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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

Congress extended government funding through December before departing until after the elections that are now just 34 days away. A labor strike at East and Gulf Coast ports threatened to scramble the economy. Meanwhile, regulation (and related litigation) continued to march forward. 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.

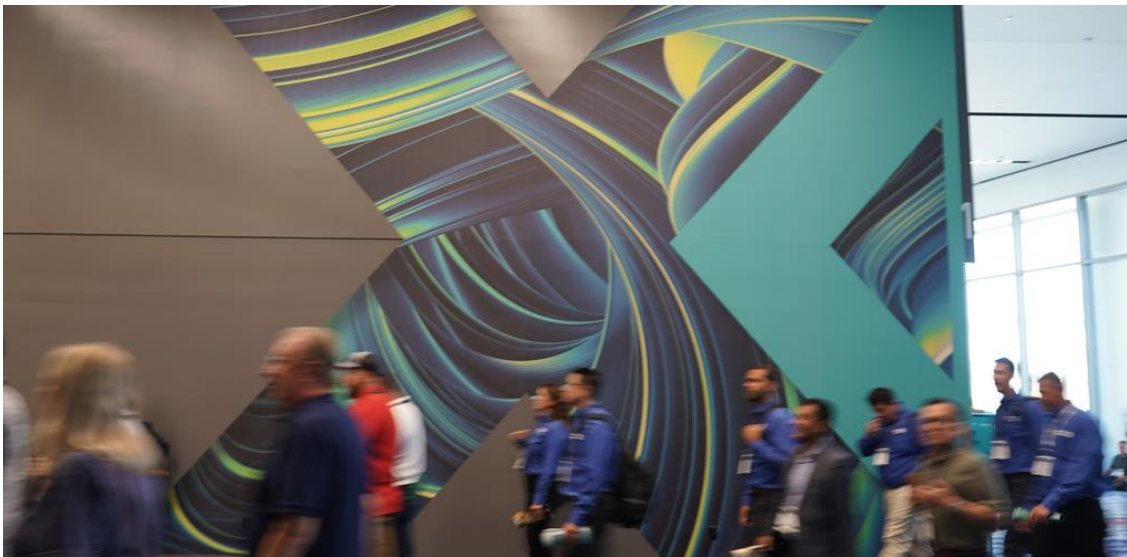
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## Safety Share

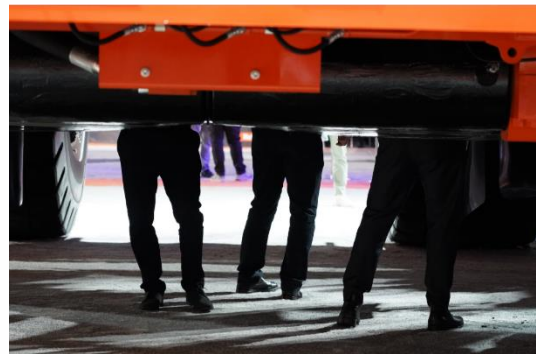
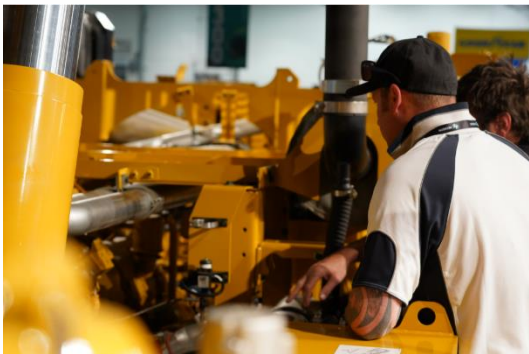
Every three hours in the United States, a person or vehicle is hit by a train. To stop such tragedies from occurring, Operation Lifesaver designated last week as [See Tracks? Think Trains! Week](#).

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## **MINExpo INTERNATIONAL® 2024 Breaks All Records**



Last week, in Las Vegas, Nev., the NMA hosted 45,000 attendees and more than 2,000 exhibitors from 148 countries who came to see more than 850,000 square feet of exhibits at the world's largest mining show, breaking all prior show records. The show featured panel discussions from our [producers](#) and [manufacturers](#), and noteworthy speakers including [Mike Rowe](#), [Jon Dorenbos](#), [Kevin O'Leary](#) and Danica Patrick. The NMA also introduced our first Live Streaming platform, NMA TV; recordings of the live interviews are now available [here](#) on our YouTube channel. Thanks to all of our members who exhibited, participated, attended and supported to make this our best show in history! Read the full release [here](#).



## Continuing Resolution Passed

Last Wednesday, the House and Senate passed [H.R. 9747](#), a clean continuing resolution (CR), to fund the government until December 20, 2024. The new December 20 funding deadline will mean that the House and Senate will reconvene for a lame-duck congressional session after the election. They both return on November 12. Between then and December 20, they will have to fund the government for the balance of the fiscal year and pass several important authorizations including the National Defense Authorization Act (NDAA) and the Water Resources Development Act. The NMA is working with Congress to push for passage of mining industry priorities during the lame duck. Many of these priorities are likely to be incorporated into larger legislative packages such as NDAA and the final government funding bill.

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## Port Strike



Early Tuesday morning, members of the International Longshoremen's Association (ILA) went on strike picketing ports from Maine to Texas. The strike coincides with the breakdown in [negotiations](#) between the 25,000 union members and the U.S. Maritime Alliance, Ltd. (USMX) on a new six-year master contract covering workers employed in container and roll-on/roll-off operations. The ILA strike impacts [14 USMX ports](#). The strike is over wages and automation. The union has asked for a 77 percent pay raise throughout its contract, while USMX has offered roughly 50 percent. The NMA has been working with a coalition of associations and business groups to push for a resolution to the strike. This morning the coalition sent a [letter](#) to President Biden requesting that the administration do everything in its power to settle the strike.

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## **Rep. Rick Crawford addresses NMA-backed Coalition on Federal Overreach and Regulatory Challenges**



Last week, Congressman Rick Crawford (R-Ark.) addressed the Waters Advocacy Coalition (WAC), focusing on concerns about federal overreach in water regulations, particularly under the Waters of the United States (WOTUS) rule, groundwater issues, and delays in the permitting process.

As a House Transportation and Infrastructure Committee member and Chair of the Highways and Transit Subcommittee, Rep. Crawford highlighted the negative impact of excess federal regulations on industries such as agriculture, mining and construction. He warned that broad interpretations of WOTUS and increased federal involvement in groundwater management could severely hinder economic growth and burden landowners, farmers and businesses across Arkansas and the nation. Crawford also criticized the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers for failing to engage stakeholders on the implementation of the WOTUS rule after the Sackett v. EPA decision, despite earlier promises. He emphasized that delays in jurisdictional determinations and poor communication are stalling critical infrastructure projects and harming local communities. Additionally, Crawford expressed concerns about the agencies issuing internal guidance memos without transparency, calling for clearer communication on their application. He urged that all internal guidance and training materials related to WOTUS be made publicly available, stressing the importance of transparency due to the penalties under the Clean Water Act (CWA).

The NMA is a founding WAC steering committee member and leads the coalition's regulatory and Capitol Hill advocacy teams. WAC is a group of nearly 50 industry organizations and trade associations that advocate for clear and balanced CWA regulations and policies.

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## Western Caucus Sends Oversight Letter to White House on its Nationwide Groundwater Initiative



Today, the Western Caucus sent an [oversight letter](#) to the White House President’s Council of Advisors on Science and Technology (PCAST or Council) regarding its [request for information](#) (RFI) that will inform future government-wide groundwater action. A press release is available [here](#). The NMA worked closely with the Western Caucus in developing this letter and garnered support from trade associations and other industries. The Western Caucus’s letter raised many of the same themes the NMA highlighted in our mining-specific [comments](#) and coalition [comments](#) on this initiative. Specifically, the Western Caucus’s letter emphasized the importance of stakeholder engagement and ensuring that any future federal action on groundwater does not infringe on the longstanding state and local jurisdiction over groundwater resources. The Western Caucus also requested information from PCAST on a wide range of issues involving this effort, including the Council’s foreseeable next steps, details on how the Council has engaged with the other federal agencies or entities involved in groundwater management, and requests to make all comments filed and other materials from this initiative publicly available. The NMA will continue to press for oversight on other PCAST actions.

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## NMA Files Opening Brief in Mercury Air Toxics Standards Litigation

Yesterday, the NMA joined industry partners and 23 states in filing our opening [brief](#) outlining our legal arguments opposing the U.S. Environmental Protection Agency's (EPA) Mercury Air Toxics Standards (MATS) in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). First, we argue that the Clean Air Act (CAA) permits EPA to revise power plant emission standards only where "necessary" to protect public health. Yet, EPA's own assessment demonstrated that the rule would "impart no meaningful public health benefits from the mandated reduction in [hazardous air pollutant (HAP)] emissions." In fact, exposures to mercury emissions from power plants are, in EPA's words, "below levels of concern from a public health standpoint." We emphasize that "[f]or neither mercury nor for non-mercury metal HAPs was EPA able to determine that there were any meaningful (or quantified) public health benefits to be gained from the Rule's mandated reduction in HAP emissions, or even that the already-large margin of safety would increase in any material or measurable way."

Second, we argue that EPA has not identified a "development" that authorizes the dramatic emissions reductions in this rule. We explain that "the best interpretation of the term 'development' is some meaningful change or evolution in control technology that is related to emissions of the pollutant," not the agency's reliance on "[a]lleged cost-effective compliance using long-existent technologies." Accordingly, we ask the D.C. Circuit to vacate the rule as it exceeds EPA's rulemaking authority. We also argue that EPA acted arbitrarily and capriciously in a number of ways including by: (1) imposing substantial costs without any demonstrated benefit from the reduction in HAP emissions; (2) failing to meaningfully consider the rule's impacts on the power grid; (3) relying on unsupported assumptions that run counter to the empirical

data in lowering the filterable particulate matter standard; and (4) relying on biased, insufficient and unreliable data in lowering the mercury limit for lignite-firing power plants. Finally, we argue that as an independent problem, the D.C. Circuit should also set aside the rule because EPA's stated justifications are pretextual; an argument that considers whether the justification offered by the agency matches the reality of its actions. We provide ample evidence that EPA's real motivation behind this rule and others imposing retirement-inducing costs on coal plants is the administration's climate change agenda.

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## **NMA Submits Comments on USFS Amendments to 128 Land Management Plans**

The NMA recently submitted [final comments](#) on the U.S. Forest Service's (Service) [draft](#) Environmental Impact Statement (DEIS) for amendments to land management plans to address old-growth forests across the National Forest System. The amendments would revise 128 land management plans with the intent to provide a consistent management framework to conserve and steward old-growth forests in rapidly changing climate conditions through one analysis and decision. While the DEIS may not signal an immediate nexus to the mining industry, given the DEIS's focus on conservation and nonuse of federal lands, the NMA provided comments echoing our concerns on the similarly focused Bureau of Land Management's (BLM) conservation and landscape health rule. The NMA's comments on the DEIS urge the Service to exercise caution in its execution of the management plan amendments so not to ignore the plenary power of Congress to legislate the use of federal lands. We express concerns that the Service's conservation bias could overshadow the overarching multiple use mandate governing national forest land management, resulting in unlawful restrictions on mining activities. The comments also encourage the Service to account for the increased demand for domestically

mined minerals and materials in all of its 128 land management plan amendments.

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## **NMA Submits Protest on Rock Springs Field Office RMP**

Last week, the NMA submitted a [final protest](#) on the BLM [proposed](#) Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) for the Rock Springs Field Office planning area in Wyoming. Under the proposed RMP, nearly 760,000 acres would be closed to federal coal leasing and more than 900,000 acres would be withdrawn from mining operations under the Mining Law. Additionally, the RMP designates more than 900,000 acres as areas of critical environmental concern, which are frequently managed to prevent resource development.

While the NMA conveyed our appreciation to BLM for softening the RMP's effects on mining compared to an earlier iteration, our protest outlines several remaining concerns with the proposed RMP's impacts on federal land uses. Notably, the NMA outlined the legal flaws of the proposed RMP's foreclosure of mining activities on federal lands within the planning area, especially the prioritization of land conservation over multiple uses. We argued that the proposed RMP mirrors the flaws of BLM's finalized landscape and conservation health rule, which puts a thumb on the scales to strongly favor conservation over other uses of public lands and in contravention of congressional intent. The NMA also outlined the short-sighted nature of the RMP in its lack of analysis on energy reliability and need for domestically mined minerals for the future. The NMA urged the BLM to prepare a supplemental EIS and revised RMP to address these deficiencies.

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## Vice Presidential Debate: Substantive and Civil



Senator JD Vance (R-Ohio) squared off with Governor Tim Walz (D-Minn.) in the first and likely only vice-presidential debate on Tuesday night. The debate proved to be both a substantive and civil debate. Energy policy and the advantages of producing domestic energy as well as expanding U.S. manufacturing as a mechanism for reducing carbon emission was a prominent part of the discussion early in the debate. Senator JD Vance made the point that our nation is a better steward of the environment than countries such as China and that U.S.-based energy production and manufacturing has a smaller carbon footprint than similar activities in the developing world. Vance stated: “[Y]ou would want to reshore as much American manufacturing as possible, and produce as much energy as possible in the United States of America – because we are the cleanest economy in the entire world.”

While pundits gave the nod to Vance as the more polished debater, [snap polling](#) after the debate showed that voter assessments of who won the

debate depended almost entirely on which way the voters were already leaning. Both candidates got praise for being civil and substantive.

## NMA and Third Parties In the News

[Provo Daily Herald](#) (Utah), [The Dallas Express](#) (Texas) and [Ogden Standard Examiner](#) (Utah) 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.

[Inside EPA](#) quotes Rich Nolan in a report noting that the House Transportation & Infrastructure Committee (T&I) is backing Senate-passed legislation to create an EPA pilot program limiting environmental liability for Good Samaritans at hardrock mine cleanups -- though that is only an incremental step toward enacting the long-sought measure, as it must also clear two other committees to reach a floor vote.

[Pit & Quarry](#) and [Australian Mining](#) report on MINExpo INTERNATIONAL.

[Law 360](#) mentions the NMA in a report noting that environmental organizations have called on the full D.C. Circuit to rethink a panel's June decision upholding a Bush-era mining regulation that removed limits on how much land near a mining site can be used for secondary operations like waste disposal, saying the ruling departs from that of all other courts.

The NMA is mentioned by [Law 360](#) in a report that the energy industry will have little time to catch its breath after a blockbuster 2023 term at the U.S. Supreme Court, as the new term looks like it could be just as action-packed.

[S&P Global](#) mentions the NMA in a story on the International Longshoremen's Association strike.

[Law 360](#) mentions the NMA in a report noting that the EPA can't justify its decision to ratchet down a fine particulate matter air pollution standard, Republican-led states and industry groups told the D.C. Circuit on Monday.

From our third parties, [Duluth News Tribune](#) (Minn.) and [Delaware Valley Journal](#) (Pa.) carry 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.

[Boston Herald](#) (Mass.) and [DC Journal](#) (D.C.) carry an op-ed by John Adams, U.S. Army Brigadier General (Retired), is president of Guardian Six Consulting and a former Deputy U.S. Military Representative to NATO's Military Committee, in which he argues mine permitting reform and proper implementation of the 45X tax credits can help boost mineral production in the U.S.

## Mining and Energy News

[Greenwire](#) reported that the U.S. Geological Survey's group called the Earth Mapping Resources Initiative, or Earth MRI, may face possible funding issues when the bipartisan infrastructure law money ends after fiscal 2026. Earth MRI identifies and maps geologic formations across the country that could contain critical minerals, using aircraft, radar and land surveys.

[Argus](#) reported that coal exports out of Hampton Roads, Virginia, rose to their highest level in three months in August, reflecting slightly more robust

international thermal coal markets and possibly more consistent operations at one of the coal terminals in the region. Dominion Terminal Associates (DTA) handled 1.4 million short tons last month, up by 24 percent.

**[CNBC](#)** reported that “The future of lithium production in the U.S. is gaining momentum in Arkansas, as companies like ExxonMobil, Albemarle and Standard Lithium make significant investments in the state.”

**[Argus](#)** reported that U.S. coal production is on track to decline in the third quarter, reflecting scaled back mining operations in response to reduced demand.

**[E&E Daily](#)** reported that last week a House committee approved a host of bipartisan bills, including language that would shield good samaritan groups from liability when helping clean up abandoned hardrock mines.

**[E&E Daily](#)** reported that the Senate approved bipartisan legislation to address the United States' dependence on imports for a variety of minerals.

**[Politico Pro](#)** reported that the Energy Department recently selected 25 critical minerals and battery manufacturing projects in 14 states to receive a collective \$3 billion from the bipartisan infrastructure law.

**[Bloomberg](#)** reported that a U.S. security panel has granted Nippon Steel Corp. permission to refile its plan to purchase US Steel, making it likely a decision would come after the presidential election.

**[Newscenter Fairbanks](#)** reported that Golden Valley Electric Association (GVEA) and Usibelli Coal Mine (UCM) have struck a new deal for the energy co-op's purchase of coal. The former contract inked between GVEA and UCM in 2014 expired at the end of 2023.

The Energy Information Administration's recent [Domestic Uranium Quarterly](#) for the second quarter 2024 indicates that U.S. production of uranium concentrate ( $U_3O_8$ ) totaled 97,709 pounds  $U_3O_8$ , an 18 percent increase from first quarter's production of 82,533 pounds  $U_3O_8$ . This quarter's total uranium production occurred at five facilities, four in Wyoming (Nichols Ranch ISR Project, Ross CPP, Lost Creek Project, and Smith Ranch-Highland Operation) and one in Texas (Rosita).

[Utility Dive](#) reported that Constellation plans to restart the 835-MW Three Mile Island Unit 1 nuclear generating station in Pennsylvania in 2028 to power Microsoft's data centers.

[E&E Greenwire](#) and [Politico Pro](#) reported that senior administration officials and their international partners unveiled an effort last week to finance critical mineral projects that might counter China's global dominance in supplying raw materials for clean energy development.

[World Steel Association's](#) recent monthly data indicates that global crude steel production was 144.8 million metric tons (Mt) in August 2024, a 6.5 percent decrease compared to August 2023.

[Mining.com](#) reported the U.S. has backed both an Australian lithium and a rare earths project totaling up to \$786 million in debt funding as Western countries seek to build supply chains for critical minerals.

The [U.S. Department of Energy](#) announced last Wednesday up to \$19.5 million in federal funding to advance technologies that will help reduce costs for recovering critical minerals and materials from domestic secondary and unconventional sources.

[Bloomberg](#) reported that Vice President Kamala Harris vowed to create a national stockpile of critical minerals, saying a cache of the materials used in

everything from batteries to defense systems is needed for economic and national security.

[\*\*Greenwire\*\*](#) reported that geologists are searching Michigan's Upper Peninsula and northern Minnesota for deposits of nickel as the national quest for minerals heats up.

[\*\*Argus\*\*](#) reported that ports in the eastern half of the U.S. and railroads CSX and Norfolk Southern were starting to act on contingency plans and curtailing some operations in response to a potential port worker labor strike starting Tuesday, October 1. Last week, the USMX filed an unfair labor practice charge against the dockworkers' union, telling the National Labor Relations Board the ILA was refusing to negotiate

[\*\*Wall Street Journal\*\*](#) reported on why Kamala Harris wants to stockpile minerals.

[\*\*Energywire\*\*](#) reported that the administration is finalizing a \$1.52 billion loan guarantee to support the restart of Holtec International's shuttered 800-MW Palisades nuclear generating station in Michigan to help achieve climate goals and satisfy an expected surge in demand for electricity.

[\*\*Argus\*\*](#) reported that "the PJM Interconnection is again voicing concerns that projects approved to link with the regional grid are not coming online, as developers wrestle with permitting and financing challenges."

[\*\*New York Times\*\*](#) reported that the U.S. is ramping up efforts to mine uranium.

[\*\*Climatewire\*\*](#) reported that Vice President Kamala Harris is embracing a surprising election strategy: elevating the technocratic subject of permitting reform into a pillar of her presidential campaign.

The [International Copper Study Group's](#) latest preliminary data indicates that world copper mine production increased by about 3 percent in the first seven months 2024, with concentrate production increasing by 2 percent and solvent extraction-electrowinning (SX-EW) growing by 6 percent. "Production in the first six months of 2024 benefited from a recovery from constrained output in 2023 (mainly in Chile, Indonesia, and the USA) as well as additional production from mine projects ramping up to capacity namely in the D.R. Congo (DRC)."

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	9/30/24	\$11.02
Copper Spot Price (\$/lb)	10/1/24	\$4.50
Gold Spot Price (\$/ounce)	10/1/24	\$2,648.85
Lead Spot Price (\$/lb)	10/1/24	\$0.95
Lithium Spot Price (\$/kg)	9/27/24	\$10.75
Molybdenum Spot Price (\$/kg)	9/30/24	\$67.67
Nickel Spot Price (\$/lb)	10/1/24	\$8.02
Silver Spot Price (\$/ounce)	10/1/24	\$31.35
Steel HRC Price (\$/mt)	10/1/24	\$724.50
Steel Rebar Price (\$/mt)	9/30/24	\$486.85
Zinc Spot Price (\$/lb)	10/1/24	\$1.42
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	10/1/24	\$228.00
Coal Spot Price - Central Appalachian (\$/st)	9/27/24	\$82.15
Coal Spot Price - Newcastle futures (\$/mt)	10/1/24	\$142.65
Coal Spot Price - Rotterdam futures (\$/mt)	10/1/24	\$116.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	9/25/24	\$2.62
Uranium Spot Price (\$/lb)	9/30/24	\$81.75

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

## CORESafety



In the October edition of CORESafety TV, we take a look at how to stay safe around powered haulage.



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