island, Ga., for three days to discuss progress made since the last Board meeting, key priorities, and strategies for 2023 and beyond.

The meeting kicked off on Sunday, April 2, with a gathering of the Manufacturers & Services Board of Governors, followed by a golf outing and evening welcome reception. During Monday's General Session, participants heard from Mr. Clair Moeller, President and COO of the Midcontinent Independent System Operator; Rep. Tom Tiffany (R-Wis.), Chairman of U.S. House Federal Lands Subcommittee; Assistant Secretary of Energy for Fossil Energy and Carbon Management Brad Crabtree; Andrew Miller, COO

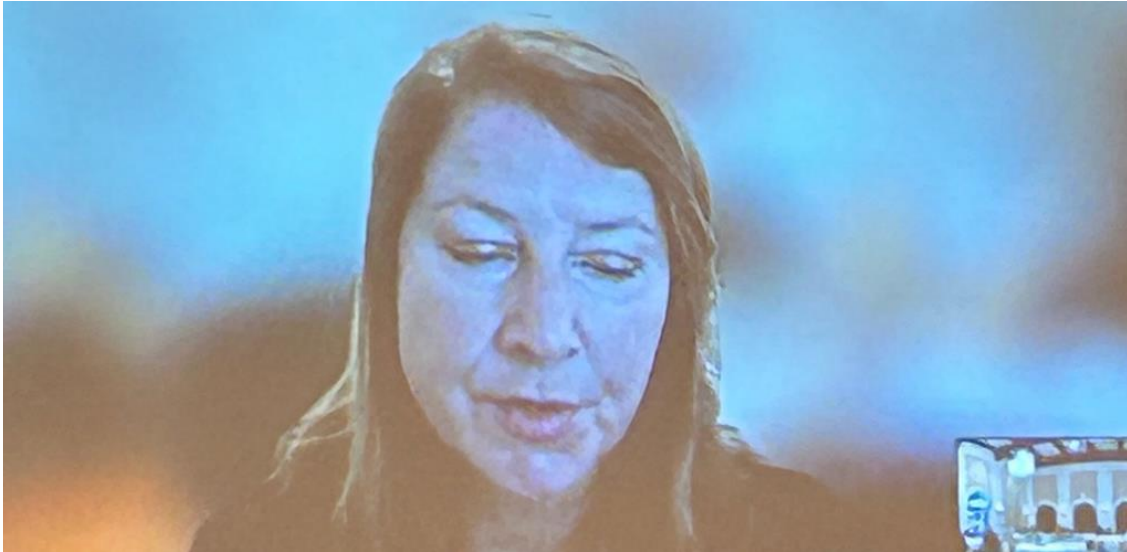
at Benchmark Mineral Intelligence; and Commissioner James Danly, Federal Energy Regulatory Commission. The afternoon provided an opportunity for meetings of the Coal and Minerals CEOs and the Executive Committee, followed by an evening dinner reception.

On Tuesday, Principal Deputy Assistant Secretary Laura Daniel Davis, Department of the Interior, Land and Minerals Management, opened the day with comments over breakfast that touched on a wide range of issues relevant to all NMA's members, followed by the full board of Directors meeting.

Thank you to all who were able to join us for the meeting – and our sponsors for their support of events throughout our time in Sea Island – and we have posted meeting materials [HERE](#) for those interested in accessing them. We look forward to seeing everyone, and continuing the discussion, during the Fall Board of Directors and Annual Members Meeting in Washington, D.C., in September.



Mr. Clair Moeller, President and COO of the Midcontinent Independent System Operator speaking at the NMA Board of Directors Spring Board Meeting.



Ms. Laura Daniel Davis - Principal Deputy Assistant Secretary - Land and Minerals Management U.S. Department of the Interior speaking at the NMA Board of Directors Spring Board Meeting.

NMA and Third Parties In the News

The NMA is quoted by the [Washington Post](#) and [Associated Press](#) on the EPA's efforts to tighten rules that limit emissions of mercury and other harmful pollutants from coal-fired power plants, updating standards imposed more than a decade ago.

The NMA is quoted in an op-ed from [RealClearEnergy](#) that argues [Congress should pair permitting reform with smart, long-range support for domestic reuse and recycling of advanced energy technologies.](#)

[RealClearEnergy](#) (D.C.) carries an op-ed by Jaak Daemen, Professor Emeritus, Mining Engineering, at the University of Nevada, Reno, in which he argues for reshoring minerals supply chains.

[Elkhart Truth](#) (Ind.), [Bakersfield Californian](#) (Calif.), [The Trentonian](#) (N.J.), [Pottstown Mercury](#) (Pa.), [Frankfort State Journal](#) (Ky.), [Kokomo Tribune](#) (Ind.), [Waco Tribune Herald](#) (Texas), [Jacksonville Courier News](#) (Ill.) and [Johnstown Tribune Democrat](#) (Pa.), [Grand Junction Sentinel](#) (Colo.), [Northwest Signal](#) (Ohio), [Bryan Times](#) (Ohio) and [New Castle News](#) (Pa.) carry an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues that U.S. EPA regulations aimed at America's remaining coal fleet could dismantle far more reliable generating capacity in the next few years than utilities can add back.

Mining and Energy News

[Axios](#) reported that the U.S. and Japan have struck a deal on critical battery minerals that could enable Japanese companies to capture some benefits of EV subsidies in the U.S. climate law.

[Argus](#) reported that U.S. coal plant consumption decreased in January amid milder weather and increased competition from natural gas.

[Prescott News](#) reported from Inside Sources that modern economies like the U.S. and Europe aren't ready to walk away from coal quite yet.

[Argus](#) reported that a Kentucky bill to make it harder to retire coal and natural gas power plants became law without Governor Andy Beshear's signature and despite utility objections.

[EIA's](#) recent *Today in Energy* analysis found that in 2022, 84.8 million short tons (MMst) of coal were exported from the U.S., relatively unchanged from the 85.1 MMst exported in 2021. Steam coal accounted for 45 percent of all

U.S. coal exports; metallurgical coal accounted for 55 percent.

[**Washington Post**](#) reported that House Republicans pressed Interior Secretary Deb Haaland last week on a central tension surrounding the administration's ambitious climate and clean-energy goals: the administration's blocking of domestic mining for the minerals needed to achieve those targets.

[**Kallanish**](#) reported that Jervois Global is temporarily suspending final construction and full concentrator commissioning at its Idaho Cobalt Operations (ICO) due to low cobalt prices and increased inflationary impacts on construction costs.

[**Argus**](#) reported on EIA estimates showing that U.S. coal production has increased slightly this year from the same time in 2022 as export volumes have risen.

[**Energywire**](#) reported that the U.S. government needs to take on more capital risk to spur companies to invest in the critical mineral supply chain and counter Chinese dominance in the sector, top administration officials said recently.

[**Mining.com**](#) reported on BMO Capital Markets analysis indicating that global mining companies are returning money to shareholders rather than investing in new mines although mineral demand is soaring.

[**Argus**](#) reported that coal exports from Hampton Roads, Virginia, reached their highest level in nearly four years in February as some rail shipments accelerated and European demand increased.

[**Northern Miner**](#) reported that a new report by market analyst Wood Mackenzie argues that steel, aluminum and copper stand to benefit most from an uptick in China's GDP growth this year.

[Energywire](#) reported that PacifiCorp, which serves customers across six Western states, announced plans to nearly quadruple its wind and solar resources by 2032 while moving up the retirement of some of its largest coal plants.

[Greenwire](#) reported that “a group of bipartisan senators say the USGS made a mistake when it didn't include copper on a list of minerals deemed critical to national security. But environmental groups and a tribe fighting a massive copper mine proposed in Arizona say they are wrong.

[S&P Global](#) reported that the U.S. is on track to shutter half of its peak coal generation capacity by 2026, a key milestone in its energy transition, according to an April 3 report from the Institute for Energy Economics and Financial Analysis (IEEFA).

The **[U.S. Department of Energy](#)** (DOE) today announced \$16 million from the Bipartisan Infrastructure Law to bring critical mineral supply chains to America and reduce reliance on competitors like China. The funding will support projects in West Virginia and North Dakota for the development of a first-of-a-kind rare earth element and critical minerals extraction and separation refinery.

[Mining.com](#) reported that despite iron ore rebounding strongly in early 2023, after falling more than 50 percent in the second half of 2022, prices are expected to ease over the next 5 years on slower demand growth and more supply.

[Greenwire](#) reported the recent announcement of new policies that aim to ensure that rural regions hit by coal mine closures and shuttered power plants can get an economic boost from new federal cash for energy and infrastructure funding.

[Argus](#) reported that U.S. thermal coal exports rose for a second month in

February on extended gains to Europe and higher demand from India.

[Associated Press](#) reported that the global coal fleet grew by 19.5 gigawatts last year, enough to light up around 15 million homes, with nearly all newly commissioned coal projects in China, according to a report by Global Energy Monitor, an organization that tracks a variety of energy projects around the globe.

[Utility Dive](#) reported that EPA proposes to strengthen mercury and air toxics standards for coal generation plants - to meet the standards, about 4,800 MW of coal capacity would need to install pollution-control equipment and 500 MW would retire in 2028, EPA said.

[Mining.com](#) reported on Bloomberg analysis of Elon Musk's Tesla Inc.'s *Master Plan Part 3* report, estimating that converting the world to entirely clean energy would require \$10 trillion worth of investment, but continuing to rely on fossil fuels would cost about \$14 trillion. "At peak levels, the world would need to dig up 3.3 gigatons — or 3.3 billion metric tons — of earth every year to obtain the necessary metals for the transition to cleaner power sources," but the 3.3 gigatons is still much less than the 15.5 gigatons currently extracted annually for fossil fuels according to the report.

EIA's recent [Quarterly Coal Report](#) found that U.S. coal production during the fourth quarter of 2022 totaled 145.7 million short tons (MMst), which was 5.6 percent lower than the previous quarter and 0.5 percent lower than the fourth quarter of 2021.

[Mining.com](#) reports on four major forces behind the looming metals supply crunch.

[Mining.com](#) reported that central banks accumulated gold at the fastest pace on record in the first two months of 2023, according to a report by the World

Gold Council. In January and February, central banks collectively bought 125 metric tons of gold, the highest amount for the year-to-date period since banks became net buyers in 2010.

Using EIA data, [Visual Capitalist](#) graphically describes U.S. electricity supply by generating source changes by hour and day, over one week.

[Mining.com](#) reported that new research being presented the week of April 15th at the 2023 European Congress of Clinical Microbiology & Infectious Diseases in Copenhagen, has identified 19 gold-based compounds that successfully treat multidrug-resistant superbugs.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	4/11/23	\$15.84
Copper Spot Price (\$/lb)	4/12/23	\$4.08
Gold Spot Price (\$/ounce)	4/12/23	\$2,011.49
Lithium Spot Price (\$/kg)	4/12/23	\$30.87
Molybdenum Spot Price (\$/kg)	4/11/23	\$74.00
Nickel Spot Price (\$/lb)	4/11/23	\$10.55
Silver Spot Price (\$/ounce)	4/12/23	\$25.39
Steel HRC Price (\$/mt)	4/12/23	\$1,132.80
Steel Rebar Price (\$/mt)	4/12/23	\$577.05
Zinc Spot Price (\$/lb)	4/12/23	\$1.26
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	4/11/23	\$285.33
Coal Spot Price - Central Appalachian (\$/st)	4/7/23	\$94.35
Coal Spot Price - Newcastle futures (\$/mt)	4/11/23	\$194.04
Coal Spot Price - Rotterdam futures (\$/mt)	4/12/23	\$134.25
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	4/5/23	\$2.17
Uranium Spot Price (\$/lb)	3/30/23	\$50.35

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

CORESafety



The April edition of CORESafety TV explores Module 13 on occupational health.



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