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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

Congress mounted a final burst of activity prior to departing for the Memorial Day recess as the Biden administration continued a relentless push to enact new regulations. 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.

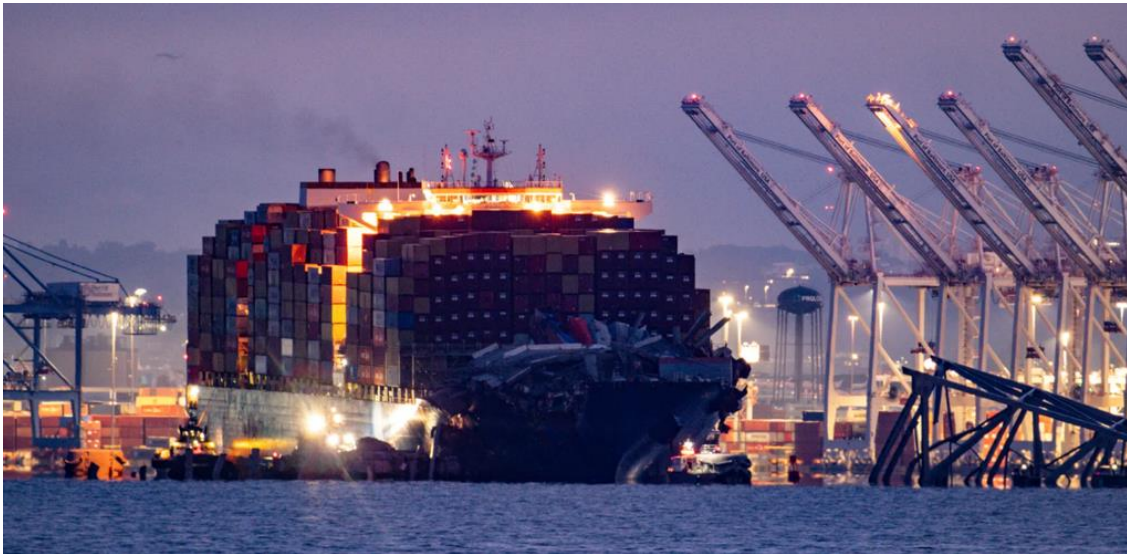
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## Safety Share

Airline safety briefings may be among the most-ignored safety shares on the planet. That's why United Airlines just released a [new safety video](#) that uses a clever Rube Goldberg machine to make the briefing watchable over and over again. Other highly watchable briefings include [Air India's video](#) featuring traditional costumes and dance, as well as [Air New Zealand's epic video](#) featuring Lord of the Rings characters in a briefing that's chalked up 24 million views online.

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## Port of Baltimore Reopening – MV Dali Refloated and 50-foot-deep Channel Opened



On Monday morning, in another major milestone towards the full reopening of the Port of Baltimore's federal shipping channel, the Motor Vessel (MV) Dali was refloated and moved from the channel. A time-lapse video of the operation from the Key Bridge Response Unified Command can be found [here](#). Refloating and relocating the MV Dali was the last major operational milestone before the full restoration of the federal channel.

On Tuesday, the U.S. Coast Guard [announced](#) the opening of the Fort McHenry 400-foot-wide, 50-foot-deep limited access channel. The Coast Guard also confirmed that the Port of Baltimore's full access 700-foot-wide, 50-foot-deep channel is still on target for reopening by the end of May.

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## NMA Files Comments to DOE on Mineral Commodity Market Dynamics

On Monday, the NMA submitted comments to the Department of Energy (DOE) who [requested feedback](#) on supporting domestic and allied mining and processing projects by addressing critical materials market dynamics. The NMA highlighted in its [comments](#) that China is a primary culprit in anti-competitive practices and highlighted several key examples based on minerals like copper, rare earths and cobalt. The NMA's comments also called for an all-of-government approach to synchronize and implement sufficient policies that support the entire mineral supply chain – from exploration and mining to processing and manufacturing. Key suggestions included increasing permitting efficiency and allowing agency funding to benefit exploration and extraction projects.

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## Senate Energy and Natural Resources: Balancing Grid Reliability and Economic Security



The Senate Energy and Natural Resources Committee held a hearing yesterday to discuss the rising demand for electric power in the United States. With domestic manufacturing, electrification, and AI-driven data centers driving this growth, the hearing discussed the impact on grid reliability, the recently released Environmental Protection Agency's power plant regulations, the transition to clean energy, and the effects on consumer electricity costs.

Ranking member Senator John Barrasso (R-Wyo.) highlighted the unprecedented nature of the electricity demand surge, comparing it to the post-World War II era. He emphasized the economic and security implications, particularly concerning the AI competition with China. Barrasso criticized the Biden administration's power plant regulations pushing coal plants into retirement, describing coal as a vital component of the U.S. energy mix. He argued that abandoning coal, natural gas, and hydropower—which generate 65 percent of U.S. electricity—could compromise energy security and economic stability.

Senator Barrasso in his own words:



*"Our grid already is strained. For years, the North American Electric Reliability Corporation (NERC) has raised alarm about grid reliability. It has warned that the premature retirement of coal and natural gas-fired power plants has increased the risks of blackouts and brownouts in much of the country. Yet the retirements continue. And President Biden is making the situation worse. Last month, the Environmental Protection Agency issued new rules that will force the premature closure of even more coal and natural gas fired power plants. These plants play a major role in ensuring electric reliability."*

Witnesses included Benjamin Fowke, interim CEO and president of the American Electric Power Company; Karen Onaran, president and CEO of the Electricity Consumers Resource Council; Scott Gatzemeier, corporate vice president at Micron Technology; and Mark Mills, executive director of the National Center for Energy Analytics. Onaran addressed the significant rise in industrial energy usage, projecting an increase in demand of 36 gigawatts, enough to power over 25 million homes.

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## BLM Testifies Before House Natural Resources Subcommittee on FY25 Budget Request



On Wednesday, May 15, the House Natural Resources Subcommittee on Federal Lands held an oversight hearing to examine the Bureau of Land Management’s (BLM) budget request for Fiscal Year 2025. Please find a link to the hearing [here](#). BLM Director Tracy Stone-Manning testified on the Biden Administration’s efforts of “prioritizing landscape health and resilience and the transition to a clean energy economy” and to improve the permitting process for renewable energy projects. She was sharply criticized by committee Republicans for BLM’s rulemakings, including the recently finalized Conservation and Landscape Health Rule, and its impact on multiple-use activities, including mining. The hearing took place before the BLM announced its ban on new coal leases in Wyoming and Montana, which would have drastically altered the committee’s discussion. Tracy Stone-Manning will next appear before the Senate Energy and Natural Resources Committee, as it did with the House Natural Resources Committee, the NMA will work with the Senate committee and member staff in advance of the hearing to have them emphasize the need for mine permitting, coal leasing, land access, and other industry priorities.

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## BLM Bans New Federal Coal Leasing in Powder River Basin



In a legally questionable action, the Bureau of Land Management (BLM) last week finalized two resource management plans (RMPs) that essentially preclude future coal leasing in the Powder River Basin of Wyoming and Montana. The NMA immediately issued a [press release](#) condemning the administration's new attack on federal coal leasing. The BLM's finalized RMPs for the [Buffalo Field Office](#) in Wyoming and the [Miles City Field Office](#) in Montana both indicate that all the operating mines in the planning areas have sufficient coal reserves to maintain existing mine production for several years to come. The NMA submitted comments last year on the [Buffalo](#) Field Office [Proposed RMP](#) and the [Miles City](#) Field Office [Proposed RMP](#) that strongly supported the alternatives in each RMP that continued to allow leasing of all available coal in the planning areas and provided a balance across multiple uses in the planning area. [Protests](#) to the RMP revisions must be filed by June 17 (within 30 days of publication). Protests may be filed by any person who previously participated in the planning process and has an interest in or

may be affected by the proposed plans. The NMA intends to file protests on both RMP revisions. For more information on BLM's actions, review the NMA's memorandum [here](#).

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## NMA Comments on EPA's Supplemental Federal Good Neighbor Plan

The NMA last week yesterday filed [comments](#) on the U.S. Environmental Protection Agency's (EPA) proposed rule, "[Supplemental Air Plan Actions: Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards and Supplemental Federal 'Good Neighbor Plan' Requirements for the 2015 8-Hour Ozone National Ambient Air Quality Standards](#)" (the "Proposed Supplemental Rule"). In this proposal, EPA partially approves and partially disapproves state implementation plan submissions addressing interstate transport for the 2015 ozone National Ambient Air Quality Standards (NAAQS) from Arizona, Iowa, Kansas, New Mexico, and Tennessee. EPA also proposes federal implementation plans, which would include these states in the Federal Good Neighbor Plan for the 2015 ozone NAAQS. The NMA's comments urge EPA to withdraw the Proposed Supplemental Rule.

EPA has repeated several errors that infected the original Federal Good Neighbor Plan. First, EPA has once again failed to adjust its analysis to account for the dramatic changes to the scope of the Federal Good Neighbor Plan produced by judicial stays. Because the original plan's analysis was premised on collective regulation of 23 states—and the proposed supplemental rule relies on and incorporates that analysis—the Proposed Supplemental Rule is intrinsically flawed. Second, the Proposed Supplemental Rule also overcontrols states in the same ways the Federal Good Neighbor Plan does. Third, EPA has

repeated old errors in disapproving the state plans at issue here. Once again, it has relied on new modeling to disapprove state plans. That is particularly problematic because each of the five states covered by the Proposed Supplemental Rule submitted state plans that reasonably explained why they would not significantly contribute to any downwind states based on the modeling available at the deadline to submit. Finally, EPA's Proposed Supplemental Rule is just the latest in a long line of rulemakings impacting the power sector where EPA has glossed over the cumulative impacts of its various rules. The NMA once again urges EPA to formally consider the cumulative impacts of its rulemaking.

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## NMA Files Amicus Brief in Lawsuit Challenging EPA's Rule Establishing Human Health Criteria for Washington State



The NMA this week and a coalition of trade associations filed an amicus [brief](#) supporting business groups in Washington state in their [lawsuit](#) challenging the EPA's [final rule](#) establishing human health criteria for certain pollutants in Washington, including waters where Tribes hold treaty-reserved rights to fish. [Recall](#) NMA filed comments on this rulemaking in 2015 and 2022. While this specific rule is limited to waters in Washington state, the NMA is concerned that EPA's expansive approach could be used as a model in other states and eventually prevent mining companies from obtaining or complying with

necessary Clean Water Act (CWA) permits. The NMA's amicus brief opposed EPA's final rule for two primary reasons. First, the final rule sets criteria that are unattainable and will lead to unnecessary burdens on regulated entities. EPA's water quality standards are so low that nearly all state waters in Washington will be impaired indefinitely, which will create enforcement issues and harm industry. Second, EPA's approach to using Tribal treaties to justify this action is an unlawful expansion of rulemaking power. EPA's reliance on Tribal treaties exceeds its statutory authority, and this novel assertion of authority to interpret and implement treaties through the CWA will have vast implications on industry across the American west. This novel assertion of authority is also reflected in EPA's recently finalized Tribal Reserved Rights rule, which requires states to consider Tribal reserved rights in their water quality standards development.

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## NMA Files Coalition Comments on OMB Public Participation and Community Engagement RFI

The NMA recently co-led a coalition of more than 20 industry associations in filing [comments](#) on the Office of Management and Budget's (OMB) request for information on ways to increase public participation and community engagement with federal agencies. The coalition's comments highlighted the importance of engagement with the regulated community and trade associations in the federal rulemaking process, encouraged increased government transparency in the rulemaking process, and provided recommendations for how the federal government can better encourage dialogue and productive communication with the regulated community. The NMA will continue to work with our coalition to identify opportunities across the federal government to highlight the need for fair and transparent rulemaking

processes and ensure the regulated community has a seat at the table in these discussions around community engagement and regulatory processes.

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## NMA Files Coalition Comments on EPA's Soil Lead Guidance

Last week, the NMA partnered with three other industry trades in filing [comments](#) on EPA's updates to the residential soil lead [guidance](#) for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) sites and Resource Conservation and Recovery Act (RCRA) corrective action facilities. Recall that EPA significantly lowered the recommended regional screening levels and removal management level, strengthening guidance for investigating and cleaning up lead-contaminated residential soil. EPA anticipates that the lower screening levels will result in more investigations of residential properties for potential cleanup under CERCLA and RCRA. Additional information on this new guidance is available [here](#). The coalition comments support revisions to the guidance and highlight many practical implementation challenges. Specifically, the coalition asserts that: (1) EPA should revise the guidance to incorporate the most up-to-date science, base cleanup levels on site-specific exposure, and work within statutory authority; (2) EPA underestimates the social costs of the guidance; (3) EPA should implement the guidance in a practical manner that balances resources while addressing risk; and (4) EPA should have accepted public comment before finalizing this guidance with an immediate effective date. Along with this comment letter, the coalition submitted a [technical supporting document](#) discussing scientific flaws and assumptions used by EPA and a detailed [economic analysis](#) addressing the problems with EPA's social cost estimates of this guidance.

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## Reminder: 2024 Chemical Data Reporting Period and New Resource

The NMA wants to remind entities of the upcoming Chemical Data Reporting (CDR) cycle submission period which begins Jun. 1, 2024, and ends Sept. 30, 2024. Manufacturers (including importers) must report information concerning their manufacturing, processing, and or use of chemical substances on the Toxic Control Substance Act [\(TSCA\) inventory list](#) in the United States during the calendar years 2020 to 2023. EPA uses CDR data to screen and prioritize chemicals for further review and assess exposure to chemicals. See EPA's CDR [webpage](#) for additional information. For this reporting period, EPA released a new resource portal called [CDR GuideME](#), which is intended to improve the reporting tool to make the chemical data reporting process easier. The CDR rule requires all companies to report data electronically using e-CDRweb through [EPA's Central Data Exchange \(CDX\) system](#). You must [register with CDX](#) and be approved by EPA before you can submit. EPA previously released guidance for the metal mining industry on the rule's requirements related to the reporting of mined metals, intermediates and byproducts produced during mining activities. The guidance released in 2016 and 2020 is available [here](#).

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## NMA and Third Parties In the News

The [Washington Post](#), [Politico Pro](#), [E&E Daily](#), [E&E Climatewire](#), [E&E Greenwire](#), [Construction World](#), [Hellenic Shipping](#)

[News](#), [KPVI](#), [Barron's](#), [Mena FN](#) and others all quote Rich Nolan on reports that the nation's largest coal-producing region, the Powder River Basin, saw its ability to initiate new coal leases terminated by President Joe Biden's administration. The [Associated Press](#) quotes the NMA.

[The White House](#) quoted Rich Nolan in a press release on its newly announced tariffs on Chinese goods.

[Politico Pro](#) and [E&E](#) quote the NMA in reports that Democrats on the Natural Resources Committee urged Chair [Bruce Westerman](#) (R-Ark.) [in a letter Monday](#) to investigate foreign mining companies' influence on domestic policy.

[E&E News PM](#) mentions the NMA in a story on the Biden administration's new permitting guidance to curb pollution that moves through groundwater in response to a landmark Supreme Court ruling.

[The Washington Examiner](#) mentions the NMA in a story suggesting that green policies imperil uranium supply after Biden ban on Russian imports.

## Mining and Energy News

[S&P Global](#) reported that Anglo American plans to divest its metallurgical coal business and instead focus on copper and premium iron ore businesses, a move it said is critical for delivering products aimed at the energy transition.

[E&E](#), [Kallanish](#) and others reported that the Administration will increase the tariff rate on certain China-origin steel, aluminum and a number of other products including electric vehicles, batteries, semiconductors and solar equipment.

**Bloomberg** reported that President Biden has signed legislation banning the import of Russian enriched uranium, starting a 90-day countdown until limits on shipments of the reactor fuel take effect.

**Argus** reported that coal exports out of Hampton Roads, Virginia rose in April from year-earlier levels as shippers diverted volumes from Baltimore, Maryland after a major bridge collapse there partially shut down harbor traffic.

**Politico Pro** reported that a coalition of red states and the National Rural Electric Cooperative Association have asked a federal court to block EPA's climate rule for existing coal and new natural gas-fired power plants — the opening salvo in what is sure to be a blockbuster legal battle.

**Wall Street Journal** reported that the U.S. and China are competing to acquire copper for EVs and data centers.

**Argus** reported that Norfolk Southern's Lambert's Point coal terminal in Norfolk, Virginia, is expected to load more coal onto vessels this month as shippers continue to work around the temporary closing of the Port of Baltimore.

EIA's First Quarter 2024 **Domestic Uranium Production Report** indicates that U.S. production of uranium concentrate ( $U_3O_8$ ) totaled 82,533 pounds  $U_3O_8$ . "This quarter's total uranium production occurred at five facilities, four in Wyoming (Nichols Ranch ISR Project, Ross CPP, Lost Creek Project, and Smith Ranch-Highland Operation) and one in Texas (Rosita)."

**Greenwire** and others reported that the Interior Department's Bureau of Land Management issued plans to pause future coal mining in the nation's largest coal-producing region. The proposal would end new federal coal leases in the Powder River Basin coal area of Montana and Wyoming, the largest coal

producing region.

**Engineering and Mining Journal** reported on the Fraser Institute's annual survey of mining's most attractive regions, finding Utah, Nevada, Saskatchewan, Quebec and Western Australia in the top ranking.

**Greenwire** reported that the U.S. Defense Department has awarded \$14.8 million to two Canadian companies to mine and process critical minerals in North America just as a trade war heats up with China.

**Politico** reported on the North American Electric Reliability Corporation's (NERC) seasonal forecast warning that the U.S. Southwest, Midwest and Northeast could face electricity shortfalls this summer if they are hit by a major heatwave. California, Arizona, New Mexico and Texas all face elevated risks, NERC said.

**Visual Capitalist**, using U.S. Geological Survey estimated 2023 data, graphically describes global copper production by country, with the U.S. ranking 5<sup>th</sup> in production of 1.1 million metric tons - 5 percent of world production.

**Greenwire** reported on the International Energy Agency's (IEA) new critical minerals outlook noting that a supply gap looms and cautioning that the decrease in global critical minerals prices last year could hamper efforts to ramp up mine development. Heavily concentrated supply chains and insufficient production to meet anticipated future demand could pose constraints to clean energy aspirations over the long term.

The **U.S. Department of Defense** announced last week a \$20 million award to South32 to produce battery-grade manganese from the Hermosa Project in Santa Cruz County, Arizona.

[The Washington Examiner](#) reported that green policies imperil uranium supply after Biden’s ban on Russian imports.

The [World Platinum Investment Council](#) reported that global platinum demand in the Q1’24 rose quarter on quarter to 1,994 koz, as an upswing in jewelry demand added to steady demand growth in the automotive sector. “Meanwhile, total platinum supply fell to its second lowest level in our time series at 1,625 koz, as mining and recycling supply remain depressed. This resulted in a market deficit of 369 koz.”

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	5/20/24	\$12.62
Copper Spot Price (\$/lb)	5/21/24	\$5.11
Gold Spot Price (\$/ounce)	5/21/24	\$2,417.05
Lead Spot Price (\$/lb)	5/21/24	\$1.05
Lithium Spot Price (\$/kg)	5/16/24	\$14.58
Molybdenum Spot Price (\$/kg)	5/21/24	\$69.09
Nickel Spot Price (\$/lb)	5/21/24	\$9.64
Silver Spot Price (\$/ounce)	5/21/24	\$31.63
Steel HRC Price (\$/mt)	5/21/24	\$775.00
Steel Rebar Price (\$/mt)	5/21/24	\$495.30
Zinc Spot Price (\$/lb)	5/21/24	\$1.41
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	5/21/24	\$250.00
Coal Spot Price - Central Appalachian (\$/st)	5/17/24	\$74.75
Coal Spot Price - Newcastle futures (\$/mt)	5/21/24	\$142.42
Coal Spot Price - Rotterdam futures (\$/mt)	5/21/24	\$106.75
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	5/15/24	\$2.15
Uranium Spot Price (\$/lb)	5/20/24	\$91.35

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

# CORESafety



In the May edition of CORESafety TV, we cover heat exhaustions and tips to work in hot environments.



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