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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 returned to session this week facing a political environment upended by the June 27 presidential debate, with the Republican Convention on tap in Milwaukee next week. Budget and oversight issues remain on the congressional agenda. Meanwhile, judicial responses to the wave of Biden administration regulatory actions continued 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.

Safety Share

Impairment – both on and off the job – can be caused by chemical factors, such as legal or illegal substances; physical factors, like fatigue; and psychosocial factors, like mental distress and stress. National Safety Council has resources for [understanding and addressing impairment](#).

In Major Victory, Supreme Court Stays Ozone Transport Rule



In a significant victory for the industry, the U.S. Supreme Court [granted](#) state and industry requests to stay enforcement of the U.S. Environmental Protection Agency's (EPA) Ozone Transport Rule pending disposition of the case in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) and any subsequent timely review sought by the Supreme Court on the merits. The NMA immediately issued a [press release](#) praising the decision. Last October,

the NMA filed an [emergency application](#) for immediate stay of EPA's final rule, following a divided panel of the D.C. Circuit denying our and the states' stay requests. The Supreme Court issued a favorable 5-4 ruling with Justice Gorsuch writing the majority opinion supported by Chief Justice Roberts, Justice Thomas, Justice Alito, and Justice Kavanaugh. Justice Barrett filed a dissenting opinion joined by Justice Sotomayor, Justice Kagan, and Justice Jackson.

The majority found that we are likely to prevail on the merits of our claim that EPA acted arbitrarily and capriciously because the final rule was not "reasonably explained" and "ignored 'an important aspect of the problem.'" In our Supreme Court application, the NMA joined nine industry parties, including trade association allies and electric cooperatives, in arguing that the Ozone Transport Rule (also known as the Federal Implementation Plan or FIP) is "irreparably flawed." We argued that the FIP as promulgated no longer exists given regional court decisions to stay EPA's disapproval of 12 state implementation plans, which act as the predicate for the implementation of the FIP. As the Supreme Court recognizes, "Together, these 12 States accounted for over 70 percent of the emissions EPA had planned to address through its FIP." As the majority asked: "What happens—as in fact did happen—when many of the upwind States fall out of the planned FIP and it may now cover only a fraction of the States and emissions EPA anticipated?" The Court found that "[a]lthough commenters posed this concern to EPA during the notice and comment period, EPA offered no reasoned response." Yet, EPA continued to charge forward in implementing the rule in 11 states without ever analyzing a smaller and transformed program. Our stay application also argued that EPA's FIP abrogated the rights of states to regulate air pollution within their own borders, and absent a stay, industry would be irreparably harmed by nonrecoverable compliance costs pending a decision on the merits while threatening grid reliability. A detailed summary of this ruling is available [here](#).

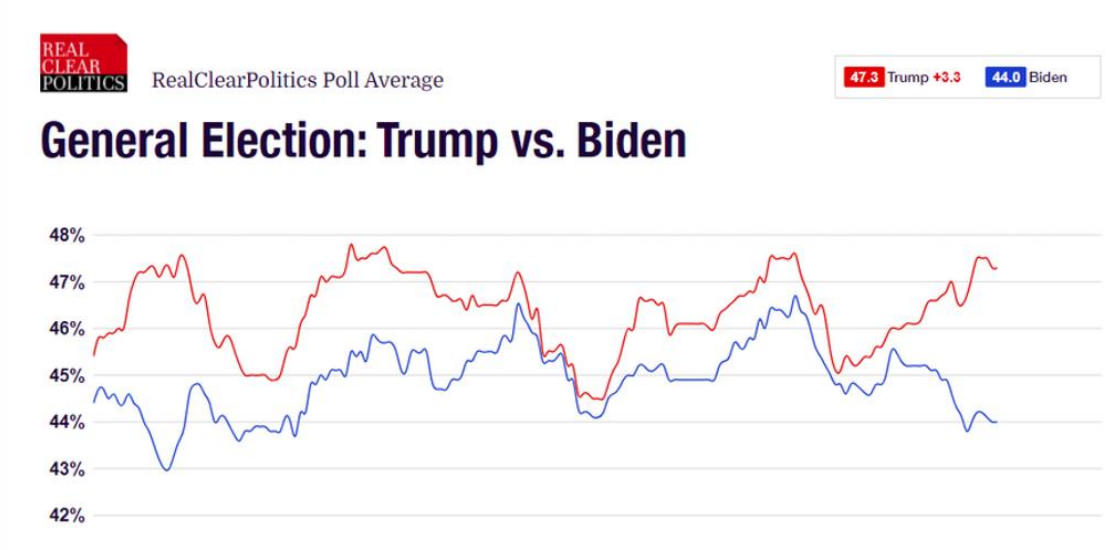
Senate Holds Nomination Hearing for Deputy Secretary of the Interior



Today, the Senate Energy and Natural Resources Committee held a hearing to consider the nomination of Shannon A. Estenoz to be Deputy Secretary of the Interior, a post vacant since October 2023 when Tommy Beaudreau departed the role. Please find a link to the hearing [here](#). Estenoz currently serves as Interior’s Assistant Secretary for Fish and Wildlife after being confirmed by the Senate by [voice vote](#). She also served in different roles including Director of Interior’s Everglades Restoration Initiatives and Executive Director of the South Florida Ecosystem Restoration Task Force. Additionally, Estenoz spent time at the World Wildlife Fund, the National Parks Conservation Association, and the South Florida Water Management District. The hearing focused largely on how Estenoz would address current issues at the Department of the Interior (DOI) including access to federal lands, ongoing Bureau of Land Management Resource Management Planning efforts, the coal leasing moratorium in the Power River Basin and the Administration’s efforts to block access to the Ambler Mining District in Alaska. Ahead of the hearing, the NMA engaged

bipartisan congressional staff with questions for Estenoz similar to those provided to offices ahead of DOI Secretary Haaland and BLM Director Stone-Manning’s Energy and Natural Resources (ENR) hearings over the past two months. The NMA will continue to work with Senate ENR to support their oversight activities of the DOI.

State of the Presidential Race



On the heels of President Joe Biden’s poor debate performance, and a week before the Republican Convention in Milwaukee, Wisc., former President Donald Trump’s lead in the national and swing state polls has solidified. Trump holds a head-to-head **three percent** edge nationally in the *RealClear* poll average. Trump also maintains a lead in the polls in the swing states of **Pennsylvania**, **Michigan**, **Wisconsin**, **Georgia**, **Nevada**, **Arizona** and **North Carolina**. Based on the aggregation of polls from each of the states, if the election were held today, Trump would win with a sizable electoral majority of **312 to 226**.

The **betting odds** reflect the polling, giving Trump a 60 percent chance of

being elected President. Biden's poor debate performance has cratered his odds of winning reelection, which now sit at around 25%. The difference is made up by other potential Democratic replacement nominees. Of those potential Democratic nominees, Vice President Kamala Harris is seen as the most likely alternative to Biden by both beltway Democrats and the odds makers.

Biden will be the Democratic nominee unless he chooses, or is convinced, to step aside. Biden has stated categorically in [a letter](#) to his fellow Democrats that he has no intention of stepping aside. His aggressive pushback against both editorial boards like that of the *New York Times* and the handful of elected Democrats who have called for his replacement has, so far, kept the most senior elected Democrats such as House Minority Leader Hakeem Jeffries (D-N.Y.) and Senate Majority Leader Chuck Schumer (D-N.Y.) in Biden's corner.

The Democratic Convention is scheduled to start on August 19 in Chicago, Ill.

Former EPW Chairman James Inhofe Passes Away



Yesterday, former Senator James Inhofe (R-Okla.) passed away at the age of 89. Sen. Inhofe began his political career in 1966 as a member of the Oklahoma House of Representatives. After a successful career as a state legislator, he went on to become the mayor of Tulsa, and then a member of the House of Representatives. In 1994, Inhofe left his position in the House to run for the U.S. Senate, where he served until his retirement in 2023.

Inhofe's career was also marked by his service in the United States Army, where he achieved the rank of Specialist Fourth Class. His military experience contributed to his strong advocacy for national defense and veterans' issues throughout his political career. As a Senator, Inhofe was chair of the Environment and Public Works Committee (EPW) and the Senate Armed Services Committee. While leading the EPW Committee, Inhofe sponsored numerous bills that bolstered domestic mining and significantly impacted infrastructure and environmental policy. A longtime ally of the mining industry and champion for his state, Inhofe was known for his steadfast conservative views and dedication to Oklahoma.

The NMA honors the memory of former Senator Inhofe and extends heartfelt condolences to his family, former staff, close friends, and the people of Oklahoma. His contributions to both his state and the nation, particularly in supporting the mining industry, advocating for robust infrastructure, and a strong national defense will be remembered.

House Appropriators Advance Legislation Supporting Mining Priorities

Yesterday, the House Appropriations Committee marked up and favorably passed the Fiscal Year 2025 (FY25) [Interior, Environment, and Related](#)

[Agencies Appropriations Act](#) by a 29-25 vote. The legislation includes several provisions supportive of the domestic mining industry, including ensuring no funds can be used to implement Environmental Protection Agency (EPA) Clean Power Plan 2.0 rules, preventing implementation of the Bureau of Land Management's Conservation and Landscape Health rule, ensuring the use of mining claims for ancillary activities, and more. In addition, the committee passed FY25 Energy and Water Development spending bill by a vote of 30-26, and the Commerce, Justice and Science bill by a vote of 31-26. A full summary of provisions in the bills can be found in a NMA memo [here](#). An additional NMA memo following the markup will be forthcoming that is inclusive of relevant amendments and report language for all three bills.

The committee this morning also initiated a [markup](#) of several FY25 appropriations bills, including the Labor, Health and Human Services, and Education; Transportation, Housing, and Urban Development; and Agriculture, Rural Development, and Food and Drug Administration.

The House Appropriations Committee is expected to have marked up and favorably passed all 12 spending bills and intends to consider each on the House floor during the final two weeks of July. Though no announcements have been made, the Senate Appropriations Committee could mark up several spending bills during the final two weeks of July, including the Interior and Environment, Defense, and Labor, Health and Human Services Appropriations.

Senate Holds Oversight Hearing on FPISC to Improve Transparency and Coordination

Today, the Senate Homeland Security & Governmental Affairs Committee (HSGAC) held an oversight hearing on the Federal Permitting Improvement Steering Council (FPISC) with FPISC Executive Director Eric Beightel testifying.

Recall that Director Beightel spoke to the NMA's Spring 2024 Board of Directors Meeting in Washington, D.C. Please find a link to the hearing [here](#). Director Beightel received a wide range of questions related to infrastructure projects including mining. Several questions related to the FPISC's proposed rule ([88 Fed. Reg. 65350](#); September 22, 2023) which would amend its regulations to revise the scope of "mining" as a sector under infrastructure projects to limit the type of mineral projects eligible for the permitting dashboard process. There has been considerable bipartisan pushback against the proposed rule in the form of letters, appropriations amendments, and standalone legislation. Projects working through FPISC benefit from reduced delays in permitting, and the NMA continues to highlight the beneficial role of bringing needed mining projects online through the permitting dashboard while maintaining rigorous environmental and permitting reviews. The NMA, labor unions, and members of Congress have also highlighted the harmful impact of the proposed rule which will increase uncertainty and deter investment. Ahead of the hearing, the NMA worked with several bipartisan committee members to share background materials and information, suggested hearing questions, and highlight the NMA's and the industry's continued positive work with FPISC.

House Oversight Committee Examines EPA Regulations and Authority

Today, the House Committee on Oversight and Accountability, chaired by James Comer (R-Ky.), held a [full committee hearing](#) titled "Oversight of the U.S. Environmental Protection Agency." The hearing featured testimony from Environmental Protection Agency (EPA) Administrator Michael Regan, marking his first appearance before the committee. Beforehand, Chairman Comer argued that the Biden administration has been overreaching with its authority. He cited the 2022 Supreme Court ruling in *West Virginia v. EPA*, which

restricted the EPA's ability to unilaterally impose wide-reaching regulations without clear congressional authorization, as well as last month's decision in *Loper Bright Enterprises v. Raimondo*, which overturned the Chevron doctrine that deferred to agencies when writing regulations. Initially scheduled for last month, the hearing addressed recent EPA regulations on power plants, chemicals, water and recent grants to environmental non-profits.

BLM Adjusts Mining Location and Maintenance Fees



The Bureau of Land Management (BLM) recently [published](#) upcoming fee adjustments for the location and maintenance of mining claims, mill sites, and tunnel sites. The Mining Law of 1872 allows individuals and corporations to stake mining claims on certain federal land and requires adjustments to the location and maintenance fees every five years to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics. The location fee will increase from \$40 to \$49, and the maintenance fee will rise from \$165 to \$200. Mining claimants must pay the new location fee and maintenance fee for any mining claim or site located on or after Sept. 1, 2024. To maintain existing mining claims and sites, mining claimants must pay the new maintenance fee beginning with the 2025 maintenance year. Mining claimants who have already submitted maintenance fees for the 2025 assessment year and those who timely pay the 2025 assessment year maintenance fee based on

the fee in effect immediately before the adjustment was made will be given an opportunity to pay the additional amount without penalty upon notice by the BLM. The BLM will also give claimants the opportunity to cure deficient maintenance and location fee payments for new claims or sites located on or after Sept. 1, 2024, and timely received before Dec. 31, 2024.

The NMA Files Comments on White House Request for Input on Government-Wide Groundwater Action

Last week, the NMA filed [comments](#) on the White House Office of Science and Technology Policy (OSTP) and President's Council of Advisors on Science and Technology's (PCAST or Council) [request for information](#) that will inform future government-wide groundwater action. For more background information on this initiative, please review the NMA's June 7, 2024, [memorandum](#). The NMA's comments reiterated the need for more robust stakeholder engagement on this effort given the complex legal framework and technical issues related to groundwater management. The NMA's comments also urged OSTP and the Council to ensure that any report or future federal action on groundwater does not infringe on the longstanding state and local jurisdiction over groundwater resources. Should OSTP and the Council move forward with this effort, the NMA urged them to consider the development of national programs that incentivize and fund various research and development opportunities and groundwater improvements at industrial sites. The NMA's industry coalition, the Waters Advocacy Coalition, also filed [comments](#) reiterating these themes and the importance of the regulated community's involvement in any future government-wide groundwater-related policies or actions. The NMA will keep you informed of important developments.

The NMA Joins Coalition Comments on EPA's Project Emissions Accounting Reconsideration Rule

The NMA last week joined nineteen other industry associations and groups in filing [comments](#) on the U.S. Environmental Protection Agency's (EPA) [proposed rule](#), "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Regulations Related to Project Emissions Accounting." In this proposal, EPA proposed revisions to the preconstruction permitting regulations that apply to modifications at existing major stationary sources in the New Source Review (NSR) program. EPA's fact sheet on this proposed rule is available [here](#). See the NMA's March 29, 2024, [memorandum](#) summarizing the proposed rule and additional background. At the outset, the coalition's comments recommend that EPA retain the [2020 Project Emissions Accounting Rule](#) because it is consistent with the Clean Air Act and the 2020 NSR reforms. The coalition also provides detailed comments on the proposed rule, including: (1) EPA should not adopt the proposed definition of "project" and should reaffirm that owners and operators define projects in the first instance; (2) EPA should not address "project aggregation" or establish a constraining interpretation of what emission decreases may be considered as part of a "project" under the Project Emissions Accounting Rule; (3) project emissions accounting should not require enforceable emission limits to be established for Step 1 decreases; and (4) the current Reasonable Responsibility Rule requirements are appropriate and should not be expanded. EPA's "[Spring 2024" regulatory agenda](#) does not indicate timing for a final rule.

Responses Requested on NMA Quarterly Rail Survey

The NMA is interested in your feedback regarding freight rail service issues involving Class I rail carriers during the second quarter of 2024. To further assess these issues and impacts, the NMA would appreciate your feedback on this anonymous 9-minute [survey](#). Even if rail service is not currently a problem, we would like to know that as well. We ask NMA members to please submit responses to the survey by **July 17, 2024**. The data from this survey may be used for further engagement with Congress, the Surface Transportation Board, and others to illustrate the rail service concerns of NMA members.

NMA Speaks at Montana Mining Association's Annual Conference



Yesterday, the NMA's MK Kirlin spoke to the Montana Mining Association's (MMA) annual conference on mining workforce trends and policies. MK highlighted recent congressional action in the workforce space, including hearings in the Senate Health, Education, Labor and Pensions Committee to address the minerals workforce (link to my memo on this that is attached) as well as a hearing to consider the reauthorization of the Workforce Innovation and Opportunities Act. MK also spoke to recent [congressional oversight](#) of the Department of Energy's 21 Century Energy Workforce Advisory Board as well as appropriations efforts. Additionally, MK provided an overview of several federal workforce programs, including the Department of Labor Apprenticeship program, the Department of Defense SkillBridge program, and the Department of Labor VETS program.

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

[Reuters](#), [Mining.com](#), [Yahoo Finance](#), [Teslarati](#) and others quote Rich Nolan in a story on efforts by mining trade groups to push Washington to create a centralized mining coordinator or advocate within the government to streamline how the U.S. government regulates and supports minerals production.

[The Associated Press](#), [Politico Pro](#), [NH Journal](#) and [Coal Age](#) all quote Rich Nolan in coverage of the U.S. Supreme Court's decision to grant state and industry requests to stay enforcement of the EPA's Ozone Transport rule, marking the first major court ruling on the agency's rules to prematurely retire well operating coal plants.

[E&E Greenwire](#) and [Law 360](#) mention the NMA in coverage of the D.C. Circuit decision in favor of industry on millsites.

The NMA is quoted by [E&E Greenwire](#) in a story noting that some of the nation's biggest mining trade associations are planning to push Congress and the next occupant of the White House to create a new federal agency or entity to streamline permitting, regulation and boost research around mining.

[Associated Press](#) and [Argus](#) mention the NMA in coverage of efforts by members of a US House of Representatives subcommittee who advanced a government spending package that would restrict the US Department of Labor's Mine Safety and Health Administration's (MSHA) ability to enforce new respirable crystalline silica dust rules.

[E&E News PM](#) reports the National Mining Association has hired former hill staffers to lobby Congress on federal land access, abandoned mine cleanup, and domestic production.

From our third parties, the [Cleveland Plain Dealer](#) (Ohio) carries an op-ed by Robert. W. Chase, an Emeritus Professor at Marietta College, where he served as chair of the Petroleum Engineering and Geology Department for 37 years, in which he argues in favor of investing in domestic minerals mining to boost the auto industry.

Mining and Energy News

[The Wall Street Journal](#) reported that investors have been betting on a copper shortage this year, with spot prices on the London Metal Exchange (LME) reaching a record of around \$11,100 per metric ton.

[Energywire](#) reported on what a Trump presidency and the November election in general might mean for coal's future.

The Energy Institute's recent *Statistical Review of World Energy* report for 2024 shows global coal production reached a record 179 exajoules in 2023 with the Asia Pacific region accounting for nearly 80 percent of global output. China alone was responsible for just over half of total global production.

American Chemistry Council's new ***Chemistry and Automobiles 2024*** report analysis concludes that the average North American manufactured automobile weighing 4,439 pounds contains 3,164 pounds of metals and alloys - over 70 percent of a vehicle's weight.

Argus Media's new nickel infographic describes the key drivers that are shaping the global nickel industry.

Mining Digital reported that demand for metallurgical coal, vital for the steelmaking industry, holds firm as the high price of green steel deters the market. "Coal is used to produce about 70 percent of the world's 1.8 billion tons of steel each year."

Politico Pro reported that the Interior Department has officially rejected the use of federal land to build a road in Alaska that proponents said was necessary for mining in the area, but local tribes and conservation groups feared would harm wildlife.

Greenwire reported that the Supreme Court, with a 5-4 ruling, froze further implementation of EPA's latest crackdown on emissions that cross state lines.

Politico Pro reported that the Chinese government has introduced a slew of new measures designed to tighten its grip on lucrative natural resources used in everything from electric cars to wind turbines.

Mining.com reported that Copper production in Chile, the world's biggest supplier of the wiring metal, is showing signs of recovering from 20-year lows.

Output in May was the highest this year, rising more than 8 percent compared with both April and the year earlier, according to data released recently by the country's bureau of statistics.

[Reuters](#) reported that lithium producers are bullish on long-term demand despite the recent price plunge due to Chinese oversupply of the market and softening of aggressive EV adoption rates.

[Mining.com](#) reported that gold mining companies will soon report what will almost certainly prove to be their best quarter ever. Mostly due to Q2's record-shattering gold prices, gold miners' earnings should soar off the charts. Those will be further boosted by slightly lower mining costs many of these companies are predicting.

[Reuters](#) reported that the U.S. is bidding to eventually buy up to \$2.7 billion of domestically-supplied enriched uranium, in an effort to boost the supply chain for the nuclear reactor fuel and steer the country away from buying it from Russia, according to the U.S. Department of Energy.

[Argus](#) reported on a study indicating that the PJM Interconnection power region must boost its renewable energy and storage portfolio over the next decade to meet clean energy policy goals and maintain grid reliability. The shift would require more than double the anticipated coal and natural gas generation being taken offline.

[Greenwire](#) reported that the Chinese government has introduced a slew of new measures designed to tighten its grip on its natural resources, declaring that rare earth metals are the property of the state and warned "no organization or person may encroach on or destroy rare-earth resources."

[Law 360](#) reported on the need for NEPA reform and its value in speeding up mining permits.

[**Mining.com**](#) reported that China's primary aluminum production is nearing record highs, with a 5 percent increase in May. However, domestic alumina supply struggles to keep up with demand, with output up only 3.4 percent.

[**The Wall Street Journal**](#) reported China dominates the electric vehicle battery market and the supply chain for battery materials. To challenge China's dominance, a scientific breakthrough could rejig the battery supply chain with alternative materials and components.

[**Argus**](#) reported on U.S. Department of Commerce data showing that U.S. thermal coal exports increased 16 percent in May compared to May 2023 as congestion eased after the Port of Baltimore's temporary closing. Total U.S. coal exports increased to 8.9 million short tons.

[**Greenwire**](#) reported that groundwater demand from numerous proposed gold mines is behind environmentalist's urging the Fish and Wildlife Service to add a rare fish living on a small strip of desert in western Nevada to the federal list of threatened and endangered species.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	7/5/24	\$12.31
Copper Spot Price (\$/lb)	7/10/24	\$4.58
Gold Spot Price (\$/ounce)	7/10/24	\$2,372.93
Lead Spot Price (\$/lb)	7/10/24	\$0.98
Lithium Spot Price (\$/kg)	7/5/24	\$12.57
Molybdenum Spot Price (\$/kg)	7/10/24	\$65.62
Nickel Spot Price (\$/lb)	7/10/24	\$7.64
Silver Spot Price (\$/ounce)	7/10/24	\$30.78
Steel HRC Price (\$/mt)	7/10/24	\$672.48
Steel Rebar Price (\$/mt)	7/10/24	\$455.05
Zinc Spot Price (\$/lb)	7/10/24	\$1.34
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	7/9/24	\$248.00
Coal Spot Price - Central Appalachian (\$/st)	7/5/24	\$74.00
Coal Spot Price - Newcastle futures (\$/mt)	7/10/24	\$135.30
Coal Spot Price - Rotterdam futures (\$/mt)	7/10/24	\$102.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	6/26/24	\$2.45
Uranium Spot Price (\$/lb)	7/9/24	\$85.65

Sources: publically available data from [eia.gov](https://www.eia.gov), [dailymetalprice.com](https://www.dailymetalprice.com), [tradingeconomics.com](https://www.tradingeconomics.com), [sgxgroup.com](https://www.sgxgroup.com), [investing.com](https://www.investing.com)

CORESafety



In the July edition of CORESafety TV, we review Module Number 20, Contractor Management and Purchasing.



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