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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in The News



Congress acted at the last minute to avoid a government shutdown, pushing the deadline for the next spending deal to November 17. The House canceled plans for a two-week recess as turmoil within the Republican caucus continued and Speaker Kevin McCarthy was unseated, however the House is unable to consider government funding bills until electing a new speaker. The Senate announced it will cut its week short to allow travel to the funeral for Sen. Dianne Feinstein (D-Calif.) and start a week-long recess next week for a bipartisan congressional delegation led by Sen. Chuck Schumer (D-N.Y.) to travel to Asia. In this dynamic environment, 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

Fire Prevention Week commences this weekend and the 2023 campaign focuses on [cooking safety](#).

Kevin McCarthy Removed as Speaker - House Remains Frozen



In a stunning outcome, yesterday eight Republican House members joined all Democratic House members in voting to remove Congressman Kevin McCarthy as Speaker of the U.S. House of Representatives **by a vote of 216-210**. Before the vote, McCarthy designated Congressman Patrick McHenry (R-N.C.), to be the speaker pro tempore until the election of the next speaker. The Republican Caucus will hear from declared candidates next Tuesday with voting set to begin next Wednesday. While not all candidates for speaker have publicly declared as of today, the often-discussed list includes: Majority Leader Steve Scalise (R-La.), House Judiciary Chairman Jim Jordan (R-Ohio) and Republican Study Committee Chairman Kevin Hern (R-Okla.).

The House cannot conduct any further business until the election of the next speaker, meaning that appropriations bills and other business scheduled for House consideration that you may find in this week's **Week Ahead** are delayed. Additionally, Speaker pro tempore McHenry has adjourned the House for the remainder of this week so that the Republican Conference and potential speaker candidates can take next steps. Former Speaker McCarthy announced he will not attempt to be a candidate for the speaker's election but will remain in Congress.

NMA Hosts Successful Fall Board Meeting

From Sept. 20-22, the NMA hosted a successful Fall Board of Directors and Members Meeting in Washington, D.C. The meeting included sessions of the Manufacturers & Services Board of Governors, as well as the Minerals and Coal Chief Executives. Discussions among members and NMA staff were in-depth, and participation was extensive on a range of issues including talent recruitment, federal government overreach, the new silica rule and the Interagency Working Group on Mining.

Despite a rigorous schedule in Washington and on the Hill that included key congressional votes and an address by Ukrainian president Zelenskyy, the impressive lineup of speakers included Lael Brainard, Director, White House National Economic Council; Heather Wilson, President, University of Texas at El Paso and former U.S. Secretary of the Air Force and former U.S. Congresswoman (R-N.M.); Rep. Ryan Zinke (R-Mont.); Rep. Bill Johnson (R-Ohio); Sen. Steve Daines (R-Mont.); Sen. Jim Risch (R-Idaho); Sen. Catherine Cortez Masto (D-Nev.) and Christopher J. Williamson, Assistant Secretary for Mine Safety and Health Administration.

The highlight of the week was the NMA's Congressional Reception on the rooftop of 101 Constitution, where the industry welcomed 10 members of Congress, seven officials from federal agencies like the Federal Energy Regulatory Commission, the U.S. Department of Energy and the U.S. Department of Commerce, and more than 100 congressional staff from the most relevant offices and committees to the mining industry.







Senators Voice Bipartisan Support for Proposed Rail Reliability Rule

This week, Senators Tammy Baldwin (D-Wis.) and Shelley Moore Capito (R-W. Va.) [voiced](#) their support for, and urged expeditious implementation of, the Surface Transportation Board's (STB) [proposed rule](#) on reciprocal switching. The proposed rule 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 and 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. A NMA memo on the proposed rule can be found [here](#). The new STB rule is strongly supported by the 180 associations comprising the Rail Customer Coalition of which NMA is a leading member.

The senators, both who are members of the Commerce, Science, and Transportation Committee, and Sen. Capito, who is Ranking Member of the Environment and Public Works Committee, in a [letter](#) to the STB said that

while they are supportive of these efforts, “more needs to be done to promote freight rail competition,” including “mov[ing] forward with its consideration of a phased-in approach of raising the [shipping] success rate” and ensuring the correct data is collected to show on-the-ground impacts of rail service.

The NMA has scheduled a Teams meeting on Thursday, Oct. 5, 2023, at 3:00 p.m. to discuss the rule and proposed next steps. Click [here](#) to add the meeting to your calendar.

Responses Requested on NMA Quarterly Rail Survey

The NMA continues to hear from several members regarding ongoing freight rail service issues and recovery efforts involving Class I rail carriers. To further assess these rail issues and impacts, the NMA would appreciate your feedback on this anonymous [survey](#). The data from this survey will be used for further engagement with Congress, the Surface Transportation Board, and others to illustrate the rail service concerns of NMA members, and to stress that more relief is needed. We ask that all NMA members please submit responses to the survey by Oct. 13, 2023.

Senator Wyden Reintroduces Minerals Legislation



Last week, Sen. Ron Wyden (D-Ore.) reintroduced the American Energy Development and Growth Enhancement (EDGE) Act ([S. 2965](#)) to support the production, processing and manufacturing of minerals. The NMA worked with Sen. Wyden's office on development and introduction of the original legislation in March 2022. S. 2965 directs the Department of the Interior (DOI) to establish a five-year, \$50 million competitive grant program to fund environmental assessments, processing, mitigation and cleanup necessary to mine or manufacture certain minerals. It also directs DOI to determine which minerals (up to 20) are eligible for the grant program based on their importance to domestic manufacturing. Please find the Senator's statement on the bill [here](#) and a summary of the bill [here](#). As bipartisan interest continues to grow on Capitol Hill for strengthening mineral supply chains and domestic mineral production, the NMA will continue to engage with Sen. Wyden's office to further educate them on mineral supply chain issues and advocate for industry priorities.

NMA Submits Comments on CEQ NEPA Phase 2 Rulemaking

Last week, the NMA submitted [comments](#) on the Council on Environmental Quality's (CEQ) Phase 2 National Environmental Policy Act (NEPA) [proposed rulemaking](#). The proposal would substantially revise CEQ's NEPA implementation regulations, as the second phase of the Biden-Harris administration's multi-phased rulemaking. The NMA's comments outline several critical concerns with the rule as proposed, such as the removal of the procedural provisions of NEPA, and the impermissibly outcome driven requirements that will unfairly hinder mining.

The NMA also joined in coalition [comments](#) with the U.S. Chamber of Commerce and other industry allies to urge CEQ to focus on predictability, efficiency, transparency and stakeholder input when finalizing the proposed rule. The NMA is exploring additional advocacy and oversight in Congress on the proposed rule and will keep you updated on when the proposed rule is finalized.

EPA Finalizes CWA Section 401 Certification Rule

Last week, the U.S. Environmental Protection Agency (EPA) published its revised Clean Water Act (CWA) [section 401 certification rule](#). **The final rule is effective Nov. 27, 2023.** Overall, the final rule retained some of the helpful improvements from the previous administration's 2020 rule and revised several provisions based on concerns raised in both the NMA's individual comments and our coalition [comments](#). However, there are still aspects of the

rule that are vague and could be interpreted and applied broadly by states and tribes that want to use the section 401 process to block or delay certain projects. More information on the final rule is available in NMA's [memorandum](#).

Chemical Facility Anti-Terrorism Standards Update

This summer, Congress failed to reauthorize the Department of Homeland Security's (DHS) [Chemical Facility Anti-Terrorism Standards](#) (CFATS) program, which expired July 27, 2023. Since then, DHS's Cybersecurity and Infrastructure Security Agency (CISA) posted an [announcement](#) stating that it cannot enforce compliance with the CFATS regulations at this time. This means that facilities are no longer required to report certain chemicals, submit information, undergo inspections, or follow CFATS security plans, and CISA's database on chemical inventories will no longer be current. CISA encourages facilities to maintain security voluntarily and provides resources for this available through [ChemLock](#). CISA recently hosted a chemical security [summit](#) where they discussed the consequences of CFATS program's lapse. Mining companies that were covered by this program are encouraged to review CISA's presentation on the "[State of Chemical Security](#)" that highlights how this lapse in reauthorization for the CFATS program will impact regulated facilities. More information is also available [here](#).

NMA SVP for Government Relations Heads to American Chemistry Council

Ryan Jackson, NMA SVP of Government and Political Affairs, will be leaving the NMA this month to join the American Chemistry Council as Vice President of Federal Affairs. Ryan first joined the NMA in February 2020, and has done great work leading our government and political affairs team. He has been both a trusted colleague and a valued friend, and we appreciate all that he has done to advance our industry priorities on the Hill, with the administration and before the various government agencies. Please join us in offering Ryan congratulations and wishing him well in his next role.

With this news, the NMA has engaged Lochlin Partners, a premiere executive search firm with whom we have a successful track record with identifying top talent.

NMA and Third Parties In the News

The [Alaska Journal of Commerce](#) (Alaska) ran an op-ed by Rich Nolan in which he argues mining offers employment opportunities for Generation Z.

The NMA is mentioned in a [Wall Street Journal](#) podcast on black lung disease.

[The Office of Senator Shelley Moore Capito](#) mentioned the NMA in a press release on rail service reliability.

[Inside EPA](#) quotes the NMA in a story noting that industry groups are protesting EPA's proposed tougher air toxics rules for copper smelters, claiming they breach agency policy on cost-effectiveness, with substantial costs and no "meaningful" health benefits.

From our third parties, [RealClearEnergy](#) (D.C.) carries an op-ed by Dan Ervin,

a Professor of Finance in the Perdue School of Business at Salisbury University, in which he argues the Administration's flip flop on mining policy is foolish.

Mining and Energy News

[Wall Street Journal](#) reported that higher mining expenses threaten to increase prices for consumers and complicate central banks' inflation fight.

[Argus](#) reported that U.S. grid operators told members of the U.S. House of Representatives last Thursday that they were concerned that the reliability of the nation's electricity supply networks are being put at risk by the pace of power plant retirements.

[E&E Greenwire](#) reported that Energy Secretary Jennifer Granholm called on dozens of international political and industry leaders gathered last Thursday in Paris to align their critical mineral policies, making a veiled warning that China could "weaponize" its market dominance.

[Bloomberg](#) reported that the administration is in talks with Lithium Americas Corp. for a \$1 billion loan to help the developer build out the Thacker Pass mine in Nevada.

[PV Magazine](#) reported that the Payne Institute for Public Policy at Colorado School of Mines released *The State of Critical Minerals Report 2023*.

[Energywire](#) reported that the Nuclear Regulatory Commission (NRC) approved a Department of Energy-supported uranium project - a facility that aims to domestically produce enriched uranium fuel critical to advanced nuclear development and to lessen U.S. dependence on Russia.

[Argus](#) reported that U.S. raw steel production rose last week as gains in Great Lakes, southern and western production offset drops in the northeast and Midwest.

[CoalZoom.com](#) reported from S&P Global Market Intelligence that an optimistic outlook for long-term steel demand growth in North America permeated major producers' second-quarter earnings calls, with executives highlighting the steel requirements of key energy transition sectors.

[Argus](#) reported that seaborne thermal coal demand is expected to edge higher this year driven by higher imports from China. But the market might face supply shortages this year and in 2024, according to commodity trader Noble Resources.

[E&E News PM](#) reported that the U.S. will not be able to cut China out of critical mineral supply chains even as the nation moves to diversify its sourcing of electric vehicle battery minerals through allies, according to a top State Department official.

[NPR](#) reported that there is a major question on whether western states have enough water to mine critical minerals.

[Argus](#) reports an equipment outage at Westshore Terminals near Vancouver, British Columbia, is still slowing coal trains, according to western U.S. railroad BNSF.

[Reuters](#) reported on Kpler ship tracking data indicating that U.S. thermal coal exports hit their highest levels since 2018 during the first eight months of 2023, climbing 20 percent from the same period in 2022 thanks to strong demand from key consumers including China, India and South Korea.

The [American Iron and Steel Institute](#) reported that steel imports totaled

2.27 million short tons in August, down 4 percent.

The [**U.S. Department of Labor**](#) announced last week the award of \$1 million in grants to nine organizations in seven states to support education and training initiatives that will help identify and prevent unsafe working conditions in and around the nation's mines.

[**Vox**](#) reported that despite record U.S. power demand, the nation's power grid largely avoided blackouts this summer. But they warn that this summer's grid survival should not be taken for granted.

[**Mining.com**](#) reported that copper and silver are considered electrical metals. Copper, for example, is one of the most important metals with more than 20 million metric tons consumed each year across a variety of industries, including building construction (wiring & piping) power generation/transmission, and electronic product manufacturing.

[**Hellenic Shipping News**](#) reported that Asia's coal sector has gone from thinking they are in terminal decline as the world shifts to a net-zero carbon future to seeing themselves as being a part of the energy mix for decades to come, based on a bullish narrative expressed at the Coaltrans Asia conference this week.

[**Visual Capitalist**](#) graphically describes global gold mining over the last 200 years. With modern mining techniques making large-scale production possible, global gold production has grown exponentially since the 1800s. Although gold mining has been around for thousands of years, it's estimated that roughly 86 percent of all above-ground gold was extracted in the last 200 years.

[**International Copper Study Group**](#) reported that their preliminary data indicates that world copper mine production increased by approximately 1.8 percent in the first seven months of 2023, with concentrate production

increasing by about 1.7 percent and solvent extraction-electrowinning (SX-EW) by 2 percent.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	10/2/23	\$15.15
Copper Spot Price (\$/lb)	10/3/23	\$3.61
Gold Spot Price (\$/ounce)	9/27/23	\$1,828.30
Lead Spot Price (\$/lb)	10/2/23	\$0.98
Lithium Spot Price (\$/kg)	10/3/23	\$22.81
Molybdenum Spot Price (\$/kg)	10/2/23	\$55.63
Nickel Spot Price (\$/lb)	10/2/23	\$8.35
Silver Spot Price (\$/ounce)	10/3/23	\$21.05
Steel HRC Price (\$/mt)	10/3/23	\$763.64
Steel Rebar Price (\$/mt)	9/28/23	\$502.86
Zinc Spot Price (\$/lb)	10/3/23	\$1.13
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	10/3/23	\$338.00
Coal Spot Price - Central Appalachian (\$/st)	9/29/23	\$72.15
Coal Spot Price - Newcastle futures (\$/mt)	10/3/23	\$149.50
Coal Spot Price - Rotterdam futures (\$/mt)	10/3/23	\$120.80
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	9/27/23	\$2.71
Uranium Spot Price (\$/lb)	9/25/23	\$70.00

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

CORESafety



In the October edition of CORESafety TV, we explore module number 16 on safety and health management assurance.



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