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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 13 | March 27, 2024

Brought to you by the National Mining Association

This Week in The News

Congress finished its final spending bills before departing for a two-week recess, but will return to face heightened partisan turmoil and a Republican House majority that has dwindled to an effective one-vote margin. In the executive branch, all eyes have turned to the tragedy and loss of life in the Baltimore shipping accident's aftermath, meanwhile agency regulatory activity continues at an unprecedented pace. 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

April is **Distracted Driving Awareness Month**. The National Safety Council offers a wealth of resources for addressing this growing problem.

Spending Packages Clear Congress



Late Friday night, the Senate passed the second and final 'minibus' package to fund the federal government through fiscal year 2024 and prevent a government shutdown. A NMA memo on the first and second spending packages can be found [here](#) and [here](#).

Congress has shifted quickly to developing legislative proposals for fiscal year

2025 appropriations. Individual member offices are now accepting requests for policy and programmatic funding, which will be referred by each office to the House and Senate Appropriations committees for potential inclusion in base legislative text. The NMA, working with our stakeholder and coalition allies, has been deeply engaged with key congressional offices to advocate for policy provisions in support of the mining industry. It is likely that the deadline for requests to the relevant House appropriations subcommittees will occur as soon as April 5 for Interior and Environment Subcommittee and April 12 for Energy and Water Development Subcommittee. Deadlines for the Senate are likely to follow closely thereafter.

NMA Hosts Chairwoman Virginia Foxx



Last week, the NMA's MINEPAC and COALPAC, along with co-hosts Alliance Resource Partners; National Stone, Sand & Gravel Association; and Rusty Ashcraft with North Star Strategies, hosted a fundraiser for Congresswoman Virginia Foxx (R-N.C.) at the NMA's offices. Rep. Foxx is Chairwoman of the House Education and the Workforce Committee and is a strong ally of the

mining industry, having led oversight efforts of overly burdensome rules coming out of the Department of Labor (DOL), including the Mine Safety and Health Administration's respirable crystalline silica rule and DOL's Black Lung Benefits Act self-insurance proposal. Chairwoman Foxx will also be a key member on workforce development issues as the mining industry expands its efforts in that space. During the event, participants discussed the importance of continued oversight of harmful DOL regulations as well as the workforce challenges they are experiencing and potential opportunities to address them.

The Dwindling House Majority



Congressman Mike Gallagher (R-Wis.) announced he will resign from the U.S. House of Representatives on April 19, 2024. The resignation will bring the House Republican majority down to 217-213, with five vacancies. The change means that Republicans cannot lose more than one vote when attempting to pass legislation.

EPA Releases Toxic Release Inventory National Analysis

Last week, the U.S. Environmental Protection Agency (EPA) released its 2022 Toxic Release Inventory (TRI) National Analysis. The metal mining industry's data is prominently featured in this report due to the large volume of "releases" reported under the program. A copy of the 2022 TRI National Analysis may be accessed [here](#), and a visual executive summary [here](#). EPA headquarters' press release may be accessed [here](#). Additional EPA press releases that highlight the metal mining industry's contributions to the overall release numbers in their respective states are available for [Region 8](#), and [Region 9](#). EPA's "frequently asked questions" document is available [here](#).

This year's overall numbers show a 1 percent increase in on- and off-site disposal or other releases from 2021. Despite this slight increase from 2021, total releases of TRI chemicals are 21 percent lower than 2013 releases, primarily due to reduced disposal to land from metal mines. The metal mining industry accounted for 44 percent of total disposal or other releases for 2022 or 1.43 billion pounds. From 2013 to 2022, 99 percent of the sector's releases were on-site to land. EPA recognizes that metal mining facilities handle large volumes of material, that ore composition can impact the amount of "releases" reported, and that regulations require that waste rock containing TRI-listed chemicals be placed in engineered piles.

For several years, the NMA has worked with EPA to improve its narrative around the metal mining sector's reported "releases" in the National Analysis. Notably, the NMA worked collaboratively with EPA for more than four years to develop the [metal mining interactive diagram](#), which was introduced three years ago. It is the cornerstone of the NMA's advocacy plan for improving how

the mining industry's TRI data is communicated to the public. This diagram is linked in the metal mining chapter of the TRI National Analysis.

EPA Requires CWA Hazardous Substance Facility Response Plans for Worst Case Discharges

The EPA last week released the [pre-publication version](#) of its final rule requiring facilities that could reasonably be expected to cause “substantial harm” to the environment by discharging Clean Water Act (CWA) hazardous substances into navigable waters or a conveyance to navigable waters to prepare and submit Facility Response Plans to EPA. Facilities may be identified as posing substantial harm either through a self-identification process or a process whereby EPA regional administrators may assess facilities on a case-by-case basis and, if appropriate, require a facility to develop a response plan based on, among other things, concerns related to potential impacts of a worst-case discharge on communities with environmental justice concerns. The NMA previously filed [association comments](#) and [coalition comments](#) on the proposed rule. Unfortunately, EPA generally dismissed the legal and practical concerns we raised in comments. The final rule will be published tomorrow in the *Federal Register* and become effective May 27, 2024.

**Reminder: Responses Requested on NMA
Quarterly Rail Survey**



As a friendly reminder, 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 anonymous nine-minute [survey](#) regarding rail service for the first quarter of 2024. We ask that all NMA members please submit responses to the survey by April 3, 2024. The NMA will use the data from this survey for further engagement with Congress, the Surface Transportation Board (STB), and others to illustrate the rail service concerns of NMA. Even if rail service is not currently a problem, we would like to know that as well. Your responses are essential as we continue to develop and refine our advocacy strategies related to rail service.

Comments Submitted on National Register Bulletin Update on Traditional Cultural Places

This week, the NMA joined with the American Exploration and Mining Association and the Women's Mining Coalition in [submitting comments](#) on

the National Park Service's (NPS) recently [proposed update](#) to its National Register Bulletin 38 (Bulletin 38): Guidelines for Evaluating and Documenting Traditional Cultural Properties (TCPs). The proposed update would modify and clarify the NPS's guidance for identifying, evaluating, and documenting TCPs that are significant in American history, architecture, engineering, archaeology, and culture at local, state, and national levels of significance. Our draft comments outline overall support, but with three suggested changes that could impact the mining industry. First, the comments request additional clarity on the issue of confidentiality under the National Historic Preservation Act Section 304 and other federal information laws. Second, the comments request additional clarity on the inconsistent guidance on traditional knowledge use within Bulletin 38. Third, the comments urge NPS to not treat ineligible archeological sites as TCPs so as to not overwhelm federal agencies in the evaluation process. According to the NPS TCP [website](#), the final revised Bulletin 38 is expected to be published in spring/summer 2024.

EPA Prohibits the Ongoing Use of Chrysotile Asbestos

The EPA recently [announced](#) a [prepublication](#) copy of a final rule prohibiting ongoing uses of chrysotile asbestos. This is the first rule finalized since the 2016 amendments to the Toxic Substances Control Act (TSCA) and the latest attempt in over 30 years to ban the use of chrysotile asbestos. Potentially notable to the mining industry, this rule bans most sheet gaskets that contain asbestos after two years from the effective date of the rule, and also bans the use of asbestos in oilfield brake blocks, aftermarket automotive brakes and linings, other vehicle friction products, and other gaskets six months after the effective date of the rule. EPA's [press release](#) touts this action as "a major milestone for chemical safety after more than three decades of inadequate

protections and serious delays during the previous administration to implement the 2016 amendments.” The White House also released a [fact sheet](#) stating this action is “an important step to advance the [Biden Cancer Moonshot](#) goal of reducing the cancer death rate by at least half by 2047” and to “end cancer as we know it.”

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.

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NMA and Third Parties In the News

[Utah Policy](#) and [E&E Daily](#) quote Rich Nolan in coverage of Good Samaritan legislation introduced by Representatives Celeste Maloy (R-Utah) and Mary Peltola (D-Alaska) alongside Reps. John Curtis (R-Utah), Blake Moore (R-Utah), Russ Fulcher (R-Idaho), Susie Lee (D-Nev.) and Jim Costa (D-Calif.).

[E&E Greenwire](#) quotes the NMA in a story noting that President Joe Biden is pouring hundreds of millions of dollars into battleground states like Pennsylvania, Nevada and Arizona to juice renewable energy production at former and active mines and help retrain workers in areas gutted by the transition away from coal.

From our third parties, the [Jacksonville Courier Journal](#) (Ill.), [Frankfort State Journal](#) (Ky.), [Alton Telegraph](#) (Ill.), [New Castle News](#) (Pa.), [Grand Junction Daily Sentinel](#) (Colo.) [Wheeling Intelligencer](#) (W.Va.) and [Dallas](#)

[Express](#) (Texas) 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.

The [Nebraska Examiner](#) (Neb.) carries an op-ed by Barry Butterfield, a civil engineer who worked in the public and private sector for over 40 years, in which he argues it's past time we get our house in order and take the common-sense steps required to build secure, domestic mineral supply chains that our economy, energy future and national security need.

Mining and Energy News

Outlets across the country, including [E&E](#), reported on the impact of the Baltimore bridge collapse on the coal industry.

[Greenwire](#) reported that Alaska Republican Gov. Mike Dunleavy wants the federal government to pony up more than \$700 billion for blocking development of the Pebble copper and gold mine in the state's Bristol Bay watershed.

[Mining.com](#) reported that "the U.S. must improve its mine permitting process if it hopes to boost domestic supplies of critical minerals to power the clean energy transition," the CEO of Freeport-McMoRan said last week.

[Argus](#) reported that rail volumes increased in February for Central and Southern Appalachian coal mines.

[Visual Capitalist](#) graphically describes U.S. lithium resources and mining

projects.

[Mining.com](#) reported that the U.S. has backed two Australian-listed rare earths projects with up to \$850 million of funding as Western nations build a supply chain for the strongly magnetic metals used in sectors from renewable energy to defense.

[Politico Pro](#) reported that the Energy Department is investing up to \$475 million for five projects across the country to help expand clean energy on former and current mine land, the department announced last week.

[Greenwire](#) reported that the administration is ramping up its renewables jobs pitch in coal country, but getting dislocated coal miners into well-paying long-term jobs equivalent to coal jobs remains a major challenge.

[Commodity News](#) reported on Trafigura Group chief economist's predictions that the world will need copper in "ever-growing" quantities to meet the needs of the energy transition.

[E&E Daily](#) reported that the Republican leaders of Congress' main energy committees called out the International Energy Agency last week, accusing it of being a "cheerleader" for the clean energy transition.

[Bloomberg](#) reported that Chinese purchases of Russian coal slumped in the first two months of the year, after Beijing reimposed import taxes that make Russian supplies less competitive.

[Argus](#) reported that the drop in thermal coal prices has some buyers worried about supply scarcity as some producers scale back operations.

[Mining Journal](#) reported that gold prices surpassed their record high last week, reaching \$2,220 per ounce after the Federal Reserve's press conference.

[Wall Street Journal](#) reported that it isn't clear just how much electricity will be required to power an exponential increase in data centers worldwide.

[Reuters](#) reported that state level lithium mining and development laws are failing to keep pace with projected demand growth.

The [International Copper Study Group](#) (ICSG) reported on preliminary data indicating that world copper mine production increased by about 2.5 percent in January 2024, with concentrate production increasing by 2 percent and solvent extraction-electrowinning (SX-EW) growing by 4.5 percent.

[Mining.com](#) reported that commodities will advance this year as central banks in the U.S. and Europe move to reduce interest rates, helping to support industrial and consumer demand, according to Goldman Sachs Group Inc.

The [World Steel Association's](#) recent preliminary monthly data indicate that world crude steel production was 148.8 million metric tons in February 2024, a 3.7 percent increase compared to February 2023. U.S. production was 6.5 million tons, down 1.2 percent.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	3/25/24	\$12.95
Copper Spot Price (\$/lb)	3/26/24	\$3.99
Gold Spot Price (\$/ounce)	3/26/24	\$2,176.86
Lead Spot Price (\$/lb)	3/25/24	\$0.90
Lithium Spot Price (\$/kg)	3/26/24	\$15.16
Molybdenum Spot Price (\$/kg)	3/25/24	\$48.00
Nickel Spot Price (\$/lb)	3/25/24	\$7.58
Silver Spot Price (\$/ounce)	3/26/24	\$24.45
Steel HRC Price (\$/mt)	3/26/24	\$863.38
Steel Rebar Price (\$/mt)	3/26/24	\$491.64
Zinc Spot Price (\$/lb)	3/26/24	\$1.10
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	3/26/24	\$252.50
Coal Spot Price - Central Appalachian (\$/st)	3/22/24	\$75.50
Coal Spot Price - Newcastle futures (\$/mt)	3/26/24	\$128.49
Coal Spot Price - Rotterdam futures (\$/mt)	3/22/24	\$113.40
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	3/20/24	\$1.57
Uranium Spot Price (\$/lb)	3/18/24	\$85.00

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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