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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

The House left town for the Passover recess while the Senate stuck around long enough to pass a foreign aid package that cleared the House over the weekend. But even in recess, the House remained busy with field hearings of interest to the mining community. Meanwhile, the Environmental Protection Agency (EPA) is gearing up to launch a host of new regulations later this week. 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

May is National Electrical Safety Month. The Electrical Safety Foundation has a wealth of [tips and resources](#) for avoiding common electrical hazards in the workplace.

### EPA Administrator Regan to Announce Power Plant Strategy Rules Tomorrow



U.S. EPA Administrator Michael Regan is expected to sign several final rules in the agency's "power plant strategy" tomorrow at 10 a.m. (Eastern) at an in-person event at Howard University in Washington, D.C. The NMA anticipates that EPA will package the following final rules together: Clean Power Plan 2.0, Mercury Air Toxics Standards (MATS), Steam Electric Power Generating Effluent Guidelines (ELGs), and Coal Ash Disposal for Legacy Surface Impoundments (Coal Ash Rule).

Knowing this was on the horizon, the NMA preempted the rollout with our own [white paper](#) detailing the grid's very real reliability challenges and how rapidly increasing electricity demands are compounding those challenges. We have been backgrounding reporters in advance of EPA's announcements this week and are encouraging reporters to use the details of our white paper to inform their questions for EPA.

The NMA has also engaged with members in the House and Senate to secure the introduction of Congressional Review Act (CRA) Resolutions in both chambers to combat the EPA's Clean Power Plan 2.0, MATS, ELGs, and the Coal Ash Rule. The effort is bipartisan. Last week, the NMA worked with industry allies to gain support for an [oversight letter](#) to the White House on the Clean Power Plan 2.0 from Rep. Marcy Kaptur (D-Ohio) and four other House Democrats. In the letter, the Members urged the EPA to undergo additional analysis of the rule to ensure it does not threaten electricity reliability and affordability. The NMA is also pursuing grassroots efforts to push back on EPA's rules through an [action alert](#). NMA's Rich Nolan also joined with organized labor on the Labor and Energy Coalition radio show Wednesday to discuss the rule package as well as partner on additional union focused grassroots action alert.

The NMA is preparing to file a lawsuit on the Clean Power Plan 2.0 in the U.S. Court of Appeals for the District of Columbia Circuit the day the rule is published in the Federal Register, which is expected a week or more from Administrator Regan's signature on Thursday. We are also working with utility allies to prepare a motion to stay the rule nationwide and have begun outreach to coal members to support the NMA in this lawsuit. Finally, we are exploring our options for supporting litigation anticipated on MATS. We are monitoring whether our utility or coal state allies also bring lawsuits against ELGs or the Coal Ash Rule.

The NMA's litigation strategy is informed by our coordination with coal-state allies. To that end, the NMA remains engaged with the Republican Attorneys General Association (RAGA), participating last week in RAGA's annual energy summit, where we briefed seven offices on the Clean Power Plan 2.0 lawsuit and the importance of proving irreparable harm to secure a stay of the rule. We are also in active discussions with individual attorneys general offices expected to lead litigation against EPA's federal overreach, including West Virginia, North Dakota and Alabama.

## BLM Finalizes Public Lands Rule on Conservation and Landscape Health



Last week, the Bureau of Land Management (BLM) announced a **prepublication version** of its final Public Lands Rule on Conservation and Landscape Health (final rule) that significantly overhauls the way the agency manages federal lands under the Federal Land Policy and Management Act (FLPMA). The BLM contends that this final rule will improve the health and resilience of public lands in the face of climate change; conserve important wildlife habitat and intact landscapes; facilitate responsible development; and better recognize unique cultural and natural resources on public lands.

Although the final rule contains many of the same concepts as the proposed rule, a few notable revisions are included. For example, the BLM added four

additional objectives, including improving engagement and co-stewardship of public lands with Tribal entities and promoting the use of Indigenous Knowledge in decision-making, and advancing environmental justice through restoration and mitigation actions. The BLM also included nine newly defined terms in the final rule, as well as revisions to the implementation of Areas of Critical Environmental Concern on BLM lands. The final rule goes into effect 30 days after publication in the Federal Register. Additional information is provided in the [summary](#) NMA provided last week. The NMA is preparing to challenge the rule in federal court with a broad industry coalition.

## NMA Submits Comments to USTR on Promoting Supply Chain Resilience

Yesterday, the NMA submitted [comments](#) to the U.S. Trade Representative (USTR) on promoting supply chain resilience. Our comments respond to a [request](#) by the USTR and notification in the Federal Register of a public hearing “to inform objectives and strategies that advance U.S. supply chain resilience in trade negotiations, enforcement, and other initiatives.” The final comments address both international and domestic policies needed for a robust mining industry that is the front end of the supply chain for the vulnerable sectors identified by USTR, highlighting the importance of investor protections in trade policy and the devastating impacts of permitting delays and land withdrawals. The NMA will also be testifying on these important issues and more at the May 3, 2024, public hearing.

## Biden-Harris Administration Launches Website for Local Conservation Efforts

Last week, the Biden-Harris administration launched [conservation.gov](https://www.conservation.gov), a new website intended to help people connect with information, tools, resources and opportunities to support land and water conservation projects in communities across the country. The website also contains a beta version of the [American Conservation and Stewardship Atlas](#) that provides a wide range of scientific information, data, and knowledge on biodiversity, climate change impacts, and equity. The Atlas is part of the [America the Beautiful](#) initiative that was launched at the beginning of the administration.

## NMA Briefs Congress on Rare Earth Minerals Supply Chain



Today, the NMA's Scott Gemperline joined the bipartisan U.S. House of Representatives Critical Materials Caucus to discuss the state of the global rare earth element (REE) supply chain and efforts to develop secure domestic sources. The NMA was joined by MP Materials, a domestic rare earth mining and processing company, along with REE magnet manufacturer VAC Magnetics and equity firm Ara Partners. The panelists highlighted for congressional staff the importance of REE's and magnets, which are used in defense and energy applications, and which the U.S. is entirely reliant upon China for their refining and production. The NMA and other panelists highlighted pathways to improve the security of supply, including through H.R.2849, the bipartisan Rare Earth Magnet Manufacturing Production Tax Credit Act of 2023, which incentivizes vertical integration – from mine to magnet – and federal funding for research and development to increase coal to rare earth supply availability.

## House Natural Resources Committee Holds Utah Land Access Field Hearing



On Monday, the House Natural Resources Subcommittee on Federal Lands held an oversight [field hearing](#) in Southwestern Utah titled “Empowering Local Voices and Stopping Federal Overreach to Improve the Management of Utah’s Public Lands.” Please find a link to the subcommittee’s hearing memo [here](#). Representative John Curtis (R-Utah), who chaired the hearing, Reps. Celeste Maloy (R-Utah), and Blake Moore (R-Utah) heard testimony from Adam Snow (Commissioner of Washington County, Utah), Eric Clarke (Washington County Attorney), Carlos Braceras (Executive Director of the Utah Department of Transportation), Zachary Renstrom (General Manager of the Washington County Water Conservancy District), and Darcy Stewart (President and CEO of SunRiver St. George Development, LLC.). Witness testimony focused on the importance of federal land access for multiple use activities, including mining, and that state and local input on land use decisions is essential, although not valued or sought out by the Biden Administration. The Utah delegation also heard about the impacts to multiple use activities of the BLM’s recently finalized [Conservation and Landscape Health Rule](#). Additionally, in his closing statement, Rep. Curtis specifically identified Utah’s significant mineral wealth as critical to our nation’s energy future and cited the BLM’s rules as impeding access to those minerals. The NMA worked with the Utah delegation, the Utah Mining Association and the subcommittee to provide relevant background information and industry perspectives related to the administration’s rulemakings and to highlight the need for continued access to public lands for mining activities.

## NMA Comments Support DOE HALEU EIS



The NMA this week submitted [comments](#) in support of the U.S. Department of Energy's (DOE) draft environmental impact statement (EIS) analyzing the impacts of the department's proposed action to acquire high-assay low-enriched uranium (HALEU). The comments noted the draft EIS is an important step to revitalize the U.S. uranium mining industry, which has struggled for decades due to the foreign, state-mandated production from Russian-controlled entities thwarting domestic producers' ability to compete on a level playing field. Specifically, the NMA comments fully supported the DOE's identification of domestically sourced uranium from existing capacity as the preferred option for acquiring uranium and the conclusion that existing environmental analyses already cover uranium mining impacts. Finally, the NMA urged prompt finalization of the EIS and establishment of the HALEU program.

## EPA Releases Draft Asbestos TSCA Risk Evaluation

EPA recently released a draft of the Toxic Substances Control Act (TSCA) Risk Evaluation for Asbestos, [Part 2: Supplemental Evaluation Including](#)

[Legacy Uses and Associated Disposals of Asbestos](#). This risk evaluation supplements a previous risk assessment focused on chrysotile asbestos, expanding the evaluation to legacy uses of asbestos and associated disposal for chrysotile asbestos and five additional asbestos fiber types. See an EPA [webpage](#) and [announcement](#) for more information. Relevant to the mining industry, EPA evaluated: (1) the risk of mining non-asbestos commodities as a condition of use, and (2) equipment and products related to the mining industry as another condition of use. EPA preliminarily determined that mining of non-asbestos commodities is not expected to contribute to unreasonable risks of cancer and non-cancer health effects. However, EPA's assessment concluded that certain equipment and products containing asbestos (i.e., chemical substances in construction, paint, electrical, and metal products – other machinery, mechanical appliances, electronic/electronic articles) contribute to the unreasonable risks of cancer and non-cancer health effects. In particular, EPA focuses on asbestos that may be present in gaskets, reinforced plastics, industrial brake and gear clutches, and packing seals within machinery used in industrial or commercial workplaces. A more detailed summary of this rule is available [here](#). **Comments are due June 17, 2024.**

## EPA Finalizes PFAS Drinking Water Regulation

EPA recently released the [pre-publication](#) version of its final National Primary Drinking Water Regulation (NPDWR) setting new standards under the Safe Drinking Water Act (SDWA) for certain per- and polyfluoroalkyl substances (PFAS). In a [press release](#), EPA touted this regulation as the “most significant step to protect public health under [EPA's PFAS Strategic Roadmap](#)...[reducing] PFAS exposure for approximately 100 million people.” Specifically, EPA set legally enforceable standards, called Maximum Containment Levels (MCLs), and established health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for six PFAS. Permissible levels for

these PFAS range from 4 parts per trillion (ppt) to 10 ppt. Public water systems subject to final rule requirements include community water systems or non-transient, noncommunity water systems (NTNCWSs), which some mining companies operate. This rule now requires NTNCWSs to complete initial and ongoing monitoring to determine levels of certain PFAS in their water systems. For more information on the final rule, including summaries, fact sheets and press releases, please visit [EPA's webpage](#). The next EPA public meeting is on April 30, 2024 ([Small Drinking Water Systems Webinar Series on Final PFAS NPDWR and PFAS Drinking Water Treatment](#)).

## NMA Joins Comments on PFAS Hazardous Constituent Listing Rulemaking

Recently, the NMA joined a broad industry coalition in filing [comments](#) on EPA's "Listing of Specific PFAS as Hazardous Constituents" [proposed rule](#). This rulemaking seeks to add nine PFAS, their salts, and their structural isomers, to its list of hazardous constituents under the Resource Conservation and Recovery Act (RCRA). This proposal is part of the EPA's efforts to address PFAS pollution nationwide and is a companion rule to the recently published [proposed rule](#) to amend the definition of hazardous waste applicable to corrective action for treatment, storage, and disposal facilities. This proposed rule would represent only the second time in RCRA's history that EPA has listed substances as hazardous constituents on Appendix VIII without a corresponding listing of hazardous waste on Appendix VII.

Coalition comments emphasized support for the safe management and disposal of PFAS and other emerging contaminants as well as accelerating the cleanup of select PFAS in the environment. However, the coalition raised concerns that EPA missed essential steps before adding additional chemicals as hazardous constituents on Appendix VIII. The coalition's comments urged the EPA to

develop clear criteria to determine whether an Appendix VIII listing is warranted because the standard EPA proposed is too vague and has the potential to create broad cleanup obligations leading to future cradle-to-grave regulations for a substance. The coalition's comments pointed to an inadequate scientific basis for listing the nine PFAS under Appendix VIII, and strongly opposed EPA's decision to proceed to a full hazardous constituent waste listing. Furthermore, the coalition's comments argued that EPA's economic analysis was insufficient, the cost of listing is likely far greater than the benefits, EPA underestimated important direct costs, and EPA overestimated the indirect benefits.

## EPA Seeks Comment on PFAS Disposal and Destruction Guidance

The EPA recently [announced](#) and released an updated [interim guidance](#) on the destruction and disposal of PFAS and materials containing PFAS. This guidance builds on the 2020 interim guidance. The updated interim guidance provides information that managers of PFAS waste can use to evaluate the most appropriate destruction, disposal, or storage methods currently available. This guidance focuses on the current best available science for three large-scale capacity technologies that can destroy PFAS or control PFAS release into the environment: thermal destruction, landfills, and underground injection. This guidance is intended to make it easier for the public and technology developers to review new destruction and disposal methods. Mining is briefly mentioned for its contribution to PFAS waste streams for its use of PFAS as a "surfactant for recovery of metals from ores; used in ore flotation to separate metal salts from soil, electrowinning of metals, and nitrogen flotation to recover uranium." Notably, the guidance mentions techniques for destroying aqueous firefighting foam (AFFF), but no direct reference was made to its use in the mining industry. A less technical [fact sheet](#) by EPA provides a more

concise, less technical presentation of this guidance. [Comments](#) on the interim guidance are due Oct. 15, 2024.

## Get Your Spot for MINExpo INTERNATIONAL® 2024



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.**

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## NMA and Third Parties In the News

[Associated Press](#), [E&E Greenwire](#), [New York Times](#) and others all quote Rich Nolan and the NMA on the Bureau of Land Management sweeping new public lands rule that places conservation and restoration of public lands on equal footing with energy development and mining.

The NMA is quoted in a story by [Inside EPA](#) on EPA's imminent release of a suite of new rules governing power sector emissions, including tougher standards for mercury and other air toxics, new greenhouse gas standards, stricter effluent limits for wastewater discharges and first-time requirements for unregulated coal ash storage sites.

[E&E Greenwire](#) quotes Rich Nolan in a story on CEQ's NEPA revisions.

[Politico Pro](#) quotes Rich Nolan in two pieces ([Politico Pro](#)) on coal allies in a post-Manchin Post-McConnel era.

[E&E Energywire](#) quotes Rich Nolan in a story on administration moves that could thwart future oil development in Alaska.

The NMA is quoted by [CBS](#), [Law 360](#) and others in coverage of a new federal rule that cuts exposure to silica dust.

The NMA is quoted in an [E&E Daily](#) report that Virginia Democratic Rep. Don Beyer unveiled legislation that would impose strict deadlines for cleaning up surface coal mines that can leach toxic water containing heavy metals into streams, rivers and drinking water sources.

## Mining and Energy News

[Wall Street Journal](#) hosts a video that explores how new mines could break the U.S. reliance on China's batteries.

[Argus](#) reported that some lower-heat content Powder River Basin (PRB) coal mines face greater risk of closing and scaling down output than other mines because of declining coal demand and power retirements in upcoming years.

The [Mine Safety & Health Administration](#) (MSHA) announced that it has issued a final rule to better protect miners from hazards associated with silica dust.

[Argus](#) reported that members of the Kentucky legislature overrode Governor Andy Beshear's (D) veto of a bill that has the potential to slow down some coal and other fossil fuel power plant retirements.

[Mining Magazine](#) reported on a recent Congressional Research Service (CRS) report that sheds light on how the U.S. Geological Survey (USGS) uses geological mapping to shape critical minerals strategy.

[Bloomberg](#) reported that the U.S. plans to support infrastructure, semiconductor and nickel processing projects in the Philippines, as the long-time allies seek to grow investment partnerships after rekindling defense ties.

[Climatewire](#) reported that the White House is calling for a large increase in tariffs on Chinese steel and aluminum as part of a push for low-carbon manufacturing.

[E&E News PM](#) reported that the administration is preparing to reject a road-

building project needed to mine major copper and zinc deposits in the remote Alaska wilderness.

The Silver Institute's recent [World Silver Survey 2024](#) report is showing another record demand year for industrial silver in 2023 due to structural gains from the green economy. Power grid construction and automotive electrification also contributed to the gains. "Overall, silver demand exceeded silver supply in 2023 for the third consecutive year, resulting in a structural market deficit of 184.3 Moz." The Institute report also shows that this year silver supply should remain strong with added production coming online in the U.S. and Mexico.

[Visual Capitalist](#) graphically describes the world's largest nuclear energy producers.

[Mining.com](#) reported that Lithium Americas said last week that it would raise \$275 million to accelerate construction and development of the Thacker Pass lithium project in Nevada.

[E&E News PM](#) reported that President Biden is touting the environmental benefits of domestically produced steel for boosting tariffs on Chinese products.

[Washington Post](#) reported that Internet data centers are fueling the drive to keep coal plants operating.

[Mining Journal](#) reported that Australian and American minerals markets should not be allowed to be destroyed according to U.S. Ambassador to Australia, Caroline Kennedy.

The [U.S. Department of Energy](#) announced it is investing an additional \$8 million to increase domestic supplies of water and critical minerals. The four

research and development projects that have been selected are in addition to \$10 million for four projects previously announced in December 2023.

## Commodity Prices

| <b>Commodity Price - Snapshot</b>                           |             |              |
|---|-------------|--------------|
| <b>Metals Prices</b>  | <b>Date</b> | <b>Price</b> |
| Cobalt Spot Price (\$/lb)                                   | 4/22/24     | \$12.62      |
| Copper Spot Price (\$/lb)                                   | 4/23/24     | \$4.44       |
| Gold Spot Price (\$/ounce)                                  | 4/23/24     | \$2,298.15   |
| Lead Spot Price (\$/lb)                                     | 4/23/24     | \$0.99       |
| Lithium Spot Price (\$/kg)                                  | 4/23/24     | \$15.24      |
| Molybdenum Spot Price (\$/kg)                               | 4/23/24     | \$62.78      |
| Nickel Spot Price (\$/lb)                                   | 4/23/24     | \$8.66       |
| Silver Spot Price (\$/ounce)                                | 4/23/24     | \$26.92      |
| Steel HRC Price (\$/mt)                                     | 4/23/24     | \$805.05     |
| Steel Rebar Price (\$/mt)                                   | 4/23/24     | \$490.97     |
| Zinc Spot Price (\$/lb)                                     | 4/23/24     | \$1.26       |
| <b>Energy Prices</b>  | <b>Date</b> | <b>Price</b> |
| Coal Price - Australian Premium Coking Coal Futures (\$/mt) | 4/23/24     | \$248.00     |
| Coal Spot Price - Central Appalachian (\$/st)               | 4/19/24     | \$72.50      |
| Coal Spot Price - Newcastle futures (\$/mt)                 | 4/23/24     | \$136.77     |
| Coal Spot Price - Rotterdam futures (\$/mt)                 | 4/22/24     | \$118.65     |
| Natural Gas Spot Price - Henry Hub (\$/mmbtu)               | 4/17/24     | \$1.50       |
| Uranium Spot Price (\$/lb)                                  | 4/22/24     | \$89.45      |

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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