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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Issue 15 | April 19, 2023

Brought to you by the National Mining Association

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## This Week in The News

In Washington, talks continue in the press and behind the scenes on raising the debt ceiling to avert a default if President Biden and House Republicans fail to come to an agreement. Speaker McCarthy is developing a proposal to raise the debt ceiling, including spending cuts and NMA-backed permitting reforms from H.R. 1, among other policy proposals. The Speaker's proposal may receive a vote in the U.S. House as early as next week in order to try to further the negotiations with congressional Democrats and the White House. 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.

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## Safety Share

It's [National Work Zone Awareness Week](#), an annual spring campaign held at the start of construction season to encourage safe driving through highway work zones. The key message is for drivers to use extra caution in work zones.

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## What's Next for Permitting Legislation?



Congress returned to Washington this week. Prior to the recess, the House passed H.R. 1, the Lower Energy Costs Act, with a number of new permitting and regulatory efficiency provisions benefiting broad sectors of the mining industry. Already, in the latest negotiations over the debt limit, House majority leadership is calling for H.R. 1 to be a part of the deal to raise the U.S. debt limit. On the Senate side of the Capitol, the Senate Environment and Public Works Committee has [announced a permitting oversight hearing](#) on April 26. The Senate Energy and Natural Resources Committee [has announced a permitting oversight hearing](#) on May 11. Senate Energy and Natural

Resources Committee Chairman Joe Manchin (D-W.Va.) has announced he plans to re-introduce his Energy Independence and Security Act, which was his permitting legislation from last year as at least a marker from which to begin permitting negotiations in the Senate. However, Senate Environment and Public Works Committee Ranking Member Shelley Moore Capito (R-W.Va.) and Senate Energy and Natural Resources Committee Ranking Member John Barrasso (R-Wyo.) plan to introduce their own complementing permitting bills to establish their own marker in legislative negotiations. The NMA is involved on both sides of the Capitol and among all these key offices and others advocating and working to secure key industry priorities in the introduction of new Senate legislation and in the critical negotiation of these bills into new permitting, energy and production legislation.

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## **NMA Hosts Women's Mining Coalition**



This week, the NMA hosted the Woman's Mining Coalition for a series of informational meetings and panel discussions during their annual Congressional fly-in. During the meetings, coalition members discussed the importance of

advocating for the mining industry on Capitol Hill. Members also received a presentation by the NMA's Katie Sweeney and Ryan Jackson on the government affairs and regulatory landscape currently facing the industry. Additionally, a panel including two Coalition members, Kathy Benedetto and Debra Struhsacker, as well as Ryan Modlin, Head of U.S. and South America External Affairs for Rio Tinto, and the NMA's Ryan Jackson, discussed Hill meeting strategy.

The Coalition plans to visit over 200 congressional offices this week to discuss mining industry priorities. These meetings come at an important time for the mining industry in Congress, with H.R. 1, the Lower Energy Costs Act, [recently passing the House of Representatives](#), impact of federal regulations on electricity reliability, and many other industry priorities being at the forefront of discussion in both the House and Senate so far this Congress.

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## **NMA Briefs Natural Resources Committee on Industry Concerns Ahead of DOI Budget Hearing**



On Monday, the NMA's Justin Prosser briefed House Natural Resources Committee and staff concerning industry concerns related to ongoing Department of the Interior (DOI) actions. The presentation was designed to help prepare committee members with background information on issues impacting the mining industry at the Interior Department ahead of today's oversight hearing on the agency's FY2024 budget request where DOI Secretary Deb Haaland provided testimony. Please find a link to the hearing [here](#). Justin briefed staffers on mine permitting delays, the ongoing federal coal leasing program review, the Interagency Working Group on mining regulations, the 30x30 initiative, sage grouse management plans, active mineral withdrawals, and the BLM's recently proposed rule on conservation. In addition to the briefing, the NMA worked closely with committee and member-office staff to provide additional background information as well as questions for the Secretary to elicit responses on the administration's regulatory actions; the NMA provided real-time Twitter commentary during the hearing, [here](#).

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## **MSHA Announces "Stand Down to Save Lives" Day May 17**



The Mine Safety and Health Administration (MSHA) Assistant Secretary Williamson addressed a [Letter to the mining community](#) asking industry to join MSHA in identifying and eliminating safety and health hazards that can

cost miners their lives. Sixteen miners have lost their lives in accidents this year, including through vehicle collisions, electrocutions, falls from elevated surfaces, equipment roll-overs and drowning. The metal and non-metal industry has experienced 13 fatalities to date. In coal mining, MSHA continues to discover conditions and hazards that could cause explosions and fires. To prevent fatal accidents, MSHA is asking everyone in the mining industry to be on alert for hazardous conditions. MSHA investigates each fatal accident and publishes information on each fatality on its website.

As part of MSHA's outreach initiatives to reduce fatalities, serious injuries and illnesses, the agency announced an annual "Stand Down to Save Lives" day on May 17. MSHA encourages everyone in the mining community to join in setting aside a time during this week to give additional focus to the safety and health of our nation's miners. MSHA will share an online toolkit and resources and would appreciate industry amplifying its message on safety. MSHA also shares health and safety alerts and important information through its Miner Safety & Health app.

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## **New Bipartisan Mine Permitting Bills Introduced on the Rosemont Decision and the Federal Permitting Improvement Council**

Two new bipartisan bills are being advanced in both the House and Senate by several pro-mining members of Congress. This week, Senator Catherine Cortez Masto (D-Nev.) and Senator Jim Risch (R-Idaho) and others will introduce the Mining Regulatory Clarity Act to reverse the Rosemont decision issued by the 9<sup>th</sup> Circuit Court of Appeals. The legislation codifies more than a century of Supreme Court decisions on the Mining Law and ensures the fundamental

ability to conduct ancillary land uses and responsible mining activities on federal lands.

Representative Elissa Slotkin (D-Mich.) introduced [H.R. 2623](#), a bill to add mining projects that receive funding under the Defense Production Act to the Federal Permitting Improvement Councils' Permitting Dashboard to expedite permitting processes. Infrastructure projects enrolled in Federal Permitting Improvement Steering Council (FPISC) benefit from enhanced coordination, visibility, and predictability through public reporting of infrastructure project environmental reviews and authorizations and associated timelines and have reduced permitting timelines for large-scale infrastructure projects [on average 45 percent](#). Notably, Representative Slotkin is a candidate in the open Michigan U.S. Senate seat being vacated by retiring Senator Debbie Stabenow (D-Mich.) next year.

The NMA has worked closely with each office to support the drafting and development of the legislation, securing bipartisan cosponsors, and the subsequent introduction and messaging for the bills. Collectively, both bipartisan bills serve as significant signals to each chamber's leadership of the key provisions for inclusion in upcoming permitting discussions. The NMA will continue to engage mining allies in Congress to increase awareness and support of these and other supportive domestic mining provisions in this Congress.

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## **NMA Joins Coalition in Supporting Ozone NAAQS Policy Assessment**

The NMA last week joined a broad industry coalition in filing [comments](#) supporting the U.S. Environmental Protection Agency's (EPA) revised [external](#)

[review draft of the Policy Assessment](#) for the Reconsideration of the Ozone National Ambient Air Quality Standards (NAAQS). EPA is defending its recommendation to retain the existing standards without change. The coalition supports the recommendations of EPA staff for retaining the existing primary and secondary NAAQS, explaining that: (1) EPA staff conducted an appropriate review of the scientific and policy information underlying the 2015 and 2020 decisions on the primary and secondary ozone NAAQS and of newer studies prior to reaching their conclusion that the current standard provides the requisite protection of public health and welfare; and (2) the revised draft Policy Assessment effectively addresses issues raised by the Clean Air Scientific Advisory Committee CASAC concerning the adequacy of the current NAAQS. The coalition's comments also highlight that air quality in the United States has improved substantially over the past 20 years with additional emissions reductions expected under current regulations.

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## **Notice of Intent to Sue on SMCRA 2020 Biological Opinion**

Earlier this month, the Center for Biological Diversity (CBD) filed a [Notice of Intent to Sue](#) (NOI) the Office of Surface Mining Reclamation and Enforcement (OSMRE) and the U.S. Fish and Wildlife Service (FWS) for failing to protect two crayfish in West Virginia, Kentucky, and Virginia under the Endangered Species Act (ESA). CBD contends that OSMRE is in violation of the ESA for failure to oversee compliance and enforcement of Surface Coal Mining Reclamation and Enforcement Act (SMCRA) primacy states under the 2020 Biological Opinion (BiOp). Further, CBD alleges that because the primacy states under SMCRA have failed to develop adequate Protection and Enhancement Plans (PEPs) for the two crayfish, the FWS has failed to assist in the development of PEPs for the crayfish as required by the 2020 BiOp. CBD states

that if FWS, OSMRE, and the primacy states do not complete the required PEPs within sixty days, then the only remedy is to reinstate consultation under ESA Section 7 for the Title V SMCRA program.

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## EPA Considering Designating Additional PFAS as CERCLA Hazardous Substances

The U.S. EPA last week published an [advance notice of proposed rulemaking \(ANPRM\)](#) seeking public input and data on the potential development of future regulations pertaining to per- and polyfluoroalkyl substances (PFAS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The EPA is considering designating seven additional PFAS as CERCLA "hazardous substances" beyond the two most-studied PFAS, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), precursors, and categories of PFAS. This notice is in furtherance of the EPA's [PFAS Strategic Roadmap](#) goals to research, restrict, and remediate PFAS contamination. The EPA is requesting **public comment for 60 days until June 12, 2023**. The NMA is working with a broad industry coalition commenting on this ANPRM. The EPA is seeking public input on certain factors that could indicate if these additional PFAS present substantial danger to public health or the environment.

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### NMA and Third Parties In the News

The NMA is mentioned in [E&E Greenwire](#) and [Politico](#) coverage of the "lobbying boom" driven by mineral and battery companies seeking a share of billions in federal incentives.

The NMA is mentioned in coverage from [NTD](#) of a federal judge's order in North Dakota that has temporarily blocked the implementation of the Biden administration's controversial "Waters of the United States" (WOTUS) rule, granting the request of a coalition of 24 states and more than a dozen industry groups.

[Casper Star Tribune](#) (Wyo.) and [Richmond Times Dispatch](#) (Va.) 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

[Bloomberg](#) reported that the U.S., the EU and Japan are pushing back on the UK's proposal to phase out unabated domestic coal power generation by 2030.

[Mining.com](#) reported that an engineering researcher at Lehigh University has developed a novel way to capture carbon dioxide from the air and store it in the ocean. The approach uses a copper-containing polymeric filter and essentially converts CO<sub>2</sub> into sodium bicarbonate (aka baking soda) that can be released into the ocean with minimal environmental impacts.

[Visual Capitalist](#) graphically describes how silver has performed over the last 50 years during recessions when compared to other investments like stocks and bonds.

[Bloomberg](#) reported that a sharp increase in export restrictions by countries including China and India on raw materials critical for green technologies has a potentially sizable impact on the global economy and could make climate goals

harder to meet, research by the OECD shows.

[\*\*Mining.com\*\*](#) reported that coal use in the U.S. power market is set to decline for a second year in succession as utilities increasingly shift to cheaper and cleaner natural gas and renewables.

[\*\*Reuters\*\*](#) reported that General Motors Company said it will invest in lithium technology startup EnergyX as it expands further into the mining industry, the latest deal by the car maker to ensure long-term supplies of the metal used to make electric vehicle batteries.

[\*\*Visual Capitalist\*\*](#) graphically describes the global uses of platinum group metals (PGMs) and their future demand outlook, with a focus on the importance of PGMs to the automotive industry.

[\*\*Argus\*\*](#) reported that a total of 28 coal generating units with a combined 12.1 GW of summer capacity will close this year, according to Argus' analysis of announced plant retirements. Of those units, 6.89 GW of capacity are in six states in the eastern U.S.

[\*\*Wall Street Journal\*\*](#) carries an op-ed discussing how the drive toward energy transition will increase demand for lithium, cobalt and other minerals many times over.

[\*\*Mining.com\*\*](#) reported that Canada has signed a joint action plan with the U.S. to advance secure supply chains for critical minerals and has similar critical minerals cooperation agreements with Japan and the EU.

[\*\*New York Times\*\*](#) reported that China is far ahead of the rest of the world in the development of batteries that use sodium, which are starting to compete with lithium power cells.

[Mining.com](#) reported that Apple Inc said last week that it would use only recycled cobalt in batteries by 2025 as a part of its efforts to make all its products carbon neutral by the end of the decade.

The U.S. Department of Labor announced that [MSHA](#) is making \$10.5 million in funding available to support mine safety, health training and education.

[Mining.com](#) reported that with the expected EV and solar boom, “Investors—particularly metals and mining investors—could be looking at a once-in-a-generation investment opportunity.”

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	4/18/23	\$15.84
Copper Spot Price (\$/lb)	4/19/23	\$4.06
Gold Spot Price (\$/ounce)	4/19/23	\$1,993.81
Lithium Spot Price (\$/kg)	4/19/23	\$26.46
Molybdenum Spot Price (\$/kg)	4/18/23	\$74.00
Nickel Spot Price (\$/lb)	4/18/23	\$11.60
Silver Spot Price (\$/ounce)	4/19/23	\$25.25
Steel HRC Price (\$/mt)	4/19/23	\$1,111.50
Steel Rebar Price (\$/mt)	4/19/23	\$573.02
Zinc Spot Price (\$/lb)	4/19/23	\$1.26
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	4/18/23	\$158.67
Coal Spot Price - Central Appalachian (\$/st)	4/14/23	\$94.35
Coal Spot Price - Newcastle futures (\$/mt)	4/18/23	\$187.58
Coal Spot Price - Rotterdam futures (\$/mt)	4/18/23	\$137.05
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	4/12/23	\$2.21
Uranium Spot Price (\$/lb)	4/17/23	\$51.00

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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