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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

Congress made progress on passing some of its funding bills and oversight of the Biden administration's proposed rulemakings. As regulatory agencies continued to push forward with new rules, industry litigation ensued challenging these unwise actions. 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

Next week is [National Poison Prevention Week](#). The Health Resources and Services Administration has a wealth of information on a host of different poisoning hazards.

NMA Files Lawsuit Challenging EPA's PM NAAQS



The NMA last week joined seven industry association partners in filing a [petition for review](#) of the U.S. Environmental Protection Agency's (EPA) final rule that significantly lowered the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). The rule was [published](#) in the Federal Register on March 6, 2024, triggering the 60-day window for filing lawsuits; the NMA coalition filed the same day. The NMA partnered with the U.S. Chamber of Commerce, American Chemistry Council, American Forest & Paper Association, American Petroleum Institute, American Wood Council, National Association of Manufacturers and Portland Cement Association in filing this lawsuit.

The Commonwealth of Kentucky and State of West Virginia are co-leading the state challenge, joined by 22 other states. Kentucky Attorney General Russell

Coleman (R) and West Virginia Attorney General Patrick Morrisey (R) filed the first petition for review the morning of the final rule's publication. Republican attorneys general from the following states also joined in the lawsuit: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah and Wyoming. Attorney General Coleman issued a [press release](#), saying: "This rule will drive jobs and investment out of Kentucky and overseas, leaving employers and hardworking families to pay the price." Attorney General Coleman also specifically called out "[t]he Biden Administration's ongoing assault on fossil fuels through this rule, especially the coal industry and its workers." The State of Texas and the Texas Commission on Environmental Quality filed a separate lawsuit in the D.C. Circuit.

All parties that have filed to date are consolidated under *Kentucky v. EPA*, No. 24-1050 (D.C. Cir.). Statement of issues in the case are due Apr. 5, 2024.

Congress Targets PM NAAQS Final Rule with CRA Legislation

Two Congressional Review Act (CRA) resolutions on PM_{2.5} NAAQS are gaining support in both the Senate and the House of Representatives. In the Senate, Leader McConnell (R-Ky.) will [introduce a CRA](#) resolution to overturn the EPA's rule on PM_{2.5}. The Leader's sponsorship reflects the importance of the issue.

The Senate resolution's cosponsors include Senators Barrasso (R-Wyo.), Blackburn (R-Tenn.), Braun (R-Ind.), Britt (R-Ala.), Budd (R-N.C.), Capito (R-W.Va.), Cassidy (R-La.), Cotton (R-Ark.), Cramer (R-N.D.), Crapo (R-Idaho),

Daines (R-Mont.), Ernst (R-Iowa), Fischer (R-Neb.), Hagerty (R-Tenn.), Hoeven (R-N.Dak.), Kennedy (R-La.), Lankford (R-Okla.), Lummis (R-Wyo.), Marshall (R-Kan.), Mullin (R-Okla.), Murkowski (R-Alaska), Ricketts (R-Neb.), Risch (R-Idaho), Scott (R-S.C.), Sullivan (R-Alaska), Thune (R-S.Dak.), Tillis (R-N.C.), Wicker (R-Miss.) and Young (R-Ind.).

Simultaneously, in the House, Congressman Rick Allen (R-Ga.) **introduced** a similar CRA resolution to challenge the EPA's final rule. The House's resolution cosponsors include Baird (R-Ind.), Cline (R-Va.), Perry (R-Pa.), Ezell (R-Miss.), Ogles (R-Tenn.), Lamborn (R-Colo.), Gallagher (R-Wis.), A. Scott (R-Ga.), Crenshaw (R-Texas), Obernolte (R-Calif.), Griffith (R-Va.), Cloud (R-Texas), Byron Donalds (R-Fla.), Balderson (R-Ohio), Yakym (R-Ind.), Adrian Smith (R-Neb.), Lesko (R-Ariz.), John Joyce (R-Pa.), Harshbarger (R-Tenn.), Walberg (R-Mich.) and Armstrong (R-N.Dak.).

The CRA is a legislative mechanism that grants Congress the power to repeal a federal agency's final rule within 60 legislative days of its publication in the Federal Register and prevents the agency from issuing a substantially similar rule in the future without explicit congressional approval. It requires passage by both houses of Congress and the president's signature.

House Oversight Subcommittee Holds Hearing on Grid Reliability



Yesterday, the House Committee on Oversight and Accountability, Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs convened for a hearing titled "The Power Struggle: Examining the Reliability and Security of America's Electrical Grid," led by Chairman Pat Fallon (R-Texas). The hearing delved into the vulnerabilities of the current power grid and assessed its capacity to handle challenges posed by new regulations proposed by the Biden administration. Among the witnesses were proponents of reliable baseload coal power. Testifying were: James Danly, formerly chairman, commissioner and general counsel at the Federal Energy Regulatory Commission (FERC), who currently leads the Energy Regulatory Group at Skadden, Arps, Slate, Meagher & Flom LLP; and Travis Fisher, the director of energy and environmental policy studies at the Cato Institute. Democrats focused on the investments made through the Inflation Reduction Act, and Republicans focused on the economic impacts from blackouts and the loss of baseload power due to EPA regulations such as the Clean Power Plan 2.0.

House Natural Resources Committee Advances Legislation to Block Harmful FPISC Rule



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

Yesterday, the House Natural Resources Committee **passed** the Mineral Mining Parity Act (H.R. 6862) by a bipartisan vote of 22 to 13, with Rep. Mary Peltola (D-Alaska) voting in support of the legislation. In addition to codifying mineral production as a covered project under the Federal Permitting Improvement Steering Council's (FPISC), H.R. 6862 would prohibit FPISC from finalizing, implementing or enforcing its proposed rule (88 Fed. Reg. 65350; September 22, 2023) and ensures that all mining projects, without bias, are eligible to utilize the permitting efficiencies provided by the FPISC permitting dashboard. Please find a [link](#) to the Rich Nolan's social media post related to passage of the legislation: "The NMA will continue to support efforts to advance this and similar pieces of legislation to prevent the FPISC from finalizing its misguided proposed rule."

House Foreign Affairs Committee Highlights Need for Russian Uranium Import Ban Legislation

Yesterday, the House Committee on Foreign Affairs held a hearing, titled "Going Nuclear on Rosatom: Ending Global Dependence on Putin's Nuclear Energy Sector," which discussed the need to separate our nation's reliance on uranium from the Russian Federation. Subcommittee on Europe Chairman

Thomas Kean Jr. (R-N.J.) pushed for greater sanctions on the Russian nuclear sector that align with the NMA-backed Prohibiting Russian Uranium Imports Act (H.R. 1042), which passed the House of Representatives last December by voice vote. The NMA continues to work with committee and leadership staff to support the House-passed bill and its Senate companion, introduced by Sen. John Barrasso (R-Wyo.).

Fiscal Year 2025 Spending Negotiations Begin Taking Shape in Congress

With last week's passage of legislation to partially fund the federal government for the remainder of 2024, the NMA is pursuing fiscal year 2025 spending negotiations, which are quickly taking shape in both chambers. Traditionally, spending negotiations begin in February and conclude in late March, however, prolonged FY24 negotiations have delayed the official kickoff, which is generally when the appropriations committees announce deadlines by which policy and spending requests must be submitted by Members of Congress. With NMA member feedback, the NMA is engaging key congressional allies and committee staff to share industry [requests](#) and point out the importance they have for the mining industry, national security, and economic competitiveness.

Neither appropriations committee has finalized its submission deadlines. Yesterday's release of the Presidential Budget Request signals that these deadlines may be publicly available soon. You can find an NMA memo summarizing the administration's budget request [here](#). Additionally, the NMA will be working with staff and members of the House Appropriations Committee

to support oversight activities during upcoming hearings that will feature testimony of several agency heads on their proposed FY25 budget requests.

NMA Highlights U.S. Leadership in Mining Standards at Canadian Embassy Event



This week, the NMA’s Veronika Shime and Scott Gemperline participated in a day-long seminar and reception on U.S.-Canada minerals collaboration hosted by the Embassy of Canada in Washington. The event featured remarks and panel sessions by industry representatives, administration officials from the Departments of Energy, Defense and Treasury, along with other stakeholders. Notably, Veronika Shime provided remarks during a panel with the Minerals Association of Canada on the globally leading standards of both countries, the competitive advantages of domestic minerals, and the importance of scaling U.S. mineral production to compete globally including through permitting reform.

NMA Establishes Mining Workforce Development Working Group

The NMA is establishing a Mining Workforce Development Working Group to help address the workforce needs of the NMA's membership. The goal of the Working Group is to develop a comprehensive advocacy strategy to strengthen the domestic mining workforce. If there are workforce development, human resources, talent acquisition or similar professionals within your organizations who you would like to be included in the Working Group, please contact [MK Kirlin](#). Your company's participation in the NMA's Mining Workforce Development Working Group will enable us to improve our advocacy tools and better serve your needs. We urge NMA members to consider participating in the Working Group as we work to expand our efforts in the mining workforce space.

**NMA's CORESafety Advisory Group Convenes
and is Hosted by
Freeport-McMoRan**



The NMA CORESafety Advisory Group (CSAG) met in Phoenix, Ariz. during the Society for Mining, Metallurgy & Exploration (SME) conference Feb. 26 – 28. CSAG, along with support from The National Institute of Occupational Safety and Health, continued to focus on refreshing the NMA CORESafety Health and Safety management system originally adopted in 2012. The NMA plans a roll-out of the refreshed version later this year. Members of the CSAG were also hosted by Freeport-McMoRan on a tour of its Miami copper facilities where they had an opportunity to see and learn about the complete cycle of copper processes from mining to final product.

NMA Pushes Back on EPA Uranium (Oral) IRIS Assessment

As previously reported, the EPA published a [notice of availability](#) on Feb. 14 for its [protocol](#) for the uranium (oral) Integrated Risk Information System (IRIS) Assessment, which could be used to support updated drinking water regulations for uranium and inform Superfund site management decisions. With

only a 30-day comment period, and comments due March 15, the NMA requested a 60-day extension. Unfortunately, this request was quickly rejected by the EPA. The NMA also engaged with industry allies – Sens. John Barrasso (R-Wyo.) and Cynthia Lummis (R-Wyo.) – who have not only requested a 60-day [extension](#) of comment period, but also requested a meeting with the EPA to express concern over the current 30-day comment period. Even with congressional intervention, the EPA may not provide an extension of the comment period. Please find a [link](#) to the NMA’s draft comments for review.

BLM Extends Comment Period for Draft Mining Metrics

Last week, in response to a [request](#) for an extension of the comment period by the NMA and allies, the Bureau of Land Management (BLM) [announced](#) a 45-day extension of the comment period for its draft [Mining Performance Metrics](#) (draft metrics). Recall, the draft metrics respond to directives in the Bipartisan Infrastructure Law requiring BLM to develop metrics to demonstrate efficient mine project permitting, and were in part informed by the recommendations included in the Interagency Working Group on Mining Laws, Regulations, and Permitting [final report](#). The BLM is also developing performance metrics to assess engagement with and outcomes for Tribes and communities that may be affected by mining projects. The original comment period was set to end on March 13. Comments are now due April 29, 2024.

FWS Extends Comment Period for Proposed Rule and Policy Revisions in National Wildlife Refuge System

Last week, the U.S. Fish and Wildlife Service (FWS) announced a 60-day [extension](#) of the comment period for its [proposed rule](#) and [policy revisions](#) to ensure the biological integrity, diversity, and environmental health (BIDEH) of the National Wildlife Refuge System (Refuge System). The proposed rule and policy revisions would support conservation throughout the Refuge System in response to conservation challenges and the effects of climate change. The NMA is particularly concerned with how this rule and policy revisions may relate to the FWS's recent and increased use of conservation areas that could have implications for the mining industry. The proposed policy change would also take a more aggressive approach to protect Refuge Systems from actions outside of refuges that may impact refuge lands or waters. Before the FWS announced the extension of the comment period, the NMA provided [draft comments](#) for member review. The NMA's comments outline our concerns with the proposals and the potential to control land use outside of the Refuge System. Additionally, the comments highlight the potential uncertainty for permitting mining projects should the proposals be finalized. Comments on the proposed rule and policy revisions are now due May 6, 2024.

EPA Publishes Final Risk Management Program Rule

This week, EPA published a [final rule](#), "Safer Communities by Chemical Accident Prevention," to amend the Risk Management Program (RMP) requirements under Clean Air Act section 112(r). This final rule covers chemical accident prevention at all 11,740 RMP facilities nationwide that use extremely hazardous substances. This rule makes many programmatic changes to the RMP, which EPA says in a [press release](#) will "further protect vulnerable communities from chemical accidents, especially those living near facilities in industrial sectors with high accident rates." Notable to the mining sector, this final rule does not address the addition of ammonium nitrate to the RMP

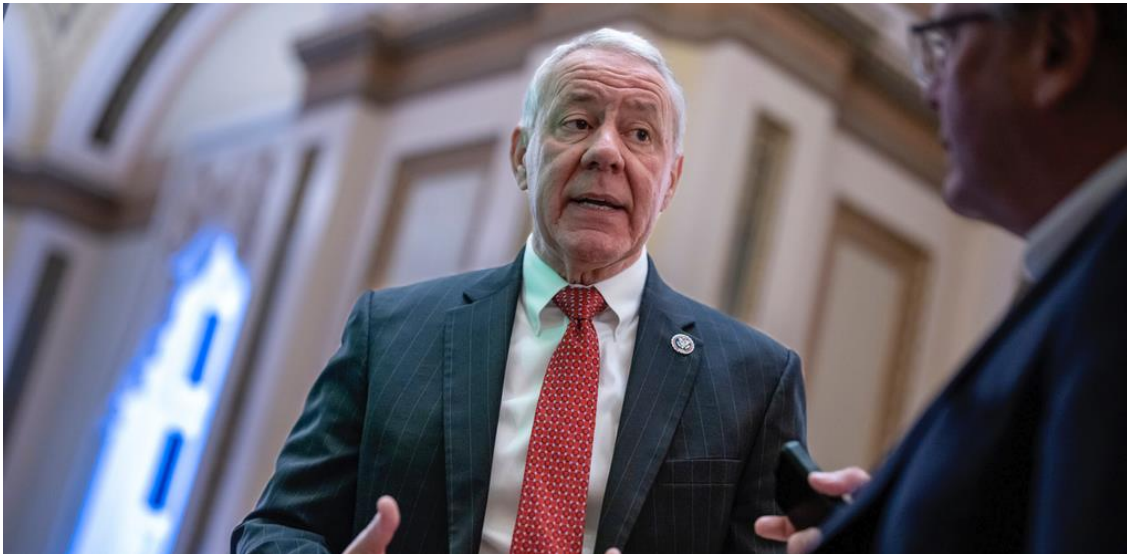
program but does state that it will be a priority chemical for upcoming review. Some changes to the program include: advancing employee participation, training, and opportunities for employee decision-making in facility accident prevention; allowance of a partial or complete process shutdown in the event of a potential catastrophic release; implementing anonymous reporting for employees and their representatives on specific unaddressed hazards; requiring third-party compliance audits and root cause incident investigations for facilities that have had a prior accident; enhancing facility planning and preparedness efforts to strengthen emergency response; evaluating risks of natural hazards, climate change, and any associated loss of power; and increasing transparency by providing access to RMP facility information for communities nearby. EPA released a [fact sheet](#) for regulated facilities that includes a helpful summary of changes to this final rule.

Biden & Trump Clinch Nominations



President Biden and former President Trump swept the March 12 primaries. The victories give them enough delegates to win the Democratic and Republican presidential nominations, respectively.

Republican House Majority Shrinks by One



Rep. Ken Buck (R-Colo.) plans to retire from Congress next week. The loss will reduce the Republican majority to 218. There are currently 213 Democrats in the U.S. House of Representatives. If there are no absences, Republicans can only afford to lose two votes on any partisan measure for it to clear the House.

**Register for the NMA Spring Board Meeting in
Washington, D.C.**

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. and [registration is open at this link](#). 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 Senate side Capitol Hill followed by an evening visit to the floor of 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

The logo for MINEXPO 2024. The word "MINEXPO" is written in a bold, sans-serif font. The "X" is a teal color, while the other letters are white. A registered trademark symbol (®) is located to the right of the "O".

20
24 | **SEPTEMBER 24-26, 2024**
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NMA and Third Parties In the News

[DC Journal](#) and [AMAC](#) report on NMA polling and quote Rich Nolan.

[E&MJ](#) reports on the NMA's reaction to the Ninth Circuit ruling to vacate the federal coal leasing ruling.

From our third parties, [Las Vegas Review Journal](#) (Nev.), [White Mountain Independent](#) (Ariz.) and [Wayne County News](#) (W.Va.) all ran an op-ed by Dan Ervin, a finance professor at Salisbury University, in which he argues to expediate the permitting process for mining minerals in the U.S.

[Yahoo News](#) (USA), [MSN.com](#) (USA), [Ogden Standard Examiner](#) (Utah) and [Provo Daily Herald](#) (Utah) all ran an op-ed by Thomas Madison Jr., an infrastructure consultant and the former administrator of the U.S. Federal Highway Administration, in which he argues we must eradicate the barriers to domestic production, unleash our own mineral potential, and develop the secure, responsible domestic supply chains we so desperately need and deserve.

Mining and Energy News

[CBC](#) reported on this year's Prospectors & Developers Association of Canada's (PDAC) convention, the fluctuating metals market and critical mineral use in

technology.

[**Argus**](#) reported that Falkirk Mining, a subsidiary of U.S. coal producer NACCO Industries, is suing the U.S. Bureau of Land Management (BLM) for what it calls "unjustifiable delays" in processing a federal coal leasing application.

[**Mining Journal**](#) reported that the World Bank's Michael Stanley sees economic opportunity and is urging swift mineral investment amid urbanization and the ongoing energy shift.

[**Energywire**](#) reported that Republican lawmakers in almost a dozen states want to prop up coal plants that face closure amid a boom in renewable energy and a federal crackdown on power plant pollution.

[**Climatewire**](#) reported that fanfare around the discovery of a so-called rare earth mother lode in Wyoming is raising questions about the quality of ore waiting to be dug up and how quickly the U.S. can secure critical materials needed to feed booming green energy sectors and curb its reliance on China.

The [**Washington Post**](#) reported that vast swaths of the U.S. are at risk of running short of power as electricity-hungry data centers and clean-technology factories proliferate around the country, leaving utilities and regulators grasping for credible plans to expand the nation's creaking power grid.

[**Greenwire**](#) reported that NACCO Natural Resources is suing the administration for refusing to review its plan to lease tracts of land and grow its operations in North Dakota — a delay the company says federal officials are blaming on their inability to measure the effect of the expansion on greenhouse gases.

[**E&E News PM**](#) reported that the administration is moving full steam ahead on new discharge limits for coal-based power plants.

[**Argus**](#) reported that U.S. thermal coal exports jumped in January to a three-month high, led by shipments headed to India, Morocco and South Korea soared.

The [**Washington Post**](#) reported that the “AI and the boom in clean-tech manufacturing are pushing America’s power grid to the brink. Utilities can’t keep up.”

The [**World Platinum Investment Council**](#) reported on end of year data indicating that platinum demand surged 25 percent in 2023 and is expected to remain robust this year due to low supply and anticipated demand growth.

[**Mining.com**](#) reported that “gold extended its rally to a new record high and is now closing in on the \$2,200/ounce level after a key U.S. jobs report bolstered expectations that the Federal Reserve will soon cut interest rates.”

[**Hellenic Shipping News**](#) reported that the potential for a strike at East Coast and Gulf ports are a labor risk this year with some trade diversions already starting.

[**Kallanish Steel**](#) reported on American Iron & Steel Institute (AISI) data showing that steel mill shipments increased by 4.3 percent to 7.38 million tons in January compared to December’s 7.08 million tons.

[**Financial Times**](#) reported that surging prices for ore and concerns over Russian imports lead to mothballed uranium mines being restarted.

[**Hellenic Shipping News**](#) reported that India’s coal production, imports and demand are all going to rise in coming years, and by substantial volumes.

[**Mining.com**](#) reported that “zinc extended gains to a five-week high recently as

investors unwind big bearish bets, with signs of tighter supplies and buoyant commodities demand in China brightening the outlook for the metal.”

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	3/12/24	\$12.95
Copper Spot Price (\$/lb)	3/12/24	\$3.92
Gold Spot Price (\$/ounce)	3/12/24	\$2,176.40
Lead Spot Price (\$/lb)	3/12/24	\$0.96
Lithium Spot Price (\$/kg)	3/12/24	\$15.40
Molybdenum Spot Price (\$/kg)	3/12/24	\$48.00
Nickel Spot Price (\$/lb)	3/12/24	\$8.31
Silver Spot Price (\$/ounce)	3/12/24	\$24.37
Steel HRC Price (\$/mt)	3/12/24	\$856.57
Steel Rebar Price (\$/mt)	3/12/24	\$495.29
Zinc Spot Price (\$/lb)	3/12/24	\$1.15
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	3/12/24	\$265.50
Coal Spot Price - Central Appalachian (\$/st)	3/8/24	\$77.80
Coal Spot Price - Newcastle futures (\$/mt)	3/12/24	\$130.91
Coal Spot Price - Rotterdam futures (\$/mt)	3/12/24	\$109.40
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	3/6/24	\$1.66
Uranium Spot Price (\$/lb)	3/4/24	\$93.50

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

CORESafety



In the March edition of CORESafety TV, we discuss important information concerning slips, trips and falls.



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