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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

Members of Congress returned to Washington this week to face a packed schedule. With just 12 legislative days before the August district work period, lawmakers are expected to focus on the annual defense department authorization and spending bills to avert a government shutdown in October. But a host of other major policy issues may enter into the debate. 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

Situational awareness is a foundational safety principle in the workplace. The U.S. Occupational Safety and Health Administration [has an outline](#) for situational awareness training, plus a [PowerPoint presentation](#) and an [after-training exam](#).

MSHA Announces Proposed Silica Rule



After an extended White House review, the Mine Safety and Health Administration (MSHA) released a [pre-publication version of its proposal](#) on "Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection." MSHA is expected to publish the proposal in the Federal Register tomorrow, triggering a 45-day comment period that will end Aug. 28, 2023. MSHA proposes that the permissible exposure limit (PEL) is not to exceed 50 $\mu\text{g}/\text{m}^3$. If finalized as proposed, mine operators will be required to install, use and maintain feasible engineering and administrative controls to keep each miner's exposure to respirable crystalline silica at or below the new proposed PEL. Mine operators will be required to use feasible engineering controls as the primary means of controlling respirable crystalline silica; administrative controls would be used, when necessary, as a supplementary control. Notably, rotation of miners – that is, assigning more than one miner to a high exposure task or location and rotating them to keep each miner's exposure below the PEL – will be prohibited. As discussed in proposed Section 60.14, respiratory protection equipment could be used in specific and limited situations. Finally, the use of respiratory protection

equipment would not be acceptable as a method of compliance. The NMA will have a virtual meeting July 17 to develop the comment strategy on the proposal.

House Begins to Vote on Annual Defense Spending Legislation with Mining Related Provisions



Yesterday, the House Committee on Rules [began proceedings](#) to determine the terms and conditions for how [H.R. 2670](#) – National Defense Authorization Act for Fiscal Year 2024 (NDAA) will be debated when it goes to the House floor. An interim structured rule was agreed too, which allows floor debate to begin on noncontroversial amendments that were agreed to en-bloc. The committee will continue deliberating which of the remaining [1,500+ amendments](#) submitted that will also receive floor consideration. Last night’s interim rule made-in-order [290 amendments](#), including an [amendment](#) requiring a study by the Department of Defense (DOD) and Department of State on the impact to national security from Chinese influence on the electric vehicle (EV) supply chain; an [amendment](#) prohibiting DOD from purchasing batteries made in China; and an [amendment](#) developed in coordination by the NMA with Critical Materials Caucus Co-Chairs Guy Reschenthaler (R-Penn.) and Eric Swalwell (D-Calif.) that urges DOD to support projects that onshore domestic extraction, processing and manufacturing capabilities of the domestic supply chain of rare earth magnets essential to defense and national security

applications.

In addition to several provisions supportive of the mining industry that were included in the text of the legislation (a summary of these provisions can be found in a [NMA memo](#), amendments were also submitted that would further enable domestic mineral supply chain security and competitiveness. These include [amdt. 281](#) offered by Idaho Rep.'s Simpson and Fulcher to ensure efficient National Environmental Policy Act (NEPA) reviews for strategic mineral projects; bipartisan [amdt. 793](#) by Rep.'s Slotkin (D-Mich.) and Waltz (R-Fla.) which enables expedited permitting for critical minerals projects funded under the Defense Production Act; and Rep. Stauber [amdt. 1519](#) requiring a study on the effect of mineral withdrawals and their effect on the domestic production of domestic steel and minerals and increased foreign mineral reliance on China, Russia and other countries.

The House Rules Committee is continuing debate on a second rule to allow floor debate for the bill with the intention for a final vote on the passage of the NDAA on Friday. Over the next two and a half weeks, the Senate will begin consideration of separate NDAA legislation, [introduced yesterday](#), before both chambers reconcile their legislation through the conference process during August recess. The NMA remains engaged with congressional allies throughout the process to ensure domestic mining and national security interests are represented and will provide updates as necessary leading up to the final passage of the NDAA, likely to happen in September.

NMA Member NTEC Testifies in Support of the Federal Coal Leasing Program



Today, Matthew Adams, Vice President with NMA member Navajo Transitional Energy Company (NTEC), testified before the House Natural Resources Subcommittee on Energy and Mineral Resources at an [oversight hearing](#) titled "Examining the Biden Administration's Record on Federal Coal Leasing." The hearing was chaired by industry advocate Congressman Pete Stauber (R-Minn.) and focused on benefits of the Federal Coal Leasing Program; coal as an essential component of American energy security, providing affordable, dispatchable and reliable power; and the Biden administration's attempts to end coal production on federal lands. In addition to Adams, Randall Luthi, Chief Energy Advisor to Wyoming Governor Mark Gordon and John Driscoll, Director and CEO of the Port of Mobile, testified in support of the Federal Coal Leasing Program. Sara Kendall, Interim Executive Director of the Western Organization of Resource Councils testified on behalf of the minority. Ahead of the hearing, the NMA worked with subcommittee members and staff to provide background briefing materials, questions for the witnesses and advisory support to ensure a productive hearing.

Senate Committee Holds Hearing on Bipartisan, Bicameral Mining School Act

Today, the Senate Energy and Natural Resources (ENR) Subcommittee on Public Lands, Forests and Mining held a [legislative hearing](#) to consider several pieces of legislation, including the NMA-supported Mining Schools Act of 2022 (S. 912), introduced by ENR Chairman Joe Manchin (D-W.Va.) and Ranking Member John Barrasso (R-Wyo.). The bill requires the Department of Energy, in consultation with the Department of the Interior, to provide technology grants to strengthen domestic mining education and training programs. The House Natural Resources Subcommittee on Energy and Mineral Resources held a [hearing](#) last month on companion legislation H.R. 2685, introduced by Reps. Burgess Owens (R-Utah) and Jim Costa (D-Calif.). The NMA developed testimony in support of S. 912 which was submitted for the hearing record. Please find a link to the NMA's testimony [here](#). The NMA continues to engage Congress to advocate for the passage of the Mining Schools Act and with the administration regarding [ongoing opportunities](#) to support effective development of a strong pipeline for the next generation of the domestic mining workforce.

NMA Hosts Bipartisan Congressional Briefing on Upcoming IWG Recommendations

In advance of the anticipated recommendations by the [Interagency Working Group on Mining Reform](#), the NMA hosted a congressional briefing on

Monday to educate offices on the potential recommendations that will harm the domestic mining industry. The briefing was attended by over 30 bipartisan and bicameral congressional staff representing the Congressional Western Caucus, the Critical Materials Caucus, the Blue Dog Coalition, Senate Energy and Natural Resources Committee, House Natural Resources Committee, Environment and Public Works Committee, and staff for the Chair and Ranking Member of each committee. Discussion focused on the impacts to domestic mining competitiveness that would be caused by a conversion to a federal leasing system, implementation of a punitive royalty and the issues created by amending the Mining Law to add duplicative environmental standards. The NMA is continuing to engage frequently with the administration, Congress and third-party stakeholder allies leading up to the imminent release of the administration's recommendations.

Federal Courts Stay 2023 WOTUS Litigation



As we previously informed you, the U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) plan to issue a new final "waters of the United States" (WOTUS) rule in September 2023. The agencies intend to take the 2023 WOTUS Rule and remove portions of it that do not comply with the U.S. Supreme Court's decision in *Sackett v. EPA*. Earlier this week, the two federal courts in which the NMA's industry coalition challenged the 2023

WOTUS rule granted the EPA and Army Corps' request to stay the litigation until the agencies finalize this new rule. While this stay means the WOTUS litigation is effectively finished until the agencies finalize another new rule in September, the 2023 WOTUS Rule is still enjoined in more than half the country.

Senators Urge FERC to Analyze the Impacts of EPA's "Clean Power Plan 2.0"

Last week, Senator Barrasso (R-Wyo.), Ranking Member of the Senate Energy and Natural Resources Committee and Senator Capito (R-W.Va.), ranking member of the Environment and Public Works Committee (EPW), led [oversight of the EPA](#) by requesting that the Federal Energy Regulatory Commission (FERC) hold a series of technical conferences to analyze the negative impacts of EPA's proposed Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants, or "Clean Power Plan 2.0." Please find a copy of the press release announcing the oversight letter [here](#).

Technical conferences are public hearings that allow stakeholders to provide feedback on policy issues related to reliability. In 2015, FERC held a series of similar technical conferences to evaluate the potential impacts of the Obama Administration's Clean Power Plan (CPP) proposed by the EPA. These conferences aimed to assess the reliability implications of the proposed plan. FERC held a total of four conferences at each of their regional offices. The participants included system operators, energy-sector trade associations, utilities, environmental advocates and government officials. The CPP was eventually stayed by the Supreme Court of the United States in *West Virginia v. EPA*. The NMA will follow and provide updates on the status of the senator's

request and continue to advocate for additional congressional oversight of EPA's power sector regulations.

NMA Comments on BLM Proposed Rule on Conservation and Landscape Health

The NMA recently submitted [comments](#) on the Bureau of Land Management's (BLM) [proposed rule](#) on Land Conservation and Landscape Health that would overhaul the way the agency manages federal lands under the Federal Land Policy and Management Act (FLPMA). The NMA's comments outline significant concerns with the proposed rule and how it would undermine the multiple use and sustained yield mandate under FLPMA. The NMA's comments reiterate concerns previously raised on the BLM's 2016 rule, BLM Planning 2.0 which was voided under the Congressional Review Act, regarding the prioritization of Areas of Critical Environmental Concern, the flawed mitigation hierarchy and the BLM's decision not to complete an environmental assessment under the National Environmental Policy Act. Further, the NMA's comments stress the uncertainties with the BLM's proposed implementation of new conservation leases and the expansion of the rangeland health standards that have historically only been used for grazing. Other important points in the comments highlight the legal flaws and practical implications of the proposed rule, including the BLM's inability to manage the workload it has currently.

FWS and NMFS Propose Changes to ESA Regulations

Last month, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) [proposed](#) revisions to three rules related to the implementation of the Endangered Species Act (ESA) that were finalized in 2019 under the previous administration. The NMA commented favorably on the three proposed regulations in 2018 as important steps to improve processes under the ESA. The three proposed regulations revise, among other things, the [interagency consultation](#) process under section 7; the [criteria](#) for listing, reclassifying, and delisting species and designating critical habitat under section 4; and reinstate the [blanket 4\(d\) rule](#) for threatened species. The NMA's summary of the proposed rules is available [here](#). Comments on each of the three proposed rules are due Aug. 21, 2023.

EPA Announces 2024 Chemical Data Reporting Deadlines

EPA recently announced deadlines for the Toxics Substances Control Act's Chemical Data Reporting (CDR) Rule's 2024 reporting cycle. The 2024 submission period will begin on June 1, 2024, and end on September 30, 2024. Manufacturers (including importers) are subject to the reporting requirements based on manufacturing (including importing) activities conducted during the calendar years 2020 to 2023. This Fall, EPA will provide updated guidance documents on submitting information to the CDR database and host a webinar to preview its updated CDR reporting tool. The EPA encourages companies to start collecting chemical identity and production volume data for the 2020 through 2022 reporting period. EPA also instructs companies to collect the more detailed manufacturing, processing and use information for 2023. Additional instructions are available in EPA's Federal Register [notice](#) and the NMA's [summary](#). EPA previously released guidance for the metal mining

industry on the rule's requirements related to the reporting of mined metals, intermediates and byproducts produced during mining activities. The guidance released in 2016 and 2020 is available [here](#). The NMA will monitor EPA's CDR website for any new guidance applicable to the mining industry and distribute as appropriate.

EPA Proposes GHG Reporting Program Revisions to Incorporate Energy Consumption

EPA has proposed changes to the Greenhouse Gas Reporting Program (GHGRP) through a [supplemental notice of proposed rulemaking \(SNPRM\)](#). The GHGRP requires reporting of greenhouse gas (GHG) data from certain large emission sources and suppliers across a range of industry sectors, including [underground coal mines](#) and certain [metal production facilities](#) that smelt, refine, and/or cast ferrous and nonferrous metals. Among other revisions, the EPA is proposing to add a new Subpart B, Energy Consumption, to the existing GHGRP at 40 C.F.R. Part 98. The new Subpart B would apply to any source category of direct emitting facilities that purchase metered electricity or thermal energy products and are required to report GHG emissions under the GHGRP. EPA asserts that this data will "improve the completeness of the data collected under the GHGRP, add to the EPA's understanding of GHG data, and [will] better inform future EPA policy under the [Clean Air Act], such as informing potential future EPA actions with respect to GHGs." Essentially, EPA's proposed inclusion of "energy consumption" is a way of assessing indirect or Scope 2 GHG emissions from certain facilities already reporting under the GHGRP. Direct emitters subject to Part 98 would be required to report the annual quantity of electricity purchased and the annual quantity of thermal energy products purchased at the facility-level. EPA is also proposing that facilities develop a written Metered Energy Monitoring

Plan using information that the agency believes is already readily available.
Comments are due on EPA's proposal on July 21, 2023.

NMA and Third Parties In the News

The [Mesabi Tribune](#) reports on the NMA, Rich Nolan and mining priorities.

The NMA is quoted by [E&E Greenwire](#) in a story on the Biden administration's highly anticipated blueprint for revamping the nation's 150-year old mining law — a set of policy recommendations for hardrock mining originally slated to be released last year.

The NMA is quoted by [WFIN](#) in a story on a Biden administration proposal that would lock up federal land and block traditional uses of public land like energy development that is facing stiff opposition from a wide range of stakeholders.

The NMA is quoted by [E&E Greenwire](#) on the proposed rule to impose stricter standards on silica dust.

[Inside EPA](#) mentions the NMA on arguments urging a federal district court to vacate the Biden administration's rule defining "waters of the United States" (WOTUS).

From our third parties, the [Jacksonville Courier Journal](#) (Ill.), [Frankfort State Journal](#) (Ky.), [Waco Tribune Herald](#) (Texas), [Pottstown Mercury](#) (Pa.), [Bluefield Daily Telegraph](#) (W.Va.), [Kokomo Tribune](#) (Ind.) and [Exton Daily Local](#) (Pa.) all ran an op-ed by Tom Madison, an infrastructure consultant and the former administrator of the U.S. Federal Highway Administration, in which he argues America is stuck in a perpetual permitting crisis.

The [Arizona Daily Star](#) (Ariz.), [Omaha World Herald](#) (Neb.), [Tulsa World](#) (Okla.), [St. Louis Post Dispatch](#) (Mo.), [Scottsbluff Star-Herald](#) (Neb.), and [The Post-Star](#) (N.Y.) carry an op-ed by William F. Shughart II, research director of the Independent Institute, Oakland, Calif. and J. Fish Smith professor in public choice at Utah State University's Huntsman School of Business, in which he argues we can't walk away from baseload coal generation if we are going to produce the large amounts of power required for electrification in the years ahead.

[MSN.com](#) (USA) and [Washington Examiner](#) (D.C.) ran an op-ed by Matthew Kandrach, president of CASE, Consumer Action for a Strong Economy, a free-market-oriented consumer advocacy organization, in which he argues it's past time to stop demonizing coal plants.

Mining and Energy News

[Mining.com](#) reported that a new adhesive bandage infused with gold nanoparticles can quickly detect covid-19 antibodies in a person's blood stream.

[Greenwire](#) reported that General Motors Co. will provide Australian-based minerals company Element 25 Ltd. with a \$85 million loan to partially fund the construction of a new manganese sulfate production facility in Louisiana for electric vehicle batteries.

[Reuters](#) reported that the *Statistical Review of World Energy* report for 2023 now being produced by the Energy Institute indicates that global energy demand rose 1 percent last year and record renewables growth did nothing to shift the dominance of fossil fuels, which still accounted for 82 percent of

supply.

[**Argus**](#) reported that Montana regulators will delay acting on two recently enacted coal mining laws until possibly some time in 2024.

[**Reuters**](#) reported on the Energy Department's recent energy and employment report showing that U.S. energy jobs grew by 3.8 percent in 2022. Coal jobs totaled 161,385 including fuel-related, electric power-related and transportation-related jobs.

[**Associated Press**](#) reported that automakers are concerned about shortages of lithium for batteries and racing to find supplies.

[**Axios**](#) reported on Pew polling towards fossil fuel use indicating that Americans aren't fully supportive of backing away from fossil fuels and are not yet sold on an [**all-electric vehicle future**](#) starting in 2035.

[**Mining.com**](#) reported that extracting copper, nickel, cobalt and other minerals from mine waste could provide a key new source of the minerals needed for the energy transition while at the same time cleaning up old mine sites, mining executives said at a conference.

[**Bloomberg**](#) reported that the China driven metals supper cycle is over, according to Jefferies LLC.

[**Argus**](#) reported that coal production in the US has edged higher so far this quarter despite less-supportive market fundamentals and some lingering supply constraints in smaller basins.

[**Argus**](#) reported that thermal coal exports from the EU hit a record high in April, as firm stocks and weak demand in the region encouraged shippers to send more coal overseas.

[**RBN Energy**](#) carried a blog outlining the difficulties of permitting for mining projects.

[**Washington Post**](#) reported that the Texas power grid is facing another crisis.

[**Center on Global Energy Policy**](#) reported on the future of coal in the U.S. electricity system.

[**Mining.com**](#) reported on Mining Intelligence Data analysis showing a ranking of the top ten rare earths producing mining projects worldwide, ranking the United States' American Rare Earths' Halleck Creek project in Wyoming as number five with 4.7 metric tons of resource.

[**Mining.com**](#) reported that "Changes to solar panel technology are accelerating demand for silver, a phenomenon that's widening a supply deficit for the metal with little additional mine production on the horizon."

The [**Department of Energy**](#) (DOE) Office of Manufacturing and Energy Supply Chains has announced plans to fund \$2 billion in grants for manufacturing projects that accelerate the development of the domestic electric vehicle supply chain, including for EV assembly and related components and parts manufacturing.

[**Bloomberg**](#) reported that McKinsey & Co. has joined the growing chorus warning that metals considered key to the clean-energy transition face shortages in coming years, potentially suppressing the adoption of electric cars, wind turbines and solar panels. "The number of the approximately 500 cobalt, copper, lithium and nickel mines operating today will need to increase by as much as 76 percent to almost 900 in order to meet demand for batteries."

[Argus](#) reported that coal generation in the Southwest Power Pool (SPP) declined from year-earlier levels for the sixth month in a row in June despite restrained use of renewable power.

[Greenwire](#) reported that the administration hopes to approve a \$1.7 billion Arizona manganese and zinc mine, offering domestic minerals for EV battery supply chains.

The EIA [Quarterly Coal Report](#) for the first quarter of 2023 shows U.S. coal production totaling 148.7 million short tons (MMst), which was 2.1 percent higher than the previous quarter and 0.2 percent lower than the first quarter of 2022. In the same timeframe, coal exports (24.6 MMst) increased 17.2 percent from the fourth quarter of 2022.

[Argus](#) reported that U.S. thermal coal exports increased in May to just over 3.07 million short tons despite lower exports to Europe. Steam coal exports to Europe decreased to 937.2 thousand short tons, due to lower exports to the UK, Poland and Ireland. U.S. metallurgical coal exports rose to 4.69 million short tons in May, while total exports climbed to 8.69 million short tons.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	7/10/23	\$15.15
Copper Spot Price (\$/lb)	7/11/23	\$3.74
Gold Spot Price (\$/ounce)	7/11/23	\$1,936.20
Lead Spot Price (\$/lb)	7/10/23	\$0.93
Lithium Spot Price (\$/kg)	7/11/23	\$42.70
Molybdenum Spot Price (\$/kg)	7/10/23	\$52.63
Nickel Spot Price (\$/lb)	7/10/23	\$9.44
Silver Spot Price (\$/ounce)	7/11/23	\$23.13
Steel HRC Price (\$/mt)	7/11/23	\$955.66
Steel Rebar Price (\$/mt)	7/11/23	\$508.80
Zinc Spot Price (\$/lb)	7/11/23	\$1.07
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	7/11/23	\$225.00
Coal Spot Price - Central Appalachian (\$/st)	7/7/23	\$65.50
Coal Spot Price - Newcastle futures (\$/mt)	7/11/23	\$127.11
Coal Spot Price - Rotterdam futures (\$/mt)	7/11/23	\$105.90
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	7/5/23	\$2.64
Uranium Spot Price (\$/lb)	7/3/23	\$55.65

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

CORESafety



In the July edition of CORESafety TV we go over some top tips for dealing with extreme heat.



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