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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 just two weeks left in session before the November elections, Congress faces a looming deadline to avoid a government shutdown at the end of the month. MINExpo INTERNATIONAL® 2024 kicks off next week in Las Vegas. 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 four of National Preparedness Month, consider developing and practicing a [family fire escape plan](#).

D.C. Circuit Grants Partial Remand of Ozone Transport Rule

In a [disappointing order](#), the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) last week remanded the record for the Ozone Transport rule back to the U.S. Environmental Protection Agency (EPA) “to further respond to comments in the record related to the severability of the [rule].” The court’s order also places our case on the merits into abeyance.

The Ozone Transport rule imposed a federal implementation plan (FIP) on 23 states to address significant contributions of ozone to downwind states that result in nonattainment of the 2015 ozone National Ambient Air Quality Standards. EPA requested the partial remand so it can “take a supplemental final action addressing the record deficiency identified by the [U.S.] Supreme Court” when it issued a [stay](#) of the rule in June. The Supreme Court explained that EPA “failed to supply a satisfactory explanation” for how the rule would operate once states were no longer covered by the FIP due to regional appellate court stays putting EPA’s denials of 12 state implementation plans [SIPs] on hold. Without these SIP denials, EPA cannot impose controls on power plants covering 70 percent of the emissions the agency planned to address through the FIP. The Supreme Court found that EPA “ignored an important aspect of the problem before it” and held that the final rule was likely “arbitrary and capricious.”

The NMA joined state and industry petitioners in [opposing](#) the EPA’s [request](#), arguing that the Supreme Court could not have been clearer: “[T]he Clean Air Act prevents [the Supreme Court] (and courts that may in the future assess

the FIP’s merits) from consulting explanations and information offered after the rule’s promulgation.” Thus, we argued that if the D.C. Circuit does anything at this stage, it should *vacate* the Ozone Transport Rule and require EPA to start over. Without explanation, the D.C. Circuit disagreed and now EPA can supplement its reasoning. EPA indicated in its request for remand that it expects to complete this task in November. We do not expect EPA will provide the public with an opportunity to comment. Regardless, the Supreme Court’s stay remains in place and the rule is not currently effective.

Energy and Commerce Committee Advances NMA Priority Oversight Resolutions: CPP 2.0 and PM 2.5



HOUSE COMMITTEE ON ENERGY & COMMERCE

Yesterday, the House Energy and Commerce Committee successfully advanced 15 bills to the full House, among them two Congressional Review Act resolutions that are priorities for the NMA. These resolutions target two EPA regulations: the PM 2.5 standards and the Clean Power Plan 2.0. Voting along party lines, the committee moved both resolutions for House consideration. [H.J. Res. 163](#), led by Rep. Troy Balderson (R-Ohio), would overturn the EPA's Clean Power Plan 2.0, an EPA rule designed to regulate greenhouse gas emissions and force fuel switching from coal. This resolution passed the committee with a 23-18 vote. The resolution has significant support, co-sponsored by 158 members of Congress, largely influenced by advocacy from

the NMA. Also advanced was [H.J. Res. 117](#), led by Rep. Rick Allen (R-Ga.), which overturns the EPA's recent National Ambient Air Quality Standards for Particulate Matter (NAAQS PM 2.5). It passed in committee by a 22-18 vote. Supported by the NMA, this bill has attracted 86 co-sponsors in the House.

The Senate has introduced corresponding resolutions, [S.J. Res. 92](#) for the power plant rule led by Sen. Shelley Moore Capito (R-W. Va.) and [S.J. Res. 65](#) for the NAAQS PM 2.5 led by Minority Leader Mitch McConnell (R-Ky.). Both are pending further action in the Senate.

Bipartisan Good Samaritan Legislation Passes Out of House Committee



COMMITTEE ON
**TRANSPORTATION
& INFRASTRUCTURE**
SAM GRAVES, REPUBLICAN LEADER

Yesterday, the House Committee on Transportation and Infrastructure (T&I) passed the Good Samaritan Remediation of Abandoned Hardrock Mines Act (H.R. 7779) by voice vote. During the [markup](#), the legislation was amended to align it with the Senate-passed bill (NMA memo found [here](#)) which passed that body by unanimous consent before the August recess. Please find a link to the NMA's press release [here](#).

The bill sponsors – Representatives Celeste Maloy (R-Utah) and Mary Peltola (D-Alaska) – spoke in support of the legislation and provided details about the Good Samaritan pilot program created by the legislation. Energy and Mineral Resources Subcommittee Chairman Pete Stauber (R-Minn.), who is also a

member of the T&I committee, also spoke in support of the legislation and its critical importance before entering the mining industry coalition’s letter of support (linked [here](#)) into the record. Now that the legislation has passed out of committee, the NMA and other stakeholders are working to advance the Senate-passed bill through the full House of Representatives and to the President's desk to be signed into law.

NMA Participates in Good Samaritan Webinar



Yesterday, shortly after the House Committee on Transportation and Infrastructure passed the bipartisan and bicameral Good Samaritan legislation, the NMA’s Justin Prosser participated in a webinar titled, *Removing Barriers to Cleaning up America's Abandoned Mines and Watersheds*. On the webinar hosted by ConservAmerica, Justin was joined by Corey Fisher (Trout Unlimited) and Jonathan Wood (Property and Environmental Research Center) to discuss the Good Samaritan legislation, the next steps in Congress, and how a program

might be utilized moving forward. Please find a link to a recording of the webinar [here](#).

House Natural Resources Committee Marks up Mining Industry-Related Bills

Today, the House Natural Resources Committee held a full committee [markup](#) on several bills important to the mining industry, including Chairman Bruce Westerman's (R-Ark.) Endangered Species Act (ESA) Amendments Act of 2024 ([H.R. 9533](#)) and Congresswoman Harriet Hageman's [H.R. 6085](#), which would prohibit the implementation of the proposed Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision. Both pieces of legislation provide a check against the current administration's overreach and abuses related to the ESA, land access, and allowance of multiple-use activities on federal lands. Please find links to the NMA's support for H.R. 9533 [here](#) and H.R. 6085 [here](#). The NMA will continue to work with the committee and the bill's sponsors to support consideration and passage in the full House of Representatives.

NMA Tours Export Terminals in Baltimore Harbor

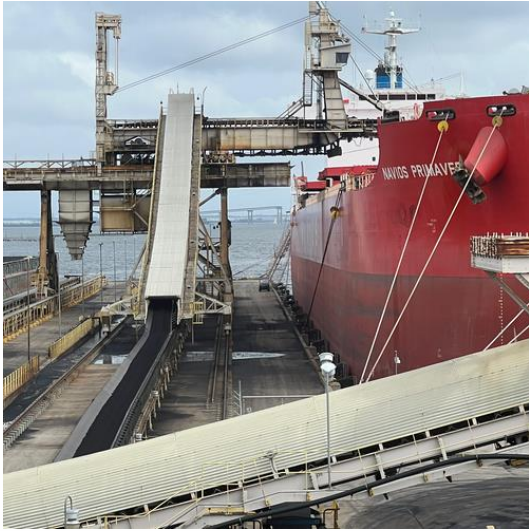


Yesterday, Rich Nolan, NMA President and CEO, and other NMA staff visited Baltimore, Md., to tour CONSOL Energy’s Marine Terminal, and the team was hosted by Arch Resources at CSX’s Curtis Bay Coal Piers. The tours provided NMA staff with an opportunity to observe firsthand the crucial role these two facilities play in exporting American coal to global markets. Among the most efficient operations on the East Coast, these terminals collectively form the second-largest coal export hub in the United States, emphasizing their significant contribution to U.S. coal exports.

In 2023 alone, these facilities processed and shipped 28 million short tons of coal. This impressive volume reflects the strong global demand for American coal, particularly for steelmaking and electricity generation, and underscores the efficiency and strategic importance of these East Coast terminals. These exports support hundreds of jobs in Baltimore and thousands more across the coal mining and transportation sectors, highlighting coal’s essential place in the U.S. export portfolio. The visit by NMA leadership reaffirms the association’s commitment to ensuring that U.S. coal continues to play a key role on the global stage.







NMA Testifies at the STB on Growth in Freight Rail Industry



This week, the NMA’s Katie Mills testified at the Surface Transportation Board’s (STB) hearing regarding Growth in the Freight Rail industry. The NMA’s [testimony](#) outlined the importance of freight rail reliability to the mining industry, particularly regarding the capacity of the railroads. The testimony urged Class I carriers to stand at the ready for natural fluctuations in commodity markets, all while maintaining sufficient staff and stability in the freight rail workforce. To the extent possible, the NMA urged the railroads to continue to cultivate a high-performing workforce and a deep bench, and to avoid the kind of churn that can lead to an erosion in overall performance. The testimony was well received with comments and questions from STB members regarding export capacity for mined materials and understanding the lost revenue by mining producers.

NMA Hosts Montana Senate Candidate Tim Sheehy



This week, the NMA's Political Action Committees (PACs), joined by co-hosts Coeur Mining, Inc. PAC, Hecla Mining Company PAC, Vern Lund, CEO of Navajo Transitional Energy Company, Darrin Munoz with Navajo Transitional Energy Company, Dave Moss with North Star Strategies, Pat Raffaniello with Raffaniello & Associates, and JD Derderian with Stanton Park Group, hosted a fundraiser for Montana Senate Candidate Tim Sheehy. Tim Sheehy won the Republican primary election in Montana this past June and is running against incumbent Senator Jon Tester (D-Mont.) this November. Tim Sheehy is a strong supporter of the mining industry. He understands the critical role the industry plays in our economy to support our national security, ensure reliable and affordable energy for Americans, and supply the raw materials that serve as building blocks for our auto, energy, manufacturing, technology, defense, and medical supply chains. More specifically, Tim Sheehy has been outspoken on the importance of public land access for resource development and the need to push back against harmful regulations targeting the mining industry. During the fundraiser, participants were able to ask Tim Sheehy about his race and the upcoming elections, as well as priorities the industry will focus on in the next 119th Congress.

NMA-Led Coalition Files Comment Extension Request on Corps Draft Environmental Justice Strategic Plan



**US Army Corps
of Engineers®**

Late last week, the U.S. Army Corps of Engineers (Corps) published in the *Federal Register* a notice seeking comment on its [draft Environmental Justice \(EJ\) Strategic Plan](#), vision, goals and objectives. Comments are due Oct. 1, 2024. The goal of the Corps' EJ Strategic Plan is to "integrate EJ principles into the foundational elements of the corps Civil Works programs," including consideration of Tribal trust responsibilities and any disproportionate impact on disadvantaged communities from Civil Works programs. The Corps also seeks input on priority actions and performance metrics that will be evaluated to advance the Draft EJ Strategic Plan. As the Corps gave the public just two weeks to prepare and file comments, the NMA mobilized quickly to form a coalition to file an [extension request](#) seeking an additional 45 days to provide comment and is exploring potential coalition comments.

NMA Joins the Western Caucus in Idaho



Last week, the NMA's Justin Prosser joined the Congressional Western Caucus in Boise, Idaho at [events](#) hosted by J.R. Simplot Company, and included representatives from Perpetua Resources and Twin Metals Minnesota, all members of the NMA. One of the events included a discussion moderated by House Interior Appropriations Subcommittee Chairman Mike Simpson (R-Idaho) with former Secretaries of the Interior Dirk Kempthorne and David Bernhardt about challenges and opportunities to improving permitting at the Department of the Interior. In addition to Chairman Simpson, Idaho Governor Brad Little, Senators Jim Risch (R-Idaho) and Mike Crapo (R-Idaho), and Representatives Russ Fulcher (R-Idaho), Doug LaMalfa (R-Calif.), and Michelle Fischbach (R-Minn.) participated in events throughout the weekend.

Trenton Trouble

A newly proposed bill, titled the "Climate Superfund Act," has been introduced to the New Jersey Legislature, aiming to hold fossil fuel companies accountable for environmental damages. The bill seeks to establish liability for certain companies based on their contribution to greenhouse gas emissions and direct compensatory payments to climate adaptation and resilience projects. Similar legislation was passed in New York and Vermont earlier this year.

Under the act, fossil fuel companies deemed responsible for emitting more than one billion metric tons of greenhouse gases between January 1, 1995, and the bill's enactment date would be considered "responsible parties." The New Jersey Department of Environmental Protection (DEP) would oversee the identification of these companies and the calculation of their proportional responsibility for damages caused to the state and its residents. The NMA is working with allied business groups to push back on these efforts.

Get Your Spot for MINExpo INTERNATIONAL® 2024



Next week, 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.

To attend MINExpo, act fast! 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 [Montana Standard](#) (Mont.), [Arizona Daily Star](#) (Ariz.), [Deseret News](#) (Utah), [MSN.com](#) (USA), [The Weirton Daily Times](#) (W.Va.), [Steubenville Herald Star](#) (Ohio), [The Missoulian](#) (Mont.), [Helena Independent Record](#) (Mont.), [Billings Gazette](#) (Mont.), [Ravalli Republic](#) (Mont.), [Bryan Times](#) (Ohio), [Jacksonville Journal Courier](#) (Ill.), [Colorado Springs Gazette](#) (Colo.), [Fargo Inforum](#) (N.D.), [Salem News](#) (Ohio), [East Liverpool Review](#) (Ohio), [Pottstown Mercury](#) (Pa.), [Kokomo Tribune](#) (Ind.), [Lisbon Morning Journal](#) (Ohio), [Johnstown Tribune Democrat](#) (Pa.) and [Grand Junction Daily Sentinel](#) (Colo.) all 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.

[E&E Daily](#) mentions the NMA in a story on reports that the House Transportation and Infrastructure Committee will take up bipartisan legislation that would shield good Samaritan groups from liability when helping clean up

abandoned hardrock mines.

[**Creamer Media's Mining Weekly**](#) reports the upcoming MINExpo INTERNATIONAL – returning to Las Vegas, in the US, from September 24 to 26 – will have a renewed focus on technological advancement, workforce development and global industry collaboration.

[**DC Journal**](#) (D.C.) and the [**Charleston Gazette-Mail**](#) (W.Va.) ran an op-ed by Jim Constantopoulos, a professor of geology and director of the Miles Mineral Museum at Eastern New Mexico University, in which he argues our national and economic security is withering due to our inability to address a broken permitting system.

Mining and Energy News

[**Wall Street Journal**](#) reported that on the debate over whether to build the Twin Metals mine.

[**Mining.com**](#) reported that Copper World has significantly upped the potential value and scale of its Zonia copper project in Arizona with an updated mineral resource estimate over the historical resource estimate using a refined mineralization model.

[**Reuters**](#) reported that China has more than 1 billion tons/year of new coal mines in the pipeline, with 35 percent under construction, according to a new study by U.S.-based Global Energy Monitor (GEM).

[**E&E News PM**](#) reported that the Government Accountability Office's new report advises the Defense Department to impose restrictions to ensure adversarial nations like China, Russia, Iran and entities working on their behalf

aren't buying critical minerals from the National Defense Stockpile.

[Argus](#) reported that the U.S. Energy Information Administration (EIA) lowered its forecast for U.S. coal generation this year but raised its expectation for 2025.

[Argus](#) reported that some U.S. utility coal shippers experienced worse rail service in the first half of 2024, according to a new survey by the National Coal Transportation Association (NCTA).

[Energywire](#) reported that the U.S. could almost double its nuclear energy capacity by adding one or more reactors at existing nuclear power plants, according to a new report from the Department of Energy.

[E&E Daily](#) reported that a small group of bipartisan House members crafting legislation to counter China's dominance over critical minerals heard calls for more funding and federal support this week from companies eager to plumb the deep seas, recycle old electric vehicle batteries and build new processing projects.

A new **[report](#)** from the Copper Development Association, commissioned by S&P Global, highlights the need for an "all of the above" strategy to meet U.S. copper demand.

[E&E News PM](#) reported that international mining company Sibanye-Stillwater is planning to lay off more than 700 workers at its mines in Montana due to cratering prices, "Russian dumping" and weak tax incentives under the Inflation Reduction Act.

[Creamer Media's Mining Weekly](#) reported that NMA's upcoming MINExpo INTERNATIONAL® – returning to Las Vegas, from September 24 to 26 – will have a renewed focus on technological advancement, workforce development

and global industry collaboration.

Politico Pro reported that Sens. John Hickenlooper (D-Colo.) and Thom Tillis (R-N.C.) were introducing a pair of bipartisan bills to force the federal government to develop a national strategy to spur U.S. production of the critical minerals needed to build a clean energy economy.

Kallanish reported that the American Iron & Steel Institute (AISI) is asking for stricter U.S. steel trade policies.

Argus reported that lower coal shipments are weighing on railroad revenue with railroads hoping to offset revenue losses with growth in transportation equipment, chemicals and food products, according to the Association of American Railroads (AAR).

Mining Magazine reported that the University of Texas Board of Regents has committed \$20 million at University of Texas El Paso (UTEP) to re-open their mining engineering program.

Greenwire reported that administration officials point to the Eagle nickel mine in Michigan as proof that mining critical minerals in the U.S. can gain public support while avoiding pollution and trampling Indigenous rights.

Regarding a potential East and Gulf Coast port labor strike, the **National Retail Federation** reported that “We are now less than three weeks away from a potential major disruption that will impact all container ports from Maine to Texas. The contract between the International Longshoremen’s Association and the U.S. Maritime Alliance, which covers all these ports, is set to expire on Sept. 30. Unfortunately, there has been no progress negotiating a new contract. In fact, the parties haven’t even sat down for formal master contract negotiations for months.”

[Energywire](#) reported that the Department of Energy has awarded about \$6.5 million to study the feasibility of adding carbon capture equipment to an aging coal plant in New Mexico less than two years after a nearby effort failed.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	9/17/24	\$11.02
Copper Spot Price (\$/lb)	9/18/24	\$4.22
Gold Spot Price (\$/ounce)	9/18/24	\$2,567.33
Lead Spot Price (\$/lb)	9/18/24	\$0.92
Lithium Spot Price (\$/kg)	9/13/24	\$10.23
Molybdenum Spot Price (\$/kg)	9/18/24	\$67.76
Nickel Spot Price (\$/lb)	9/18/24	\$7.36
Silver Spot Price (\$/ounce)	9/18/24	\$30.28
Steel HRC Price (\$/mt)	9/18/24	\$702.52
Steel Rebar Price (\$/mt)	9/18/24	\$428.73
Zinc Spot Price (\$/lb)	9/18/24	\$1.31
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	9/18/24	\$185.00
Coal Spot Price - Central Appalachian (\$/st)	9/13/24	\$79.70
Coal Spot Price - Newcastle futures (\$/mt)	9/18/24	\$133.94
Coal Spot Price - Rotterdam futures (\$/mt)	9/18/24	\$114.25
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	9/11/24	\$2.14
Uranium Spot Price (\$/lb)	9/17/24	\$79.50

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

CORESafety



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



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