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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 is out on recess, but the Biden administration is taking no breaks from its aggressive regulatory agenda. At the same time, President Biden and former President Trump continue to coast through the primaries but, looking to November, both have significant challenges among their electoral bases with voters who simply want someone else. 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

For National Safe Walking Day, the [National Safety Council](#) has pedestrian safety tips. According to Injury Facts, in 2021, more than 17 percent of all traffic deaths were pedestrians.

Restoration Efforts Begin to Reopen the Port of Baltimore after Francis Scott Key Bridge Collapse



Cleanup and clearing efforts have commenced following last week's tragic Francis Scott Key Bridge collapse. The restoration effort falls under a unified command that includes the U.S. Coast Guard, U.S. Army Corps of Engineers, Maryland Department of the Environment, Maryland Transportation Authority, Maryland State Police and Synergy Marine. Maryland has established a [clearinghouse website](#) to help track port restoration activities.

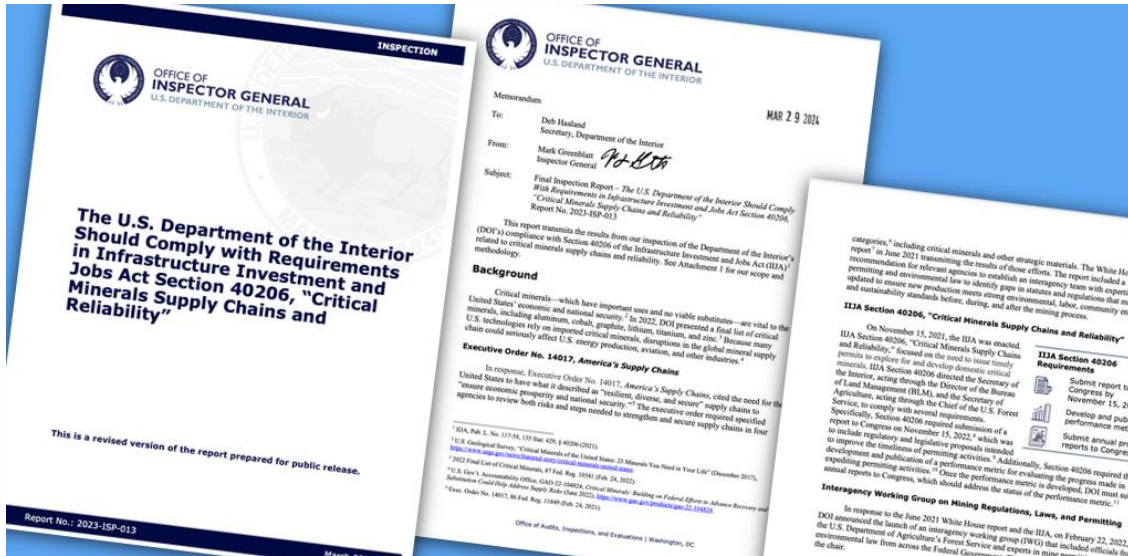
The NMA has been working with [**Maryland Department of Emergency Management \(MDEM\)**](#), the U.S. Department of Homeland Security, the U.S. Congress and other interested trade associations to keep its members informed about the port cleanup and recovery efforts. MDEM is conducting weekly calls to update its private sector partners, including all interested NMA members. The calls are held on Tuesdays at [**3:30 pm EST**](#). A list of key recovery links and contact information can be found [**here**](#).

The NMA is also working with the National Association of Manufacturers (NAM) to engage state agencies, congressional committees and federal agencies on next steps associated with reopening the Port of Baltimore. Today, [**NAM hosted a call**](#), open to NMA members, with representatives from the Maryland Chamber of Commerce, the U.S. Department of Transportation, the Senate Environment and Public Works Committee, the House Transportation and Infrastructure Committee, and the House Appropriations Committee. Calls will continue at two-week intervals.

At the port, Monday marked the first time a vessel was able to use part of the shipping channel since the bridge collapse. A fuel barge used a temporary alternate channel established by the Captain of the Port. The alternate channel is only for essential vessels. It is 11 feet deep with a 264-foot horizontal clearance and a 96-foot vertical clearance on the northeast side of the main channel. Efforts are also underway to establish a second, temporary alternate channel on the southwest side of the main channel. The second channel will allow for deeper draft vessels with an anticipated draft restriction of 15 to 16 feet.

As part of the relief efforts, the U.S. Small Business Administration has opened [**two new locations**](#) to assist small businesses harmed by the collapse and has established an [**online application page**](#). President Biden plans to visit Baltimore and the site of the bridge collapse this Friday.

DOI IG Finds Incomplete Compliance by DOI with IIJA Requirements on “Critical Minerals Supply Chains and Reliability”



In a win for the mining industry, the Department of the Interior’s (DOI) Office of Inspector General (OIG) released a [report](#) on DOI’s compliance with Section 40206 of the Infrastructure Investment and Jobs Act (IIJA) related to critical minerals supply chains and reliability, including the subsequent interagency working group (IWG) report. The OIG found that, although the IWG report addressed some of the requirements of the IIJA, several were not included, and the data omissions were not explained. In addition, the OIG found that DOI did not publish the required performance metrics to evaluate progress for expediting permitting activities, and the metrics were months past due. Further, the IWG report was submitted almost 10 months past the IIJA deadline. Because of the delay in the IWG report and omission of data, the OIG found that Congress and relevant federal agencies may not have all the information needed to determine whether, or how, to modify mining laws,

regulations, and the permitting process. The OIG provided three recommendations: (1) assess whether the DOI should resubmit a full report to address all the IIJA requirements; (2) finalize the performance metrics; and (3) DOI should coordinate with the U.S. Department of Agriculture (USDA) to ensure required annual reports are submitted in a timely manner and address all performance metrics. In response, DOI said that resubmitting a report to Congress was unnecessary and that delays were in part due to data issues and “inconsistencies in legislative language.”

Recall, the BLM recently [published](#) three draft mining metrics for public comment that were woefully insufficient to assess the time required to complete each step associated with developing and processing applications, operating plans, leases, licenses, permits and other use authorizations for critical mineral-related activities on federal land. The NMA is working with our mining allies to craft comments that would strengthen the performance metrics to meaningfully address the IIJA requirements for timelines and reporting requirements. The NMA is also supporting separate oversight activities by House Natural Resources Committee Chair Bruce Westerman (R-Ark.) and bipartisan members of the Senate Energy and Natural Resources Committee. In addition, the NMA will pursue additional oversight opportunities in fiscal year 2025 appropriations and any upcoming congressional agency budget hearings. Comments on the draft metrics are due April 29, 2024.

Final Endangered Species Act Regulations Roll Back Reforms

Last week, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services) [announced](#) the prepublication version of [three finalized rules](#) that implement the Endangered Species Act (ESA). The

final rules roll back ESA regulatory improvements that were finalized in 2019 and are expected to officially publish this Friday. The three final rules revise, among other things, the interagency consultation process under section 7, the criteria for listing, reclassifying and delisting species and designating critical habitat under section 4, and reinstate the blanket section 4(d) rule for threatened species. The Services proposed to rescind or revise the three rules last June. The NMA provided comments on the proposed changes, stressing the need for regulatory certainty regarding ESA listed species and the need for efficient consultation under section 7. The NMA's comments for section 7 are available [here](#); the comments for section 4 are available [here](#); and the comments for section 4(d) are available [here](#).

EPA Proposes Project Emissions Accounting Reconsideration Rule

The EPA recently released a [pre-publication proposed rule](#) titled, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Regulations Related to Project Emissions Accounting." According to EPA, the revisions the agency is proposing to the preconstruction permitting regulations that apply to modifications at existing major stationary sources in the New Source Review (NSR) program would improve implementation and enforceability. EPA's fact sheet on this proposed rule is available [here](#). Comments will be due 60 days after publication in the *Federal Register*. EPA's proposed reconsideration rule would: (1) clarify the definition of the term "project" to include criteria for determining the scope of a project that may be subject to the major NSR regulations; (2) strengthen the monitoring, recordkeeping, and reporting provisions in the NSR regulations to improve compliance with, and enforcement of, the NSR applicability process; and (3) require that emissions decreases are included in the first step of the process to

determine if NSR applies to a project be enforceable. The NMA commented on the prior administration's Project Emissions Accounting Rule. The NMA has identified [several issues](#) with EPA's reconsideration rule and is evaluating our comment strategy.

The NMA Joins Comments on RCRA Hazardous Waste Definitions Proposed Rule

Last week, the NMA joined a broad industry coalition in filing [comments](#) on the U.S. Environmental Protection Agency's (EPA) [proposed rule](#) to amend the definition of hazardous waste applicable to corrective action to address releases from solid waste management units at Resource Conservation and Recovery Act (RCRA)-permitted treatment, storage and disposal facilities (TSDFs). This proposal is part of the EPA's efforts to address per- and polyfluoroalkyl substances (PFAS) pollution nationwide. While the coalition supports safe management and disposal of PFAS and other emerging contaminants, it expresses concerns about potential increased corrective action requirements and uncertainty for companies under the proposed rule. The coalition supports utilizing RCRA as a viable alternative to joint and several liability regimes under the Comprehensive Environmental Response, Compensation and Liability Act. However, the coalition comments express several concerns given this proposal would subject companies to unpredictable increased corrective action requirements and uncertainty if the RCRA corrective program were to include any chemistry that may meet an individual permit writer's application of the definition of hazardous waste. Additionally, the coalition expressed concern that an expansion of the RCRA corrective action program requirements would apply to units where closure and corrective action has already concluded. Ultimately, the coalition argues that this rule is

unnecessary to address PFAS, is inconsistent with EPA's approach in the companion rule and should be withdrawn.

Congress to Hold Hearing on Air Quality Monitoring Technology



The Senate Committee on Environment and Public Works (EPW) will soon announce a hearing for 10 a.m. Eastern on Wednesday, April 10, 2024. Titled "Examining the State of Air Quality Monitoring Technology," this hearing aims to examine the current state of air quality monitoring sensor technologies, highlighting both advancements and existing challenges. Senators will hear from key stakeholders to better understand the effectiveness and reliability of securing accurate and real-time data on local air quality conditions. There will be a panel of three witnesses—two from the majority and one from the minority. This hearing is particularly timely, coming as the EPA is finalizing updates to the National Ambient Air Quality Standards for fine particle pollution, or PM 2.5. The EPA's decision aims to tighten regulations surrounding PM 2.5 levels. The EPA's Air Sensor Loan Programs webpage underscores a critical issue relevant to this hearing: [many air sensors](#) fail to reliably measure particles smaller than 10 micrometers (PM 10). The EPW Committee's hearing is set to examine these concerns.

NMA Members Inducted to West Virginia Coal Hall of Fame

The West Virginia Coal Hall of Fame, a joint initiative between the West Virginia Coal Mining Institute and the West Virginia Coal Association and housed at the WVU Statler College of Engineering and Mineral Resources in Morgantown, inducted its newest class of honorees March 26. Several NMA members are among the inductees.

This year's honorees include Walt Scheller, CEO Warrior Met; Nick Carter, Retired President/CEO, Natural Resource Partners; Doug Conaway, Senior Vice President of Safety, ARCH Resources Inc.; and Todd Moore, Vice President of Safety, Consol Energy. This is the 26th class of inductees for the West Virginia Coal Hall of Fame, which began in 1998.

NMA Participates in Workforce Panel at University of Arizona's "Copper is Critical" Event



Yesterday the NMA's MK Kirlin participated in a workforce panel at the University of Arizona's "Copper is Critical" event on Capitol Hill. Attendees of the event included congressional staff and other mining industry representatives. During the panel, the NMA highlighted the need to strengthen the domestic mining workforce and the important role that copper plays in our supply chains. The NMA also urged congressional staff to prioritize passage of the bipartisan Mining Schools Act of 2023, which was reported favorably out of the Senate Committee on Energy and Natural Resources and introduced in the House. The legislation would enable the Department of Energy, in coordination with the Department of the Interior, to establish a grant program for mining education. The NMA also had the opportunity to play our ["Careers in Mining"](#) video for the audience to demonstrate what a career in mining can look like, as well as discuss other policy priorities to support mining workforce development.

**NMA to Hold Environment & Lands Committee
Meeting on Sept. 25 at MINExpo
INTERNATIONAL® 2024**

Please mark your calendars for the NMA's Fall Environment and Lands Committee meeting scheduled on Sept. 25, 2024, from 3:30 p.m. to 5:30 p.m. (Pacific) at the Las Vegas Convention Center (LVCC) in Las Vegas, Nev. The NMA is hosting this meeting in conjunction with MINExpo **INTERNATIONAL® 2024**, which will be held Sept. 24-26, 2024, to capitalize on the benefits of both the meeting and the world's largest mining event. If you plan to attend the NMA's Fall Environment and Lands Committee meeting at MINExpo, please note that you must register for both at the following links. First, click [here](#) to register for MINExpo, which will give you access to the LVCC. NMA producer members receive a free "EXPO ONLY" registration. New for 2024, all NMA members will receive discounted registration pricing for all other registration categories. Please use your company email to access member pricing. Once you have registered for MINExpo, the link to book your hotel room will be available on your confirmation. Next, click [here](#) to register for the NMA's Fall Environment and Lands Committee Meeting. This link will be used by NMA staff to track RSVPs for the meeting.

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NMA and Third Parties In the News

[RealClearEnergy](#) (D.C.), [The Bradford Era](#) (Pa.), [The Ohio Star](#) (Ohio) and others, all ran an op-ed by Rich Nolan in which he argues we have the resources – from lithium and nickel to copper and rare earths – to slash our reliance on foreign sources but it won't happen if we're forced to fight policy rather than benefit from it.

[The New York Times](#) mentions the NMA in a story on updates to the Endangered Species Act made by the Biden administration.

[E&E News PM](#) mentions the NMA in a report noting that the White House has concluded its review of a long-awaited rule that would impose stricter

standards on silica dust, a carcinogen that causes black lung disease among coal miners.

[Law 360](#) reports a coalition of six health and environmental organizations has moved to intervene before the D.C. Circuit in response to challenges brought by industry groups and Republican-led states seeking to upend the U.S. Environmental Protection Agency's recent final rule tightening federal standards for fine particulate matter pollution. The NMA is mentioned.

From our third parties, [Detroit News](#) (Mich.) carries an op-ed by Mark Perry, professor emeritus at the University of Michigan-Flint, in which he argues A regulatory agenda that ignores on-the-ground reality is a recipe for disaster, or in this case, blackouts.

[Fayette Tribune](#) (W.Va.) carries 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 anything in its place.

Mining and Energy News

[Argus](#) reported on Baltimore's Francis Scott Key Bridge collapse and its potential impact on coal exports from the Baltimore terminals noting that the port loaded 2.4 million tons of coal in February 2024, up from 2.1 million tons in February 2023, according to data from analytics firm Kpler. Baltimore is the second largest export terminal for coal.

[Energywire](#) reported that the governor of Utah signed legislation to keep the state's Intermountain Power Plant open past its planned retirement date next year. Intermountain, an 1,800-megawatt coal plant that sends power to the

Los Angeles Department of Water and Power as well as more than 30 municipalities and electric cooperatives in Utah and California, is scheduled to retire in 2025 under an agreement with EPA.

[**S&P Global**](#) reported that securing minerals crucial to the energy transition is a national security issue that many have yet to grasp, a top Energy Department official working on the issue said at the recent CERAWEEK conference in Houston.

[**Argus**](#) reported on a Monitoring Analytics report saying that PJM Interconnection could face a “potentially high” level of plant retirements by 2030 without replacement capacity in sight.

[**Mining.com**](#) reported that precious metals producer First Majestic has kicked off the sale of silver bullion from its 100 percent owned minting facility in Nevada.

[**Energywire**](#) reported that New Hampshire’s Granite Shore Power announced last week the closure of New England’s last remaining coal plant, Merrimack Station, stirring a debate about whether fossil fuels are needed to stabilize the region’s grid.

[**Argus**](#) reported on recent monthly Energy Information Administration (EIA) data showing that coal generation and consumption increased in January with coal dispatch up nearly 24 percent due to an arctic blast during mid-January.

EIA’s recent [**Today in Energy**](#) provides some analysis on coal and other energy sector impacts from Baltimore’s Francis Scott Key Bridge collapse and shipping lane closure.

[**Argus**](#) reported last week that terminals at Hampton Roads, Virginia may have extra capacity to load additional coal originally booked to ship out of Baltimore.

[The Wall Street Journal](#) carried an op-ed arguing that artificial-intelligence data centers and climate rules are pushing the power grid to what could become a breaking point.

[Mining.com](#) reported that gold continued its historic rally on Monday by setting another record high.

[Hellenic Shipping News](#) reported that North American steelmakers with their own iron ore operations are investing in the upstream raw materials businesses, demonstrating confidence in long-term demand for domestic steel.

[Bloomberg](#) reported that Kazakhstan, the world's largest uranium miner, is conducting "active work" to boost exports of the metal to U.S. energy companies.

[Mining.com](#) reported on copper prices arguing that "After a solid lift to near one-year highs the copper price is once again in danger of falling below the \$4.00 per pound (\$8,820 a ton) level, closing the first quarter at \$4.0115 per pound in New York. LME prices have followed the same course after hitting a high of \$9,164.50 on March 18."

[Greenwire](#) reported that mining near the Grand Canyon is increasing as uranium prices soar and demand rises.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	4/1/24	\$12.95
Copper Spot Price (\$/lb)	4/2/24	\$4.06
Gold Spot Price (\$/ounce)	4/2/24	\$2,265.83
Lead Spot Price (\$/lb)	4/1/24	\$0.91
Lithium Spot Price (\$/kg)	4/2/24	\$14.85
Molybdenum Spot Price (\$/kg)	4/1/24	\$48.00
Nickel Spot Price (\$/lb)	4/1/24	\$7.51
Silver Spot Price (\$/ounce)	4/2/24	\$25.88
Steel HRC Price (\$/mt)	4/2/24	\$918.18
Steel Rebar Price (\$/mt)	4/2/24	\$463.11
Zinc Spot Price (\$/lb)	4/2/24	\$1.12
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	4/2/24	\$237.75
Coal Spot Price - Central Appalachian (\$/st)	3/29/24	\$75.50
Coal Spot Price - Newcastle futures (\$/mt)	4/2/24	\$132.12
Coal Spot Price - Rotterdam futures (\$/mt)	4/2/24	\$120.75
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	3/27/24	\$1.54
Uranium Spot Price (\$/lb)	3/25/24	\$85.00

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

CORESafety



In the April edition of CORESafety TV, we cover CORESafety's Module Number 18, documentation and information management.



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