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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

Both chambers of Congress are back in session and facing another series of nail-biting government funding deadlines, with a likely outcome that will kick the deadlines down the road yet again. As regulatory agencies continue their full court press to enact new rules before the November elections, the court system is increasingly becoming a major factor in defense of the industry and the final viability of those rules. 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

March is Brain Injury Awareness Month. The National Safety Council has information on concussion [prevention, diagnosis and care](#).

U.S. Supreme Court Weighs NMA-and States-requested Stay of the Ozone Transport Rule



Last week, the U.S. Supreme Court heard oral arguments on four emergency applications to stay the U.S. Environmental Protection Agency's (EPA) Ozone Transport rule nationwide. Last October, the NMA filed an [emergency application](#) for immediate stay of EPA's final rule, following a divided panel on the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) denying our and the states' stay requests by a 2-1 margin. Our request to the Supreme Court is the last available legal channel to halt the Ozone Transport rule nationwide pending the D.C. Circuit's consideration of the merits of our

challenges. You can listen to oral argument [here](#). A transcript is also available [here](#).

The NMA joined nine industry parties, including trade association allies and electric cooperatives, in arguing that the Ozone Transport rule is “irreparably flawed.” Our stay application emphasized that “EPA’s willful decision to move forward has simultaneously abrogated the rights of states to regulate air pollution within their borders and improperly forced industries regulated by the Federal Plan into the immediate expenditure of hundreds of millions of dollars pending the lower court’s review, all while jeopardizing the reliability of the grid.” Ohio, Indiana and West Virginia also filed a [separate application](#), arguing that “EPA’s rulemaking ignored obvious problems with its attempt to twist the Clean Air Act into a system of top-down regulation instead of the system of cooperative federalism that Congress intended.”

Last year, seven regional circuits stayed EPA’s disapproval of 12 state implementation plans (SIPs), which act as the predicate for the implementation of EPA’s federal plan under the Ozone Transport Rule. These stays gutted the federal plan, with nearly 90 percent of the emissions limitations in the Ozone Transport rule blocked because of the regional circuit stays. Yet, EPA continues to charge forward in implementing the Ozone Transport rule in 11 states and has [proposed](#) to add five additional states to the federal plan. Notably, Chief Justice Roberts requested that counsel be prepared to address “whether the emissions controls imposed by the [federal plan] are reasonable regardless of the number of states subject to the rule.” The majority of oral argument dealt with variations on this question, including: (1) the interdependency of EPA’s federal plan; (2) whether states and industry would be harmed regardless of how many states are ultimately in the federal plan; (3) and whether the agency acted reasonably in moving forward with the federal plan in the face of foreseeable changes from the regional circuit stays. Questions from the liberal justices also focused on whether the Supreme Court should be intervening at

this stage. The U.S. Supreme Court is expected to issue a ruling in the next month. Merits briefing kicks off in the D.C. Circuit in April and ends in August.

McConnell Won't Seek Another Term as GOP Leader



Senate Minority Leader Mitch McConnell (R-Kentucky), an ally of the mining industry, announced today he will not seek another term as GOP leader next year. He has served as leader since 2007. The leading GOP contenders are expected to be John Barrasso (R-Wyo.), John Thune (R-S.D.) and John Cornyn (R-Texas).

NMA's Industry Coalition Files Brief in North Dakota WOTUS Litigation



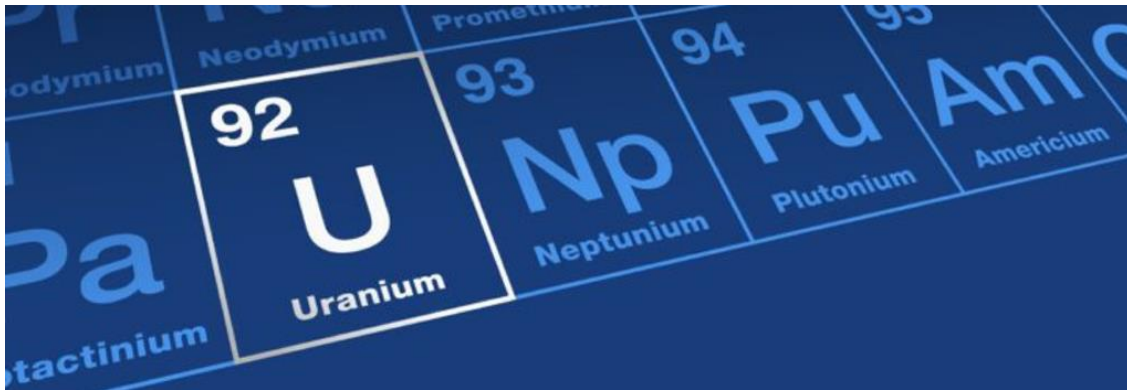
The NMA's lawsuits challenging the Biden administration's overly expansive 2023 "waters of the United States" rule continue in two federal district courts. Most recently, our industry coalition filed a motion for [summary judgment](#) in the U.S. District Court for the District of North Dakota, asking the court to remand the rule back to the agencies. The brief argues that the industry coalition has standing to challenge the rule because our members will be harmed by the agencies' expansive definition of WOTUS and explains how the agencies' rule violates the Clean Water Act (CWA) and the U.S. Supreme Court's ruling last year in *Sackett v. EPA*. Specifically, the coalition's brief argues that the agencies' interpretation is not entitled to deference; the 2023 rule's categorical inclusion of all interstate waters regardless of navigability violates the CWA; the rule's "relatively permanent" test cannot be squared with *Sackett*; the rule's coverage of impoundments is impermissibly broad; the tributary rule is vague and ignores *Sackett*; and the rule is rooted in a misunderstanding of the CWA's protection of traditional state authority over land and water use. The agencies' and tribal intervenors' briefs are due in April. Special thanks to the Utah Mining Association for joining this case as a plaintiff. We will keep you updated on developments.

Senate Continues Discussions on Bipartisan Energy Port Infrastructure Funding Legislation

Today, the Senate Environment and Public Works (EPW) Committee held a [hearing](#) on the “Water Resources Development Act 2024: USACE Water Infrastructure Projects, Programs and Priorities.” The hearing featured witness testimony from Michael Connor, Assistant Secretary of the Army for Civil Works and the U.S. Army Corps of Engineers (Corps) Chief of Engineers and Commanding General Scott Spellmon. Witnesses discussed the need for sufficient funding to maintain and grow the nation’s waterway infrastructure, a critical component for enabling U.S. manufacturers to export their products globally. In addition, the witnesses highlighted the importance of waterways resilience against increased shipping demand, geopolitical turmoil and weather events.

The NMA worked with committee staff in advance of the hearing to highlight key priorities for the NMA’s members, including submitting for the EPW hearing record a [joint letter](#) with the Maritime Coalition – which represents the majority of industries and port operators who rely on waterways to transport commodities – to urge Congress to support infrastructure resilience in WRDA 2024 legislation. The NMA also shared suggested questions for the hearing witnesses with committee staff to use during the hearing to highlight the importance of energy transfer ports and the need for coherent guidance from EPA and the Corps for implementing the revised WOTUS rule to ensure efficient permitting of energy infrastructure.

EPA Draft Protocol for Uranium IRIS Assessment



The EPA recently published a [notice of availability](#) for its [protocol](#) for the uranium (oral) Integrated Risk Information System (IRIS) Assessment. EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemicals found in the environment. The protocol communicates the rationale for conducting the human health assessment of natural and/or depleted uranium via oral exposure, describes screening criteria to identify relevant literature, outlines the approach for evaluating study quality, and describes the methods for dose-response analysis. The review could be used to support updated drinking water regulations for uranium and inform Superfund site management decisions. Specifically, EPA requests comments on the strategies for literature searches, criteria for study inclusion or exclusion, considerations for evaluating study methods, information management for extracting data, approaches for synthesis within and across lines of evidence, and methods for derivation of toxicity values. Comments are due on March 15, 2024. The NMA intends to request a 60-day extension of the comment period.

NMA Participates in Mining Advocacy Panel at Annual SME Conference



Today, the NMA's Justin Prosser discussed industry advocacy efforts at the Society for Mining, Metallurgy and Exploration's (SME) annual conference in Phoenix. Participating on a panel titled, *Effective Advocacy for Mining: A Panel Discussion with Industry Trade Associations and Advocacy Groups*, Justin discussed a number of cross-cutting industry issues before Congress and the administration while detailing the NMA's efforts to advance policy priorities. Some key takeaways from the wide-ranging discussion include the tremendous opportunities available to the mining industry to advance positive messages and advocate for industry priorities while continuing to push back against policies that negatively impact the industry and its workforce.

Senate HELP Committee Advances Moshe Marvit to be Commissioner of the U.S. Federal Mine Safety and Health Commission

On Tuesday, the Senate Health, Education, Labor and Pensions (HELP) Committee held a nomination hearing to consider the nominations of Julie Su to be Secretary of Labor, Moshe Marvit to be a member of the Federal Mine Safety and Health Commission (FMSHC), and Stephan Ravas to be Inspector General of the Corporation for National and Community Service. The Committee voted to advance both Ravas and Marvit to the Senate floor by a vote of 11-10, split between party lines. The FMSHC is an independent agency that administers trials and hears appeals of disputes relating directly to the

Mine Safety and Health Act of 1977. Senate HELP advanced Marvit's nomination last year as well, but he never received a vote on the floor and was renominated by Biden in January. The current composition of FMSCH includes two commissioners elected by the current administration and two by the previous administration, so Marvit's confirmation would tip the scale to three members nominated by the current administration. Chairman of the Committee, Bill Cassidy (R-La.), plans to recommend a "no vote" to the Republican Conference if Marvit's nomination reaches the Senate floor.

Reserve Your Room for the Spring Board Meeting: April 7-9

National Mining Association

Spring Board of Directors Meeting

April 7-9, 2024
Washington, D.C.



The NMA Spring Board of Directors Meeting will be held April 7-9, 2024, at the Conrad Washington, D.C. We are looking forward to welcoming everyone back to D.C. and have a great speaker lineup planned including The Honorable John Barrasso, U.S. Senator (R-Wyo.); The Honorable Joe Manchin, U.S. Senator (D-W.Va.); Tom Bevan, Co-Founder & President, RealClearPolitics; Lucas Pipes, Analyst, Managing Director, B. Riley Financial, Inc.; Alex Becker, Policy Analyst, Benchmark Minerals; and Ernest Scheyder, Author, *The War Below*. We will also have a congressional reception on Capitol Hill followed by an evening tour of the U.S. Capitol and the U.S. House of Representatives. Hotel rooms in the NMA block are on a first come, first served basis. The group rate (\$469/night) will be available until March 16, 2024, or until the block is full. [Click here to reserve a room](#) at the Conrad Washington, D.C.

[RESERVE NOW!](#)

Get Your Spot for MINExpo INTERNATIONAL®
2024

MINEXPO®

**20
24** | **SEPTEMBER 24-26, 2024**
LAS VEGAS, NEVADA, USA

MINExpo INTERNATIONAL®, the world's largest (and heaviest) mining event, will bring over 10 million pounds of equipment, products and technology to Las Vegas, Sept. 24-26, and [registration and housing are open!](#) Choose from our new registration options that make it easy to attend, book your hotel room, then join your peers and 1,500+ suppliers from all over the world at the home of mining innovation.

Act fast! ALL ACCESS and EXPO PLUS registration options are limited. Please note, you MUST use your company email in order to receive discounted pricing. **Once you have registered, you will receive access to the hotel booking site.**

[RESERVE NOW!](#)

NMA and Third Parties In the News

Rich Nolan is quoted by the [Associated Press](#), [Courthouse News Service](#), [NPR](#), [Yahoo News Law360](#), [The Hill](#), [E&E News PM](#), [Argus](#), [Politico Pro](#), [Cowboy State Daily](#), [Bloomberg Law](#) and others on the news that a federal appeals court lifted an improperly imposed moratorium on new coal mine leasing on public lands.

[DC Journal](#) (D.C.) carries an op-ed by Rich Nolan in which he argues the 45X tax credit is a golden opportunity to address our alarming mineral import reliance and begin the vital work of building these critical supply chains at home.

[Inside EPA](#) mentions the NMA in a report that a range of groups are urging the Supreme Court to grant the City and County of San Francisco's petition for review of a split appellate ruling finding that EPA has authority to set general narrative prohibitions in Clean Water Act (CWA) permits, fearing that the underlying ruling upholding such terms undercuts the law's permit shield, thus exposing them to enforcement actions.

[fDi Intelligence](#) mentions the NMA is a story highlighting that engagement between miners and Native American groups is vital to a faster and fairer green transition.

Mining and Energy News

In recent Energy Information Administration (EIA) [*Today in Energy*](#) analysis, EIA generator survey data indicates that coal plant retirements will slow this year with only 2.3 GW of retirements of mostly older coal plant units. EIA says 22.3 GW of coal capacity has retired over the last 2 years. They are projecting that 10.9 GW will retire in 2025.

[Yahoo! Finance](#) reported that a senior official in the administration, speaking on condition of anonymity to discuss internal deliberations, admitted that China's decision to limit exports of gallium and germanium sent a jolt through the White House.

[Bloomberg](#) reported that government efforts to shore up inventories may help producers in the U.S. raise crucial financing for mines and refineries.

[Visual Capitalist](#) graphically describes the top countries by their gold reserve holdings for the 2nd and 3rd quarters of 2023, with the U.S. coming out as the top reserve holder with 8,133 metric tons.

Argus reported on recent data from Kpler showing that Egypt's imports of thermal coal have been growing steadily driven by U.S. coal receipts.

Energy Information Administration's (EIA) recent **Domestic Uranium Production report** shows uranium production of 12,653 pounds U_3O_8 in 4th quarter of last year, down from 27,012 pounds U_3O_8 in the 3rd quarter and down from 174,712 pounds U_3O_8 in the 4th quarter of 2022. EIA says uranium production occurred at four facilities, three in Wyoming (Nichols Ranch ISR Project, Lost Creek Project, and Smith Ranch-Highland Operation) and one in Nebraska (Crowe Butte Operation).

Greenwire reported that graphite producers are advocating for tariffs on graphite coming from China to support North American supply for EV batteries.

Hellenic Shipping reported that during the first seven weeks of 2024, Russian coal shipments have fallen 14 percent and have been gradually declining since October 2023, with 41 percent of shipments going to China.

The **World Steel Association** reported that global steel production for the countries they survey was 148.1 million metric tons in January 2024, a 1.6 percent decrease over January 2023.

Argus reported that Norfolk Southern expects coal export shipments from Lambert's Point, Virginia to rise this year due to recovering rail service to the terminal.

Energywire reported that the Department of Energy (DOE) announced \$710 million in conditional loans for two companies last week that aim to boost the electric vehicle supply chain in Michigan, the historic hub of U.S. auto manufacturing and a key battleground state in the 2024 presidential election.

[**Power Magazine**](#) reported that the Midcontinent Independent System Operator (MISO) is warning reliability challenges have grown urgent as the nation's power system grapples with a "hyper-complex risk environment." Miso and other electric power entities are struggling with the prospect of critical reliability challenges related to less conventional power plants like coal and natural gas and more intermittent power sources as documented in MISO's updated *Reliability Imperative* report.

The [**International Copper Study Group**](#) (ICSG) reported that world copper mine production increased by about 1 percent in 2023, with concentrate production and solvent extraction-electrowinning (SX-EW) growing at a similar rate. "Although global mine production in 2023 benefitted from a number of start-ups and expansions, world growth was limited by operational constraints mainly in Chile, China, Indonesia, Panama and the U.S."

[**Mining.com**](#) reported that Hecla Mining Company, the largest primary silver producer in the U.S., has reported the second-highest annual production in company history with 14.3 million ounces in 2023. Silver reserves by year-end, totaling 238 million ounces, were also its second largest ever.

The [**International Lead and Zinc Study Group**](#) (ILZSG) reported that zinc mine production decreased by 1.4 percent globally, primarily a result of decreases in Australia, Bolivia, Canada, South Africa, the U.S. and Ireland.

[**Mining.com**](#) reported that precious metals producer Sibanye-Stillwater has teamed up with metals trader and recycling company Heraeus Precious Metals to explore new uses for platinum-group metals (PGM), particularly palladium, in the hydrogen market.

[**Argus**](#) reported that developers of the planned export terminal in Oakland, California, have vowed to continue trying to ship Utah coal from the facility despite years of opposition by the city.

The Economist reported: “The world needs more critical minerals. Governments are not helping. Just obtaining a permit takes a remarkably long time.”

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	2/26/24	\$12.95
Copper Spot Price (\$/lb)	2/27/24	\$3.83
Gold Spot Price (\$/ounce)	2/27/24	\$2,032.14
Lead Spot Price (\$/lb)	2/26/24	\$0.95
Lithium Spot Price (\$/kg)	2/27/24	\$13.26
Molybdenum Spot Price (\$/kg)	2/26/24	\$46.75
Nickel Spot Price (\$/lb)	2/26/24	\$7.67
Silver Spot Price (\$/ounce)	2/27/24	\$22.51
Steel HRC Price (\$/mt)	2/27/24	\$811.36
Steel Rebar Price (\$/mt)	2/27/24	\$521.68
Zinc Spot Price (\$/lb)	2/27/24	\$1.09
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	2/27/24	\$299.00
Coal Spot Price - Central Appalachian (\$/st)	2/23/24	\$75.50
Coal Spot Price - Newcastle futures (\$/mt)	2/27/24	\$129.39
Coal Spot Price - Rotterdam futures (\$/mt)	2/27/24	\$100.10
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	2/21/23	\$1.60
Uranium Spot Price (\$/lb)	2/19/24	\$101.95

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

CORESafety



In the February edition of CORESafety TV, we cover Module Number 17, Assurance.



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