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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

After four weeks without a Speaker, today the U.S. House of Representatives elected Mike Johnson (R-La.) the 56th Speaker of the House by a final vote of 220 to 209. Johnson, who represents the Louisiana's 4th Congressional district is an attorney and former Republican Study Committee Chair and former Vice Chair of the House Republican Conference who serves on both the Judiciary Committee and the Armed Services Committee. Meanwhile, the Biden administration's aggressive regulatory agenda continues to roll forward. 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 energy and energy markets are faring.

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## Safety Share

Days are getting shorter and Daylight Savings Time ends on November 5. Prepare to navigate the clock change [with these safety tips](#).

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### Louisiana Rep. Mike Johnson Elected Speaker of the House



[Rep. Mike Johnson](#) of Louisiana's Fourth District was elected to become the 56th Speaker of the United States House of Representatives. Republicans rallied behind their fourth nominee to replace former Speaker Kevin McCarthy, who was ousted on October 3rd. Rep. Johnson could afford only a handful of defections from his fellow Republicans in the chamber-wide vote, but unlike prior candidates, there were no defections to his candidacy from his party. He won 220 votes, needing around 215 to become speaker.

Rep. Johnson is a former chair of the conservative Republican Study Committee.

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## House Energy and Commerce Subcommittee Passes NMA Backed Legislation on Grid Reliability and Uranium



### HOUSE COMMITTEE ON ENERGY & COMMERCE

Today, the House Energy and Commerce Subcommittee on Energy, Climate, & Grid Security completed a markup on [seventeen bills](#). The Guaranteeing Reliable Infrastructure Development ([GRID Act](#)), which was reported favorably by a vote of 15-12, would ensure that federal agencies cannot finalize regulations that could harm the reliability and adequacy of the North American bulk-power system without considering input from the Federal Energy Regulatory Commission (FERC) and the relevant Electricity Reliability Organization (ERO). The bill, which is sponsored by Rep. Jeff Duncan (R-S.C.), the Chairman of the subcommittee and a Congressional Coal Caucus member, is a response to concerns raised in nineteen congressional hearings about the potential negative impacts of overregulation on grid reliability. Witnesses from the NMA, the North American Electricity Reliability Corporation (NERC), various regional transmission operators (RTOs), and independent system operators (ISOs) testified about these threats. Ahead of the markup, the NMA lobbied for support of the bill and shared a statement of support for the legislation, linked

[here](#), which Chairman Duncan will enter into the Congressional record during the full committee markup. In addition, the NMA released its [Count on Coal](#) blog yesterday, which is focused on the GRID Act and urges congressional action to ensure EPA formally consults with the nation's reliability experts about rules it's proposing and is required to amend those rules based on expert feedback.

In addition to the GRID Act, the subcommittee also marked up the bipartisan Nuclear Fuel Security Act of 2023 ([H.R. 5718](#)), which passed by voice vote. The bill which would authorize the Department of Energy (DOE) to increase domestic production of high-assay, low-enriched uranium (HALEU) and support availability of domestically produced, converted, and enriched uranium. The bill would also establish the Nuclear Fuel Security Program to increase the quantity of domestically produced low-enriched uranium (LEU) and high-assay, low-enriched uranium (HALEU) while expanding the American Assured Fuel Supply Program to ensure the availability of domestically produced, converted, and enriched uranium to avoid market disruptions.

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## **NMA Responds to China's Weaponization of Mineral Supply Chains**



Last week, in response to China’s announcement that it will require export permits for certain graphite products to protect national security, the NMA released the following [statement](#) criticizing both China’s actions to weaponize its mineral supply chains and the Biden administration’s continued efforts to restrict, delay or block mining projects in the U.S. The NMA also addressed our nation’s mineral insecurity, highlighting China’s announcement on graphite, in this week’s Minerals Make Life blog, linked [here](#). In addition, the NMA alerted bipartisan congressional allies, including those on the Senate Intelligence Committee – who held a [roundtable](#) on critical minerals the day before – to China’s announcement and also shared the NMA’s statement. The NMA will continue to educate Members of Congress and their staff on the impact of our nation’s glaring import reliance on geopolitical adversaries as well as the need to enact responsible policies that support a robust domestic mining industry.

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## **Comment Deadline Extended for Permitting Council Rulemaking**

On Monday, the Federal Permitting Improvement Steering Council (FPISC) announced it would extend the comment period to November 22 for its [proposal](#) to amend the existing regulations to impose new limits on inclusion of minerals mining as a covered sector eligible for the expedited permitting process available under the Fixing America's Surface Transportation Act (FAST-41). Specifically problematic is the proposal to limit program eligibility to only minerals included in the U.S. Geological Survey Critical Minerals List updated in 2022. This would exclude many minerals, including copper, gold, boron, silver, potash and more from accessing expedited permitting support. The NMA will submit comments to the Federal Register opposing this rule. Your review and feedback of the [draft NMA comments](#) are encouraged by close of business on Nov. 20. Please provide any edits to Katie Sweeney and Katie Mills [here](#).

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## **NMA Briefs Senate Western Caucus on Impacts of IWG Mining Report**

**WESTERN  CAUCUS**

United States Senate

Last week, the NMA's Justin Prosser and Scott Gemperline briefed staff from the Senate Western Caucus on the recently released Interagency Working Group (IWG) recommendations on Mining Regulations, Laws and Permitting and the negative affect that specific recommendations will have on the mining industry. The briefing provided 25 congressional staff an opportunity to hear industry concerns regarding conversion from the Mining Law's claim system to a leasing system, a punitive dirt tax, the issue of subjective best mining

standards, and more. In addition, the NMA highlighted several beneficial recommendations from the report and how the administration can pursue their implementation; either through legislation or rulemaking. The NMA also highlighted missed opportunities the IWG report failed to fulfill, including a bipartisan permitting provision in the Infrastructure Investment and Jobs Act that requires the Department of the Interior and the Department of Agriculture provide recommendations to improve existing permitting processes and provide a timeline for implementation. The NMA also used this opportunity to urge Senate staff to continue to work toward permitting reforms that support the growth and longevity of domestic mining, refining and processing.





## House Natural Resources Holds Hearing on NMA-Backed ESA Legislation



Today, the House Natural Resources Subcommittee on Water, Wildlife and Fisheries held a legislative [hearing](#) to examine several bills, including the NMA-backed [H.R. 5504](#), which would require the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) to withdraw [proposed](#) revisions to three rules related to the implementation of the Endangered Species Act (ESA) that were finalized in 2019 under the previous administration. Specifically, those revisions are related to 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 provided comments to the FWS and the NOAA for section 7 (available [here](#)), section 4 (available [here](#)), and section 4(d) (available [here](#)). The NMA will continue to work with congressional allies and the bipartisan ESA Working Group to support efforts to advance H.R. 5504.

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## Office of Inspector General Criticizes MSHA Inspections



The Department of Labor’s Office of Inspector General (OIG) recently released a [report](#) finding that the Mine Safety and Health Administration (MSHA) did not complete or accurately report mandatory inspections. OIG investigated whether MSHA completed mandatory safety and health mine inspections before and during the COVID-19 pandemic. The OIG analyzed 78,598 mandatory inspections ending Fiscal Year 2018 through Fiscal Year 2021 and found that MSHA did not complete an estimated 1,589 mandatory safety and health mine inspections before and during the COVID-19 pandemic. These shortfalls were largely due to inspections eliminated from idle mine visits and errors in accounting for the types of activities performed. According to the OIG, weaknesses in MSHA’s ability to accurately determine a mine’s status increased the risk of MSHA not completing mandatory inspections. Breakdowns in MSHA’s internal control system created these weaknesses and increased the risk of

MSHA incorrectly calculating inspections required and not completing inspections. Other issues that affected MSHA's ability to accurately calculate and report completed mandatory inspections included inaccurate or incomplete data, ineffective communication and missing policies. The OIG made 11 recommendations to improve the policies, processes and system data for the mandatory inspections program. MSHA generally agreed with the OIG recommendations.

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## **OMB Reviewing OSMRE Proposed Rule on Emergency Preparedness for Impounding Structures**

The Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) is currently reviewing a draft proposed rule completed by the Office of Surface Mining Reclamation and Enforcement (OSMRE) on emergency preparedness for impounding structures. This rulemaking has been on and off the unified regulatory agenda the past two administrations and is connected to a 2012 [evaluation](#) by the Office of Inspector General for the U.S. Department of the Interior on the Bureau of Land Management, National Park Service and OSMRE's emergency preparedness at their high hazard dams. The Inspector General found that OSMRE's Technical Services and Research Directive, TSR-15, generally meets the requirements for the preparation of an emergency action plan (EAP) at a non-primacy state for dams with disclosed potential hazards. However, the Inspector General also found that OSMRE has not updated its regulations to ensure that mining operators in non-primacy and primacy states are complying with the Federal Emergency Management Agency's "Federal Guidelines for Dam Safety" (FGDS), including the requirement to have an EAP in place. The Inspector General's report recommended OSMRE establish a timeline and deadline for updating its regulations to include FGDS requirements for both

primacy and non-primacy states, and for OSMRE to update and revise its TSR-15 directive to reflect these revisions. The Inspector General further found that OSMRE did not have written policies that required an after-action report (AAR) following EAP exercises to document the resulting recommended corrective actions. The report recommended that OSMRE require the preparation and issuance of an AAR following each incident or exercise and include a planned course of action to implement and track the recommended corrective actions of each AAR. OSMRE is now moving forward with a rulemaking that is expected to incorporate certain aspects of the FGDS into OSMRE's existing regulations and include regulatory provisions for EAPs and AARs that are consistent with the FGDS.

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## **EPA Publishes Guidance & Instructions for New Asbestos TSCA Reporting Requirements**

EPA recently released a reporting [guidance and instructions document](#) to assist the regulated community in complying with new one-time reporting and record keeping requirements for asbestos under the Toxic Substances Control Act (TSCA). We encourage companies who mine or mill bulk materials containing asbestos, including as an impurity, to review these instructions along with the final rule to determine potential reporting obligations. Additionally, this guidance could assist NMA members importing articles containing asbestos with determining reporting obligations.

In July, EPA finalized a [rule](#) to obtain information from companies that have manufactured (including imported), or processed asbestos including asbestos as a component of a mixture, asbestos in articles, or asbestos as an impurity, in the four years prior to the date of publication of this final rule (2019-2022). To assist members with understanding this new reporting obligation, the NMA

prepared a [White Paper](#) detailing the rule's requirements. EPA's guidance document provides additional information and examples to assist companies in understanding their compliance obligations, including: (1) instructions on mined, milled, or imported bulk asbestos materials containing asbestos, including as an impurity; (2) instructions on importing of mixtures, or articles containing asbestos, including as an impurity; and (3) guidance on TSCA's "known to or reasonably ascertainable by" reporting standard.

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## NMA Hosts ICMM for Tax and Political Affairs Discussions



This week, the NMA hosted the International Council on Mining and Metals (ICMM) at its Washington, D.C. office for a two day working group to discuss tax and other related issues relevant to the mining industry. ICMM, which consists of 25 company members who together account for one third of the global industry were joined by stakeholder partners from the United Nations and the International Monetary Fund, who shared opportunities for engagement in key global markets. The NMA's Jerry Mullins and Scott Gemperline joined tax subgroup host Veronika Shime to give an overview of

domestic tax incentives included in the Inflation Reduction Act, the CHIPS and Science Act, Infrastructure Investment and Jobs Act, and more, and answer questions regarding political dynamics shaping the mine policy discussion in the United States.

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## NMA and Third Parties In the News

[Yahoo News](#) (USA), [Ogden Standard Examiner](#) (Utah), [Montana Standard](#) (Mont.), [Jacksonville Courier Journal](#) (Ill.), [Las Cruces Sun News](#) (N.M.), [Carlsbad Current Argus](#) (N.M.), [Ruidoso News](#) (N.M.), [Alamogordo News](#) (N.M.), [Farmington Daily Times](#) (N.M.), [Fargo Inforum](#) (N.Dak.) and [Grand Junction Daily Sentinel](#) (Colo.) all ran an op-ed by Rich Nolan in which he argues recent recommendations from the IWG on mining are detrimental to domestic mining.

[Reuters](#), [E&E Greenwire](#) and others around the world quote Rich Nolan on China's decision to tighten exports on natural and synthetic graphite.

The [North American Mining October 2023 edition](#) is out, including an article from Rich Nolan on page 11 and the NMA is quoted in an article on mining education on page 16.

The NMA is quoted by [E&E News PM](#) and [Argus](#) on the news that Democratic lawmakers want the US Government Accountability Office (GAO) to review whether coal producers are evading legal obligations by idling mines rather than initiating reclamation.

[Pit & Quarry](#) reports on the NMA Sentinels of Safety Awards.

The NMA is mentioned by [The Hill](#) in a report on a coalition of Republican

attorneys general on Wednesday who asked the Supreme Court to stay the federal “Good Neighbor” interstate smog rule while they appeal a lower court ruling.

## Mining and Energy News

[Mining.com](#) reported that global commodity markets are bracing for more volatility amid the Israel conflict with gold recently surging by the most since last March.

The [World Steel Association’s](#) recent short-range outlook forecasts global steel demand to grow by 1.8 percent in 2023 reaching 1,814.5 million metric tons (mt), and increasing 1.9 percent to 1,849 mt in 2024.

[Argus](#) reported on Energy Information Administration (EIA) analysis projecting that coal generation will decrease this winter as reduced capacity from plant closures continues to weigh on demand. EIA expects coal generation for November 2023-March 2024 to total 241.5 billion kilowatt hours (kWh), down from 283.6 billion kWh the prior year.

[Visual Capitalist](#) graphically describes the dollar cost of electric vehicle batteries based on composition and metals used for popular vehicle models.

[Mining.com](#) reported on the world’s top fifty biggest mining companies at the end of the first quarter of 2022, noting that the miners hit an all-time record of a collective \$1.75 trillion in total value.

[Mining.com](#) reported that gold prices rose for the fifth consecutive session on Friday, inching closer to the key \$2,000 an ounce level, as fears of a further escalation in the Middle East conflict fed the metals’ safe haven appeal.

[Mining Review Africa](#) describes the world's top ten coal mines.

[Politico Pro](#) reported that China is introducing new export controls on three types of graphite.

[Argus](#) reported that Democratic lawmakers want the U.S. Government Accountability Office (GAO) to review whether coal producers are evading legal obligations by idling mines rather than initiating reclamation.

[Reuters](#) reported that copper miner Freeport-McMoRan posted a better-than-expected third-quarter profit on last week, but said it would slow expansion plans due to inflation and slumping copper prices across the global economy.

[Greenwire](#) reported that "the company trying to build one of the largest proposed open-pit lithium mines and processing plants in the U.S. to feed a coming electric vehicle boom insists that a simmering battle over endangered wildflowers won't derail plans to start production as early as 2026."

The [International Copper Study Group \(ICSG\)](#) reported that preliminary data indicate that world copper mine production increased by approximately 1.3 percent in the first eight months of 2023, with concentrate production increasing by about 1.4 percent and solvent extraction-electrowinning (SX-EW) by 1.2 percent.

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	10/24/23	\$15.15
Copper Spot Price (\$/lb)	10/24/23	\$3.62
Gold Spot Price (\$/ounce)	10/24/23	\$1,967.40
Lead Spot Price (\$/lb)	10/24/23	\$0.98
Lithium Spot Price (\$/kg)	10/24/23	\$22.50
Molybdenum Spot Price (\$/kg)	10/24/23	\$55.63
Nickel Spot Price (\$/lb)	10/24/23	\$8.14
Silver Spot Price (\$/ounce)	10/24/23	\$22.74
Steel HRC Price (\$/mt)	10/24/23	\$811.36
Steel Rebar Price (\$/mt)	10/24/23	\$492.21
Zinc Spot Price (\$/lb)	10/24/23	\$1.11
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	10/24/23	\$319.50
Coal Spot Price - Central Appalachian (\$/st)	10/20/23	\$71.25
Coal Spot Price - Newcastle futures (\$/mt)	10/24/23	\$137.37
Coal Spot Price - Rotterdam futures (\$/mt)	10/24/23	\$137.15
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	10/18/23	\$2.90
Uranium Spot Price (\$/lb)	10/16/23	\$69.00
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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