

CEO Mine Recap

By Rich Nolan • Feb 05, 2024

Smart Brevity® count: 4 mins...1009 words

We send you a lot of information. Whether it's memos, newsletters, press releases or action alerts, you receive hundreds of touch points from the National Mining Association (NMA) throughout the year.

I've crafted this e-suite targeted, monthly newsletter to provide our board members with a quick status update on key issues and policy priorities that have seen movement in recent weeks. This barely scratches the surface of all of the work currently underway at the NMA, but you, as leaders of our industry, need a quick, easily digestible snapshot of the latest developments that are relevant to mining.

With the election on the horizon, I'll also update you from time to time on my view from Washington. Right now, with large numbers of retirements already announced in the House, Republicans will face a razor thin majority during the second session, making even good policy difficult to pass. November is coming quickly, and the window is closing for Congress to pass legislative priorities, including permitting reform for mining and energy transmission. Post-election, as of this writing, we expect Congress to remain split, potentially with Democrats regaining control of the House and Republicans taking control of the Senate. The 2024 presidential election currently is headed to a rematch between President Biden and former President Trump.

Whatever the outcome, this is an industry that is prepared, and this is the place where I'll keep you updated on everything you need to know.

Supreme Court hears oral arguments in Ozone Transport rule this month



What's new: On Feb. 21, the U.S. Supreme Court will hear oral arguments on requests to stay the U.S. Environmental Protection Agency's (EPA) Ozone Transport rule.

How did we get here: Last year, the EPA finalized a federal plan requiring states to eliminate emissions determined to significantly contribute to downwind nonattainment with reduced ozone National Ambient Air Quality Standards – called the “good neighbor” or “ozone transport” rule. In doing so, EPA arbitrarily rejected plans from 23 states and abrogated the rights of states to regulate air pollution within their borders.

- **Yes, but:** EPA was warned that going forward with the federal plan would be unlawful. Seven regional appellate courts have now stayed EPA's denials of the state plans, gutting the federal plan. In parallel, state and industry stakeholders, including the NMA, are challenging the federal plan in the D.C. Circuit.

Why it matters: This 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.

Go deeper: Access our most recent memo [here](#).

Good Samaritan bill moves forward



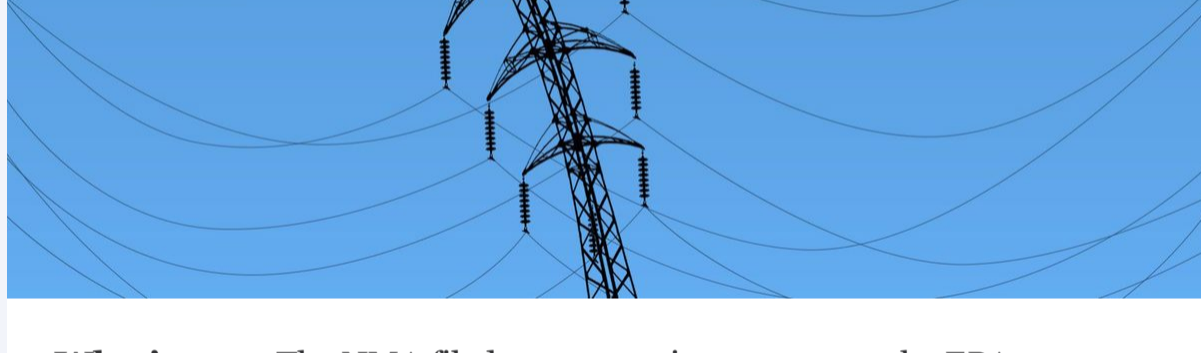
What's new? The Senate Environment and Public Works Committee (EPW) passed the NMA-supported Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023 ([S. 2781](#)).

Who supported the bill? The NMA and Trout Unlimited were joined by a coalition of stakeholders representing mining, conservation, environmental and community groups to advance the legislation.

What's next?

- The NMA continues to engage senators to pass S. 2781 this Congress.
- Separately, in the House of Representatives, the NMA and Trout Unlimited are working to secure a bipartisan introduction of companion legislation.

Addressing the Clean Power Plan 2.0



What's new: The NMA filed [comments](#) in response to the EPA [supplemental notice of proposed rulemaking](#) on the agency's greenhouse gas emissions standards for new and existing power plants (the Clean Power Plan 2.0).

Why it matters: After the NMA, industry stakeholders and other grid experts highlighted concerns about the rule's impact on grid reliability, the EPA acknowledged the concerns and asked for comments on how to address them.

Who else is concerned? Bipartisan members of Congress are voicing concerns too.

- Senate Energy and Natural Resources Committee Chairman Sen. Joe Manchin (D-W.Va.) and colleagues Sherrod Brown (D-Ohio), Mark Kelly (D-Ariz.), Jon Tester (D-Mont.) and Kyrsten Sinema (I-Ariz.), [called on the EPA to revise the rule](#).
- Sen. Shelly Moore Capito (R-W.Va.) and 38 Republican senators [called](#) for the plan to be withdrawn.
- House, Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-Wash.) and Energy, Climate and Grid Security Subcommittee Chair Jeff Duncan (R-S.C.) sent an inquiry to FERC [questioning the rapid retirement of fossil fuel plants](#). McMorris Rodgers also joined Environment, Manufacturing and Critical Materials Subcommittee Chair Bill Johnson (R-Ohio) in holding a January hearing titled "Protecting Clean American Energy Production and Jobs by Stopping EPA's Overreach."

Go deeper: Access our most recent memo [here](#).

Industry pursues Rosemont fix, addresses FAST-41 limits



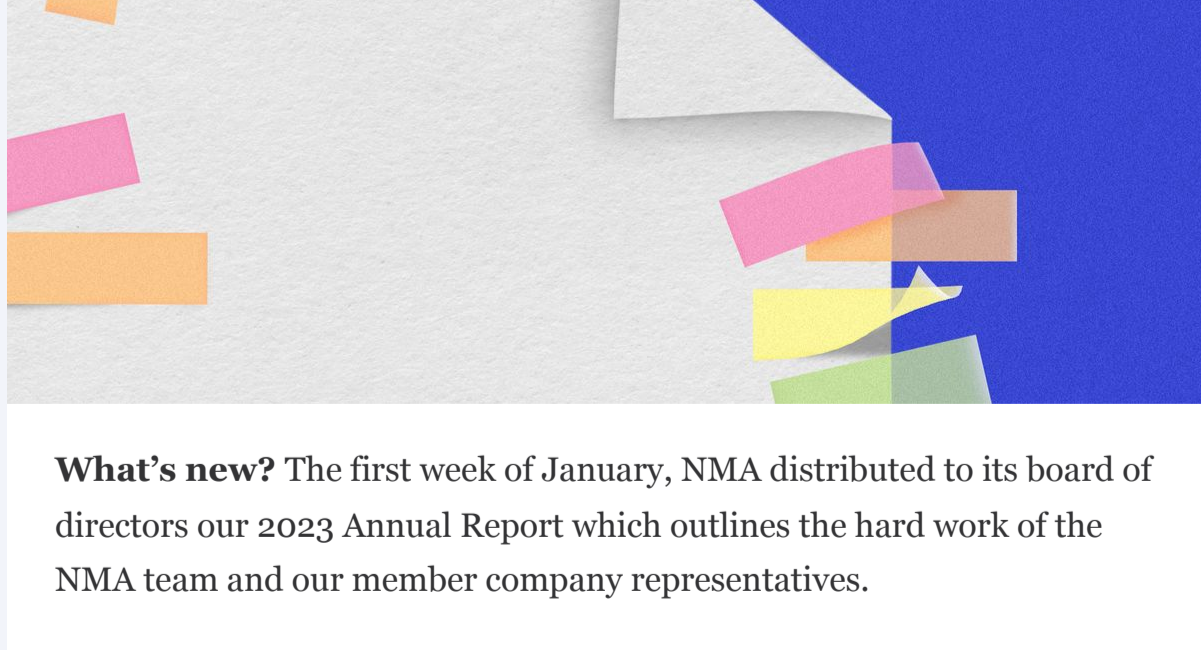
What's new? In January, the House held a hearing on several pieces of legislation, including:

- The Mining Regulatory Clarity Act ([H.R. 2925](#)) (also known at the “Rosemont fix”), which would address the uncertainty that now plagues the mine approval process due to recent court rulings in the Rosemont case.
- [H.R. 6862](#), a bill designed to prohibit the Federal Permitting Improvement Steering Council from limiting the application of the FAST-41 permitting process to mining projects that only produce “critical minerals.”

Rich Haddock, of NMA member Barrick Gold Corporation, testified in support of both bills.

What's next? The NMA and its members continue to work with Hill allies to advance both pieces of legislation.

NMA releases Annual Report



What's new? The first week of January, NMA distributed to its board of directors our 2023 Annual Report which outlines the hard work of the NMA team and our member company representatives.

What does it say?

- The report covers a wide range of issues and projects and, despite its depth, only covers a fraction of the work done in 2023.
- Setting the stage for this year, the NMA team is in the midst of its strategic priority setting process and looks forward to engaging with members and the committees on collective priorities in the coming weeks.
- Because the report contains elements of the NMA's internal planning and strategy, this document should be treated as a confidential internal document and should not be shared outside our membership.

Go deeper: Access the [2023 Annual Report](#) now.

This is our first shot at a monthly recap - how did we do? Be sure to leave your feedback and comments below.

Feedback

Anonymously tell us what you thought of this edition. Your responses will help us create better content for you!

Was this edition useful?

