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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

On a holiday-shortened week, Congress is out town for a district work period. Meanwhile, Washington's regulatory gears continue to grind. 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

Car crashes are a leading cause of death for children and teens. The National Safety Council has tips on [child passenger safety](#) and a wealth of materials for [helping teen drivers](#) get onto the road safely.

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## NMA Coalition Files Motion to Stay the Clean Power Plan 2.0



The NMA last week partnered with America’s Power in filing a [motion to stay](#) the U.S. Environmental Protection Agency’s (EPA) emissions guidelines under the Clean Air Act for greenhouse gas emissions from existing coal-fired electric generating units (also known as the Clean Power Plan 2.0) while the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) hears the case on the merits. In this motion, we argue that EPA has once again regulated beyond its authority and unlawfully mandated generation shifting in violation of Supreme Court precedent in *West Virginia v. EPA*. Our stay motion explains that we are likely to succeed on the merits because “continuous 90% CCS by 2032 is unachievable for almost all power plants, has never been achieved at the level mandated by the Final Rule, and so is not adequately demonstrated.” We also argue that “[f]orcing a coal plant to shift to gas is even more clearly in conflict with *West Virginia* than the Clean Power Plan[.]” Our motion explains the rule’s immediate, irreparable harms to the coal industry if the final rule is not stayed. Finally, our motion asserts that a stay is necessary to prevent the Clean Power Plan 2.0 from jeopardizing the reliability of the nation’s electric grid. Ultimately, we asked the D.C. Circuit to “stay the Final Rule, just as the

Supreme Court stayed the Clean Power Plan years prior to holding the Plans approach unlawful.” Special thanks to CONSOL Energy Inc., NACCO Natural Resources Corporation, Navajo Transitional Energy Company, Peabody Energy Corporation, Prairie State Generating Company and Western Fuels Association for your supporting declarations.

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## Congressional Leaders Set to Challenge EPA's Clean Power Plan with CRA Resolutions



Next week, Senator Shelley Moore Capito (R-W.Va.), Ranking Member of the Environment and Public Works Committee, and Congressman Troy Balderson (R-Ohio), will introduce Congressional Review Act (CRA) resolutions in both the Senate and the House to overturn the EPA’s Clean Power Plan 2.0. These resolutions have garnered broad support among Republicans with 32 original cosponsors in the Senate and 76 in the House. In the Senate, the resolution is supported by senators such as Barrasso (R-Wyo.), Blackburn (R-Tenn.) and Boozman (R-Ark.), with bipartisan endorsement from Senator Joe Manchin (D-

W.Va.). This cross-party support enhances the resolution's potential for success in the Senate.

The CRA, enacted in 1996, allows Congress to review and potentially overturn new federal regulations issued by government agencies. Requiring a simple majority in both chambers of Congress, along with the President's signature, the CRA provides a streamlined process for revoking newly finalized federal regulations. A resolution of disapproval under the CRA can nullify a rule, preventing it from taking effect or continuing if already in effect. Moreover, once a rule is overturned by a CRA resolution, the agency is prohibited from issuing a substantially similar rule in the future unless authorized by new legislation.

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## House Armed Services Committee Advances NDAA Out of Committee



Last week, the House Armed Services Committee marked up and passed H.R. 8070, the Servicemember Quality of Life Improvement Act and National Defense Authorization Act (NDAA) for Fiscal Year 2025 (FY25). You can find a link to the markup [here](#), and the legislation [here](#), which passed by a bipartisan vote of 57-1. The FY25 NDAA focuses largely on analyzing and addressing vulnerabilities and risks within the Department of Defense and the defense industrial base's supply chain, including directing the National Defense Stockpile to prioritize and source strategic and critical materials from domestic

sources. The NDAA is expected to be on the House floor in June. The Senate Armed Services Committee has [announced](#) that it will consider its chamber's FY25 NDAA June 11-14 during a closed committee markup session. The NMA will continue to work with congressional allies to pursue industry priorities on these pieces of legislation.

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## House Natural Resources Committee to Hold Hearing on Mineral-Related Bills



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

On Tuesday, June 4, the House Natural Resources Subcommittee on Energy and Mineral Resources will hold a legislative hearing on three mineral-related bills important to NMA-member companies. You can find a link to the hearing [here](#). The legislation includes [H.R. 8446](#), a bill from Rep. Juan Ciscomani (R-Ariz.) to create parity between the Department of Energy's critical material list and the Department of the Interior's (DOI) critical minerals list; [H.R. 8450](#), a bill from Rep. Kat Cammack (R-Fla.) directing the DOI and the Department of Agriculture to evaluate potash, phosphates, and other minerals necessary for fertilizer production for designation as critical minerals; and [H.R. 6395](#), a bill introduced by Rep. John Curtis (R-Utah) directing DOI to include the Secretary of Health and Human Services in consultations regarding designations of critical minerals used in medical devices and equipment. Witnesses will include [Misael Cabrera](#) (Director of the University of Arizona's School of Mining and Mineral

Resources) for H.R. 8446, Corey Rosenbusch (President and CEO of the Fertilizer Institute) for H.R. 8450, Sally Macaluso (Vice President of Global Head of Strategic Sourcing at GE HealthCare) for H.R. 6395, as well as an employee from the U.S. Geological Survey on behalf of the Biden Administration. A minority witness is expected, but unknown at this time.

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## U.S. Supreme Court Grants Review in CWA Permitting Case

In a welcome development for the mining industry, yesterday the U.S. Supreme Court **granted certiorari** in a Clean Water Act permitting case, *San Francisco v. EPA*. Earlier this year, the NMA led a coalition of 15 national trade associations in filing an **amicus brief** supporting the city and county of San Francisco's **cert petition** and urging the Supreme Court to review a decision from the U.S. Court of Appeals for the Ninth Circuit. In that case, the Ninth Circuit upheld generic conditions in CWA National Pollutant Discharge Elimination System (NPDES) permits, such as those that require the permittee to ensure that its discharges do not cause or contribute to a violation of water quality standards in any receiving water. That decision undercuts the NPDES program and the viability of the CWA permit shield and subjects any entity that needs a NPDES permit to the risk of unforeseen enforcement actions or citizen suits. The coalition's brief urged the Supreme Court to review this case for two primary reasons. First, the Ninth Circuit's ruling harms the business community and the economy by injecting significant regulatory uncertainty into the CWA permitting process. Second, the Ninth Circuit's decision created a circuit split with the Second Circuit, while conflicting with the CWA's text and design. The briefing process will begin soon, and the Court will consider the case during its next term.

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## EPA Denies Alabama State Coal Ash Permit Program



**Alabama Department of Environmental Management**

Last week, EPA [denied](#) the Alabama Department of Environmental Management's (ADEM) application for a state coal combustion residuals (CCR) permit program under the Resource Conservation and Recovery Act (RCRA). EPA's denial is the first denial of a state CCR permitting program application under the Biden administration, while leaving the door open for the state to submit a second "approval application." EPA preliminarily denied ADEM's permit application in August 2023 and this action finalizes that decision. The NMA filed [comments](#) opposing this preliminary denial. EPA Administrator Michael Regan stated in an [announcement](#) that "our job is to work closely with states to make sure that every community is protected from contamination, and that's especially true for those that have been overburdened by pollution for too long." The denial cites deficiencies in CCR permits that ADEM issued for four facilities, such as closure requirements for unlined surface impoundments, groundwater contamination monitoring networks, and corrective action (i.e., investigation and clean up) requirements that EPA says are necessary to protect human health and the environment from exposure to contamination from leaking CCR units. Furthermore, EPA states that ADEM's permits for CCR units contain terms that are neither the same as, nor as protective as, the federal CCR regulations and that EPA found a consistent pattern of ADEM

approving closure plans, groundwater monitoring plans, and assessments of corrective action measures that lacked critical information or were otherwise deficient.

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## 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.**

[RESERVE NOW!](#)

## NMA and Third Parties In the News

The NMA is mentioned in stories from the [San Francisco Chronicle](#) and [E&E Greenwire](#) on the news that the Supreme Court agreed Tuesday to hear San Francisco's appeal of a ruling that tightened offshore water pollution standards and said the city was failing to adequately protect swimmers and bathers from discharges of sewage into the Pacific.

[E&E Greenwire](#) mentions the NMA in a story on filings from mining, coal and electric utility groups that have joined calls for a federal court to freeze EPA's new rule power plant rule.

[Law 360](#) mentions the NMA in a story on a coalition of 22 Democrat-led states and four cities that moved to intervene on Thursday in defense of the U.S. EPA's final rule establishing greenhouse gas emission standards for heavy-duty vehicles, arguing that vacating the rule would lead to direct injuries to state lands and resources.

## Mining and Energy News

[Wall Street Journal](#) reported that for the past few years, the West has been trying to break China's grip on minerals that are critical for defense and green technologies. Despite their efforts, Chinese companies are becoming more dominant, not less.

**[Greenwire](#)** reported that the U.S. can't meet future electric vehicle copper demand, according to a study by the Universities of Michigan and Cornell. "Just to meet business-as-usual trends, 115 percent more copper must be mined in the next 30 years than has been mined historically until now."

**[Argus](#)** reported that some coal exports from the two main terminals at the Port of Baltimore have restarted, nearly two months after a containership crashed into the Francis Scott Key Bridge and shut the port to most commercial traffic.

**[Energywire](#)** reported on EPA coal plant data for the big U.S. power generators showing how much a new greenhouse regulation could alter the electric power industry.

The **[World Steel Association's](#)** latest steel data shows global steel production was 155.7 million metric tons in April, a 5 percent decrease compared to April 2023.

**[Hellenic Shipping](#)** reported that Consol Marine Terminal (CMT) in Baltimore has restarted shipping coal to international markets, although is still limited in terms of shipment size until the river channel is cleared to the needed 400-foot-wide level by the end of the month.

**[Greenwire](#)** reported that global nickel prices have soared since deadly violence erupted in the French Pacific territory of New Caledonia last week. The French territory holds 20-30 percent of the world's nickel reserves.

**[The Hill](#)** reported that a union representing miners has filed a legal challenge to a Biden administration climate rule.

**[Argus](#)** reported that retiring U.S. senator Joe Manchin (D-W.Va.) is making a final push to advance a comprehensive permitting bill he says would fast-track

the federal approval process for clean and conventional energy projects.

[\*\*E&E News\*\*](#) reported that House Republicans introduced legislation last week to overturn a new environmental regulation that sets stricter water pollution limits for coal plants.

[\*\*Energywire\*\*](#) reported that Maryland's consumer advocacy agency has challenged an \$800 million proposal to keep two large coal plants (Brandon Shores and Wagner) outside of Baltimore running to ward off the risks of electricity shortages in the PJM Interconnect power region.

[\*\*Greenwire\*\*](#) reported that EPA is set to release a final update to air toxics regulations for plants that make a distilled form of coal called coke, used by steelmakers.

[\*\*Supply Chain Dive\*\*](#) reported that the recent outpouring of investment in battery material production has proven to be a double-edged sword for the industry, pushing down critical mineral prices and creating a short-term inventory glut, according to the International Energy Agency's recent critical minerals report.

[\*\*Argus\*\*](#) reported that Anglo American has rejected BHP's third takeover proposal.

[\*\*Visual Capitalist\*\*](#), using USGS data, graphically describes the world's largest lithium producers, noting that Australia, Chile and China accounted for 88 percent of 2023 lithium production.

[\*\*Utility Dive\*\*](#) reported that U.S. electricity demand is expected to increase 2.7 percent this summer to 1,487 TWh, driven by warmer weather, economic growth and data center expansions, according to the Federal Energy Regulatory Commission's annual summer energy market and reliability report.

The report notes that U.S. data center power load is expected to grow to nearly 21 GW this year, up from 19 GW in 2023.

[The Wall Street Journal](#) reports that, with its planned acquisition of U.S. Steel at risk, Nippon Steel has launched a charm offensive to win support with its leadership conducting meetings last week in the Pittsburgh area.

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	5/28/24	\$12.31
Copper Spot Price (\$/lb)	5/28/24	\$4.85
Gold Spot Price (\$/ounce)	5/28/24	\$2,344.70
Lead Spot Price (\$/lb)	5/28/24	\$1.05
Lithium Spot Price (\$/kg)	5/28/24	\$14.54
Molybdenum Spot Price (\$/kg)	5/28/24	\$69.01
Nickel Spot Price (\$/lb)	5/28/24	\$9.32
Silver Spot Price (\$/ounce)	5/28/24	\$31.55
Steel HRC Price (\$/mt)	5/28/24	\$782.07
Steel Rebar Price (\$/mt)	5/28/24	\$488.32
Zinc Spot Price (\$/lb)	5/28/24	\$1.41
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	5/28/24	\$248.00
Coal Spot Price - Central Appalachian (\$/st)	5/24/24	\$77.05
Coal Spot Price - Newcastle futures (\$/mt)	5/28/24	\$141.97
Coal Spot Price - Rotterdam futures (\$/mt)	5/28/24	\$104.85
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	5/22/24	\$2.51
Uranium Spot Price (\$/lb)	5/28/24	\$90.55

Sources: publicly 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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