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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in The News

A major mining industry victory hailed from the Supreme Court while modest permitting reform measures made it into a debt limit compromise that is working its way through the House and Senate this week. 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

Here's a statistic that may sound shocking: Selfies were linked to [379 fatalities](#) between 2008 and 2021. With vacation season fast approaching, it's time to brush up on [selfie safety](#). (There's also a [version for teens](#).)

Congress Considers Debt Limit Legislation This Week with Permitting Improvements



Last night, the House Rules Committee narrowly approved sending the debt limit legislation negotiated between House majority leaders and the White House to the full House for consideration tonight. House leaders have set a tight time frame for consideration of the bill and would like to be able to complete consideration of the bill later this evening. However, consideration of the bill in the House and the Senate will not be without controversy concerning many other issues in the bill including approval of the Mountain Valley Pipeline. Since the announcement of the agreement and text of the bill has become public at least two dozen Republican House members have announced their opposition. However, that opposition is at least partially off-set by announcements of support for the agreement by key Democratic members in

press releases and in consideration of the bill in the Rules Committee last night. House leaders have worked through the weekend to build enough bipartisan votes for the bill and continue to build support until the final vote. The bill contains several NMA-backed provisions directly amending the National Environmental Policy Act. Some of those provisions include new time and page limits for environmental reviews, a process for a project applicant to conduct their own environmental review, a process for developing a lead federal agency and one environmental document for all federal agencies involved in an environmental review, and limiting environmental reviews to those reasonably foreseeable impacts. Once the House clears the bill, the Senate plans to take up the bill to be able to pass and send to the President before the new June 5 deadline for the U.S. debt limit announced by the Treasury Secretary.

Victory for Mining Industry as Supreme Court Limits Federal Jurisdiction Over WOTUS



Last Thursday, the NMA welcomed a U.S. Supreme Court [ruling](#) narrowing the federal government's Clean Water Act (CWA) jurisdiction over waters of the United States (WOTUS). The decision in *Sackett v. EPA* specifically took issue with the U.S. Environmental Protection Agency's (EPA) and Army Corps' impinging on traditional state authority by broadly declaring wetlands to be within federal jurisdiction. The decision affirmed NMA's long-standing position,

as articulated in our amicus brief to the Supreme Court, that the agency's test for determining wetland jurisdiction is unlawful. Importantly, the decision has significant repercussions for the Biden administration's WOTUS rule, which relies heavily on this test. As the court opined in *Sackett*: The EPA's test as defined in its most recent WOTUS rule "is inconsistent with the text and structure of the CWA." The industry legal coalition challenging the Biden WOTUS rule in several federal courts across the country will be leveraging the decision to have the Biden rule vacated nationally. The NMA's press statement can be found [here](#). More information about the Supreme Court's opinion can be found [here](#).

NMA Files Comments Opposing EPA's Proposed Steam Electric Effluent Limitations and Guidelines Rule

Yesterday, the NMA filed [comments](#) on the EPA's [proposed rule](#) that would revise the steam electric effluent limitations and guidelines (ELG) under the CWA. The NMA's comments strongly oppose the proposed rule and highlight numerous legal and policy flaws. Specifically, NMA's comments urge EPA to: (1) reconsider the stringent treatment technologies proposed in this rule; (2) remove the new "early adopter" subcategory that unlawfully incentivizes coal plant retirements; and (3) refrain from finalizing any early retirement options without first analyzing the impacts to grid reliability. Additionally, the NMA's comments urge EPA not to finalize this rule until the agency engages in an interagency process, involving grid experts such as the Federal Energy Regulatory Commission, to thoroughly analyze the cumulative impacts from EPA's entire power sector strategy. The NMA's comments also raise flaws with the EPA's environmental justice analysis and encourage the agency not to

incorporate the Inflation Reduction Act into baseline economic modeling for this rulemaking.

Congress to Hold Additional Hearings on Grid Reliability



This Thursday, the Senate Energy and Natural Resources Committee is holding a full committee [hearing](#) “to Examine the Reliability and Resiliency of Electric services in the U.S. in Light of Recent Reliability Assessments and Alerts” with witnesses from the North American Electric Reliability Corporation (NERC); PJM Interconnection, L.L.C.; and Associated Electric Cooperative, Inc; among others. Please find the full list of witnesses for the hearing [here](#). Additionally, the House Energy and Commerce Committee is planning two upcoming hearings on grid reliability. The first [hearing](#), titled “Clean Power Plan 2.0: EPA’s Latest Attack on America’s Electric Reliability,” is slated for Tuesday, June 6th before the Environment, Manufacturing, and Critical Materials Subcommittee with private sector witnesses examining the impacts of EPA’s

Greenhouse Gas [Standards and Guidelines](#) for Fossil Fuel-Fired Power Plants. Please find the committee’s press release announcing the hearing [here](#). The second [hearing](#), titled “Oversight of FERC: Adhering to a Mission of Affordable and Reliable Energy for America” is scheduled for Tuesday, June 13th before the Energy, Climate, and Grid Security Subcommittee with the members of the U.S. Federal Energy Regulatory Commission (FERC). Please find the committee’s press release announcing the hearing [here](#). The NMA will work with committee members and staff in preparation of both hearings and continues to work with the committees on EPA oversight and grid reliability legislation.

MSHA Leadership Meeting with NMA Members



At a meeting this week at the NMA's offices, the NMA Health and Safety Committee was joined by Mine Safety and Health Administration (MSHA) Assistant Secretary Chris Williamson and members of his senior leadership. During the visit, Assistant Secretary Williamson and NMA President & CEO Rich

Nolan took the opportunity to formally sign a new [NMA/MSHA Alliance Agreement](#) that had last been updated in 2004. The agreement lays out a framework for the two organizations to collaborate on mine worker health and safety.

In remarks to the committee, Assistant Secretary Williamson spoke about his priorities, perspectives on today's mining industry and MSHA's regulatory agenda. He and his team spent more than two hours engaging in discussion with the committee. The NMA will continue to seek opportunities to engage with MSHA on safety committee priorities.



Register for June 6 Environmental Justice Webinar with Ramboll

The NMA invites you and your colleagues to a webinar next **Tuesday, June 6, at 3:00-4:00 p.m. (Eastern)** focused on environmental justice (EJ) analysis and potential implications for mining companies. Experts from Ramboll, Alma Feldpausch, Health Sciences Principal, and Courtney Taylor, Air Quality

Principal, will share insight from their experiences advising industrial sector clients in the rapidly changing EJ landscape. Their presentation will highlight what federal or state activities can trigger an EJ analysis/requirement; what information state and federal agencies are requiring from project proponents; what your company can do to respond to these requests; and how your company can be proactive on EJ internally and externally. [Click here to RSVP and download an Outlook invitation.](#)

NMA Continues Filming for Industry Employment Video



This week, the NMA's Ashley Burke continued filming for an industry video designed to support recruitment efforts and highlight how modern mining companies are using new technologies, working in the most environmentally responsible way, all in support of the communities in which they live and work. Filming continued this week at CONSOL's Enlow Fork and Bailey mines in Pennsylvania, where CONSOL has the capacity to produce a combined more than 22 million tons of coal per year. In speaking with a longwall mining team

yesterday as they worked, the film crew asked each miner to discuss the best part of their jobs. One replied, “We’re explorers. We are literally the first people in the world to go places no one else has ever been, or will ever be once we’re finished. People looking for a job that’s exciting every day should consider that opportunity, which can’t be found anywhere else.”

NMA and Third Parties In the News

The [Daily Caller](#) quotes the NMA in a story on how President Joe Biden’s mining policies run counter to his efforts to transition the U.S. economy to green technologies while increasing the industry’s dependence on China.

From our third Parties, [Waco Tribune Herald](#) (Texas), [Fargo Inforum](#) (N.Dak.), [Grand Junction Daily Sentinel](#) (Colo.), [Carlsbad Current Argus](#), (N.M.), [Yahoo News](#) (USA), [Farmington Daily Times](#) (N.M.), [Las Cruces Sun Times](#) (N.M.), [Alamogordo Daily News](#) (N.M.), [Ruidoso News](#) (N.M.), [The Fayette Tribune](#) (W.Va.) and [Elko Daily Free Press](#) (Nev.) carry 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 there’s a responsible way to navigate America’s energy future, but the path being taken by the Biden administration and the EPA simply isn’t it.

[Billings Gazette](#) (Mont.) and [Montana Standard](#) (Mont.) carry an op-ed by Courtney Young, the Lewis S. Prater Professor of Metallurgical & Materials Engineering at Montana Tech, in which he argues for the need for permitting reform to boost domestic production and reduce our reliance on Chinese-dominated supply chains.

[RealClearEnergy \(D.C.\)](#) carries an op-ed from Jude Clemente, an energy and commodities analyst, in which he argues for a dramatic expansion of domestic mining and mine permitting reform to enable it.

[RealClearEnergy \(D.C.\)](#) carries an op-ed from Dan Ervin, a finance professor at the Perdue School of Business at Salisbury University, calling for an expansion of U.S. copper production to meet the needs of electrification.

Mining and Energy News

[The Wall Street Journal](#) carries an editorial warning the Biden administration's regulatory agenda is threatening the reliability of the nation's electricity grid.

[Argus](#) reported that Illinois Basin coal output rose 11 percent last quarter compared to 2022, partly reflecting additional output from some mines that reopened during 2022.

[Reuters](#) reported that Australia has won U.S. backing for its critical minerals industry.

[World Steel Association](#) reported that global steel production was 161 million metric tons in April, a 2.4 percent drop compared to April 2022. U.S. steel production was 6.6 million tons, down 5.3 percent in the same period.

[E&E News](#) reported that the administration has paused finalizing an environmental impact statement for the Resolution Copper mine.

[Mining.com](#) reported on World Economic Forum analysis indicating that women currently hold 14 percent of all mining executive positions and 12.3 percent of board roles.

[E&E News](#) reported that the U.S. Geological Survey (USGS) is rebuffing bipartisan calls from lawmakers to add copper to its list of critical minerals, “a classification that’s catapulted in importance as the nation races to compete with China on development of renewable energy technology and boost electric vehicle adoption.”

[New York Times](#) reported that a heat wave and blackout would send hundreds-of-thousands of Americans to the ER in some cities. A growing concern with plant closures and eroding grid reliability.

The **[Mine Safety & Health Administration](#)** announced last week the availability of up to \$1 million to fund grants to support education and training to help mine workers identify, avoid and prevent unsafe working conditions.

[Mining.com](#) reported that a copper-gold price ratio, called the Gundlach ratio, is trading near the lowest levels since the start of 2021 and may be an early indicator of a recession looming ahead.

[Argus](#) reported that Western railroads are moving less coal just as power utilities say service has started to improve. The improved service is coinciding with a drop in coal generation due to mild weather and low natural gas prices. BNSF and Union Pacific have struggled for more than a year to meet demand with carriers short on crews to move all the coal generators wanted. Despite increased hiring, workforce growth has been slow because training employees takes months.

[ClimateWire](#) reported that EPA has gone very easy on gas-fired turbines in its new climate rule.

[E&E Daily](#) reported that the House Energy and Commerce Committee cleared legislation to protect energy infrastructure and secure uranium supplies.

[The Arizona Daily Star](#) carries an op-ed arguing for permitting reform to support the additional domestic mining necessary to achieve our climate goals.

[Reuters](#) reported that that global thermal coal prices have settled after a volatile 2022.

[Mining.com](#) spotlights *Mining Intelligence's* compiled list of the world's top copper producers in 2022, with the U.S.' Freeport-McMoRan as the number 2 global producer.

[Argus](#) reported on IEA's *World Energy Investment* report forecasting that global coal production investment will rise by 10 percent this year to just under \$150 billion.

[Visual Capitalist](#) described the uranium mining industry in three charts.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	5/29/23	\$13.39
Copper Spot Price (\$/lb)	5/30/23	\$3.64
Gold Spot Price (\$/ounce)	5/30/23	\$1,949.50
Lithium Spot Price (\$/kg)	5/30/23	\$40.02
Molybdenum Spot Price (\$/kg)	5/29/23	\$51.88
Nickel Spot Price (\$/lb)	5/29/23	\$9.54
Silver Spot Price (\$/ounce)	5/30/23	\$23.25
Steel HRC Price (\$/mt)	5/30/23	\$829.88
Steel Rebar Price (\$/mt)	5/30/23	\$497.35
Zinc Spot Price (\$/lb)	5/30/23	\$1.04
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	5/30/23	\$230.83
Coal Spot Price - Central Appalachian (\$/st)	5/26/23	\$74.60
Coal Spot Price - Newcastle futures (\$/mt)	5/30/23	\$137.95
Coal Spot Price - Rotterdam futures (\$/mt)	5/30/23	\$93.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	5/24/23	\$2.24
Uranium Spot Price (\$/lb)	5/22/23	\$53.60

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

CORESafety



In the May edition of CORESafety TV we revisit Dr. Pedram Roghanchi, Dr. Mostafa Hassanalian and their team who have been working to develop a drone that will fly safely in coal mines and will meet MSHA approval.



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