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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

This week, with the House and Senate back in D.C., major mining issues are coming to a head in Washington with the long-awaited release of the administration's Interagency Working Group (IWG) on mining's recommendations on mining law reforms, a deadline for comments on the Mine Safety and Health Administration's (MSHA) silica rule, and hearings covering a range of topics from grid reliability to impediments to mineral production. With mining front and center, 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

September is National Preparedness Month, an observance to raise awareness about the importance of preparing for disasters and emergencies that could happen at any time. Learn more [here](#).

White House Interagency Working Group



Yesterday, the White House Interagency Working Group on Mining Regulations, Laws and Permitting released its long-anticipated report on "Recommendations to Improve Mining on Federal Lands. The DOI [press release](#) confirmed the industry's fears that the administration would recommend upending the current Mining Law framework: "the IWG concluded that fundamental reform of the Mining Law of 1872 – the 151-year-old law that still governs access to mineral resources on hundreds of millions of acres of public land in the United States – is necessary to achieve the best outcomes." The fundamental reforms recommended by the IWG include: conversion of the location system to a

leasing system, which will allow agencies additional discretion to deny mining projects even if they meet all environmental requirements; net royalties on Federal lands in the range of 4-8 percent, likely to be imposed on both new and existing claims; and a dirt tax on volume of material moved at mine sites that would likely be 7 cents per ton and apply to mines on federal, state and private lands. Additional information on the report recommendations are included in yesterday's [memorandum](#) to members.

The NMA worked with reporters well in advance of the release and throughout the day yesterday to highlight the flaws with these recommendations, and was quoted in outlets across the country including [Associated Press](#), [the New York Times](#), [The Washington Post](#), [Politico](#) and others. In addition, the NMA distributed a press release, which can be found [here](#). The NMA also armed congressional allies with talking points and background material about the unworkability of key recommendations not only after the release of the IWG but prior to the release of the IWG based on NMA's expectations of the report. This preparation has resulted in statements from key mining leaders in Congress from Senators Barrasso (R-Wyo.), Risch (R-Idaho) and Rosen (D-Nev.) to the Congressional Western Caucus in the House and Senate to Senate Mining Subcommittee Chairwoman Catherine Cortez Masto (D-Nev.) to House Energy and Mineral Resources Chairman Stauber (R-Minn.) and will result in new oversight opportunities for mining allies in Congress.

NMA Submits Comments on MSHA Silica Rule

On September 11, the NMA submitted [comments](#) on the Mine Safety and Health Administration's (MSHA) Respirable Crystalline Silica proposal to lower its standards. While the comments supported the reduced 50 µg/m³

permissible exposure limit to better protect miners from silica exposure, we identified significant concerns regarding the standard's implementation. These concerns included: MSHA's inconsistent implementation of the hierarchy of controls, the refusal to accept personal protective equipment such as respirators and powered air purifying respirators for compliance purposes, the use of an eight-hour shift length that inaccurately captures miner's exposure to silica, and the unreasonably short timeframe for implementation and compliance with this complex rulemaking.

STB Announces Proposed Rule on Reciprocal Switching



Last week, the Surface Transportation Board (STB) [issued](#) a [Notice of Proposed Rulemaking](#) (NPRM) for a new set of regulations that would provide for the prescription of reciprocal switching agreements to address inadequate rail service. The NPRM would set forth objective performance standards based on a Class I freight rail carrier's original estimated time of arrival, transit time, and first-mile and last-mile service. Additionally, the NPRM

would provide a streamlined path for the prescription of a reciprocal switching agreement when service to a terminal-area shipper fails to meet any of three performance standards. The NMA issued a [press release](#) welcoming the STB's action to propose this rule and offer solutions to address the mining industry's concerns on inadequate and deteriorating rail service. Comments on the NPRM are due Oct. 23, 2023.

Department of Defense Awards Funding for Domestic Nickel Supply Chain



Yesterday, the Department of Defense (DOD) entered into an [agreement](#) with NMA member Talon Metals to provide \$20.6 million, on a cost-share basis, through the Defense Production Act (DPA). The funding will be provided to Talon's in-house drilling and geophysics teams to purchase more equipment, hire additional employees, and accelerate efforts to discover further high-grade nickel deposits.

The DPA was authorized by President Biden in March 2022 to provide funding to increase the domestic mineral supply for strategic and critical materials and minerals essential to national security. Since its authorization, several NMA members have successfully secured funding, including [Jervois Mining](#) to expand cobalt extraction in Idaho and [Perpetua Resources](#) to increase the availability of antimony through its Stibnite-Gold Project in Idaho.

Senate Introduces Landmark Bipartisan Good Samaritan Legislation



Today, Senators Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) [introduced](#) the bipartisan *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023*. The legislation is the first of its kind introduced in the 118th Congress and follows in the footsteps of the Senators bipartisan [S. 3571](#) from last Congress. The NMA worked closely over several months with the offices of Senators Heinrich and Risch, and in close partnership with conservation group Trout Unlimited and the American Exploration and Mining Association, to recruit additional support. The resulting legislation provides additional program

certainty and further defined allowable activities while maintaining the core purpose of the pilot program, including identical liability protections and program scope provided in S. 3571 introduced last Congress. An NMA memo on today's announcement along with specific provisions in the legislation can be found [here](#).

To give a strong signal of the bill's bipartisan support upon introduction, the NMA worked with the cosponsors to secure identical support. Today's introduction includes the following original cosponsors, equally distributed between parties: Sen.'s Jim Risch (R-Idaho), Martin Heinrich (D.-N.M.), John Hickenlooper (D-Colo.), Mike Crapo (R-Idaho), Kirsten Sinema (I-Ariz.), Steve Daines (R-Mont.), Ben Ray Lujan (D-N.M.), John Barrasso (R-Wyo.), Mark Kelly (D-Ariz.), Cynthia Lummis (R-Wyo.), Jon Tester (D-Mont.), John Thune (R-S.D.), Catherine Cortez Masto (D-Nev.), Kevin Cramer (R-N.D.), Jacky Rosen (D-Nev.), John Boozman (R-Ark.), Michael Bennet (D-Colo.), Dan Sullivan (R-Alaska), and Ron Wyden (D-Ore.). The NMA is thankful for its member companies and for mining state associations' support and engagement on the legislation and in securing cosponsors and continuing engagement with offices for additional support. NMA is working with several prospective members in the House of Representatives to introduce similar legislation in the near future.

House Oversight Committee Investigates Source and Impacts of Excessive Permitting Litigation



This morning, the House Oversight Committee held a full committee hearing on “*Unsuitable Litigation: Oversight of Third-Party Litigation Funding.*” Hearing materials, including a recording of hearing and witness testimony can be found [here](#). Witnesses included: Julie Lucas, Executive Director of [Mining Minnesota](#), an NMA member; Aviva Wein, Associate General Counsel, Johnson & Johnson; Erik Milito, President, National Ocean Industries Association; Maya Steinitz, Professor of Law, Boston University School of Law; and Kathleen Clark (minority witness), Professor of Law, Washington University of St. Louis School of Law. Leading up to the hearing, the NMA worked with the committee staff to provide briefings, hearing materials and suggested questions for the witnesses.

The hearing sought to investigate the state of excessive litigation against proposed mining, energy, and infrastructure projects and the significant cost to taxpayers and companies it creates along with increased timelines that cause disinvestment in U.S. projects. In her oral [testimony](#) Julie Lucas described the experiences of mining companies in Minnesota who are undergoing permitting and review processes and the elongated permitting timelines that litigation creates. She discussed the resulting impacts on communities, including reduced tax revenues for schools and essential services and reduced investment in workforce and talent pipelines. Julie provided several

opportunities for restoring trust in the regulatory process, including establishing clear timelines for stakeholder complaints, a recommendation echoed by several legislative proposals offered by Senator's Manchin, Capito, and Barrasso.

Utah Mining Association Testifies at House Critical Minerals Hearing



Earlier today, Brian Somers, President of the Utah Mining Association and an NMA member, testified before the House Natural Resources Subcommittee on Energy and Mineral Resources' oversight [hearing](#) to examine the methodology and structure of the U.S. Geological Survey's (USGS) Critical Minerals List. In his [testimony](#), Brian Somers discussed criticality as it relates to U.S. minerals policy, the inability of the USGS Critical Minerals List to react to geopolitical events and changing market conditions, and importantly forecast needs, as well as the need for minerals permitting reform to meet U.S. economic and national security needs. Witnesses and members of the Subcommittee were able to ask the USGS why its critical mineral list cannot be forward looking.

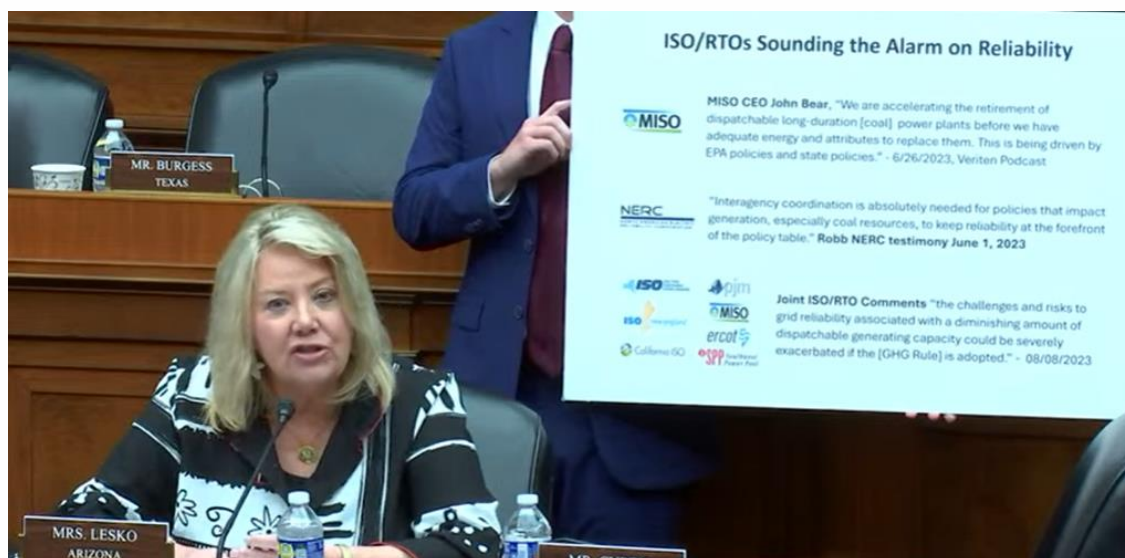
The NMA has continued to work with commodity organizations like the Copper Development Association, the Silver Institute and the Fertilizer Institute to press the USGS to ensure the critical mineral list is forecasting needs in the way that the U.S. Department of Defense and the U.S. Department of Energy (DOE) are creating their strategic and critical mineral lists and critical material lists. Other hearing witnesses included Dr. Nedal Nassar (Chief of Minerals Intelligence Research at the U.S. Geological Survey (USGS)) on behalf of the administration, Dr. Roderick Eggert (Viola Vestal Coulter Foundation Chair in Mineral Economics at Colorado School of Mines and Deputy Director of the DOE's Critical Materials Institute) and Reed Blakemore (Director of Research and Programs at the Atlantic Council's Global Energy Center) on behalf of the majority, and Dustin Mulvaney (Professor in the Environmental Studies Department at San José State University) on behalf of the minority. Other issues discussed were the USGS's selection criteria for the list, the list's ability to react to supply chain changes and challenges, and the real-world impacts to mineral development of being on the list. In advance of the hearing, the NMA worked with committee staff to provide thorough background materials on the industry's position related to the USGS list as well as questions for the witnesses. The NMA's social media thread covering the hearing can be found [here](#).

House Bipartisan ESA Task Force Holds Stakeholder Forum

Today, the House Natural Resources Committee and the Congressional Western Caucus (WC) held their first joint Endangered Species Act (ESA) Working Group forum to hear from stakeholders about impacts of the law and solutions to make it more workable. First announced in July, the bipartisan ESA Working Group was established to examine how the ESA is being implemented by federal agencies, the impacts on the American people, how litigation is driving

ESA decision making, and how success is defined under the ESA. The NMA continues to work with committee and WC staff to provide industry feedback, solutions for improving the ESA, and to support legislative provisions that reign in the administration's abuse of the ESA.

House Hearing Focuses on Grid Reliability and the Newly Introduced GRID Act



Today, House Energy and Commerce Subcommittee Energy, Climate, & Grid Security held a legislative hearing titled "Keeping the Lights On: Enhancing Reliability and Efficiency to Power American Homes." The hearing included consideration of the newly introduced "Guaranteeing Reliable Infrastructure Development Act" or the "GRID Act" by Subcommittee Chairman Jeff Duncan (R-S.C.) which allows the Federal Energy Regulatory Commission (FERC) to prevent the finalizing of any federal regulations until the FERC finds the regulation will not have a significant negative impact on the reliability and adequacy of the bulk-power system in North America. The introduction of the GRID Act is a result of eighteen congressional oversight hearings with witnesses from the NMA, grid reliability experts like the Midcontinent

Independent System Operator (MISO), PJM Interconnection and the FERC Commissioners testifying on the threats to electric grid reliability from EPA overregulation. Please find a copy of the GRID Act [here](#). Today's legislative hearing is an important procedural step which allows the legislation to move in the House and be included in other larger pieces of legislation on energy production and permitting in the House. The NMA's social media thread covering the hearing can be found [here](#).

EPA and Army Corps Hold First WOTUS Webinar



Yesterday, the EPA and Corps held the first of three webinars intended to summarize the amended "waters of the United States" (WOTUS) rule. The PowerPoint slides from the presentation are available [here](#). While there was little new information presented in the webinar, importantly, the agency officials affirmed that effective Sept. 8, 2023, the Corps had resumed issuing all types of approved jurisdictional determinations. The agencies also stated they plan to hold stakeholder implementation sessions this fall. Notably, the agencies affirmed that discharges to non-jurisdictional waters and features, including discharges to non-relatively permanent tributaries, may still be subject to certain Clean Water Act (CWA) regulations. For example, a discharge from a point source to a non-jurisdictional tributary that connects to a jurisdictional water may require a CWA section 402 permit.

NMA Launches Next Phase of Video Project

With Congress back in Washington, the NMA has launched the next phase of its video project rollout.

The first in the series was our overarching [Careers video](#), followed by a series of individual employee interviews with [Cody Wilson](#); [Dalton Eddy](#); [Jesse Cholico](#); [Jonathan Chmelik](#); [John Morecraft](#); [Katie Heazlett](#); [Scott Hill](#); [Tasha Helms](#); and [Zack Erickson](#).

This week, with both the House and Senate back in D.C., the NMA launched two policymaker-focused videos. Unlike the careers videos that target the next generation of miners, the target audiences are the Hill, policymakers and other elected officials, featuring mining employees in two feature videos:

- The [first policymaker-focused video](#) is on mining and the environment. In this video, employees across our industry discuss the fact that they and their families live in the communities that surround the mines, making them personally invested in caring for the land, water and wildlife that surround each project.



- The [second policymaker focused video](#) provides coal miners with the opportunity to discuss the vitally important role that coal plays in powering America and supporting American communities.



To date, these videos have received more than 3.5 million views in just over a month, and we're pleased with the traction we're getting across all audiences. That said, we want to make sure we maximize exposure to this material and encourage all members to continue to share these videos on their channels.

Fall Board of Directors Meeting



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

[Pottstown Mercury](#) (Pa.), [Grand Junction Daily Sentinel](#) (Colo.), [Scranton Times Tribune](#) (Pa.), [Johnstown Tribune Democrat](#) (Pa.), [Gillette News Record](#) (Wyo.), [Kokomo Tribune](#) (Ind.), [Huntington Herald Dispatch](#) (W.Va.) and [Harrisburg Patriot News](#) (Pa.) carry an op-ed by Rich Nolan in which he argues mining offers employment opportunities for Generation Z.

[E&E News PM](#) reports a revised version of the Biden administration's signature water policy is set to take effect Friday, putting in place changes in the aftermath of a stark Supreme Court ruling that are likely to spark a flurry of litigation.

The NMA is quoted by the [Associated Press](#) in a story on the Environmental Protection Agency's delayed plans to tighten air quality standards for ground-level ozone — better known as smog — despite a recommendation by a scientific advisory panel to lower air pollution limits to protect public health.

The NMA is mentioned in a [North of 60 Mining News](#) reports featuring Usibelli Coal Mine's celebration of 1,000 consecutive days without a lost time accident.

And from our third parties, the [Johnstown Tribune Democrat](#) (Pa.) carries 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 that Butterfield Canyon, which once hosted a Rio Tinto Kennecott copper mine that was part of the Bingham Canyon complex, has turned into the Butterfield Trailhead Regional Park following land reclamation efforts.

[Power Engineering](#) reported that the Pleasants coal-fueled power plant in West Virginia that was targeted for closure was restarted by a new owner (Omnis Fuel Technologies) that plans to retrofit the facility to use hydrogen to generate electricity.

[Silver Institute's](#) August newsletter highlights growing interest in cloud-seeding with silver iodide, a silver-based technology used worldwide for more than 50 years to increase rainfall.

[Forbes](#) reported on BP Statistical data showing coal consumption returned to record levels in 2022. Coal comprised 26.7 percent of the world's primary energy consumption.

[Reuters](#) reported on recent World Platinum Investment Council (WPIC) data indicating that platinum will register a larger supply deficit than previously expected for 2023 at a record 1 million troy ounces, driven by strong demand and flat supply. Total global platinum demand is expected to increase 27 percent in 2023.

[EnergyWire](#) reported that the Texas electric system issued its first grid emergency since a deadly winter storm in 2021 as a heat wave drove demand to record levels last Wednesday.

[Argus](#) reported that U.S. thermal coal exports rose in July from year-earlier levels for the third consecutive month, helped by increased demand from industrial buyers.

[Houston Public Media](#) reported that ERCOT has called on generators to push all available electricity to the grid last week as rising demand threatens to surpass the state's power supply. If that fails, rolling blackouts are likely to begin.

[The Department of Energy](#) announced up to \$150 million in loans for research, development, and demonstration (RDD) projects that increase the availability of domestic minerals through the efficient extraction, separation, processing, refining, and recycling of alternative feedstocks, such as from mine tailings, and other feedstocks, including conventional ore bodies, among others.

[Kitco](#) reported on its top ranking of gold mining companies by production in the first half of 2023 based on publicly reported quarterly company data.

[Argus](#) reported coal generation in the Midcontinent Independent System Operator (MISO) power region fell again in August as grid stakeholders continue to rely more on gas, wind and solar generation to meet electricity demand.

[AIST](#) reported that U.S. crude steel production notched up in July 2023, rising 0.8 percent year over year to 7.68 million short tons. Production also was up from the prior month, increasing from 7.52 million tons, according to recent American Iron & Steel Association monthly data.

[Mining.com](#) reported that railroads are likely to cut prices to prop up coal-fueled plants if U.S. climate policies further disadvantage coal in favor of cleaner energy sources, new research from the University of Maryland has found.

[Bloomberg](#) reported that the Biden administration declared a power emergency in Texas amid soaring electricity demand sparked by a brutal

heatwave.

[CNBC](#) reported that the U.S. and Saudi Arabia are in talks to secure metals in Africa needed to help them with their energy transitions.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	9/12/23	\$15.15
Copper Spot Price (\$/lb)	9/13/23	\$3.76
Gold Spot Price (\$/ounce)	9/13/23	\$1,910.09
Lead Spot Price (\$/lb)	9/12/23	\$1.02
Lithium Spot Price (\$/kg)	9/13/23	\$26.02
Molybdenum Spot Price (\$/kg)	9/12/23	\$58.75
Nickel Spot Price (\$/lb)	9/12/23	\$8.92
Silver Spot Price (\$/ounce)	9/13/23	\$22.85
Steel HRC Price (\$/mt)	9/13/23	\$695.46
Steel Rebar Price (\$/mt)	9/13/23	\$511.35
Zinc Spot Price (\$/lb)	9/12/23	\$1.13
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	9/12/23	\$307.00
Coal Spot Price - Central Appalachian (\$/st)	9/8/23	\$70.00
Coal Spot Price - Newcastle futures (\$/mt)	9/12/23	\$159.60
Coal Spot Price - Rotterdam futures (\$/mt)	9/12/23	\$118.85
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	9/6/23	\$2.49
Uranium Spot Price (\$/lb)	9/12/23	\$62.00

Sources: publicly available data from [eia.gov](#), [dailymetalprice.com](#), [tradingeconomics.com](#), [sgxgroup.com](#), [investing.com](#)

CORESafety



In the September edition of CORESafety TV, we revisit Peabody and APT, going into detail on dust particle monitoring.



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