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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

With the House in recess until September 9 and the Senate wrapping up its work this week, the nation's capital is on the brink of its long election year summer break. However, the wheels of the executive and judicial branches of government will continue to turn. 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 National Highway Traffic Safety Administration's annual "[Drive Sober or Get Pulled Over](#)" campaign is under way. One person is killed about every 39 minutes in a drunk-driving crash, totaling more than 13,000 lives lost each year.

Senate Committee Advances Bipartisan Permitting Reform Package



Today, the Senate Committee on Energy and Natural Resources (ENR) held a [markup](#) to favorably advance the [NMA-supported](#) S. 4753, the Energy Permitting Reform Act of 2024 by a 15-4 vote and favorably reported the nomination of Shannon Estenoz by a vote of 16-3 to be Deputy Secretary of the Interior. The NMA worked with the bill's cosponsors, Chairman Joe Manchin (I-W.Va.) and Ranking Member John Barrasso (R-Wyo.) to include several key permitting priorities benefitting the mining industry that are within the immediate jurisdiction of the committee. This includes several judicial review reforms to enact fair timelines for statute of limitations, court reviews, remands and notices. It includes ancillary-use language to address problems

created by the adverse court decisions that overturned the Forest Service's approval of the Rosemont Copper Mine's plan of operations. And it requires the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation to assess future federal regulations that significantly affect power plants and offer formal comments to federal agencies about any effects on electric reliability. An NMA memo of relevant provisions in the introduced legislation can be found [here](#).

Ahead of the markup, the NMA worked with coalition stakeholders representing all steps of the mineral supply chain to [highlight](#) the importance of quickly advancing the bipartisan bill from the committee. In addition, the NMA worked with bipartisan ENR members to defend against harmful amendments to remove or weaken pro-mining provisions. The NMA will continue to engage the Senate and the House of Representatives to advance proactive permitting reform proposals.

Congress Makes Progress on Fiscal Year 2025 Appropriations

Last week, the House of Representatives [passed](#) H.R. 8998, the Interior, Environment and Related Agencies Appropriations Act for fiscal year 2025 (FY25). It also considered amendments for H.R. 8997, the Energy and Water, and Related Agencies Appropriations Act for FY25. However, a vote for the final bill was postponed because Republican leadership was concerned that it would not have enough support to pass. The House hopes to take up its seven remaining spending proposals when it returns Sept. 9. A comprehensive summary of all committee-passed policy provisions and report language relevant to the mining industry that were requested by the NMA and others is outlined in a memo [here](#).

The Senate Appropriations Committee last week **marked up** and passed four spending bills with broad bipartisan support, including their Interior-Environment spending proposal. The legislation includes annual funding and report language beneficial to the domestic mining industry, including efforts to finalize pending coal lease applications. A summary of key provisions relevant to the mining industry can be found in a memo [here](#).

The Senate Appropriations Committee will meet tomorrow to **markup** five remaining spending bills: Energy-Water; Defense; Labor, Health and Human Services; Homeland Security; and Financial Services and General Government.

NMA Asks the U.S. Supreme Court to Stay the Clean Power Plan 2.0



The NMA last week partnered with America's Power in filing an **emergency application** with the U.S. Supreme Court to stay the EPA's 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). The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) **denied** the NMA's and America's Power **request** to stay the rule. A three-judge panel of the court found that "petitioners have not satisfied the stringent requirements for a stay pending this court's review." The NMA immediately issued a press release on the D.C. Circuit's decision, available [here](#).

The D.C. Circuit ignored the Supreme Court’s decision in *West Virginia v. EPA* that struck down the original Clean Power Plan as unlawful generation-shifting without Congressional authorization. Instead, the D.C. Circuit perfunctorily concluded that “EPA has claimed only the power to ‘set emissions limits under Section 111 based on the application of measures that would reduce pollution by causing the regulated source to operate more cleanly[,]’ a type of conduct that falls well within EPA’s bailiwick.” The D.C. Circuit also found no irreparable harm, a conclusion that cannot be reconciled with the Supreme Court’s decision to stay the original Clean Power Plan.

In response, the NMA’s stay application argues that the Supreme Court would likely grant review and reverse if the D.C. Circuit upholds the final rule because “EPA is now attempting to accomplish through a clumsy sleight-of-hand what this Court has already held it cannot do.” We highlight that “[b]ecause the only realistic option under the Final Rule for the vast majority of coal-fired power plants—and, mostly likely, all such plants—is shutting down and then shifting generation, this Court is likely to strike down the Final Rule.” We also argue that the irreparable harms and the equities are likewise the same as they were when the Supreme Court stayed the Clean Power Plan because the final rule will be just as devastating for power plants and coal mine owners.

Our filing supports other stay requests, including a [25-state coalition](#) led by West Virginia Attorney General Morrissey and several others from the utility industry.

NMA Leads Industry Coalition in Filing an Amicus Brief in a U.S. Supreme Court Water Permitting Case

The NMA led a coalition of 12 national trade associations representing a broad swath of the U.S. economy to file an [amicus brief](#) in the U.S. Supreme Court's review of the U.S. Court of Appeals for the Ninth Circuit's decision in *San Francisco v. EPA*. In that case, the Ninth Circuit upheld vague 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. San Francisco's brief is available [here](#). The Court will hear oral argument in this case on Oct. 16, 2024.

NMA Comments on UN Secretary-General's Panel on Critical Energy Transition Minerals



This week, the NMA submitted [comments](#) to the UN Secretary-General's Panel on Critical Energy Transition Minerals. The panel is charged with developing "a set of global and common voluntary principles on issues which are key to building trust between governments, communities and industry, enhancing transparency and investment and ensuring a just and equitable management of

sustainable, responsible and reliable value chains for terrestrial critical energy transition minerals.” The NMA's comments emphasize:

1. **Responsible Mining:** The panel should focus on responsible mining principles targeted at governments, synthesizing existing work to avoid duplication and aiming to make responsible mining practices globally normative.
2. **ESG Performance Variability:** It acknowledges the varying Environmental, Social and Governance (ESG) performances across different jurisdictions, advocating for a baseline performance that elevates all operators.
3. **Value Chain Representation:** The comments stress the need for representation across the entire value chain, including mid- and downstream perspectives.
4. **Standards and Permitting:** They suggest harmonizing existing standards rather than creating new ones, and building government capacity to support robust legal and regulatory frameworks globally.
5. **Green Premiums, Transparency and Traceability:** The NMA encourages policy measures like green premiums to incentivize responsible mining, supports the development of traceability systems and advocates for greater transparency.

The NMA urges the panel to provide clear guidance on these issues, emphasizing the importance of not duplicating existing initiatives but streamlining the standards landscape and refocusing efforts on raising sector-wide performance.

STB to Hold Hearing Regarding Growth in Freight Rail Industry



The Surface Transportation Board (STB) recently [announced](#) an in-person public hearing in Washington, DC on Sept. 16-17, 2024, to gather information about recent trends and strategies for growth in the freight rail industry. The STB requested the attendance of executive-level officials from Class I railroads and welcomes testimony from industry analysts, rail customers, rail suppliers, labor organizations, and other interested parties who can contribute to the STB’s understanding of how the industry has grown and intends to grow in the future. The STB is also interested in shipper’s plans or desire for future use of rail, factors that may affect shipment decisions, and what rail carriers are doing to increase shippers’ use of rail. Any person wishing to speak at the hearing must file with the STB a notice of intent to participate no later than Aug. 14, 2024. Written testimony must be submitted by Aug. 16, 2024.

NIOSH Partnership Opportunity



The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) [announced](#) the opportunity for respirator manufacturers, NIOSH approval holders, and beard band manufacturers to participate, through a collaborative agreement, in a project titled “Fit Testing of Respirators on Those Wearing Beard Bands.” The purpose of the project is to determine how well respirators provide protection to workers with facial hair when using a beard band. Interested parties must submit a letter of intent in electronic or written format by Sept. 23, 2024. For more information contact [Jonisha Pollard](#), Research Branch Chief of NIOSH’s National Personal Protective Technology Laboratory.

2024 NIOSH Mine Safety and Health Technology Innovations Awards

NIOSH has requested that the NMA notify our members of the opportunity to nominate projects for the [NIOSH Mine Safety and Health Technology Innovations Awards](#). The awards recognize new products, processes or methods that promote safety or health. The nomination deadline is August 15, 2024. The awards will be presented at MINExpo INTERNATIONAL® in Las Vegas, Nev., on Sept. 25, 2024.

EPA Publishes 2023 Preliminary TRI Data

This week, the EPA published preliminary toxic release inventory (TRI) data for the 2023 reporting year. Access to this information can be found through the [TRI website](#) or on EPA’s [Envirofacts](#) website. The public can use this data to identify facilities that reported to the TRI program and the quantities of TRI

chemicals that facilities reported as “released” into the environment or otherwise managed as waste, as well as details about pollution prevention activities initiated by individual facilities during 2023. In 2023, 21 new chemicals, including 9 per- and polyfluoroalkyl substances (PFAS), were added to the TRI list. This dataset contains the data as submitted by over 20,000 facilities and does not include any summary or trend analysis and has not yet been through the complete TRI data quality process. This preliminary data set is available to the public from July to September, with the final dataset released in October 2024. EPA will use this data to create the 2023 TRI National Analysis in early 2025.

Comment Period Opens on EPA’s Proposal to Designate Five Chemicals as High-Priority Substances for Future Risk Evaluation

Last week, the EPA [announced](#) that it is [proposing](#) to designate acetaldehyde, acrylonitrile, benzenamine, vinyl chloride, and 4,4-methylene bis(2-chloroaniline) (MBOCA) as high-priority substances for risk evaluation under the Toxic Substances Control Act (TSCA). EPA’s notice explains why the agency chose these chemicals and the data the agency plans to use to support its designations, including information gathered from the public during the prioritization process that began in December 2023. If EPA finalizes these designations as proposed, then the agency will immediately move forward with their risk evaluation. A proposed designation of a chemical substance as a high-priority substance is not a finding of unreasonable risk but may lead to such designation after risk evaluation. All five chemicals were selected from the [2014 TSCA Work Plan](#), and EPA says it expects to initiate the prioritization of five chemicals every year, creating a “sustainable and effective

pace for risk evaluations.” Comments on the proposed designations are due Oct. 23, 2024.

Senator Shelley Moore Capito Addresses Regulatory Overreach



Yesterday, the Washington Coal Club held its July congressional lunch featuring Senator Shelley Moore Capito (R-W.Va.), the ranking member of the Environment and Public Works Committee. Held in the historic Russell Senate Office Building, Sen. Capito addressed an audience of coal industry leaders, policymakers and congressional staff and covered the executive branch's overreach, issues in her state of West Virginia including the harmful impact of the misapplication of the Endangered Species Act and the Environmental Protection Agency's (EPA) overregulation of power plants. She highlighted the detrimental impact of these regulations on the coal industry and mining and stressed the need for balanced policies that recognize the essential role of coal in America's energy landscape.

In addition to her critique of regulatory overreach, Sen. Capito provided an

update on the status of Senate Appropriations and the negotiations surrounding the Water Resources Development Act. She spoke on the progress and challenges in these legislative areas, emphasizing their importance to infrastructure development and maintenance. She underscored the importance of the inland waterways system to various industries, including coal, highlighting how these waterways are vital for efficient and cost-effective transportation of goods. The luncheon was highly interactive, with Sen. Capito taking numerous questions from the audience.

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

[Las Vegas Sun](#) (Nev.), [Fargo Inforum News](#) (N.D.), [Steubenville Herald-Star](#) (Ohio), [Wheeling Intelligencer](#) (W.Va.), [Ogden Standard Examiner](#) (Utah), [Bryan Times](#) (Ohio), [Montana Standard](#) (Mont.), [Helena Independent Record](#) (Mont.), [The Missoulian](#) (Mont.), [Ravalli Republic](#) (Mont.), [Billings Gazette](#) (Mont.), [Arizona Capitol Times](#) (Ariz.), [Arizona Daily Star](#) (Ariz.), [Kokomo Tribune](#) (Ind.), [Williamson Daily News](#) (W.Va.), [Huntington Herald Dispatch](#) (W.Va.), [Coal Valley News](#) (W.Va.), [Logan Banner](#) (W.Va.), [Provo Daily Herald](#) (Utah), [Grand Junction Daily Sentinel](#) (Colo.), [Williamson Daily News](#) (W.Va.), [Huntington Herald Dispatch](#) (W.Va.), [Coal Valley News](#) (W.Va.), [Logan Banner](#) (W.Va.), [Provo Daily Herald](#) (Utah) and [Grand Junction Daily Sentinel](#) (Colo.) all ran an op-ed by Rich Nolan in which he argues “made in America should be mined in America.”

[E&E Energywire](#) and [Argus](#) mention the NMA in stories on applications to the Supreme Court for a stay of the EPA's CPP 2.0.

[DV Journal](#) quotes Rich Nolan in an article on lithium mining.

The [Association of Mature American Citizens](#) and [Energy Central News](#)

report new research shows wastewater from fracking operations in the Marcellus Shale could hold a goldmine of a mineral critical to America's green energy future.

The NMA is quoted by [E&E Greenwire](#) in coverage of comments by former President Donald Trump who vowed over the weekend during a campaign rally in Minnesota to reverse a 20-year mining ban the Biden administration imposed in the state.

[Law360](#) mentions the NMA in a report that utility and coal industry groups have joined dozens of red states in urging the U.S. Supreme Court to block implementation of the U.S. Environmental Protection Agency's rule curbing greenhouse gas emissions from power plants.

[NFIB](#) mentions the NMA in a report on an amicus brief in the case *City and County of San Francisco, California v. Environmental Protection Agency* (EPA) at the U.S. Supreme Court. The case questions whether the *Clean Water Act* (CWA) allows the EPA (or an authorized State) to impose generic prohibitions in National Pollutant Discharge Elimination System (NPDES) permits that subject permit holders to enforcement for exceedances of water quality standards without identifying specific limits to which their discharges must conform.

From our third parties, the [Nebraska Examiner](#) (Neb.) carries an op-ed by Barry Butterfield, a civil engineer who worked in the public and private sector for over 40 years, in which he argues in favor of domestic minerals mining.

Mining and Energy News

The [**Wall Street Journal**](#) editorial board wrote a piece supporting the Senate permitting package.

The [**World Steel Association**](#) reported that world crude steel production for the 71 countries reporting data to the association was 161.4 million metric tons in June 2024, a 0.5 percent increase compared to June 2023.

[**Utility Dive**](#) reported that last week the U.S. Court of Appeals for the District of Columbia Circuit rejected requests to put a hold on an Environmental Protection Agency (EPA) rule limiting greenhouse gas emissions from power plants while litigation plays out.

[**New York Times**](#) carries an op-ed arguing for bringing mining back to the U.S.

[**Politico Pro**](#) reported that New York is at risk of blackouts without significant new generation coming online before the middle of the next decade.

[**Greenwire**](#) reported that Rhea Graham, former director of the U.S. Bureau of Mines vividly remembers huddling with hundreds of somber federal engineers, scientists and geologists almost 30 years ago to formally close the Bureau.

[**Argus**](#) reported that Powder River Basin (PRB) coal production fell to its lowest level in 38 years in the second quarter, as power plants' sub-bituminous coal inventories held at near record high levels and lower natural gas prices continued to cut into domestic coal demand

[**Energywire**](#) reported that growing global electricity demand is keeping coal consumption steady despite a sharp increase in low-carbon power, according to a new report from the International Energy Agency.

[**E&E News**](#) reported that the domestic supply chain for graphite, an electric

vehicle battery mineral that China dominates, took another step forward last week as an American EV maker, inked a deal to buy graphite from an Alaska-based miner.

[E&E Daily](#) reported that Energy and Natural Resources Chair Joe Manchin and ranking member John Barrasso are poised to clear a major hurdle in their quest to revamp the nation's energy permitting system and bolster the electric grid.

[Mining.com](#) reported that global consumption of coal is set to remain largely stable this year and the next as surging electricity demand in key economies will likely offset the rapid expansion of renewables such as solar and wind, the International Energy Agency (IEA) said in its recent market report.

[Greenwire](#) reported that last weekend former President Donald Trump vowed during a campaign rally in Minnesota to reverse a 20-year mining ban the Biden administration imposed in the state.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	7/29/24	\$12.07
Copper Spot Price (\$/lb)	7/30/24	\$4.07
Gold Spot Price (\$/ounce)	7/30/24	\$2,389.15
Lead Spot Price (\$/lb)	7/30/24	\$0.92
Lithium Spot Price (\$/kg)	7/29/24	\$11.79
Molybdenum Spot Price (\$/kg)	7/30/24	\$66.20
Nickel Spot Price (\$/lb)	7/30/24	\$7.29
Silver Spot Price (\$/ounce)	7/30/24	\$27.88
Steel HRC Price (\$/mt)	7/30/24	\$704.29
Steel Rebar Price (\$/mt)	7/30/24	\$409.47
Zinc Spot Price (\$/lb)	7/30/24	\$1.20
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	7/30/24	\$217.00
Coal Spot Price - Central Appalachian (\$/st)	7/26/24	\$75.00
Coal Spot Price - Newcastle futures (\$/mt)	7/30/24	\$139.24
Coal Spot Price - Rotterdam futures (\$/mt)	7/30/24	\$116.50
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	7/24/24	\$2.03
Uranium Spot Price (\$/lb)	7/29/24	\$82.30

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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