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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

On the anniversary of September 11, we remember those who were lost and pray for a peaceful future together.

This Week in The News

Congress returned to session this week to face imminent spending bill deadlines. The second presidential debate heated up general election campaigns that are now in the home stretch. 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

For week three of National Preparedness Month, consider how to prepare for [hurricanes](#) and [tornadoes](#).

Harris and Trump Take the Stage in First Debate



Vice President Kamala Harris and former President Donald Trump took to the stage last night in Philadelphia, Pa. for their first debate. The two candidates squared off over the economy, the border, energy policy, healthcare and abortion, among other policies. [Flash polling](#) suggests that Harris had the better night. It remains to be seen how the debate impacts the overall race. Harris has a [slight advantage](#) in national polling. The two each hold small leads in three of the seven battleground states: Harris leading in Nevada, Wisconsin and Michigan, while Trump leads in Arizona, North Carolina and

Georgia. Pennsylvania, the largest swing-state prize with 19 electoral votes, is [tied](#).

Congress Returns, Looks to Avoid a Shutdown

Congress is back in session after their August recess. They are sprinting to passing a continuing resolution (CR) that will allow them to leave town by the end of September. Funding for the U.S. Government runs out at midnight on September 30. Without a completed appropriations process, Congress and the Biden Administration will have to rely on a CR to fund the government until after the November election. The House and Senate have not yet reached an agreement on how long the government will be funded under a CR. Leadership in both houses of Congress have expressed a strong desire to avoid a government shutdown.

NMA Urges Supreme Court to Limit Expansive NEPA Reviews



Last week, the NMA filed an *amici curiae*, or friend of the court, [brief](#) to the U.S. Supreme Court asking for greater clarity and parameters around NEPA reviews by federal agencies. The Court is set to hear a case this upcoming term

with the underlying question of whether NEPA requires federal agencies to study environmental impacts over which they have no regulatory authority. The brief argues that NEPA is not currently functioning as intended by Congress for informed agency decision making. Further, the brief outlines how regulated entities, such as the mining industry, overwhelmingly bear the brunt of the unintended consequences and subsequent litigation from outside parties. The real-world implications outlined in the brief illustrate the enormous burdens on the economy and the regulated community in attempting to obtain a federal permit to operate. The NMA partnered with the American Petroleum Institute, the National Association of Homebuilders, the National Association of Manufacturers, and the National Rural Electric Cooperative Association on this brief.

NMA Files Opening Brief in the Clean Power Plan 2.0 Litigation



Last week, the NMA joined our state and utility allies in filing our opening [brief](#) in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), detailing in 205 pages our legal arguments against the U.S. Environmental Protection Agency’s (EPA) Clean Power Plan 2.0. EPA’s [final rule](#) established emissions guidelines under Clean Air Act Section 111 for greenhouse gas emissions from existing coal-fired steam generating electric generating units (EGUs). Notably, EGUs that intend to operate on or after Jan. 1, 2039, must comply with a numeric emission rate limit based on application of carbon capture and sequestration/storage (CCS) with 90 percent capture,

which they must meet on Jan. 1, 2032. EGUs that have committed to cease operations by Jan. 1, 2039, must comply with a numeric emission rate limit based on 40 percent natural gas cofiring, which they must meet on Jan. 1, 2030. EGUs that permanently cease operation prior to Jan. 1, 2032, are not required to comply with emission reduction obligations under the rule.

In May, the NMA partnered with America's Power in challenging this rule. The D.C. Circuit consolidated 17 cases with all petitioners, including industry and states, filing one combined brief. Overall, we argue "the rule is a wolf in sheep's clothing, pretending to be a run-of-the-mill technology-based rule when in fact it controls emissions by remaking the power sector in its desired image" without any congressional authorization to do so. We also emphasize that EPA "does not meaningfully meet its statutory responsibility to consider energy needs but instead threatens to topple our Nation's energy grid at an especially vulnerable time." Accordingly, we ask the court to vacate the rule.

On EPA's emissions guidelines, we argue that EPA acted unlawfully in mandating 90 percent-capture CCS systems and 40 percent gas co-firing as the "best system of emission reduction" (BSER) under Clean Air Act Section 111. We argue that the major questions doctrine further confirms that the rule exceeds EPA's statutory authority, emphasizing that the agency is once more resolving questions of vast political and economic significance without a clear statement from Congress allowing it to do so. On EPA's choice to subcategorize based on retirement, we argue it is an unlawful approach focusing on *non-performance* when the whole objective is to set standards of *performance*, resulting in unlawful generation-shifting that only serves to prematurely force the retirement of necessary baseload power. The brief also covers the importance of states' rights as co-regulators under the Clean Air Act and how EPA's rule destroys that statutorily mandated role. A detailed summary of this brief is available [here](#). The government must respond by Oct. 11, 2024.

House Natural Resources Holds Hearing on NEPA Permitting and CRA Legislation



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

Today, the House Natural Resources Committee held a legislative [hearing](#) on several bills aimed at reforming the National Environmental Policy Act (NEPA) process and blocking the Biden Administration’s NEPA Phase 2 rule. The bills include a [discussion draft](#) from Chairman Bruce Westerman (R-Ark.) to amend NEPA and build on the initial reforms included in the [Fiscal Responsibility Act](#), which was signed into law in July 2023. The NMA worked with committee staff during the development of this legislation to provide feedback and recommendations in support of industry priorities. Additionally, the [NMA expressed support](#) for the legislation ahead of today’s hearing.

Other bills include [H.J. Res. 168](#), a resolution of disapproval of the Administration’s “National Environmental Policy Act Implementing Regulations Revisions Phase 2” rule, and [H.R. 6129](#) which requires the Council on Environmental Quality to publish an annual report on environmental reviews and causes of action based on compliance with NEPA. The majority witnesses included Heather Reams (President of Citizens for Responsible Energy Solutions), Chip Jakins (President and CEO of Jackson Electric Membership Co-op), and Keith Pugh (President of the American Public Works Association). The minority witness was John Beard Jr. (President and Executive Director of the

Port Arthur Community Action Network). Following today's hearing, the committee is expected to markup and pass these pieces of legislation before the end of September. The NMA will continue to work closely with the committee to support these bills and other efforts to update and improve the NEPA process.

NMA Protests North Dakota Resource Management Plan

This week, the NMA filed a protest with the Bureau of Land Management (BLM) regarding its recently issued Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the [North Dakota Field Office](#). The RMP applies to approximately 58,500 acres of BLM-managed surface lands and 4.1 million acres of BLM-administered subsurface minerals in North Dakota and would greatly restrict federal coal leasing in the area, eventually precluding the development of future mines using federal coal around 2040. The NMA's protest chides the BLM for its failure to adequately analyze impacts to electricity reliability and affordability, and in violation of the National Environmental Policy Act, the Federal Land Policy and Management Act, the Administrative Procedures Act, and the Mineral Leasing Act. The NMA urged the BLM to prepare a new supplemental EIS to remedy the fatally flawed analysis in the RMP and to analyze the impacts to reliable and affordable electricity in light of the current challenges the grid faces nationwide.

House Subcommittee Examines WOTUS Rule Implementation Post-Sackett

Decision: NMA Highlights Regulatory Challenges



Today, the House Transportation and Infrastructure Committee's Water Resources and Environment Subcommittee, chaired by Rep. David Rouzer (R-NC), held a hearing on the implementation of the revised "Waters of the United States" (WOTUS) rule under the Clean Water Act. This revision followed the Supreme Court's [2023 Sackett v. EPA decision](#), which invalidated key parts of the original rule. The [hearing](#), titled "Waters of the United States Implementation Post-Sackett Decision: Experiences and Perspectives."

The witnesses at the hearing included Ms. Emma Pokon, Commissioner of the Alaska Department of Environmental Conservation; Ms. Nicole Rowan, Director of the Water Quality Control Division at the Colorado Department of Public Health and Environment; Ms. Courtney Briggs, Chair of the Waters Advocacy Coalition on behalf of the American Farm Bureau Federation; and Mr. Vincent E. Messerly, President of the Stream and Wetlands Foundation, representing the National Association of Home Builders, who discussed the impacts of the revised rule. The NMA actively participated in the hearing preparation on behalf of its member companies by submitting testimony for the record, preparing witnesses, and seeking testimony for the record from [State Attorneys General](#) and [state mining associations](#).

The [NMA's testimony](#) outlined concerns about the inconsistent and delayed

implementation of the revised WOTUS rule by the U.S. Army Corps of Engineers and the Environmental Protection Agency. The NMA stressed that mining companies, many of which are facing significant project delays, need timely and clear jurisdictional determinations under the Clean Water Act. Some companies have waited over a year for these determinations, while others have been forced to accept provisional decisions that assume broader federal oversight. This regulatory uncertainty is causing increased costs, project delays, and potentially forcing companies to abandon projects altogether. The NMA urged the Subcommittee to ensure the agencies implement the *Sackett* decision faithfully and process determinations efficiently. These efforts were part of NMA's broader strategy to address the challenges its member companies face under the revised WOTUS rule, following the Supreme Court's *Sackett v. EPA* decision. The association continues to monitor the rule's implementation and pursue litigation efforts across the country.

NRC Nomination Hearing

Today, the Environment and Public Works Committee held a hearing on the nomination of Matthew James Marzano, of Illinois, to be a member of the Nuclear Regulatory Commission (NRC) for a term of five years expiring June 30, 2028. Marzano currently serves as an Idaho National Laboratory Detailee on the Senate Environment and Public Works Committee. Before that role, Marzano was a senior reactor operator at Exelon Generation's Braidwood nuclear power plant in Braidwood, Ill. With one vacancy, Marzano's confirmation would bring the NRC to full capacity.

UTEP to Re-establish Mining Engineering Program



The University of Texas System (UT System) on Monday announced a \$20 million investment in the University of Texas at El Paso (UTEP) to re-establish its Mining Engineering Program. The investment comes at a crucial time to support the domestic mining workforce, with 500 mining engineering job openings expected annually in the next ten years. The program will launch in the Fall of 2027 to address the growing domestic demand for mining engineers and will graduate up to 100 mining engineers each year once fully established. Please find UT System’s press release announcing the investment [here](#). Recall, Heather Wilson, UTEP’s President, spoke at NMA’s Fall 2023 Board of Directors Meeting on the importance of supporting and building a strong domestic mining workforce. Following the Fall Board meeting, several NMA member companies joined Rich Nolan, NMA’s President and CEO, to visit UTEP to meet with students and the leadership team, where they discussed the importance of the work UTEP is doing to support the next generation of miners.

House Minerals Policy Working Group Holds Workforce Roundtable

This afternoon, the House Select Committee on Strategic Competition between the U.S. and the Chinese Communist Party Critical Minerals Policy Working Group held a roundtable focused on the domestic mining workforce.

Participants in the roundtable included Dr. Elizabeth Holley, Associate Professor of Mining Engineering at Colorado School of Mines. Dr. Holley shared Mines' perspective on the workforce needs of the mining industry and the important role that investment in mining R&D can play in developing the mining workforce. The NMA will continue to work closely with the Working Group as it develops policy recommendations and potential legislation to support the domestic mining workforce.

Endangered Species Act Modernization Bill Introduced in House of Representatives

Yesterday, in continued collaboration as part of the Endangered Species Act (ESA) Working Group, House Natural Resources Committee Chairman Bruce Westerman (R-Ark.) and Congressional Western Caucus (WC) Chairman Dan Newhouse (R-Wash.) introduced the [**Endangered Species Act Amendments Act of 2024**](#). The legislation correctly strikes a balance between the importance of recovery actions and the increasing need for transparency and accountability of recovery programs, all while providing a pathway to prioritize conservation activities, including those on private lands. The Subcommittee on Water, Wildlife and Fisheries held a [**hearing**](#) on the bill's discussion draft in July. The House Natural Resources Committee is expected to hold a markup on the legislation next week, although specific timing has not been noticed. The NMA will continue to work with the committee and WC staff to support this legislation and other solutions to improve the ESA.

BLM Releases New Tribal Notification Policy on Mineral Exploration



This week, the BLM announced a new [Instruction Memorandum](#) (IM) on “Notifying Tribal Governments of the Bureau of Land Management's receipt of exploration notices under 43 CFR Part 3809; Surface Management”. The BLM notes that the policy responds directly to feedback received from Tribal Nations during outreach conducted during the Interagency Working Group (IWG) on Mining Laws, Regulation, and Permitting. Under the policy, when a BLM Field Office receives a notice, it will send a notification letter to each Tribe that has historically expressed an interest in the area or adjacent vicinity during previous BLM projects. The BLM’s notification under the new policy does not constitute acceptance of the notice-level operations or otherwise change the regulations and requirements, and does not constitute formal government-to-government consultation. The NMA similarly advocated for early notification to Tribes in its recommendations to the IWG.

Upcoming EPA Webinar on the 2022 TRI National Analysis

The EPA is hosting a webinar to discuss the [2022 Toxics Release Inventory \(TRI\) National Analysis](#) on Sept. 25, 2024, from 2:00 to 3:00 p.m.

(Eastern). This webinar will cover key findings from the 2022 TRI National Analysis, released earlier this year. The webinar will also cover how to access the data and offer an opportunity to ask TRI Program staff questions. TRI data is reported to EPA annually by facilities in designated industry sectors and federal facilities that manufacture, process or otherwise use TRI-listed chemicals above specific quantities. The data includes quantities of listed chemicals released into the environment or otherwise managed as waste. The metal mining industry's data is prominently featured in this report due to the large volume of "releases" reported under the program. Notably, the 2022 TRI National Analysis showed a 1 percent increase in on- and off-site disposal or other releases compared to 2021. However, total TRI chemical releases are 21 percent lower than in 2013, mainly due to reduced land disposal from metal mines. For an in-depth review of the 2022 TRI National Analysis, see a prior [memorandum](#) by the NMA.

EPA Delays PFAS TSCA Data Reporting Start Date

The EPA published both a [direct final rule](#) and a [proposed rule](#) delaying the reporting period for the [PFAS Reporting Rule](#) under the Toxic Control Substance Act (TSCA) by eight months. As previously communicated, this rule requires one-time reporting and recordkeeping for PFAS manufacturers and importers. Initially, reporting was set to begin on Nov. 12, 2024; however, **reporting now begins on Jul. 11, 2025, ending on Jan. 11, 2026.** Small businesses reporting data solely on importing PFAS contained in articles will have until July 11, 2026, to submit reports. This direct final rule will take effect on Nov. 4, 2024, unless the EPA receives any adverse public comments by Oct. 7, 2024. The EPA is extending the reporting deadline because the necessary software for data collection will not be ready by the original Nov. 2024 reporting date. Specifically, EPA states that the "reporting

timeline is no longer tenable and maintaining that deadline would require entities to submit data before EPA has the technological capacity in place to accept the data.” For further information on this notice, see a recent NMA [memorandum](#).

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.

The NMA will be livestreaming from the show floor this year with a new marketing offering: **NMA TV – book your TV time today!** Learn more [here](#).

To attend MINExpo, act fast! ALL ACCESS and EXPO PLUS registration options are limited. Please note, you MUST use your company email in order to receive

discounted pricing. **Once you have registered, you will receive access to the hotel booking site.**

[RESERVE NOW!](#)

NMA and Third Parties In the News

The [Arizona Capitol Times](#) (Ariz.) ran an op-ed by Rich Nolan in which he argues America desperately needs a coherent, coordinated, and decisive minerals policy to confront China's mineral extortion and build the secure mineral supply chains we so desperately need.

The NMA is quoted in an [E&E Greenwire](#) story on the new policy released by the Biden administration aimed at ensuring tribes are notified of proposals to explore for minerals on federally managed land — a move meant to boost early communication and avoid costly and time-consuming fights that often land in court.

[Law 360](#) mentions the NMA is a report on the U.S. EPA's push to curb greenhouse gas pollution from power plants, which opponents say imposes unrealistic carbon capture and sequestration requirements, jeopardizes power grid reliability and exceeds its Clean Air Act authority.

The NMA is mentioned by the [Wall Street Journal](#) in a story on emergency appeals to the Supreme Court during its summer break.

[NRECA](#) mentions the NMA in a release noting that it is urging the Supreme Court to clarify the limits of a 54-year-old environmental law that has a huge impact on electric cooperatives seeking federal approval to modernize their

systems or deliver broadband to their members.

[JD Supra](#) mentions the NMA in a story on industry's win in the mill site ruling.

[Creamer Media's Mining Weekly](#) mentions the NMA in a story noting that the United States Forest Service (USFS) has completed the final environmental impact statement (EIS) for Perpetua's Stibnite project.

[Pit & Quarry](#) provides more MINExpo coverage.

Mining and Energy News

[Washington Examiner](#) reported that administration officials are considering setting a price floor for critical minerals to counter Chinese oversupply.

[Reuters](#) reported that Sibanye Stillwater will report a half-year loss and \$420 million write-down on the value of its U.S. assets reflecting sliding palladium prices.

[Mining Journal](#) reported that General Motors has delayed the second part of its \$650 million investment (\$330 million) in the Lithium-Americas Thacker Pass project in Nevada. Lithium-Americas said it would explore alternative structures for GM's investment.

[Visual Capitalist](#), using the Energy Institute's *Statistical Review of World Energy* analysis data, graphically describes global coal consumption by region.

[Teck Resources](#) announced its new business structure to support its shift to a pure-play energy transition metals company focused on growth.

[**Mining.com**](#) reported that Hudbay Minerals has received the second-last permit it needs to start construction at its 85,000-tonne-per year Copper World project in Arizona.

[**Kallanish**](#) reported that the steel industry is currently contending with by low demand and abundant supply of steel products.

[**Energywire**](#) reported that a federal judge recently ruled that a lawsuit aiming to shut down Illinois' largest coal plant, the Prairie State 1,600 MW plant, for operating without a permit can proceed.

[**CNN.com**](#) reported that Vice President Harris said that US Steel should remain domestically owned, the first time she has voiced concern over the sale of US Steel to Nippon Steel, Japan's largest steelmaker.

[**Greenwire**](#) reported that the Navajo nation has strengthened laws on uranium transport across the reservation, requiring earlier notification of shipments by Energy Fuels as the company ramps up mining operations.

The Energy Information Administration's recent [**Today in Energy**](#) analysis, using U.S. Census Bureau data, indicates that U.S. exports of thermal coal to Asia and Africa surged in the first half of 2024, helping to drive overall U.S. coal exports (thermal and metallurgical) to 53 million short tons (MMst) from 49 MMst in the first half of 2023.

[**Mining Journal**](#) reported that Goldman Sachs is doubtful about a copper rally next year due to weaker Chinese demand from the property sector.

[**E&E News PM**](#) reported that industry and environmental groups are squaring off in court over recently updated emissions regulations for coke manufacturing plants. Coke, a distilled version of coal, is an important fuel for the dwindling

number of integrated mills that turn iron ore into finished steel.

[**Argus**](#) reported that U.S. thermal coal exports rose from year-earlier levels in July after declining the previous month.

[**Washington Examiner**](#) reported that the U.K.'s last coal plant is set to close at the end of the month, ending the nation's use of the fossil fuel after 140 years.

[**Wall Street Journal**](#) reported that US Steel says it might have to move its headquarters out of Pittsburgh and close plants if it can't complete the Nippon Steel \$14.1 billion purchase.

[**PR Newswire**](#), Perpetua Resources and others reported that the U.S. Forest Service has completed the final environmental impact statement and draft record of decision for Perpetua Resources' Stibnite Gold Project in Idaho which is poised to become a world class gold mine and the only U.S. mined source of the critical mineral antimony.

[**E&E News PM**](#) reported last week that former President Donald Trump vowed to open new sites and roll back environmental protections to boost mining of rare earth elements if he retakes the White House.

[**Mining.com**](#) reported that Piedmont Lithium has pulled its application for a debt package from a popular U.S. government loan program and is scaling back ambitious expansion plans across two continents, as tumbling prices of the electric vehicle battery metal force the U.S. miner to conserve cash.

[**Argus**](#) reported that the U.S. EPA may soon return the Cross-State Air Pollution Rule (CSAPR) seasonal NOx programs to previous, less-stringent emissions limits to comply with a U.S. Supreme Court stay of tougher requirements.

[Greenwire](#) reported that the Department of Labor recently added nickel produced in Indonesia to a lengthy list of products made with forced labor, calling into question the world's largest source of a metal underpinning the global shift to electric vehicles.

[Washington Examiner](#) reported that Rep. Bruce Westerman is out with a draft permitting reform proposal that would limit the scope of the National Environmental Policy Act, unlock investments from major laws such as the IRA and the bipartisan infrastructure bill, and enact judicial reform to curb legal challenges to energy projects.

[Greenwire](#) reported that "Companies seeking to dig up and process lithium — a key EV battery ingredient — are adjusting plans in the face of cratering prices and uncertain presidential politics, marking turbulence for the Biden administration's electric vehicle agenda."

[Bloomberg News](#) reported that US Steel Corp. faces the prospect of being broken apart and sold in parts if Nippon Steel Corp.'s \$14.1 billion takeover fails

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	9/9/24	\$11.02
Copper Spot Price (\$/lb)	9/10/24	\$4.04
Gold Spot Price (\$/ounce)	9/10/24	\$2,512.93
Lead Spot Price (\$/lb)	9/10/24	\$0.88
Lithium Spot Price (\$/kg)	9/9/24	\$10.04
Molybdenum Spot Price (\$/kg)	9/10/24	\$67.77
Nickel Spot Price (\$/lb)	9/10/24	\$7.14
Silver Spot Price (\$/ounce)	9/10/24	\$28.30
Steel HRC Price (\$/mt)	9/10/24	\$698.99
Steel Rebar Price (\$/mt)	9/10/24	\$414.81
Zinc Spot Price (\$/lb)	9/10/24	\$1.22
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	9/10/24	\$182.00
Coal Spot Price - Central Appalachian (\$/st)	9/6/24	\$79.70
Coal Spot Price - Newcastle futures (\$/mt)	9/10/24	\$138.66
Coal Spot Price - Rotterdam futures (\$/mt)	9/9/24	\$113.65
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	9/4/24	\$2.06
Uranium Spot Price (\$/lb)	9/9/24	\$79.55

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





In the September edition of CORESafety TV, we take a look at virtual reality applications for mine rescue training.



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