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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in The News

A failed assassination attempt on former President Donald Trump dramatically shifted the political environment for the second time in less than a month. With the Republican convention under way in Milwaukee, Congress is out of session. But the gears of government's regulatory machine 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.

Safety Share

The Edison Electric Institute published a handy fact sheet on [how to prepare for power outages](#).

NMA Challenges BLM Conservation and Landscape Health Rule



The NMA last week [challenged](#) the Bureau of Land Management’s (BLM) final [Conservation and Landscape Health rule](#) in the U.S. District Court for the District of Wyoming. The rule institutes sweeping changes to how the agency manages over 245 million acres of federal lands by elevating conservation over other uses of federal lands. The NMA joined a broad coalition of other associations whose members conduct activities on federal lands in contending that the BLM violated the Federal Land Management and Policy Act (FLPMA) by declaring conservation as a “use” within FLPMA’s multiple use framework. The NMA press release highlighting the unlawfulness of the rule is available [here](#).

While the complaint contains numerous arguments regarding the rule’s fatal

flaws, the overarching objection is the BLM's conversion of FLPMA from a "statute for managing the productive use of lands into one of non-use, prioritizing conservation values above, and to the exclusion of, the exclusively productive activities that FLPMA has governed for nearly half a century." In the rule's creation of a system of mitigation and restoration leases, BLM claims the power to set aside land for conservation, a power that Congress has reserved to itself or elsewhere has granted in only tightly limited circumstances. The complaint additionally highlights the improper use of areas of critical environmental concern, the failure to conduct an appropriate environmental analysis pursuant to the National Environmental Policy Act, and how the Congressional Review Act resolution of disapproval of BLM's 2016 land use planning rule precludes the Landscape and Conservation Health rule.

Administration Releases Spring 2024 Unified Agenda of Regulatory Actions

The administration recently released the [Spring 2024 Unified Agenda of Regulatory Actions](#) (Spring agenda). The Spring agenda identifies the policy priorities that federal departments and agencies are expected to act on over the next 12 months and other matters placed on the administration's long-term action list. While the Spring agenda is simply an estimated timeframe for planned rulemakings, and often the agencies and departments miss their deadlines, it is still a useful planning tool. The NMA has reviewed the Spring agenda against the association's 2024 strategic objectives and other association priorities. A listing of the rulemakings that would impact the NMA's membership and expected timing is available [here](#). As detailed in this document, over the last six months, the administration has moved quickly and aggressively to complete many of its top regulatory priorities to protect them from being reversed under Congressional Review Act procedures by a future potential Republican administration. While the pace of rulemaking activity is

expected to slow leading up to the election, Sam Berger, the associate administrator of the White House’s Office of Information and Regulatory Affairs, has **affirmed** that the Spring agenda continues “this Administration’s progress in delivering for the American people, including by investing in America, lowering costs for families, combating climate change, and growing the economy from the middle out and bottom up.” We will keep you apprised of any regulatory announcements and opportunities to engage in rulemakings impacting the mining industry.

News from the Republican National Convention



On Monday, delegates to the Republican National Convention (RNC) voted to officially nominate the 2024 Republican presidential ticket. Former President Donald J. Trump was nominated to be the Republican candidate for president and Sen. J.D. Vance (R-Ohio) was nominated to be vice president. Earlier in the day, former President Trump picked Sen. Vance as his vice-presidential running mate. Both former President Trump and Senator Vance appeared in

public together at the RNC. It was the first time Trump had appeared before a crowd after his attempted assassination on Saturday at a rally in Pennsylvania.

The NMA's Richard Russell and Jerry Mullins are attending the RNC. The RNC has given them the opportunity to speak with Republican elected officials from across the country including Governors Mike DeWine (R-Ohio), Glenn Youngkin (R-Va.), Doug Burgum (R-N.Dak.) and Brian Kemp (R-Ga), Attorney General Patrick Morrisey (R-W.Va.), who is running for governor, Senator Roger Wicker (R-Miss.), who is ranking member of the Senate Armed Services Committee, Congresswoman Celeste Maloy (R-Utah), former Department of Interior Secretary David Bernhardt, and many other current and former Republican leaders. The RNC is being held in Milwaukee, Wisc., and will run through Thursday when former President Trump will give his acceptance speech.

Senate Unanimously Passes NMA backed Mining Schools Act



Last Wednesday, the Senate unanimously approved the bipartisan Mining Schools Act ([S. 912](#)). Introduced by Senate Energy and Natural Resources Committee Ranking Member John Barrasso (R-Wyo.) and Chairman Joe Manchin (D-W.Va.), the bill requires the Department of Energy, in consultation with the Department of the Interior, to provide technology grants to strengthen domestic mining education and training programs. Please find a link to the NMA's press release applauding the passage of this important legislation [here](#) and Ranking Member Barrasso's press release [here](#). Ranking Member Barrasso has also filed S. 912 as an amendment to the National Defense Authorization Act in the Senate. Additionally, the NMA continues to work with House Natural Resources Committee staff on efforts to advance companion legislation in the House and look for other ways to support mining workforce development and training opportunities.

Wyoming Delegation Presses Department of Interior to Withdraw Buffalo RMP Coal Leasing Ban



On Monday, Senate Energy and Natural Resources Ranking Member John Barrasso (R-Wyo.), Senator Cynthia Lummis (R-Wyo.), and Congresswoman Harriet Hageman (R-Wyo.) sent a [letter](#) to Secretary of the Interior, Deb

Haaland, demanding that she rescind the department's update to the Buffalo Field Office Resource Management Plan (RMP). The RMP update would kill future coal leasing in Wyoming's Powder River Basin. Specifically, the Wyoming delegation stated, "We write to express our strong opposition to the Bureau of Land Management (BLM)'s proposed amendment to the Resource Management Plan (RMP) for the Buffalo Field Office. The proposed amendment will severely affect the people of Wyoming and the state's economy. It would also put electric reliability across the country at risk. We urge you to rescind this amendment." You can read the full letter [here](#).

Additionally, the House Natural Resources Committee, led by Chairman Bruce Westerman (R-Ark.) and signed by 14 other members, [announced](#) last week to BLM Director Tracy Stone-Manning that the committee was initiating an investigation of the two proposed RMPs in the Power River Basin, further criticizing the plans which will lead to "decrease grid reliability, eliminate thousands of good-paying jobs, and eliminate hundreds of millions of dollars in federal, state, and local taxes and revenue." To aid in the investigation, the committee also asked BLM several questions on background, prior communications, and documentation that led to the proposed RMPs.

The NMA has been working with the House Natural Resources Committee and the Wyoming delegation to overturn the Buffalo Field Office RMP. Additionally, the NMA has also filed letters protesting the BLM adoption of the no future coal leasing alternative in the final RMP amendments for both the Buffalo Field Office and the Miles City Field Office in Montana. Please find links to the NMA's protest letters [HERE](#) and [HERE](#).

House Prepares Votes on EPA/Interior/DOE Appropriations – Mining Oversight Provisions

This week, the House Committee on Rules closed submissions for amendments to be considered for several appropriations bills, including for the Fiscal Year 2025 (FY25) [Interior, Environment, and Related Agencies Appropriations Act](#) and the [Energy and Water Development, and Related Agencies Appropriations Act](#) a summary of provisions relevant to the hardrock mining industry can be found [here](#), and the coal mining industry [here](#). After yesterday's amendment submission deadlines for these two bills, the House Committee on Rules will next meet to review the amendments and determine which ones will be considered on the House floor. Both the Rules meeting and potential votes on these bills may occur as soon as next week. The NMA will provide updates as more information becomes available.

Similarly in the Senate, although 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. These actions follow bipartisan markups in the committee for 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.

NPS Proposes Revisions to Right-of-Way Permits



The National Park Service (NPS) recently [proposed](#) to revise its regulations governing the application, processing, and issuance of right-of-way (ROW) permits for land and waters administered by the bureau. NPS has general authority to issue ROW permits for public utilities and communication facilities within NPS units. NPS's authority to grant ROW's within NPS units is discretionary provided the allowed ROW use is compatible with the public interest. Among other things, the proposed changes would align NPS processes more closely to other Department of the Interior bureaus by allowing for a pre-application meeting, identifying a common standard application form, and broadening methods NPS can use to determine fair market value. NPS asserts that these changes would improve its ability to protect resources and values, public health and safety, and visitor experience from potential impacts from the use of lands and waters within NPS units under a ROW permit, including from the operation and maintenance of infrastructure. Comments are due Aug. 9, 2024. Additional information on NPS's proposed rule is available [here](#).

Notice of MSHA Silica Stakeholder Meetings



The Mine Safety and Health Administration (MSHA) will hold a series of stakeholder meetings across the country to share information about the final rule issued on April 18, 2024. The goals of the [final rule](#), entitled Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection, are to reduce miner exposures to respirable crystalline silica and improve respiratory protection for all airborne hazards. The first of two meetings were held in Arlington, Va., on July 10, 2024, and the second was held in Beckley, W.Va., today. Additional stakeholder meetings will be held in Denver, Colo.; Phoenix, Ariz.; Dallas, Texas; Chicago, Ill.; Birmingham, Ala.; and Albany, N.Y., throughout August and September. MSHA also expects to hold its District meetings following these meetings. Logistics for these meetings will be shared with all stakeholders when available.

Court Dismisses Industry Challenges to EPA's Implementation of its Coal Ash Disposal Regulations

The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) recently [dismissed](#) industry challenges to the U.S. Environmental Protection Agency's (EPA) implementation of its 2015 coal combustion residuals (CCR) disposal regulations under the Resource Conservation and Recovery Act (RCRA). Utility stakeholders filed two lawsuits in 2022 over EPA's proposal to deny "cease receipt" deadline extensions under its Closure Part A RCRA program for several CCR impoundments. They claimed that EPA unlawfully

changed its 2015 CCR closure requirements, amounting to a regulatory change or “legislative rule” without proper public notice and comment opportunity, and that EPA unlawfully applied these “regulatory changes” to CCR disposal facilities. The D.C. Circuit unanimously rejected these arguments and dismissed the case for lack of jurisdiction, holding that EPA straightforwardly applied existing regulations and did not amend the RCRA Closure Part A program by promulgating a new regulation or requirement. Specifically, the D.C. Circuit found that the “Jan. 2022 documents did not amend [industry’s] obligations to remove existing groundwater and to prevent future groundwater infiltration from coal residual units when closing with waste in place.”

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

[Real Clear Energy](#) (D.C.) carries an op-ed by Rich Nolan and James T. Callahan, General President of the International Union of Operating Engineers, in which they argue for streamlining mine permitting.

[E&E Greenwire](#), [Progressive Farmer](#) and others quote Rich Nolan in reports that a broad coalition of energy, mining, ranching and farming groups are challenging the Bureau of Land Management's sweeping new public lands rule.

Mining and Energy News

[Greenwire](#) reported 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.

EIA's latest [Short-term Energy Outlook](#) for July predicts that in the second half of this year, rising power demand and higher natural gas prices will require

more power coming from coal and less from natural gas than was previously forecast, especially during the winter months.

Reuters reported that the Administration is requiring that steel items imported from Mexico be melted and poured in Mexico, Canada or the U.S. to be eligible for Section 232 exemptions. This results in a 25 percent tariff on any steel trans-shipped through Mexico that originated in China or other sources outside North America.

EIA's recent **Quarterly Coal Distribution Report** for the first quarter of this year shows that Wyoming was the top coal-origin state, accounting for 47.4 million short tons of shipments delivered to 28 states. Texas was the leading coal-destination state, receiving about 11.1 million short tons of coal. More than 90 percent of U.S. coal shipments went to the power sector.

Argus reported that the U.S. Department of Labor plans to provide up to \$1 million in funding for mine safety training and education initiatives.

Visual Capitalist, using the Energy Institute's *Statistical Review of World Energy* data, graphically describes global primary energy consumption in 2023 showing that coal was the leading energy source with 196 exajoules and 32 percent of energy consumption.

Power Magazine reported that higher natural gas prices across Europe may mean some countries, particularly in Eastern Europe, will burn more coal for power generation during the upcoming winter season. "Coal remains a large part of the energy mix in Germany - the largest energy consumer in Europe - as well as other countries such as Poland, Bulgaria, the Czech Republic, Romania, and Greece."

Argus reported that another heatwave moving through many regions of the U.S. this month will bring a surge in electricity demand for cooling, according

to meteorologists, and a likely surge in coal generation in the second half of July.

[**Politico Pro**](#) reported that a bipartisan group of eight senators introduced a sweeping bill last Thursday aimed at countering China's dominance of critical minerals supply chains.

[**Mining.com**](#) reported on copper costs and future supply constraints. "Copper, in particular, faces a forecasted supply chasm, mining mogul Robert Friedland told the Rule Symposium via a pre-recorded video interview from Telluride, Colorado."

[**Greenwire**](#) reported that the administration is expressing confidence that the U.S. could become a lithium exporter — a claim that some experts say is unrealistic given economic, policy and environmental challenges standing in the way. The largest lithium exporters are Australia, Chile and China.

[**Mining.com**](#) reported on recent analysis by the International Energy Forum projecting that electrification of the global vehicle fleet would require 55 percent more new copper mines coming online by 2050, the target year for net-zero emissions. Annual mine output is expected to increase by 82 percent from 20.4 million metric tons to 37.1 million metric tons by 2050.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	7/15/24	\$12.07
Copper Spot Price (\$/lb)	7/16/24	\$4.44
Gold Spot Price (\$/ounce)	7/16/24	\$2,464.72
Lead Spot Price (\$/lb)	7/16/24	\$0.99
Lithium Spot Price (\$/kg)	7/15/24	\$12.17
Molybdenum Spot Price (\$/kg)	7/16/24	\$65.05
Nickel Spot Price (\$/lb)	7/16/24	\$7.58
Silver Spot Price (\$/ounce)	7/16/24	\$31.27
Steel HRC Price (\$/mt)	7/16/24	\$660.10
Steel Rebar Price (\$/mt)	7/16/24	\$458.52
Zinc Spot Price (\$/lb)	7/16/24	\$1.31
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	7/16/24	\$237.00
Coal Spot Price - Central Appalachian (\$/st)	7/12/24	\$74.00
Coal Spot Price - Newcastle futures (\$/mt)	7/16/24	\$134.24
Coal Spot Price - Rotterdam futures (\$/mt)	7/16/24	\$106.50
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	7/10/24	\$2.37
Uranium Spot Price (\$/lb)	7/15/24	\$86.25

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

CORESafety



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



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