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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

The Juneteenth federal holiday jumbled the congressional schedule this week, with the House out of session and the Senate taking a mid-week holiday. Litigation responses to the burst of Biden administration regulatory actions continue to roll out. 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

Whether helping people move or loading up for summer excursions, take care to [observe these tips](#) for safely loading the bed of a pickup truck. (And by all means, [do not do what this Utah bride-to-be did.](#))

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## China Select Committee Stands Up Critical Minerals Group



On Tuesday, the House Select Committee on the Chinese Communist Party established a new Critical Minerals Policy Working Group. The working group will be headed by Rep. Rob Wittman (R-Va.) and Rep. Kathy Castor (D-Fla.) and includes Reps. Blaine Luetkemeyer (R-Mo.), Haley Stevens (D-Mich.), Carlos Gimenez (R-Fla.), Ritchie Torres (D-N.Y.) and Ben Cline (R-Va.). The working group is tasked with reviewing and developing proposals to reduce our nation's supply chain dependency on China for critical minerals.

"Dominance over global supply chains for critical mineral and rare earth elements is the next stage of great power competition," Congressman Wittman said. "We must secure American access to these materials that are integral to the technology we rely on in our daily lives and for our national defense."

The NMA met with Rep. Wittman's office in May to discuss China's efforts to dominate the global minerals market, the importance of domestically sourced minerals, and how American mining can strengthen U.S. national and economic security. The association will continue to work with the China Select Committee and its new Critical Minerals Policy Working Group to promote domestic mining.

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## House Makes Progress on Fiscal Year 2025 Spending Proposals

The House Appropriations Committee is continuing its efforts to markup and pass all 12 fiscal year (FY) 2025 spending bills. To date, the committee has favorably reported from the committee, along party lines, the following FY25 bills: Defense; Legislative Branch; Homeland Security; State and Foreign Operations; and Financial Services and General Government (FSSG).

The NMA worked with the committee and bipartisan member offices to include several provisions beneficial to the mining industry in these bills, including:

- **Access to Permitting Efficiency:** [Section 642](#) within the FSSG bill would prevent the administration from finalizing or implementing the [proposed rule](#) that would reduce access to efficient permitting for domestic mine projects through the Federal Permitting Improvement Steering Council;
- **Domestic Rare Earth Supply Chains:** A FY25 Department of Defense (DOD) bill [report provision](#) directs DOD to support efforts to increase domestic production of rare earth elements for defense applications. It directs DOD to submit a report for its FY2026 budget review process that identifies statutes, policies, regulations, instructions and market dynamics that are barriers to developing robust domestic sources of rare

earth minerals and to develop a plan that supports increased domestic rare earth production; and

- **Prioritization of Domestic Mining:** [Sec. 7030](#) in the FY25 State and Foreign Operations bill requires that at least 50 percent of funds administered by the Department of State on behalf of the Economic Resilience Initiative for activities to enhance critical minerals supply chain security shall be utilized for U.S.-based entities. [Report language](#) further directs the Department of State to work with the Department of the Interior (DOI) and Department of Energy (DOE) to identify and prioritize domestic mine project approvals that support the mineral supply chain needs of U.S.-allied nations. The Department of State will submit a report to the relevant committees with a plan to support these mineral supply chains and entities.

House Majority Leader Steve Scalise has indicated that all 12 spending bills should be passed before the August recess. He suggested that the spending proposals for the DOI, the Environmental Protection Agency (EPA) and DOE should be considered during the final two weeks of July. However, the House Appropriations Committee has yet to schedule these markups and bill text is not available. Senate Appropriations Committee Chair Patty Murray stated that the committee will hold its first markups the week of July 8. But, it is still uncertain if the Senate will pass any spending proposals, or if Congress will advance a stopgap continuing resolution to temporarily extend government funding through the new year.

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## NMA Protests BLM Decision to Ban Future Coal Leasing in the Powder River Basin



The NMA this week filed letters protesting the Bureau of Land Management's (BLM) adoption on the no future coal leasing alternative in the final resource management plan (RMP) amendments for the [Miles City Field Office](#) in Montana and the [Buffalo Field Office](#) in Wyoming. Essentially, the BLM's RMP decisions impose a moratorium on new leases in the Powder River Basin, the largest coal-producing basin in the United States. The NMA comments highlighted BLM's missteps in preparation of the RMPS, including the failure to address foreseeable impacts to reliable and affordable electricity as required by the National Environmental Policy Act (NEPA), flouting of the Federal Land Policy and Management Act's (FLPMA) multiple use mandate and disregarding the purpose of the Mineral Leasing Act (MLA) to promote federal coal development. The NMA concluded that BLM's decision was so fatally flawed that BLM's only recourse is to prepare a new analysis that complies with NEPA, FLPMA and MLA.

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## Bipartisan CRA To Overturn National Environmental Policy Act (NEPA) Phase II Final Rule Introduced

On Tuesday, members of the House and Senate introduced a bipartisan, bicameral Congressional Review Act (CRA) resolution of disapproval to overturn the National Environmental Policy Act (NEPA) [Phase II Final Rule](#). Senators Joe Manchin and Dan Sullivan were joined by Shelley Moore Capito (R-W.Va.), Bill Cassidy (R-La.), Cynthia Lummis (R-Wyo.), Ted Budd (R-N.C.), Mike Lee (R-Utah), Jim Risch (R-Idaho), Mike Crapo (R-Idaho), Roger Marshall (R-Kan.), Katie Britt (R-Ala.), Kyrsten Sinema (I-Ariz.) and John Hoeven (R-N.D.) in introducing the Senate CRA, while Congressman Garret Graves (R-La.) carried the House CRA.

CRA's allow Congress to review and overturn new federal regulations issued by government agencies. A simple majority in both chambers of Congress, along with the President's signature, is required to enact a resolution of disapproval, which can completely 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.

The NMA joined a broad coalition of organizations and trade associations [pushing](#) for introduction of the NEPA CRA.

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## NMA Coalition Files Brief in Texas WOTUS Litigation

Litigation challenging the Biden administration’s “waters of the United States” (WOTUS) rule is ongoing. This week, the NMA’s industry coalition filed a reply brief in the litigation challenging the Biden administration’s WOTUS rule in the U.S. District Court for the Southern District of Texas. The NMA’s [reply brief](#) encourages the court to grant our motion for summary judgment, deny the agencies’ motions and remand the rule for further rulemaking. Specifically, the NMA’s brief affirms that our coalition has standing, and explains how the rule exceeds the agencies’ authority under the Clean Water Act (CWA) and is unconstitutional. The NMA’s reply brief also argues that the rule is not entitled to deference, the categorical inclusion of interstate waters violates the CWA, the rule’s relatively permanent test is inconsistent with the U.S. Supreme Court’s decision in *Sackett v. EPA*, the wetlands provision violates *Sackett*, the rule’s impoundments provision is too broad, the tributary provision is inconsistent with *Sackett* and the exclusion for ditches is impermissibly vague. In the argument that the rule is unconstitutional, the NMA’s brief explains why the rule is an improper exercise of Commerce Clause authority, that it is unconstitutionally vague and that it violates the major questions doctrine. The states of Texas and Idaho also filed a [reply brief](#) encouraging the court to vacate the rule for substantive and procedural flaws. Specifically, the states’ brief reiterates that the states have standing and their claims are ripe, explains how the rule does not comport with Supreme Court caselaw and the plain language of the CWA, is contrary to the states’ rights under the Tenth Amendment and is unconstitutionally vague. The agency and environmental group replies are due July 17 and July 24, 2024, respectively. The NMA’s coalition will file a similar reply brief in the North Dakota WOTUS litigation next week.

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## Western Governors Support for Good Samaritan Legislation



The Western Governors Association concluded its [2024 Annual Meeting](#) last week in Olympic Valley, CA. The meeting included discussions with U.S. Secretary of Health and Human Services Xavier Becerra and concluded with the passing of five new bipartisan resolutions focused on strengthening the state-federal relationship. One of those resolutions focused on abandoned mine in the West and the challenges that face “Good Samaritans” who work to reclaim the mine sites. The resolution reads, “Good Samaritans are entities that voluntarily clean up abandoned mine sites. These Good Samaritans face potential liability under the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Resource Conservation and Recovery Act (RCRA), despite not having owned or operated the mine. In the resolution, Western Governors call on Congress to enact legislation to protect Good Samaritans from potential liabilities under CWA, CERCLA and RCRA. Western Governors support pilot projects, including projects under state-led programs, to address site-specific liabilities if comprehensive legislation addressing these issues is not possible in the short term.”

Several NMA members as well as the NMA team worked closely with Western Governors and their staff in support of Good Samaritan resolution.

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## NMA Submits Comments on Greater Sage Grouse Land Use Plan Amendments

Last week, the NMA submitted [final comments](#) on the Bureau of Land Management's (BLM) draft Greater [Sage Grouse](#) (GRSG) management plan amendments. As the amendments would revise 77 land use plans encompassing 121 million acres across 10 Western states, the BLM's potential restrictions on resource development in GRSG habitat could significantly impact mining activities. The NMA's comments express serious concern over the BLM's failure to critically evaluate impacts to mining and functioning state and local conservation programs for GRSG at a sufficient level of detail required by the National Environmental Policy Act. The NMA also argues that the BLM ignored: (1) the Federal Land Policy and Management Act's requirement for management of the federal lands under the principle of multiple use and sustained yield; (2) the Mining Law provisions governing the rights to explore and develop locatable minerals on federal lands; (3) the Mineral Leasing Act provisions promoting the mining of federal coal; and (4) other legal obligations. Further, the NMA stresses the importance of U.S. mining to fulfill the administration's agenda and energy priorities and how the proposed plans will stymie these initiatives. As written, the plans would unlawfully impede mining activities and create additional permitting inefficiencies and uncertainty. The plans also fail to take into account the extensive conservation and habitat preservation that NMA's members engage in to protect the GRSG. Because of these deficiencies, the NMA requested the BLM to prepare state-specific supplemental land use plans before implementing the proposed amendments.

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## SAB Releases Draft External Peer Report on EPA's Inorganic Arsenic IRIS Assessment; Public Meetings Scheduled

The [draft](#) *Integrated Risk Information System (IRIS) Toxicological Review of Inorganic Arsenic* is undergoing external peer review managed by the U.S. Environmental Protection Agency's (EPA) Science Advisory Board (SAB). Last week, the SAB released its [draft external peer review report](#) of this IRIS assessment. The SAB "agreed with many of the conclusions presented in the draft IRIS document," finding that "[t]he confidence conclusions are justified and strengthened by the wealth of human data in the conclusions of the hazard assessment for the cancer and noncancer disease endpoints." The SAB found that EPA's IRIS document was "highly responsive to previous recommendations from the National Academies of Sciences, Engineering and Medicine, focusing on epidemiological studies, appropriate databases and thorough description of the population, exposures, comparators and outcomes." Of significant concern, the SAB "concur[s] that the epidemiological data are of a sufficiently broad range to make mode of action considerations and low dose extrapolation unnecessary." The SAB [announced](#) three public meetings of the SAB Inorganic Arsenic Review Panel in July. The purpose of the meetings is to review and discuss the panel's draft report. Earlier this year, the NMA provided [public testimony](#) at the [first meeting](#) of the SAB's Inorganic Arsenic Panel. The NMA argued that the EPA's assessment is too narrow by failing to integrate all scientific evidence. The NMA also criticized EPA for limiting public input and transparency during the assessment's development, citing a short comment period and denial of extension requests. Furthermore, the NMA raised concerns about overly conservative risk values proposed by the EPA, explaining how they could lead to economically harmful regulatory requirements for soil cleanup and drinking water standards. Finally, the NMA highlighted the complexity of setting arsenic cleanup levels for the mining industry, particularly

in rural and urban areas. Additional information on this external peer review report is available [here](#).

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## NMA Participates in Natural Resources Wyoming Field Tour



On Monday, the NMA's Justin Prosser accompanied Congresswoman Harriet Hageman (R-Wyo.), House Subcommittee on Energy and Mineral Resources Chairman Pete Stauber (R-Minn.) and committee staff on [site visits](#) to view essential mining and energy infrastructure in Wyoming's Power River Basin. The group toured the Strata Uranium Mine, Eagle Specialty Materials Belle Ayr coal mine and Black Hills Energy's Neil Simpson complex near Gillette. Hageman, Stauber and staff heard from company representatives about the importance of coal and hardrock mining, the need for affordable and reliable energy generation, as well as regulatory certainty. The members also heard firsthand from Belle Ayr coal miners about the importance of generational employment created by the mining industry. The NMA will

continue to work with Rep. Hageman and Stauber on legislation and oversight opportunities to support industry priorities.

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## NMA Speaks at Colorado Mining Association's Annual Conference



Yesterday, the NMA's Justin Prosser spoke to the Colorado Mining Association's (CMA) annual mining conference to provide updates on several final rules coming out of the administration impacting both coal and hardrock producers. Additionally, Justin discussed different scenarios and outcomes of the upcoming election and how it might impact legislative and administrative priorities of a potential second term for either President Biden or former-President Trump.

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## NMA Advances Member Priorities on the International Stage

This month, Veronika Shime, the NMA's Senior Advisor and Vice President of International Policy and Sustainability, advanced NMA member priorities at several key international events. She spoke at the European Mining Business Forum, participated in other significant parallel events and revived annual Mining Association Dialogue (MAD), post-COVID. MAD attracted key industry mining association CEOs and representatives from Austria, Bulgaria, Canada, the EU, ICMM, Japan, Spain and Sweden, strengthening important relationships for collaboration and efficiencies across our work programs. Following these events, Veronika had several successful meetings with the International Energy Agency (IEA), discussing critical mineral priorities, energy security and various other energy-related challenges. The NMA is a long-standing active member of the Coal Industry Advisory Board to the IEA and has recently leveraged this role to position the NMA as a vital industry resource on critical minerals as well.

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## NMA Welcomes Four Summer Interns



On June 10, the NMA welcomed four summer interns to the team as part of our commitment to educate the next generation on the importance of mining.

These collegiates bring new perspectives and insights to the association's activities. As they rotate through NMA departments over an eight-week period, each will complete a mining "hot topic" research paper. The interns are Yareli Gonzalez, a rising senior at the University of Texas El Paso (UTEP) majoring in Science in Metallurgical and Materials Engineering; Patrick Boyle, a recent graduate from Wake Forest who majored in Psychology, and Politics and International Affairs; Lauren Lloyd, a rising sophomore at Ball State majoring in Strategic Communications: Public Relations with a concentration in Event Management and Planning, and Leadership; and Aidan Pretti, a rising senior at Dartmouth majoring in Economics and Government.

To date, the interns have toured the Capitol with Rep. Buddy Carter's (R-Ga.) staff and attended the Congressional Baseball Game, where they witnessed the Republicans defeat the Democrats 31-11. The NMA is excited to see all that these individuals will contribute to the association this summer.

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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!](#)

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## NMA and Third Parties In the News

Rich Nolan released a [blog](#) contrasting moves by the administration that undermine the United States' ability to reduce its reliance on imported minerals with increasing mineral demands.

The NMA is mentioned in a [Senate Committee on Energy & Natural Resources](#) press release on efforts to overturn the NEPA Phase II Final Rule.

The NMA is mentioned by [E&E News PM](#) in a story on the nation's mining law.

The NMA is mentioned in a [House Committee on Natural Resources](#) press release on a tour of Wyoming Critical Mineral Infrastructure for members and committee staff.

[Engineering and Mining Journal](#) reports on NMA's motion to stay the Clean Power Plan 2.0.

[Oklahoma Energy Today](#) mentions the NMA in a report noting that Oklahoma U.S. Sens. James Lankford and Markwayne Mullin were among those who stepped up to the plate in fighting the Biden administration's new EPA regulations intended to shut down American power plants.

[Law 360](#) mentions the NMA in a story on the Environmental Protection Agency's move to fire back at attempts to pause two final rules establishing greenhouse gas emissions standards for power plants and expanded methane emissions control requirements for oil and gas infrastructure, urging the D.C. Circuit to keep the rules in place amid myriad legal challenges.

From our third parties, the [Grand Junction Daily Sentinel](#) (Colo.), [Kokomo Tribune](#) (Ind.), [Salem News](#) (Ohio), [East Liverpool Review](#) (Ohio) and [Lisbon Morning Journal](#) (Ohio) carry an op-ed by John Adams, U.S. Army Brigadier General (Retired), president of Guardian Six Consulting and a former Deputy U.S. Military Representative to NATO's Military Committee, in which he argues for reshoring our minerals supply chains.

## Mining and Energy News

[Greenwire](#) reported on copper recycling.

[Foreign Affairs](#) reported on the importance of supply chains for battery metals.

[Tampa Free Press](#) reported on a move to safeguard America's energy future, a coalition of U.S. Senators have taken a stand against the Biden

administration's latest regulations aimed at shutting down the nation's critical baseload power sources.

[\*\*Argus\*\*](#) reported that the U.S. Energy Information Administration (EIA) raised its 2024-25 coal generation and consumption forecasts in anticipation that commercial electricity demand will be greater than previously thought.

[\*\*Mining.com\*\*](#) reports Manganese, an essential steel-making ingredient, has outstripped copper, gold and many other commodities this year after a cyclone halted exports from the world's second-largest mine in March.

[\*\*E&E News PM\*\*](#) reported that developers of the Pebble mine in Alaska's Bristol Bay watershed are expanding an ongoing lawsuit against EPA, which vetoed the project last year, to also target the U.S. Army Corps of Engineers.

[\*\*Kallanish\*\*](#) reported on recent American Iron & Steel Institute (AISI) trade data from the Commerce Department showing U.S. steel import permit applications were down 5.4 percent in May.

[\*\*Argus\*\*](#) reported that cargo diversions away from the Port of Baltimore in place since the March 26 Francis Scott Key Bridge collapse are expected to be reversed as the port is once again fully operational, said U.S. Secretary of Transportation Pete Buttigieg.

[\*\*Mining.com\*\*](#) reported that the wave of battery factories under construction around the world will be able to produce far more cells than the global economy needs, BloombergNEF warns in a new report.

[\*\*Visual Capitalist\*\*](#) visually describes cobalt production by country in 2023. The Democratic Republic of Congo (DRC) accounts for 74 percent of global cobalt.

[\*\*Politico Pro\*\*](#) reported that headed to the House floor is a GOP bill, H.R. 8446

(118), to expand the U.S. Geological Survey’s list of critical minerals to include materials identified by the Energy Department as critical to the energy transition.

The Energy Information Administration's recent [Uranium Marketing Annual](#) report shows that as in 2022, only 5 percent of uranium deliveries were of U.S. origin in 2023.

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	6/18/24	\$12.31
Copper Spot Price (\$/lb)	6/19/24	\$4.51
Gold Spot Price (\$/ounce)	6/19/24	\$2,329.81
Lead Spot Price (\$/lb)	6/19/24	\$0.99
Lithium Spot Price (\$/kg)	6/18/24	\$13.29
Molybdenum Spot Price (\$/kg)	6/19/24	\$68.55
Nickel Spot Price (\$/lb)	6/19/24	\$7.87
Silver Spot Price (\$/ounce)	6/19/24	\$29.75
Steel HRC Price (\$/mt)	6/19/24	\$720.20
Steel Rebar Price (\$/mt)	6/19/24	\$480.09
Zinc Spot Price (\$/lb)	6/19/24	\$1.29
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	6/19/24	\$248.00
Coal Spot Price - Central Appalachian (\$/st)	6/14/24	\$81.85
Coal Spot Price - Newcastle futures (\$/mt)	6/19/24	\$135.76
Coal Spot Price - Rotterdam futures (\$/mt)	6/19/24	\$110.75
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	6/12/24	\$2.80
Uranium Spot Price (\$/lb)	6/18/24	\$86.25

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

# CORESafety



In the June edition of CORESafety TV, we review Module Number 19, Engineering and Construction.



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