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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 continued its sprint toward the August recess with a jam-packed agenda including moving annual government funding legislation with National Mining Association (NMA) supported policy provisions and as regulatory agencies continued their regulatory onslaught. The 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 and markets are faring.

Safety Share

Don't overlook your furry babies during the current heat wave. The Humane Society of the United States has tips to [keep your pets safe](#).

NMA Hosts Senate Energy and Natural Resources Ranking Member Barrasso



Last week, MINEPAC and COALPAC, along with a packed room of NMA member company PACs, individual company officers and the Wyoming Mining Association, warmly hosted Sen. John Barrasso (R-Wyo.), Ranking Member of the U.S. Senate Energy and Natural Resources Committee and Chairman of the Senate Republican Conference. Sen. Barrasso is running for re-election to the Senate in 2024, and we were able to strongly support him early this election cycle. Currently, Sen. Barrasso continues to work with Sen. Joe Manchin (D-W.Va.) on a Senate response to House permitting provisions passed in H.R. 1 and some enacted in the new Fiscal Responsibility Act. His newly introduced SPUR Act contains all NMA priorities for permitting and production legislation: permitting reforms with deadlines on lease application approvals and a Rosemont litigation fix, checking over-reaching U.S. Environmental Protection

Agency (EPA) regulations threatening electricity reliability, a short statute of limitations on filing lawsuits against final agency actions, ensuring federal resources for coal utility plant investments, and implementation of key process improvements for mineral permit approvals. Sen. Barrasso remains one of the mining industries biggest advocates in Congress, and NMA members enjoyed having the opportunity to ask him about his legislative priorities and his re-election race.

House Moves NMA Priorities in Appropriations Bills

This week, the U.S. House continued moving government funding appropriations bill through the Appropriations Committee including the Interior, Environment and Related Agencies Appropriations Act, which funds the EPA and the U.S. Department of the Interior (DOI). This provides another key opportunity to include policy riders to conduct additional oversight, begin to defund anti-mining regulatory actions being developed in the administration and take positive steps to provide additional regulatory clarity. The Interior, Environment and Related Agencies bill includes clarifying ancillary use language mirroring bipartisan legislation introduced in the House by Reps. Mark Amodei (R-Nev.) and Mary Peltola (D-Alaska) and Sens. Catherine Cortez Masto (D-Nev.) and Jim Risch (R-Idaho), and language already passed earlier this year the House in H.R. 1. The bill prevents funding to finalize the Bureau of Land Management's (BLM) Conservation and Landscape proposed rule, which would make more federal land off limits to development, and reverses land withdrawals for mining. It prohibits funding to finalize EPA regulatory agenda including the Mercury and Air Toxics Standards, Effluent Limitation Guidelines and the new Clean Power Plan; eliminates funding to enforce EPA's Ozone

Transport Rule; and includes report language concerning EPA’s implementation of coal ash disposal regulations, all of which electric grid experts and regulators warn will threaten the reliability of the grid. The bill also contains a number of Endangered Species Act (ESA) provisions addressing the Northern Long Eared Bat, Lesser Prairie Chicken, Dunes Sagebrush Lizard and Sage Grouse, and reaffirms that the administration’s Water of the U.S. regulation has no effect. This is very early in the appropriations process as this is a process that will take the remainder of this year to complete, but the NMA will continue to pursue a number of policy priorities providing Congress with new ways to exercise oversight of the administration’s regulatory agenda.

NMA and NMA Member Companies Co-Host Bipartisan Permitting Reform Campaign with US Chamber



This week the U.S. Chamber held its second forum on the need for permitting reform. This week’s forum focused entirely on the need for permitting reforms

in the mining sector to meet the ever increasing demand for minerals for a variety of new technological developments and the substantial advantage other nations have built in mining production and processing. Senator Catherine Cortez Masto (D-Nev.), chairwoman of the Senate Mining Subcommittee, led the event with the keynote address. Not only did NMA President and CEO Rich Nolan address the group about the need for reforms including judicial time limits to review permitting decisions, but NMA member companies Rio Tinto, Talon Metals and Ramaco Resources spoke to the group about their projects and experience with the permitting process. The NMA continues to work with a coalition including the U.S. Chamber and allies in the Congress on additional permitting reform legislation.

New Final WOTUS Rule at OMB



This week, the Office of Management and Budget (OMB) began its review of the final definition of “Waters of the United States” (WOTUS) rule. Recall that the EPA and Army Corps of Engineers (Corps) plan to issue a new final WOTUS rule by Sept. 1, 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*. The NMA and our industry coalition, the Waters Advocacy Coalition (WAC), have requested meetings with OMB to advocate our perspective on the final rule.

House T&I Committee Grills EPA Leadership on WOTUS; Introduces NMA Letter on AJD Pause into Record

Congressional pressure on agency leadership continued in a [hearing](#) last week before the House Transportation and Infrastructure Committee titled “Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part II).” Radhika Fox, Assistant Administrator of EPA’s Office of Water, fielded questions from Republicans on the WOTUS rulemaking and the agencies’ current “pause” on issuing approved jurisdictional determinations (AJDs). Chairman Rouzer (R-N.C.) introduced both the [NMA’s letter](#) and [WAC’s letter](#) urging the agencies to resume the issuance of AJDs into the hearing record.

Last week, the agencies [responded](#) to a [congressional letter](#) raising these issues. In their letter, the agencies stated the AJD pause was limited to “some, but not all AJDs” and affirmed the Corps is “currently issuing AJDs for which no water resources are involved (known as dry land AJDs) and for water resources that meet the terms of exclusions under the 2023 Rule or the pre-2015 regulatory regime, where applicable;” the NMA is working to ground truth the claims in this letter. Please let Caitlin McHale at cmchale@nma.org or Scott Gemperline at sgemperline@nma.org know if you have any information from your Corps districts that you are willing to share.

House Committee Advances Legislation to Reauthorize CFATS

Last week, the House Committee on Homeland Security marked up and passed [H.R. 4470](#), the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2023 by a vote of 30-0. The legislation provides a clean reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS) [program](#) at the Department of Homeland Security for two years, through Sept. 30, 2025. The CFATS program, which expires on July 27, identifies and regulates “high-risk facilities” that possess or plan to possess [chemicals of interest](#), such as ammonium nitrate, to ensure security measures are in place to reduce the risk that certain dangerous chemicals are weaponized by terrorists. The NMA is part of a larger CFATS coalition that has advocated for a clean reauthorization of the program. In the Senate, Homeland Security and Governmental Affairs Committee Chairman Gary Peters (D-Mich.) has offered [S. 2178](#) under the same name as the House, however, the Senate bill seeks a longer term reauthorization through Oct. 1, 2028. The NMA and the larger CFATS coalition continue to advocate in favor of a clean reauthorization of the program ahead of the July 27 expiration.

Congressional Action on House and Senate NDAA with Mining Provisions



Last week, the House passed the National Defense Authorization Act (NDAA) ([H.R. 2670](#)) by a vote of 219 to 210. It included several mineral provisions related to strategic and critical material acquisition authorities and addressing vulnerabilities in the defense mineral supply chains. Of the nearly 1,600

amendments filed to the legislation, several focused on securing critical and strategic minerals essential for national security. Also last week, the Senate Armed Services Committee reported its NDAA, [S. 2226](#), which also included a number of provisions important to the mining industry including strategic material acquisition requirements, creation of research center to support workforce development related to critical minerals national security needs, and prioritization of efforts to address vulnerabilities in the mineral supply chain while reducing our dependence on foreign adversaries. Please find the NMA's memo detailing both the House and Senate provisions [HERE](#). The Senate is expected to consider the legislation over the next week, including several amendments on a variety of issues.

Upon final passage, both chambers will begin negotiations to reconcile the differences between the two bills. The NMA will continue to engage throughout this process, working with our congressional allies, to maintain industry priorities within the final conference report. The NMA will provide updates as additional information and next steps become available.

ESA Working Group Launched in the House

Today, the House Natural Resources Committee and the House Congressional Western Caucus (WC) created an ESA working group to examine the implementation of the ESA by federal agencies, how the ESA has impacted everyday Americans, the impacts of ESA litigation decisions, and how success is measured under the 50-year-old law. An outgrowth of the working group will be to produce a series of policy recommendations to reform the ESA. The announcement of the working group came as the House Natural Resources Subcommittee on Water, Wildlife and Fisheries held a hearing titled [ESA at 50:](#)

[The Destructive Cost of the ESA](#), which examined many of the same priorities of the working group. Please find a link to the House Natural Resource Committee's press release on the working group [here](#). As in previous congresses, the NMA will continue help lead ESA reforms developed in coordination with industry stakeholders, states, the WC, and the Congress.

NMA, Rail Customer Coalition Plan Way Forward on Freight Shipping Reliability

RAIL CUSTOMER COALITION

Yesterday, the NMA joined the [Rail Customer Coalition](#) (RCC), a trade group consisting of the majority of commodities shipped by rail, to discuss potential actions to hold class I freight rail providers accountable for inconsistent service. RCC welcomed staff from the office of Senator Tammy Baldwin (D-Wis.) to discuss the [NMA-supported](#) *Reliable Rail Service Act* ([S.2071](#)), which is cosponsored by Senator Roger Marshall (R-Kan.). In addition to discussing opportunities to increase awareness and support of S. 2071 and overall congressional rail oversight, RCC-members also talked through potential actions regarding the renominations of Surface Transportation Board (STB) Chairman Martin Oberman and Member of the Board Patrick Fuchs and how to support STB's steady progress through the years-end to enable competitive rail service. The NMA will continue to provide progress reports and encourages our members to provide regular updates and anecdotes on rail service reliability at

your operations, which can be submitted anonymously through quarterly NMA rail surveys.

NMA Video Supports the Mining Workforce of the Future



Responding to the need articulated by NMA members to support the recruitment of the next generation of talent for the mining industry, the NMA Communications team developed a new video intended to highlight the extraordinary job opportunities available in mining and dispel misperceptions about our industry.

In the coming weeks we will be promoting this video – the first in a series – across the NMA’s digital channels through both organic and paid media promotion. We will be targeting graduates and soon-to-be graduates looking at career opportunities; policymakers and their staff in both Washington, D.C., and mining states; and mining fans, friends and other interested individuals. We will be focusing on NMA, Minerals Make Life and Count on Coal channels including Facebook, Twitter, LinkedIn and YouTube channels, while embedding the video in our own e-newsletters and blogs.

We encourage our members to share this video on their own channels.

Importantly, none of these videos would be possible without the extraordinary time and effort spent by Coeur Mining and CONSOL Energy, whose teams spent months with the NMA planning these videos in advance and hosting us on-site for extended shoots and interviews; we thank them and all of their employees for their contributions.

NMA to Revitalize Transportation Committee

The NMA is revitalizing its Transportation Committee to better inform members of issues and updates related to the transport of minerals, coal and other goods shipped by the mining industry. The committee previously served to address a broad array of transportation issues including concerns related to freight rail, waterways, export facilities and international maritime policies. In recent years, many of these issues have been folded into other NMA committees or taskforces. In the interest of broader participation, however, the NMA is revitalizing the committee to assist in prioritization of the association’s transportation issues. If you or another member of your organization would like

to be added to the Transportation Committee roster, please contact Katie Mills at kmills@nma.org.

NMA and Third Parties In the News

The [Washington Post](#) quotes Rich Nolan in a story on a proposed copper mine near two national parks, which it says is turning into a test of values --- how to protect wilderness while supplying critical minerals.

[Innovation News Network](#) carries an interview with the NMA on mineral supply chains.

[DC Journal](#) (D.C.) and the [Nashua Telegraph](#) (N.H.) ran an op-ed by Robby Stephany Saunders, national security adviser for the Coalition for a Prosperous America, in which she argues it's time to boost America's domestic production and processing of these important minerals for economic and national security resilience.

[Grand Junction Sentinel](#) (Colo.), [Tampa Bay Times](#) (Fla.), [Scranton Times Tribune](#) (Pa.), [Colorado Springs Gazette](#) (Colo.), [Madison Capital Times](#) (Wis.), [Lock Haven Express](#) (Pa.), [Greeley Tribune](#) (Colo.), [Elko Daily Free Press](#) (Nev.), [The Bryan Times](#) (Ohio), [The Northwest Signal](#) (Ohio), [Huntington Herald Dispatch](#) (W.Va.) and [Fargo Inforum](#) (N.Dak.) 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.

Mining and Energy News

[Reuters](#) and [EnergyWire](#) reported on International Energy Agency (IEA) analysis forecasting that supply of minerals critical to the energy transition could move close to levels needed to support climate pledges by 2030 after a surge in investment. But the demand for key minerals needed for electric vehicles and clean energy projects has doubled in the past five years, raising concerns about supply shortages. The IEA's new *Critical Minerals Market Review* also reported that global lithium demand tripled from 2017 to 2022, while cobalt demand increased by 70 percent and nickel demand grew 40 percent. The market for those minerals totaled \$320 billion in 2022 and is expected to grow, according to the report.

[EnergyWire](#) reported that the Department of Energy (DOE) is rolling out more than \$200 million in grants to modernize the power system and prevent future blackouts.

[Wall Street Journal](#) reported that China's recent decision to restrict the export of two minerals used in semiconductors, solar panels and missile systems was more than a trade salvo. It was a reminder of its dominant hold over the world's mineral resources—and a warning of its willingness to use them in its escalating rivalry with the U.S.

[Argus](#) reported that the PJM Interconnection plans to clear more than 260,000MW of new, mostly renewable capacity over the next three years as it begins transitioning to its new project review process.

[Wall Street Journal](#) reported that the world's largest automakers are moving deeper into the supply chain for metals to power their electric cars.

[Politico](#) reported on an International Renewable Energy Agency report arguing that "The world's supply of critical minerals is vulnerable to disruptions that could slow the transition to clean energy because mining and refining are concentrated in the hands of a few companies and countries."

[Engineering & Mining Journal](#) reported that Uranium Energy has completed restart preparations at Christensen Ranch in-situ recovery (ISR) Project in Johnson County, Wyoming. "With demand increasing for uranium supply from stable geopolitical jurisdictions and U.S. national security objectives, we foresee an increasingly urgent need for domestic uranium supply."

[Argus](#) reported that coal export loadings at Hampton Roads, Virginia, rose again in June, with two of the region's terminals handling more coal than a year earlier.

[E&E Greenwire](#) reported that the E.U. is set to sign off on its negotiating mandate for a critical raw materials agreement with the U.S. this week.

[Mining.com](#) reported that copper could now be used for clearer MRIs. Researchers at the Universities of Birmingham and St. Andrews, as well as Diamond Light Source, discovered a novel copper protein binding site that has real potential for improving the clarity of MRI contrast agents.

[Wall Street Journal](#) carried an op-ed arguing that congress and the administration should make critical mineral dominance a priority.

[Argus](#) reported that the newer larger dry bulk carriers moving coal and other commodities through the Panama Canal are expected to see benefit from higher economies of scale.

[Greenwire](#) reported that the administration is eyeing investments in Africa that could help the U.S. tap critical minerals there needed for the energy transition. But they are just getting started in a region that's been dominated by China for a decade.

The **[Department of Energy](#)** (DOE) announced \$32 million for the funding of

projects that will help build facilities that produce rare earth elements and other critical minerals and materials from domestic coal-based resources.

E&E News PM published: "Biden Administration doles out funds for graphite mine, processing."

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	7/18/23	\$15.15
Copper Spot Price (\$/lb)	7/19/23	\$3.79
Gold Spot Price (\$/ounce)	7/19/23	\$1,977.17
Lead Spot Price (\$/lb)	7/18/23	\$0.94
Lithium Spot Price (\$/kg)	7/19/23	\$41.48
Molybdenum Spot Price (\$/kg)	7/18/23	\$52.63
Nickel Spot Price (\$/lb)	7/18/23	\$9.45
Silver Spot Price (\$/ounce)	7/19/23	\$25.14
Steel HRC Price (\$/mt)	7/19/23	\$886.26
Steel Rebar Price (\$/mt)	7/19/23	\$510.85
Zinc Spot Price (\$/lb)	7/19/23	\$1.07
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	7/18/23	\$236.00
Coal Spot Price - Central Appalachian (\$/st)	7/14/23	\$62.00
Coal Spot Price - Newcastle futures (\$/mt)	7/19/23	\$130.36
Coal Spot Price - Rotterdam futures (\$/mt)	7/19/23	\$108.25
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	7/12/23	\$2.55
Uranium Spot Price (\$/lb)	7/17/23	\$55.75

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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