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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 25 | June 28, 2023

Brought to you by the National Mining Association

This Week in The News

The House and Senate departed for district work sessions and the Independence Day holiday, leaving difficult government funding decisions for later this year. Biden administration regulatory initiatives continued to move forward with no recesses. 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

June is National Safety Month. Week four of the National Safety Council's observance focuses on [hazard recognition](#).

Administration Releases Spring 2023 Regulatory Agenda

On June 13, the administration released the [Spring 2023 Unified Agenda of Regulatory Actions](#) (Spring Agenda). The Spring Agenda identifies the policy priorities that the federal departments and agencies are expected to act on over the next 12 months and other matters placed on the administration's long-term action list. While the Spring Agenda is simply an estimated timeframe for planned rulemakings, and often the agencies and departments miss their deadlines, it is still a useful planning tool.

The NMA reviewed the Spring Agenda against the association's 2023 strategic objectives and other association priorities. A listing of rulemakings that would impact NMA's membership and expected timing is available [here](#). As detailed in this document, the administration is continuing to execute its aggressive regulatory strategy. Pressure to act more quickly is growing, so we expect an active six months ahead as the administration attempts to move rulemakings forward with the goal of finalizing them this presidential term.

NMA Hosts House Energy and Mineral Resources Subcommittee Chairman Pete Stauber



Last week, MINEPAC and COALPAC and the political action committees from Arch Resources, HECLA Mining, Freeport McMoRan and Rio Tinto along with contributors from NMA companies like Talon, Alliance Energy, Peabody, Hallador Energy and Sunrise Coal, and the Headwaters PAC, among others, hosted a re-election fundraiser for Congressman Pete Stauber (R-Minn.). Congressman Stauber is one of the biggest allies for the mining industry in Congress. He's currently serving his third term in Congress representing the Iron Range in northern Minnesota, and previously attended MINExpo INTERNATIONAL in September 2021; was a featured keynote speaker at the NMA Spring Board meeting held in Sarasota, Fla. in May 2022; and is the new chairman of the House Energy and Mineral Resources Subcommittee. His subcommittee chairmanship has the jurisdiction of hardrock mining permitting, the National Environmental Policy Act (NEPA) and administration of the federal coal leasing program in the U.S. House. This Congress, Chairman Stauber authored and passed through the U.S. House key legislation updating and reforming the NEPA process, placing limits on judicial review of mine permitting decisions by federal agencies, strengthening and placing new efficiencies in the federal permitting process, placing time limits on federal approvals of coal leasing applications, and repealing the moratorium on thermal coal leasing on federal lands. He has also been a leader in congressional oversight of the

Waters of the United States rule along with oversight of actions taken by the Biden administration in his own congressional district severely impacting hardrock mining through lease revocations; withdrawals of hundreds of thousands of acres of federal lands rich with known deposits of copper, cobalt, palladium and nickel; and permit denials. The NMA is pleased to work with such a mining champion in Congress.



Industry Leaders Focus on Developing Workforce Talent



Last week, the NMA's Rich Nolan, Peabody President and CEO Jim Grech, Coeur Mining President and CEO Mitch Krebs, and others visited the University of Texas El Paso (UTEP) to discuss the potential for reestablishing an accredited mining engineering degree at UTEP. UTEP was first established in 1914 as the Texas School of Mines so it has a longstanding history with our industry. With the right financial support from the mining industry and the state of Texas, the University and industry could co-design a curriculum that aligns with the current and future needs of our industry nationwide. For more information contact NMA President & CEO Rich Nolan.

Congress Presses EPA and Army Corps on WOTUS Next Steps; New Final WOTUS Rule Expected Sept. 1



Last week, Assistant Secretary of the Army for Civil Works Michael Connor testified before the House Transportation and Infrastructure Subcommittee on Water Resources and Environment on the U.S. Army Corps of Engineers (Corps) Fiscal Year 2024 budget request. A recording of the hearing and witness testimony are available [here](#). In an [exchange](#) with subcommittee Chairman Rouzer (R-N.C.), Mr. Connor shed light on the U.S. Environmental Protection Agency's (EPA) and the Corps next steps on the "waters of the United States" (WOTUS) rulemaking given the U.S. Supreme Court's decision in *Sackett v. EPA* last month. In response to questions about the agencies' next steps on WOTUS, Mr. Connor said that "work is already underway" to revise the Biden administration's 2023 WOTUS Rule, skipping the proposal rule stage and moving straight to promulgation of a final rule that will remove references to "significant nexus" and other aspects that the Supreme Court struck down in *Sackett* while retaining "many other" aspects of the 2023 Rule. The agencies plan to issue this final rule by September 1, 2023.

Prompted by a question submitted to the committee by the NMA, Mr. Connor also affirmed that the Corps will not be issuing approved jurisdictional determinations (AJDs) until there is a final rule in place and will not issue any guidance in the interim. Recall that many NMA members reported that various Corps districts across the country had "paused" issuing AJDs until further notice. The NMA and our industry coalition, the Waters Advocacy Coalition (WAC), worked with allies on Capitol Hill to elevate the practical implications of an AJD pause. Earlier this week, Republicans on the Senate Environment and Public Works Committee and House Transportation and Infrastructure Committee directed the EPA and Corps leadership to provide ["immediate](#)

[direction](#)” to regional and district offices to apply the *Sackett* decision in the evaluation of jurisdictional determinations and permits. The letter also requested a briefing from the agencies, information on the specific steps the agencies are taking to implement the *Sackett* majority’s opinion, and confirmation that the Corps will resume the issuance of jurisdictional determinations.

Senators Continue Press for New MSHA Silica Standard

Last week Senators Joe Manchin (D-W.Va.), Sherrod Brown (D-Ohio), Bob Casey (D-Pa.), John Fetterman (D-Pa.), Mark Warner (D-Va.) and Tim Kaine (D-Va.) sent a [letter](#) to Office of Management and Budget (OMB) Director Shalanda Young, seeking information on the status of the interagency review process for the new Mine Safety and Health Administration (MSHA) silica standard. The rule has been under review by OMB since mid-January. The letter is a follow-up to a similar November 2022 [letter](#) to MSHA Assistant Secretary Chris Williamson. Both letters stress the need for quick finalization of the new standard.

The new standard, applicable to metal/nonmetal and coal mines, is widely anticipated to reduce the existing silica exposure limit by half to meet the Occupational Safety Health Administration standard. The NMA met with OMB in February to stress the need for MSHA to allow the use of administrative controls to meet the standard.

NMA Submits Comments on EPA's Mercury Air Toxics Standards

Last week, the NMA submitted comments on the EPA's [proposed rule](#) to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs), commonly known as the Mercury and Air Toxics Standards (MATS). The NMA opposes EPA's proposal because it brushes aside EPA's own comprehensive assessment showing residual risks posed by hazardous air pollutant (HAP) emissions from MATS sources are exceedingly low, and then relies on flawed assumptions to impose more stringent standards and requirements on those sources. The NMA urges EPA to reconsider its technology review in light of its risk assessment to reach the only reasonable conclusion under the circumstances—more stringent and costly regulation of HAP emissions from coal-fired power plants is unwarranted.

Specifically, the NMA urges EPA not to: (1) force existing units to meet the new filterable particulate matter (fPM) standard, (2) force all coal units to install fPM continuous emissions monitoring systems; or (3) eliminate the subcategory for lignite EGUs. The NMA also argues that the costs associated with EPA's proposal are not justified because the agency fails to monetize any benefits from HAP reductions, which confirms more regulation is unjustified. The NMA further argues that EPA should not justify a HAP rule based on climate or criteria pollutant benefits. Finally, the NMA urges the EPA to initiate an interagency process and conduct a cumulative impact analysis to consider the reliability issues associated with EPA's power sector strategy before finalizing the rule, as well as criticizes the agency's reliance on the Inflation Reduction Act to underestimate the impacts of this rule on power generation.

NMA Submits Comments on OSMRE's Ten-Day Notice Rulemaking

This week, the NMA submitted [comments](#) on the Office of Surface Mining Control and Reclamation's (OSMRE) recently [proposed rule](#) that would overhaul the "ten-day notice" (TDN) process under the Surface Mining Control and Reclamation Act (SMCRA). The NMA's comments outline significant concerns with the proposed rule, and how it would largely revert back to the way OSMRE enforced SMCRA TDN violations prior to 2020 by severely eroding state primacy under SMCRA, and without proper justification of why the revisions are needed. Further, the comments stress the implementation uncertainties created by OSMRE's proposed interpretation that permit defects should be considered a violation of SMCRA. Other important points in the draft comments highlight the impacts of collateral attacks on permitting and state regulatory authorities, in contravention of longstanding policies of OSMRE and congressional intent under SMCRA.

House Committee to Hold Hearing on the Federal Coal Leasing Program

On July 12, the House Natural Resources Subcommittee on Energy and Mineral Resources, chaired by Congressman Pete Stauber will hold an oversight hearing supporting the Federal Coal Leasing Program to discuss impacts to the program under the Biden administration and the ongoing court-ordered coal moratorium. Additionally, based off input from the NMA, the subcommittee also plans to highlight energy reliability issues as a result of the Biden administration's regulatory blitz threatening the electric grid. Testifying on behalf of the mining industry will be Matthew Adams, Vice President with the

Navajo Transitional Energy Company, an NMA member. Randall Luthi, Chief Energy Advisor to Wyoming Governor Mark Gordon will also testify in support of the program and its benefits to federal coal states. Additional witnesses are still being finalized. Ahead of the hearing, the NMA will work with subcommittee members and staff to provide background information and other materials to support a robust defense of the program.

House Oversight Committee Examines Over-regulation from EPA and Launches New Oversight; Industry Trades Are Ready to Help

Last week the House Oversight Committee's Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs held an [oversight hearing](#) in part on EPA's recently proposed new regulations on carbon emission from fossil fuel power plants. Throughout the hearing, EPA Deputy Assistant Administrator Joe Goffman tried only to answer questions on another subject of the hearing, EPA's new fuel efficiency standards for automobiles, but members of the subcommittee continued to press Goffman for information on the power plant proposal and, equally importantly, followed the hearing with an [oversight request](#) to EPA on a series of issues involving the impacts of the rule to grid reliability, affordability of electricity, and political influence from the White House in the rulemaking process. Oversight Committee Chairman Comer represents a heavily mining employing congressional district and spoke to NMA's Board of Director meeting last September about his plans on oversight of overreach from the EPA given a chance to chair the Oversight Committee. The NMA appreciates and continues to work with Chairman Comer providing information for his team in his oversight work of the EPA.

Additionally, the NMA continues our work with a coalition of industry trade associations led by the National Association of Manufacturers highlighting the onslaught of new regulations coming from a variety of federal agencies and at least requesting that the administration consider some type of clearing house or adviser on what is being proposed. Please find the latest coalition outreach [here](#). NMA President and CEO Rich Nolan joined key trade association leaders recently at a White House meeting with National Economic Council Director Lael Brainard to highlight the unrealistic compliance, pace, cost, and overreach of the administration's regulations with little if any coordination within the administration. The NMA is pleased to be a key part of this regulation focused all-of-industry response.

NMA Welcomes Summer Interns



On June 14, the NMA welcomed three summer interns to the team as part of our commitment to educate younger generations on the importance of mining. These collegiates bring new perspectives and insights on the association's activities. As they rotate through NMA departments over an eight-week period,

each will complete a mining “hot topic” research paper. Margie Ehrhardt (left) is a senior at Virginia Tech majoring in political science while minoring in philosophy, politics, and economics. She will be researching permitting timeline improvements for her capstone project this summer. Barrett Funderburk (middle) is a senior at Wofford College where he majors in both government and finance. Barrett’s summer project will be analyzing the European Union’s cross border carbon adjustment mechanisms and their impact on emissions reporting. Finally, Tal Theodorakos (right) is a rising junior at Purdue where she majors in environmental and ecological engineering. Tal will be researching mining school legislation and funding for her summer project.

NMA and Third Parties In the News

[E&E Daily](#) and [Politico Pro](#) quote the NMA in reports on the approval of the Chilean Tax Treaty.

[E&E News PM](#) mentions the NMA in a report highlighting the news that major trade associations representing key industry sectors are urging the White House to bring on a top official to manage regulations across the federal government.

Mining and Energy News

[Mining.com](#) reported from Reuters that lithium producers are warning that global lithium supplies may not meet electric vehicle demand due to mine permitting delays and staff shortages.

[Reuters](#) reported that weak construction demand is pushing zinc prices to low

levels.

Politico Pro reported that fossil fuel plants are less reliable than ever amid devastating and erratic weather patterns, according to a report released last Thursday from the North American Electric Reliability Corporation (NERC).

Benchmark reported on recent analysis projecting that globally, the battery industry needs to invest at least \$514 billion across the whole supply chain to meet expected demand in 2030, and \$920 billion by 2035. Demand for lithium-ion batteries is forecast to grow to 3.7 terawatt-hours by 2030, up from around 1 TWh this year.

World Steel Association reported that world crude steel production was 161.6 million metric tons (Mt) in May 2023, a 5.1 percent decrease compared to May 2022. U.S. production was 6.9 mt, down 2.3 percent in May. The new Mountain Pass rare earth supply chain is expected to be greener than its counterparts in Asia.

EnergyWire reported that coal plant retirements and extreme weather are stressing the power grid.

Argus Direct reported that coal exports out of Hampton Roads, Virginia, rose from year-earlier levels for the sixth consecutive month in May as volumes from one of the region's three coal terminals hit an 11-month high.

E&E Daily reported that lawmakers from both sides of the aisle are pushing to designate potash and phosphate — minerals used widely in fertilizer — as "critical."

Axios reported that Minnesota regulators are beginning to review a key nickel mining proposal that promises to help the U.S. develop domestic supplies of raw materials for climate tech.

[**Mining.com**](#) reported that a Department of Energy (DOE) draft report reaffirms the urgent status of six critical minerals, including graphite.

[**E&E Daily**](#) and [**Politico Pro**](#) reported that last week the Senate approved a tax treaty with Chile that supporters say will help U.S. companies invest in that country's mineral wealth.

Department of Energy (DOE) [**announced**](#) \$17.7 million in available funds for up to 21 grants for eligible U.S. colleges and universities to educate and train the next generation of engineers and scientists.

[**Associated Press**](#) and others reported that a tornado ripped through the country's largest coal mining site, North Antelope Rochelle, in northeast Wyoming on Friday injuring eight people and halting operations.

[**Argus**](#) reported that the STB ordered western U.S. railroad BNSF to haul 4.2 million short tons of coal this year from producer Navajo Transitional Energy Company's (NTEC) mine in Montana to a Canadian export terminal.

[**International Copper Study Group**](#) reported that their preliminary data for April indicates that world copper mine production increased by about 2.5 percent in the first four months of 2023, with concentrate production increasing by about 2 percent and solvent extraction-electrowinning (SX-EW) by about 5 percent.

[**E&E News**](#) reported that a bipartisan task force wants lawmakers to overcome deep political divides to accelerate production and recycling of critical minerals, forge new trade pacts with mineral-rich countries, and ensure Indigenous communities have a say over new projects.

[**International Lead-Zinc Study Group**](#) reported that world zinc mine

production rose by 0.5 percent, influenced by increases in Brazil, China, India, Kazakhstan and Turkey that were largely balanced by reductions in Burkina Faso, Canada and Peru. In Europe, rises in Ireland and Portugal were partially offset by reductions in Spain and Sweden, resulting in an overall increase of 1.9 percent in European output.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	6/26/23	\$13.39
Copper Spot Price (\$/lb)	6/27/23	\$3.77
Gold Spot Price (\$/ounce)	6/27/23	\$1,923.95
Lead Spot Price (\$/lb)	6/26/23	\$0.96
Lithium Spot Price (\$/kg)	6/27/23	\$43.03
Molybdenum Spot Price (\$/kg)	6/26/23	\$53.00
Nickel Spot Price (\$/lb)	6/26/23	\$9.11
Silver Spot Price (\$/ounce)	6/27/23	\$22.83
Steel HRC Price (\$/mt)	6/27/23	\$914.46
Steel Rebar Price (\$/mt)	6/27/23	\$514.43
Zinc Spot Price (\$/lb)	6/27/23	\$1.08
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	6/27/23	\$231.17
Coal Spot Price - Central Appalachian (\$/st)	6/23/23	\$65.50
Coal Spot Price - Newcastle futures (\$/mt)	6/27/23	\$127.11
Coal Spot Price - Rotterdam futures (\$/mt)	6/27/23	\$115.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	6/21/23	\$2.23
Uranium Spot Price (\$/lb)	6/19/23	\$56.50

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

CORESafety



In the June edition of CORESafety TV we explore Module 14, Incident Reporting and Investigation.



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