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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 12 | March 20, 2024

Brought to you by the National Mining Association

This Week in The News

Congressional budget negotiations appeared to be approaching passage of a final agreement and the House majority launched a much-anticipated “energy week” agenda. Meanwhile, the Biden administration’s aggressive regulatory agenda, and reactions to it, continued to play out. 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

It's [National Drug and Alcohol Facts Week](#). The National Institutes of Health has a variety of materials and activities aimed at preventing drug and alcohol abuse among youths.

McConnell CRA Targets EPA NAAQS PM2.5



Senate Republican Leader Mitch McConnell (R-Ky.) is leading the Senate response to the Environmental Protection Agency's (EPA) recent proposal to tighten fine particulate matter (PM2.5) standards. Concerned about the potential impact on the U.S. economy and future growth, McConnell has introduced a resolution under the Congressional Review Act (CRA) backed by 45 Senate Republicans. This legislative tool is designed to review and overturn new regulations introduced by the executive branch. According to the EPA, PM2.5 concentrations have decreased by more than 40 percent since 2000. McConnell and his Senate colleagues point out that a large portion of PM2.5 emissions originate from natural sources. The EPA's initiative to revise PM2.5 emissions standards comes despite data indicating the proposed new standard

may not be achievable in many parts of the country because the background level of PM2.5 is at or close to the new standard.

House Moves NAAQS Reform Through Full Committee



Today, the House Energy and Commerce Committee, led by Chair Cathy McMorris Rodgers (R-Wash.), held a full committee [markup](#) of 28 bills. The committee considered legislation from the Energy, Climate and Grid Security; Environment, Manufacturing and Critical Materials; Health, and Communications and Technology Subcommittees. One of the 28 bills, [H.R. 7650](#), the Air Quality Standards Implementation Act of 2024, introduced by the Environment, Manufacturing and Critical Materials Subcommittee Chairman Rep. Buddy Carter (R-Ga.), is in direct response to EPA's new PM2.5 standard. H.R. 7650 would facilitate more input from states in the implementation and reconsideration process of NAAQS and introduce practical and balanced measures, setting realistic requirements for states to follow. Before its introduction, the NMA and our NR3 coalition partners worked closely with Energy and Commerce staff and Chair Carter's office on H.R. 7650. The full

committee markup was the final action before the bill is sent to the Rules committee to be considered for a vote on the House floor.

Clean Water Act Reforms on the House Floor

On Thursday the house will debate [H.R. 7023](#), the Creating Confidence in Clean Water Permitting Act, which was introduced by Water Resources and Environment Subcommittee Chairman David Rouzer (R-N.C.); the House hopes to pass the bill late Thursday afternoon. H.R. 7023 is a compilation of five separate bills initially introduced by Subcommittee Chairman Rouzer, along with Rep. Pete Stauber (R-Minn.), Rep. Burgess Owens (R-Utah), Rep. Eric Burlison (R-Mo.) and Rep. John Duarte (R-Calif.), and aims to make targeted, common-sense reforms to the Clean Water Act to ensure certainty in project permitting. A key feature, Section 5, is Rep. Stauber's Reducing Permitting Uncertainty Act, supported by the NMA, which seeks to restrict the EPA's preemptive or retroactive use of its CWA section 404(c) veto authority over permits. The proposed permitting reforms have garnered support from numerous industry stakeholders, who have provided statements endorsing H.R. 7023 and its individual provisions for their practical approach to facilitating project approvals while maintaining environmental safeguards. The NMA's statement of support can be found [here](#).

Bipartisan Good Samaritan Legislation Introduced in the House

Tomorrow, the NMA-backed Good Samaritan Remediation of Abandoned Hardrock Mines Act will be introduced in the U.S. House of Representatives by Reps. Celeste Maloy (R-Utah) and Mary Peltola (D-Alaska). This bipartisan bill is the companion legislation to S.2781, introduced by Sens. Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho), which has 34 equally bipartisan cosponsors and recently passed out of the Senate Committee on Environment and Public Works unanimously. The legislation would create an abandoned mine land (AML) clean up pilot program allowing mining companies to utilize their equipment and technical expertise to clean up abandoned sites without fear of incurring additional legal liability. Reps. Russ Fulcher (R-Idaho), Suzie Lee (D-Nev.), Blake Moore (R-Utah), Jim Costa (D-Calif.), and John Curtis (R-Utah) are original cosponsors of the legislation. The NMA and other supporting stakeholders, including Trout Unlimited will continue to work with sponsors of both House and Senate bills and jurisdictional committee staff to advance the legislation in both chambers.

House Federal Lands Subcommittee Holds Hearing on Legislation Impacting the Mining Industry

Today, the House Natural Resources Subcommittee on Federal Lands held a hearing, linked [here](#), on several pieces of legislation impacting the mining industry. Specifically, H.R. 6085, introduced by Rep. Harriet Hageman (R-Wyo.), prohibits implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision. Recall that the NMA submitted comments in January, linked [here](#), to the Bureau of Land Management on the draft RMP/EIS.

Additionally, the Congressional Oversight of the Antiquities Act (H.R. 5499) would amend the Antiquities Act to require congressional approval of presidential declarations within six months of a designation or before the last day of the sitting Congress during which the monument was designated, whichever comes first. If the national monument is not approved by Congress, the land covered in that proclamation cannot be designated again by the President for 25 years. The NMA is also tracking H.R. 7006, which would prohibit natural asset companies from entering into any agreement with respect to land in the State of Utah or its natural assets. Please find the committee's hearing memo, which provides additional background on the bills considered at today's hearing, linked [here](#).

Congress, Labor Advocate for Domestic Mining Inclusion in Treasury Guidance on 45X

Last week, the Senate Committee on Finance held a [hearing](#) to explore opportunities to advance domestic manufacturing through the tax code. Witnesses included chemical and renewable energy manufacturers, tax experts, and a witness from the United Steelworkers (USW). The hearing covered a variety of tax code topics, but notable bipartisan discussion from witnesses and Senators included the recent proposed guidance for the 45X Advanced Manufacturing Tax Credit, and the need to "retake control from China" for renewable energy and mineral supply chains. In advance of the hearing, the NMA worked with committee members and hearing witnesses to highlight industry priorities and were able to submit for the hearing record the NMA's 45X [comments](#) to Treasury and an industry coalition [letter](#).

Hearing on Three FERC Nominees



The Senate Energy and Natural Resources Committee (ENR) will hold a [hearing](#) tomorrow to consider three nominees to the Federal Energy Regulatory Commission (FERC). The nominees are Judy W. Chang, former Undersecretary of Energy and Climate Solutions for Massachusetts; David Rosner, energy industry analyst for FERC currently on detail to the Senate ENR Committee Democratic staff; and Republican Lindsay S. See, Solicitor General of West Virginia. If confirmed, See is expected to be a strong advocate for grid reliability.

The nominations come after FERC Commissioner James Danly's term expired and as current Commissioner Allison Clements' term is set to expire this June 2024. If confirmed, the nominees would join Chairman Willie L. Phillips and Commissioner Mark C. Christie to bring the Commission to full strength of a 3-2 split, favoring the Democrats.

FERC has a critical role in keeping the lights on. In advance of the hearing, the NMA engaged with the committee staff and members on the importance of grid

reliability and the need for FERC nominees to understand its central role in the commission's mission.

Congress Races to Meet Friday Spending Deadline

With the deadline to finish the final package of six fiscal year 2024 (FY24) spending bills fast approaching, congressional leaders and the administration announced they have reached a deal.

The spending "minibus," which should be released this week, would fund the departments of defense, homeland security, state, education, labor, treasury, and health and human services. The bill would complete FY24 funding for the federal government. Congress has until midnight on March 22 to get the funding measure passed and signed by President Biden to avoid a partial government shutdown.

BLM Announces Sage Grouse Management Plan Amendments



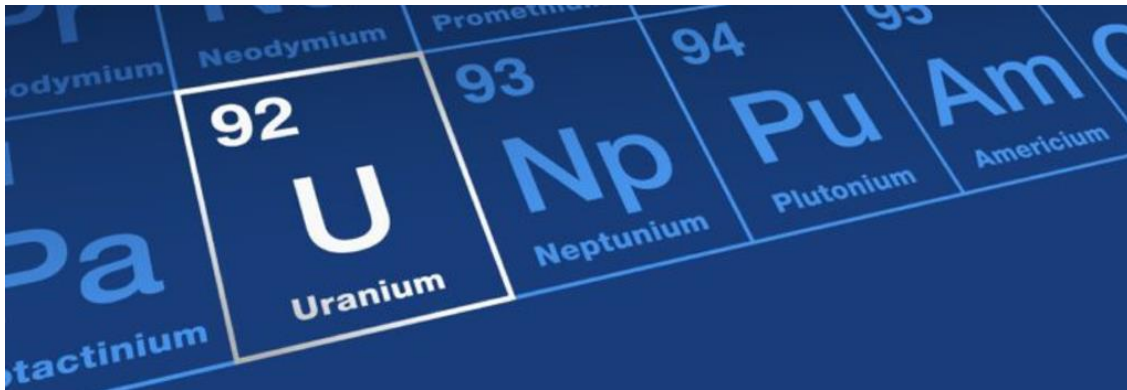
Last week, the Bureau of Land Management (BLM) **announced** the availability of a draft Resource Management Plan amendment (RMPA) and draft Environmental Impact Statement (EIS) for Greater Sage-Grouse (GRSG) Rangewide Planning. The NMA is currently reviewing the draft RMPA and EIS and will provide a more detailed analysis in the near future. As the RMPA would amend 77 BLM land use plans encompassing nearly 121 million acres across 10 Western states, the agency’s potential restrictions on resource development in GRSG habitat could significantly impact mining activities. Of the 6 alternatives, Alternative 3 contains the greatest level of development restrictions, where the BLM would manage 69 million acres as priority habitat that would be closed to coal, phosphate, or other mineral leasing, and also recommended for withdrawal from location and entry under the Mining Law. Alternative 5 is BLM’s preferred alternative and, among other things, has the fewest restrictions on resource uses and provides more opportunities for considering compensatory mitigation. The BLM will host **two virtual public meetings and 11 in-person public meetings** to answer questions and provide more detailed information. Comments are due June 13, 2024.

The NMA Files FOIA Request for WOTUS Implementation Information



Last week, the [NMA](#) and our industry coalition, the [Waters Advocacy Coalition](#), filed two Freedom of Information Act (FOIA) requests seeking information from the U.S. Army Corps of Engineers (Corps) on their implementation of the 2023 “waters of the United States” (WOTUS) Rule. NMA members have reported a lack of transparency and publicly available information regarding how the WOTUS rule is being implemented on the ground. This uncertainty has led to permitting delays and challenges for NMA members. The NMA’s FOIA seeks information on two specific types of documents: (1) internal guidance or direction from Headquarters to Corps District Offices regarding interpretation and implementation of the rule; and (2) any internal training documents or presentations from Headquarters to Corps District Offices regarding how to implement the rule.

The NMA Submits Comments on EPA’s Uranium IRIS Protocol



The NMA last week submitted [comments](#) on the EPA [protocol](#) for the uranium (oral) Integrated Risk Information System (IRIS) assessment. The comments primarily focused on potential strategies for literature searches. The NMA urged EPA agency to ensure that the literature and relevant studies evaluated pertain to risks posed by *anthropogenic sources* of natural uranium and that studies related to naturally occurring sources and concentrations of natural uranium and its decay products are excluded. Additionally, the NMA stressed the importance of inclusion of studies backed by rigorous, peer reviewed, scientific data.

USTR Request for Comments on Promoting Supply Chain Resilience

The U.S. Trade Representative (USTR) recently issued a [Federal Register notice](#) requesting comments on promoting supply chain resilience and announcing a May 2 public hearing in conjunction with this effort. Specifically, the USTR seeks input to inform objectives and strategies that advance U.S. supply chain resilience in trade negotiations, enforcement and other initiatives. Supply chain sectors of particular interest include aerospace, automotive, critical minerals (including for electric vehicle and large-scale energy storage batteries and related recycling), metals, semiconductors and renewable

energy. As mined materials are the front end of the supply chain for most of the named sectors, the NMA will prepare comments that relate to the domestic, international and trade policies necessary for a robust mining industry. Comments are due by April 22, 2024.

EPA Extends Soil Lead Guidance Public Comment Period

Last week, the EPA [extended](#) the public comment period for the updated residential soil lead [guidance](#) by 60-days. Comments are now due May 16, 2024. Recall, EPA recently updated the guidance for Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) sites and Resource Conservation and Recovery Act (RCRA) corrective action facilities. EPA significantly lowered the recommended regional screening levels and removal management level, strengthening guidance for investigating and cleaning up lead-contaminated residential soil. Additional information on this new guidance is available [here](#). The NMA is currently working with the Superfund Settlement Project (SSP), the RCRA Corrective Action Project (RCAP), the U.S. Chamber of Commerce and the American Petroleum Institute on drafting comments. Coalition comments support revisions to the guidance and highlight many practical implementation challenges

Responses Requested: 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 [9-minute anonymous survey](#) regarding rail service for the first quarter of 2024. The data from this survey will be used for further engagement with Congress, the Surface Transportation Board (STB), and others to illustrate the rail service concerns of NMA members and to stress that more relief is needed. This information is especially important as the STB has its spring Rail Energy Transportation Advisory Committee (RETAC) meeting next month. Even if rail service is not currently a problem, we would like to know that as well. Please fill out the survey by March 29, 2024.

MSHA Quarterly Stakeholder Call and Approval and Certification Center Workshop



The Mine Safety and Health Administration (MSHA) held its first quarterly stakeholder call of 2024, the first in-person edition since before the pandemic. MSHA leadership offered verbal compliance guidance on surface mobile equipment that members can view [here](#). MSHA intends to continue with the hybrid in-person/virtual format for quarterly stakeholder meetings.

MSHA Approval & Certification Center (A&CC) will conduct an in-person [workshop](#) April 15-16, 2024. The workshop will provide the opportunity to learn about the latest policy changes implemented to improve the approval process for new equipment or technology turnaround time, along with the

impact of those changes. On-site tours of the A&CC will be available during both days of the workshop.

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 INTERNATIONAL. The word "MINEXPO" is written in a bold, sans-serif font. The "X" is stylized with a green arrow pointing to the right and a white arrow pointing to the left. A registered trademark symbol (®) is located to the right of the "O".

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24** | **SEPTEMBER 24-26, 2024**
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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

The [Washington Post](#) published a Letter to the Editor from Rich Nolan on energy policy and the alarmingly rapid loss of coal power plants.

[DV Journal](#) quotes Rich Nolan on polling conducted for the NMA that found nearly 80 percent of Americans support an “all of the above” energy strategy, and 65 percent believe shuttering existing coal, natural gas or nuclear plants before renewable-fuel replacements are fully operational is a bad idea.

From our third parties, [Pottstown Mercury](#) (Pa.), [Waco Tribune-Herald](#) (Texas), [Kokomo Tribune](#) (Ind.), [Gillette News Record](#) (Wyo.), [Johnstown Tribune-Democrat](#) (Pa.), [Bryan Times](#) (Ohio), [Northwest Signal](#) (Ohio), [Casper Star Tribune](#) (Wyo.), [Salem News](#) (Ohio), [Lisbon Morning Journal](#) (Ohio) and [East Liverpool Review](#) (Ohio) all ran an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues the administration’s de facto energy policy is to tear down the generating capacity we have today before we have in place the promised replacement capacity or the infrastructure it requires.

[Cleveland Plain Dealer](#) (Ohio) ran an op-ed by Robert W. Chase, a professor and head of the Petroleum Engineering and Geology Department at Marietta College from 1978 to 2015, in which he argues we should not let policies designed to reduce carbon emissions divert us from paying attention to the need for a secure and dependable energy supply.

Mining and Energy News

[The Wall Street Journal](#) reports that the Biden administration is jump starting its electric vehicle push with a massive \$2.26 billion loan to Lithium Americas.

[Kallanish](#) reported that the global nickel market appears to be closer to a balance between supply and demand than previously assessed based on notes from a recent Macquarie report.

[Washington Examiner](#) reported that lithium is showing indications of revival, with the spot price of lithium carbonate in China increasing to its highest level since December.

[Argus](#) reported on recent Energy Information Administration (EIA) forecast data raising their outlook for U.S. coal consumption and coal generation despite lower natural gas prices.

[Kallanish](#) reported on recent data indicating that the U.S. exported 699.1 metric tons of steel in January, the highest amount since September 2023.

[Utility Dive](#) reported that U.S. electricity prices are outpacing annual inflation according to analysts that cited transmission costs and federal policies for the

3.6 percent increase the Bureau of Labor Statistics reported last week.

[Greenwire](#) reported that “cratering prices for electric vehicle battery metals — not the complicated politics around the energy transition — will be the biggest test for the United States' bid to challenge Chinese dominance in the sector,” according to a top mining CEO.

[New York Times](#) reported that demand for electricity, which has stayed largely flat for two decades, has begun to surge.

[Energywire](#) reported that PJM, the nation’s largest power market, says that due to capacity retirements it risks losing nearly 58,000 megawatts in mostly fossil fuel power-generating capacity before 2030, potentially driving up prices for consumers to keep old power plants online.

[Mining Journal](#) reported that President Biden voiced his opposition against the acquisition of US Steel by Japan’s Nippon Steel last week.

[Washington Examiner](#) reported that a California-based company is pioneering production of the world’s first-ever lithium-sulfur battery: a lower-cost battery with twice the energy density of Nickel Manganese Cobalt (NMC) batteries.

[E&E News PM](#) reported that last week environmental groups sued officials who signed off on a lithium project in the Salton Sea that a top administration official has helped advance.

[S&P Global](#) reported that U.S. imports of lithium and critical minerals decreased in 2023 compared to a year earlier amid subdued EV demand.

[Bloomberg](#) reported that U.S. coal plants could be forced to shut down two years sooner than envisioned under an administration plan to stifle pollution

from the electricity sector.

[**E&E Daily**](#) reported that the State Department official tasked with brokering critical mineral deals for the administration will discuss how the U.S. is countering China at a House hearing tomorrow.

[**Bloomberg**](#) reported that “Prices for two of the world’s most important mined commodities are diverging quickly, with copper rallying above \$9,000 a ton as supply cuts hit the market and iron ore sinking as demand headwinds mount.”

[**Visual Capitalist**](#) graphically describes U.S. import dependence on Russian uranium, indicating that the U.S. imports almost a quarter of the enriched uranium it uses.

[**Mining.com**](#) reported on research at several U.S. universities indicating that sugar-coated gold nanoparticles may provide highly effective antibiotic properties.

[**Mining Journal**](#) reported on a Bain & Company global survey indicating that energy industry executives expect a slow energy transition, with almost two thirds saying they foresee net-zero emissions by 2060 or later.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	3/18/24	\$12.95
Copper Spot Price (\$/lb)	3/19/24	\$4.05
Gold Spot Price (\$/ounce)	3/19/24	\$2,156.85
Lead Spot Price (\$/lb)	3/18/24	\$0.93
Lithium Spot Price (\$/kg)	3/19/24	\$16.04
Molybdenum Spot Price (\$/kg)	3/18/24	\$48.00
Nickel Spot Price (\$/lb)	3/18/24	\$8.02
Silver Spot Price (\$/ounce)	3/19/24	\$24.93
Steel HRC Price (\$/mt)	3/18/24	\$868.69
Steel Rebar Price (\$/mt)	3/19/24	\$492.42
Zinc Spot Price (\$/lb)	3/19/24	\$1.13
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	3/19/24	\$246.50
Coal Spot Price - Central Appalachian (\$/st)	3/15/24	\$77.80
Coal Spot Price - Newcastle futures (\$/mt)	3/18/24	\$129.19
Coal Spot Price - Rotterdam futures (\$/mt)	3/19/24	\$112.95
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	3/3/24	\$1.24
Uranium Spot Price (\$/lb)	3/11/24	\$91.00
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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