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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

With Congress set to return next week from its summer district work session, speculation is mounting over the prospects for a government shutdown related to spending bills. Meanwhile, the executive branch continues to roll out regulatory proposals at a rapid pace. 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

The U.S. Centers for Disease Control and Prevention estimated there were 107,622 drug overdose deaths in 2021, an increase of 15 percent from 2020. Thursday is [International Overdose Awareness Day](#).

EPA and Army Corps Issue New Final WOTUS Rule in Response to *Sackett v. EPA*



Yesterday, the U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) released the [pre-publication version](#) of a new final rule defining the term “waters of the United States” (WOTUS) under the Clean Water Act (CWA). **Recall** the agencies announced earlier this summer their plans to take the 2023 WOTUS Rule and “surgically” remove the parts of it that the U.S. Supreme Court found unlawful in *Sackett v. EPA*. The agencies generally stuck to that approach in this “amendment” to the 2023 Rule, although there is still uncertainty around how this new rule will be interpreted and implemented. For example, the agencies removed the problematic “significant nexus” test, revised the definition of “adjacency,” and removed

interstate wetlands from the 2023 Rule. However, there is still uncertainty around key components of the rule, including the definition of “relatively permanent” and how that test will be implemented.

More information about the final rule, including a fact sheet and a redline of changes to the Code of Federal Regulations, is available [here](#). The [National Mining Association](#) (NMA) and our industry coalition, the [Waters Advocacy Coalition](#) (WAC), issued press releases highlighting the agencies’ overreach and the continued regulatory uncertainty the mining industry and broader business community will face as a result of this new rule. The NMA continues to review the final rule and its potential impact on the mining industry, but several key takeaways from our initial review are [here](#).

Congressional Responses and Outreach on WOTUS Rule



The NMA has been actively engaged with congressional allies regarding the revised WOTUS rule to provide industry perspectives and additional background on the implications of the rule for domestic mining. Our congressional allies swiftly admonished the agencies for this latest action. House Transportation and Infrastructure Committee Chairman Sam Graves (R-Mo.) and Water Resources and Environment Subcommittee Chairman David Rouzer (R-N.C.) issued a [statement](#) noting the revised rule “ignores fundamental concerns laid out in Sackett” and is a “missed opportunity to

finally end longstanding confusion” over WOTUS. Sen. Shelley Moore Capito (R-W.Va.), Ranking Member of the Environment and Public Works Committee, released a similar [statement](#) calling the administration’s approach in this new final rule “unserious,” lacking in real transparency, and likely to be rejected once again in the courts.

Mining Organizations Converge and Plan in Idaho



The NMA participated in the Western States Mining Collaborative Council meeting last week in Donnelly, Idaho. The attendees outlined several of the shared challenges that mine operators are facing, including employment recruiting, permitting frustrations, tribal relations and market pressures. The group toured Perpetua Resources’ Stibnite mine outside of Yellow Pine, Idaho, which plans antimony and gold production. Participants in the meeting and on the tour included representatives of Alaska Mining Association, Arizona Mining Association, Colorado Mining Association, Idaho Mining Association, Mining Minnesota, Montana Mining Association, the newly constituted South Dakota

Mining Association, Utah Mining Association, Wyoming Mining Association, American Exploration and Mining Association, American Coal Council, and the Rocky Mountain Mining Association.

EPA Proposes Extensive Revisions to the Air Emissions Reporting Requirements

The EPA recently [proposed a rule](#) that would significantly expand the Air Emissions Reporting Requirements (AERR) under the Clean Air Act. EPA's proposed rule will have significant implications for all air emission sources and will directly impact mining companies. For mining in particular, the proposal has two primary implications. First, mines likely have been excluded under the current AERR that only require states to report criteria air pollutants (CAP) from Title V sources, but the proposed changes would require fugitive and mobile source emissions to count in determining applicability of state CAP reporting and require owners/operators themselves to report hazardous air pollutants directly to EPA. Second, EPA confirms that the AERR applies to emissions from mobile sources operating within and as a functional part of a facility site, "[such as mining equipment and other vehicles,](#)" which can "have emissions both from combustion engines and from road dust generated by the vehicles." A more detailed summary of the rule and invitation to discuss the implications on the mining industry is available [here](#).

EPA Announces 2024-2027 National Enforcement and Compliance Initiatives

EPA's Office of Enforcement and Compliance Assurance (OECA) [announced](#) its National Enforcement and Compliance Initiatives (NECIs) for Fiscal Years (FY) 2024-2027. For the first-time, the NECI will focus enforcement and compliance resources on mitigating climate change, addressing exposure to per- and polyfluoroalkyl substance (PFAS) contamination, and protecting communities from coal ash contamination. The three other priority areas are reducing air toxics in overburdened communities, increasing compliance with drinking water standards and chemical accident risk reduction. Reducing exposure to lead was an additional area for further consideration and potential future development as a NECI for this upcoming cycle. However, OECA has determined that rather than develop a separate, enforcement program-led NECI, the better approach is to participate in the established agency-wide lead initiative to tackle lead contamination. OECA believes that EPA's [Lead Strategy](#) sets forth a comprehensive strategy to implement a wide range of authorities to address noncompliance, obtain cleanups, deter future violations, and mitigate harm. Additional information can be found [here](#).

EPA Denial of RCRA Corrosivity Petition Upheld by D.C. Circuit



A three-judge appellate panel for the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) recently [denied](#) an environmental group’s appeal of an EPA decision to deny the group’s 2011 petition asking EPA to strengthen its corrosivity standards under the Resource Conservation and Recovery Act (RCRA). The D.C. Circuit reasoned that petitioner’s arguments were time-barred, and that the EPA otherwise acted within its broad discretion to decline revision of its corrosivity regulation. The NMA has supported an industry coalition since 2015, advocating in support of EPA’s corrosivity standards that were established in 1980, and more recently filed an [amicus brief](#) in support of EPA’s decision, arguing that the current RCRA corrosivity characteristic balances competing concerns, including not overwhelming or impairing the capacity for hazardous waste management in the U.S. The coalition also emphasized that granting petitioner’s request would unnecessarily regulate huge volumes of material and disrupt beneficial reuse and waste management practices. Additional information on this matter is available [here](#).

NMA Increases Media Engagement on Silica Rule

The NMA has been engaged with an increasing number of high-profile media outlets, including CBS News with Ted Koppel, the *Wall Street Journal*, PBS and others, on the Mine Safety and Health Administration's (MSHA) newly proposed silica dust standards. The NMA is always extremely careful not to get out ahead of our comments to the government on any issue, and our comments on this rule – due to the government in mid-September - are still in development with the silica working group.

While not covering the issues that will be detailed in our comments, we are doing in-depth work with media to help them understand our historical position on this issue, to put into context various NIOSH and other studies on black lung, and to highlight that we are not challenging the newly established levels, merely how mines can comply.

Once our comments on the new rule have been finalized, approved by the silica working group and submitted to the government, we will have more detailed messaging to share with the group. In the meantime, please contact the NMA's [Ashley Burke](#) with any questions on our media approach and, if you receive media inquiries that your company would prefer not to handle directly, please feel free to direct them to [Ashley Burke](#).

**NMA Board of Directors Meeting Room
Block Deadline: Aug. 28**



Make your reservation for the NMA Fall Board of Directors and Annual Members Meeting now, which will be held Sept. 20-22, 2023, at the Conrad Washington, D.C. To register for the Board Meeting and the Member Reception, [please click here](#).

The meeting will begin Wednesday, Sept. 20, 2023, with the Manufacturers & Services Board of Governors Meeting. It will continue Thursday, September 21, 2023, with a great speaker line up, available [here](#). We will end the day Thursday with the NMA Member and Congressional Reception. Friday, Sept. 22, 2023 will be the NMA Board of Directors Meeting.

Note that the Room Block is now closed. If you are looking for a hotel room for the meeting, please contact [Katie Coon](#). Sponsorships are still available and, if you are interested in sponsoring an event, please [complete the form](#) and return it to [Katie Coon](#).

NMA and Third Parties In the News

Rich Nolan issued a new [President's Blog](#) on developing the workforce of tomorrow.

Rich Nolan is quoted by the [New York Times](#) , [Argus](#), [E&E Greenwire](#), [Bloomberg Law](#) and others, on the new WOTUS rule.

The NMA is quoted in [Wall Street Journal](#) reporting on the new MSHA silica rule and NIOSH's suggestions that there is a resurgence of black lung disease.

From our third parties, [Mesabi Tribune](#) (Minn.), [Jacksonville Courier Journal](#) (Ill.), [Fayette Tribune](#) (W.Va.), [Bakersfield Californian](#) (Calif.), [Scranton Times Tribune](#) (Pa.), [Logan Daily News](#) (Ohio), [Frankfort State Journal](#) (Ky.), [Waco Tribune Herald](#) (Texas), [Huntington Herald Dispatch](#) (W.Va.), [Kokomo Tribune](#) (Ind.), [Bryan Times](#) (Ohio) and [Northwest Signal](#) (Ohio) carry an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues the obvious alternative to EPA's extraordinarily dangerous plan is to focus on building and deploying new energy technologies and infrastructure before tearing down the power plants that currently underpin our system.

Mining and Energy News

[Mining.com](#) reported on International Nickel Study Group (INSG) data showing that the global nickel market had a surplus of 27,400 metric tons in June, compared with a surplus of 16,200 tons in the same month last year. That compared with a surplus of 17,100 tons in May 2023.

[E&E News PM](#) reported that the Energy Department recently unveiled \$30 million in funding to extract critical minerals and rare earth elements from a

variety of sources, including coal, coal waste and sludge that's currently being stored in pools and impoundments.

[**Utility Dive**](#) reported on recent Institute for Energy Economics and Financial Analysis data indicating that after strong growth in the last decade, private equity and private capital-owned power plants in the PJM Interconnection region face financial headwinds including sharply lower capacity revenue.

[**Mining.com**](#) reported on a paper published in the journal *Science*, in which the researchers explain that strange metal behavior is found in many quantum materials including some that with small changes can become superconductors. That relationship suggests that understanding strange metals could help researchers identify new kinds of superconductivity.

[**Energywire**](#) reported that sea changes in how electricity is produced, transmitted and used are coming too fast for grid operators to manage adequately, according to a report issued by a top-level committee of utility sector executives.

[**Bloomberg**](#) reported that gold isn't losing its allure, according to a dozen money managers who all told *Bloomberg News* they expect to maintain or raise their exposure to the precious metal in the coming 12 months.

[**Kitco**](#) and others ran an opinion piece by Frank Holmes arguing that "lithium and gold were the only positively performing commodities in H1."

[**Mining.com**](#) reported that an international team of researchers has created a new technology that speeds up the development of catalysts for lithium-CO₂ (Li-CO₂) batteries - devices that can store energy and capture emissions.

[**Bloomberg**](#) reported that Russia's invasion of Ukraine is forcing the U.S. and Europe to search for alternative sources of enriched uranium to power their

reactors. The race to ditch Russian uranium starts in New Mexico's desert.

[**Mining.com**](#) reported from Reuters on Australia's *Intergenerational report 2023* projecting that the economy is well-placed to benefit from strong demand for critical minerals with the global appetite expected to rise by 350 percent by 2040, as many big economies rush to hit net zero emission targets by 2050.

[**Argus**](#) reported that power grid operators across the U.S. midcontinent have issued several reliability-related advisories this week as above-average average temperatures blanket the region.

[**Mining.com**](#) published: "Headwinds mount in quest for stable copper supplies."

[**Argus**](#) reported on recent Association of American Railroads (AAR) weekly carloading data showing that U.S. rail coal volumes reached their highest level in more than nine months.

EIA's [**Domestic Uranium Production Report**](#) for the second quarter of 2023 shows U.S. production of uranium concentrate (U₃O₈) totaling 7,443 pounds U₃O₈. The second quarter's total uranium production occurred at three facilities in Wyoming (Nichols Ranch ISR Project, Ross CPP, and Smith Ranch-Highland Operation).

[**Hellenic Shipping**](#) reported on GlobalData analysis projecting that Asia is set to witness the highest refinery coking capacity additions among all regions between 2023 and 2027, contributing about 50 percent of the total global capacity additions by 2027. The majority, 60 percent of capacity additions, will come from Asia (China and India), 20 percent from Russia and 16 percent from North America.

[**Mining.com**](#) reported on ways mining companies can better manage

community resettlement as demand for metals rises.

[Argus](#) reported that Texas' main power grid operator asked for voluntary electricity conservation last week as widespread, extreme heat and low wind-power generation threatened the supply-demand balance.

[Mining.com](#) reported on Bank of America analysis projecting that the ascent of hydrogen as a renewable resource will require increasing amounts of platinum since the emerging hydrogen supply chain is essentially “made of platinum.”

[Kallanish](#) reported that the U.S. Department of Commerce is continuing anti-dumping duty orders on imports of steel wire rod from ten countries.

[Mining.com](#) reported on researchers at Japan's Chiba University that have developed a better understanding of an alloy of gold (Au) and nickel (Ni) that showed promising hydrogen evolution reaction (HER) activity.

[International Lead Zinc Study Group](#) (ILZSG) reported on recent provisional data indicating that world refined zinc metal supply exceeded demand by 370kt during the first half of 2023 with total reported inventories increasing by 85kt.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	8/29/23	\$15.15
Copper Spot Price (\$/lb)	8/30/23	\$3.78
Gold Spot Price (\$/ounce)	8/30/23	\$1,943.61
Lead Spot Price (\$/lb)	8/29/23	\$1.00
Lithium Spot Price (\$/kg)	8/30/23	\$29.01
Molybdenum Spot Price (\$/kg)	8/29/23	\$58.75
Nickel Spot Price (\$/lb)	8/29/23	\$9.29
Silver Spot Price (\$/ounce)	8/30/23	\$24.60
Steel HRC Price (\$/mt)	8/30/23	\$706.26
Steel Rebar Price (\$/mt)	8/30/23	\$506.64
Zinc Spot Price (\$/lb)	8/30/23	\$1.10
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	8/29/23	\$263.00
Coal Spot Price - Central Appalachian (\$/st)	8/25/23	\$70.00
Coal Spot Price - Newcastle futures (\$/mt)	8/29/23	\$156.39
Coal Spot Price - Rotterdam futures (\$/mt)	8/30/23	\$122.50
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	8/23/23	\$2.59
Uranium Spot Price (\$/lb)	8/28/23	\$58.50
Sources: publically available data from eia.gov, dailymetalprice.com, tradingeconomics.com, sgxgroup.com, investing.com		

CORESafety



In the August edition of CORESafety TV we review Module number 15, Behavior Optimization.



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