

[View this email in your browser](#)



# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

---

Issue 47 | December 11, 2024

Brought to you by the National Mining Association

---

## This Week in The News

With the lame duck countdown clock ticking (nine days until government funding expires, 23 days until the swearing in of a new Congress, and 40 days until President-elect Donald Trump's inauguration) all eyes are on the looming political transition. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue and the transition. Plus, we have updates on how the mining and energy markets are faring.

---

## Safety Share

Canadians know about cold weather. Here's their government's [seven steps to cold weather safety](#).

---

## Historic Bipartisan Good Samaritan Bill Set to Become Law



Yesterday, the House of Representatives passed the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (S. 2781) by voice vote. The legislation was introduced by Senators Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) in the Senate and Representatives Celeste Maloy (R-Utah) and Mary Peltola (D-Alaska) in the House. The bill creates a pilot permitting program for 15 low-risk projects to allow Good Samaritans to remediate and clean up abandoned mine lands, leading to improved environmental and safety conditions.

The Senate passed S. 2781 in late July by unanimous consent. Yesterday's bill passage represents a decades-long effort to pass good Samaritan legislation into law. The NMA worked with a myriad of conservation partners led by Trout Unlimited, several NMA members, and other industry partners to secure strong

bipartisan cosponsors along with broad stakeholder support. The NMA also **[strongly urged](#)** congressional support for the legislation before consideration on the House floor. Please find a link to the NMA's press release **[here](#)**. Since S. 2781 has passed both the Senate and the House, it will now be sent to President Biden to be signed into law. Rich Nolan is quoted on the news by **[Inside EPA](#)**, **[E&E Daily](#)**, **[ABC News](#)** and others.

---

## Rich Nolan meets with Transition at C-100



This past weekend Rich Nolan was in Georgia at the U.S. Chamber of Commerce Committee of 100 association CEOs (C-100) and had the chance to meet with Senior Trump advisor Kellyanne Conway in advance of the incoming Trump administration arrival in Washington in 40 days. Conway gave an update about the best strategies to working with the President-elect and Rich discussed the importance of the mining industry to affordable energy and a pro-growth economy.

---

## OWCP Releases Final Black Lung Self Insurance Rule



## **Office of Workers' Compensation Programs** Protecting Injured Workers Responsibly and Compassionately

The Office of Workers' Compensation Programs (OWCPC) today released its final rule revising the regulations under the Black Lung Benefits Act related to self-insurance by coal mine operators. Under the new standard, self-insured coal mine operators will be required to post 100 percent of their liabilities.

In the final rule, OWCPC ignored comments from the NMA and others on the many management issues that present risks to the fund, and declined to grandfather existing self-insurance arrangements, with the exception of still allowing trusts as a mechanism for those currently using trusts. In a change from the proposal, operators would be allowed to phase in new security requirements but must do so over one year, in quarterly payments. While reducing the securitization amount from 120 to 100 percent, OWCPC is still utilizing a one-size fits all approach arguing it is too much of a burden for the agency to assess which operators are at risk of financial difficulties. The NMA's full memo on the rule is forthcoming. The rule becomes effective 30 days from its publication date in the Federal Register, and the NMA will work with our members to determine our next steps.

---

## **Prove It Act Heads to Senate After House Passage**

On Monday, the House of Representatives passed the bipartisan [\*\*Prove It Act \(H.R. 7198\)\*\*](#), with a vote of 208 yeas, 196 nays, and 28 members not **voting**, introduced by Congressman Brad Finstad (R-Minn.), Congresswoman Yadira Caraveo (D-Colo.), and Congressman Nathaniel Moran (R-Texas). This legislation aims to strengthen the Regulatory Flexibility Act (RFA) by requiring federal agencies to fully account for the direct and indirect costs their regulations impose on small businesses. By closing longstanding loopholes in the RFA, the Prove It Act empowers small businesses to challenge burdensome regulations, mandates stricter compliance reviews, and offers exemptions when agencies fail to meet these enhanced standards.

The NMA joined other industry stakeholders in [\*\*supporting the Prove It Act\*\*](#). This legislation ensures small businesses' voices are heard while holding federal agencies accountable. After clearing the House Small Business and Judiciary Committees earlier this year, the Prove It Act is poised to deliver meaningful reform and much-needed relief for small businesses nationwide.

---

## **House Passes Bipartisan WRDA 2024, Senate Vote Expected Soon**

On Tuesday, the House of Representatives passed S. 4367, the Thomas R. Carper Water Resources Development Act of 2024 (WRDA), by a decisive vote of 398-18, with 15 members not voting. WRDA funds essential water infrastructure projects, strengthens flood protection, and supports U.S. ports and waterways crucial for trade. Following this action, the Senate is expected to consider the bill within the next week.

WRDA 2024 reflects months of bipartisan negotiations between the House and Senate. The House previously passed its version, H.R. 8812, on July 22, 2024, by a vote of 359-13, followed by the Senate's unanimous approval of S. 4367

on August 1, 2024. After final Senate consideration, the bill is expected to be sent to the President's desk for signature

---

## **Washington Coal Club Honors Leaders at 2024 Annual Awards Reception**



Last week, the Washington Coal Club hosted its 2024 Annual Awards Reception in the U.S. Capitol, celebrating the exceptional Congressional leadership supporting the coal industry. Members of Congress, staff, coal industry representatives, and guests gathered to recognize this year's distinguished award recipients for their service and commitment to advancing America's most abundant and affordable energy resource.

The Senator Jennings Randolph Lifetime Achievement Award was presented to former Congressional Coal Caucus Co-Chair Rep. Bill Johnson (R-Ohio-Retired) for his decades-long advocacy for the coal industry and his unwavering dedication to U.S. energy independence. The 2024 Outstanding Achievement

Award was awarded to the 118th Congress Co-Chairs of the Congressional Coal Caucus: Rep. Morgan Griffith (R-Va.), Rep. Harriet Hageman (R-Wyo.), Rep. Dan Meuser (R-Pa.), and Rep. Carol Miller (R-W.Va.), acknowledging their leadership and legislative efforts in support of the coal industry.

---

## NMA Participates in Western Caucus Permitting and Supply Chain Panel



Last week, NMA Vice President of Government and Political Affairs, Justin Prosser, participated in the Western Caucus Foundation's Winter Field Tour and Policy Roundtable to discuss securing a critical supply chain of natural resources for America's future. The discussion focused on legislative and administrative efforts to advance permitting reforms for energy and mineral development, ensuring access to public lands, and ensuring regulatory certainty to incentivize investment. Other panelists included Jessica Carter (Head of Govt. Affairs, Ford Motor Company), Joseph Cavatoni (North American Market Strategist, World Gold Council), and Christopher Guith (SVP of the Global Energy Institute at the U.S. Chamber of Commerce). The NMA will

continue to work with the House Western Caucus, and its new Chairman, Representative Doug LaMalfa (R-Calif.), on industry priorities.

---

## **EPA Releases Asbestos Part 2 TSCA Risk Evaluation**

The U.S. Environmental Protection Agency's (EPA) recently released the final ***Risk Evaluation for Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos*** under the Toxic Control Substance Act (TSCA) and determined that asbestos poses unreasonable risk to human health. This risk evaluation supplements a previous risk assessment focused on chrysotile asbestos, expanding the evaluation to legacy uses of asbestos and associated disposal for chrysotile asbestos and five additional asbestos fiber types. See an EPA [webpage](#) and [announcement](#) for more information. Relevant to the mining industry, EPA evaluated: (1) the risk of mining non-asbestos commodities as a condition of use (COU), and (2) equipment and products related to the mining industry as another COU. EPA determined that mining of non-asbestos commodities is not expected to contribute to unreasonable risks of cancer and non-cancer health effects. However, EPA concluded other COUs contribute to the unreasonable risk of cancer and non-cancer health effects posed by asbestos, such as through handling or disturbing articles into which asbestos was incorporated in the past (e.g., during use, repair, or removal of the appliances and machinery containing asbestos). Some mining relevant articles include but are not limited to: braking and gear-changing (clutch) components (and other friction parts), gaskets, valves, reinforced plastics, and packing seals within machinery used in industrial or commercial workplace. Next, EPA will begin the risk management process to address unreasonable risks they identified. The NMA will inform you when EPA's risk management proposed rule is published.

---

## **Final Peer Review Report on IRIS Assessment of Inorganic Arsenic Published**

EPA's Science Advisory Board (SAB) published their [final peer review report](#) on the Integrated Risk Information System (IRIS) assessment of inorganic arsenic. The revised draft assessment proposes scientifically unjustified risk values for cancer and noncancer endpoints, which are more stringent than those in the discredited 2010 draft, resulting in risk values below naturally occurring levels and are technologically impractical or unachievable. For example, the cancer risk factor from oral exposure is 30 times greater than previously accepted cancer values calculated by EPA's Office of Water. Once finalized, EPA could use these values to reopen Superfund and Resource Conservation and Recovery Act sites for further cleanup. The SAB final peer review report, sent to EPA Administrator Regan on Nov. 19, 2024, "commend[s] the EPA IRIS Program for the thoroughness of the report." While the SAB "agreed with many of the conclusions presented in the draft IRIS document," the SAB's report outlines "several concerns regarding the presentation of the meta-regression analyses and identified areas that would benefit from further clarification to enhance transparency and increase the utility of the IRIS document." The SAB "encourages the Agency to address the noted concerns and consider the provided advice and recommendations," asserting that many recommendations "can be promptly addressed to enhance transparency and clarity." It remains to be seen whether EPA will make any material changes to the IRIS assessment of inorganic arsenic before finalizing it next year.

## **NMA Participates in Bipartisan WGA**



The Western Governors Association held its Winter Meeting this week in Las Vegas, Nev., and the NMA's Jerry Mullins participated. Among the topics discussed were permitting reform, community housing needs as well as ways government and industry can work more closely when facing wildfires and natural disasters in the west. WGA Chair Governor Lujan Grisham of New Mexico led the meeting which included Governors Lombardo-Nev., Gordon-Wyo., Governor Cox-Utah, Governor Noem-N.D., Governor Little-Idaho, Governor Polis-Colo. and Governor Green-Hawaii. The mining industry was well represented at the meeting thanks to the participation of several member organizations as well as NMA staff.

## **NMA Joins Coalition Voicing Concerns over Proposed PFAS TRI Additions**

This week, the NMA joined coalition [comments](#) led by the U.S. Chamber of Commerce on EPA's recent [proposed rule](#) to add 16 individual per- and polyfluoroalkyl substances (PFAS) and 15 categories encompassing more than 100 PFAS to the list of chemicals covered by the Toxic Release Inventory

(TRI) program under the Emergency Planning and Community Right-to-Know Act (EPCRA). For more information on this notice see the NMA's Nov. 12, 2024 memorandum. Notable coalition concerns include: (1) EPA failed to put forth a sufficient scientific record for listing required to meet EPCRA's standards for scientific evaluation; (2) the addition of these PFAS and categories is not warranted under the National Defense Authorization Act (NDAA), which does not authorize an automatic listing of the proposed PFAS, nor does it authorize a sweeping designation of all PFAS listed on the TRI as chemicals of special concern; (3) EPA's designation of these PFAS as chemicals of special concern warranting a 100-pound threshold is arbitrary and capricious; (4) EPA improperly proposes to list categories of PFAS, which is inconsistent with the NDAA's mandate; and (5) EPA's cost analysis is incomplete and insufficient. Overall, the coalition's comments express concern that EPA goes beyond the direction of the NDAA and impermissibly broadens the scope of automatic additions of PFAS to the TRI reporting program.

## **EPA Releases ANPRM for Chemicals found in Tires**

EPA recently issued an [advanced notice of proposed rulemaking](#) (ANPRM) under Section 6 of the Toxic Substances Control Act (TSCA) to solicit public feedback and collect information on the potential risks associated with [6PPD](#) and its transformation product, 6PPD-quinone (6PPD-q). These chemicals are present in many rubber products your companies may use (e.g., tires, conveyor and transmission belts, hoses, gaskets, asphalt, automotive parts, polymers, lubricants, and more). Specifically, EPA is soliciting information about these chemical's environmental and human health effects, potential alternatives to 6PPD, and regulatory options to help inform the agency's consideration of potential future regulatory actions under TSCA. Additionally, EPA also seeks comment on whether it should, and what it should consider, in a possible exemption for 6PPD use in tires. NMA is working with

other trade associations that use tires and other rubber products to explore potential coalition engagement. See a Dec. 9, 2024, memorandum by the NMA for a more complete summary of this ANPRM. The NMA requests your feedback on whether to comment on this ANPRM and whether future regulation of these chemicals could impact your National Pollutant Discharge Elimination System (NPDES) permits, your stormwater permits, your supply chains, or activities on your sites. **Comments are due January 21, 2025.**

---

## NMA and Third Parties In the News

[The Hill](#) recognizes the top lobbyists in Washington for 2024, including both the NMA's Rich Nolan and Richard Russell.

[DC Journal](#) (D.C.) carries an op-ed by Rich Nolan in which he argues until Washington makes mineral policy – and development of our mining workforce – a national priority, we're going to be playing catch up to Beijing.

Rich Nolan appeared on [NTD](#) news to discuss China's recent export restrictions and our mineral import reliance.

[The Northern Miner](#) quotes Rich Nolan on China's ban on U.S.-bound critical mineral exports.

[Law 360](#) mentions the NMA in a report that the D.C. Circuit won't reconsider a June panel decision that upheld a 20-year-old mining regulation that removed limits on the amount of land around a mining site that can be used for secondary activities such as waste disposal.

[Engineering and Mining Journal](#) reports that the NMA said it has

partnered with five allied trade associations in filing an opening brief challenging the Mine Safety and Health Administration's (MSHA) final silica rule in the U.S. Court of Appeals for the Eighth Circuit.

## Mining and Energy News

[The Hill](#) reported that President-elect Trump indicated on Tuesday that he'll give expedited approvals to projects that invest at least \$1 billion into the U.S. economy.

"Any person or company investing ONE BILLION DOLLARS, OR MORE, in the United States of America, will receive fully expedited approvals and permits, including, but in no way limited to, all Environmental approvals," Trump wrote in a post on Truth Social.

[Reuters](#) reported that China has banned exports to the U.S. of the critical minerals gallium, germanium and antimony that have widespread military applications, escalating trade tensions the day after Washington's latest crackdown on China's semiconductor sector.

[Associated Press](#) reported that Donald Trump is underscoring his intention to block the purchase of U.S. Steel Corp. by Japanese steelmaker Nippon Steel Corp.

[Financial Times](#) reported that the U.S. has introduced new export controls to curtail China's ability to create an advanced semiconductor industry and to slow its development of artificial intelligence with military applications.

[E&E News PM](#) reported that Braden Harker, a former federal official and economist, has been tapped to lead the U.S. Geological Survey's main hub for

analyzing the flow and production of critical minerals and assessing threats.

[\*\*Mining.com\*\*](#) reported that achieving energy dominance will necessitate substantial quantities of minerals, ranging from tungsten in exploration drill bits to copper in electrical transmission lines.

[\*\*Energywire\*\*](#) reported that Wisconsin utilities have decided to postpone retiring the Columbia Energy Center coal plant until the end of 2029, saying the delay is necessary to ensure grid reliability.

[\*\*Mining.com\*\*](#) reported on whether the incoming Trump administration will quickly follow through with 25 percent tariffs on imports from Canada and Mexico or whether the surprisingly stiff trade sanctions are more of a negotiating tactic.

[\*\*The Northern Miner\*\*](#) reported that China's ban on U.S.-bound critical mineral exports is "mineral extortion," according to the National Mining Association's Rich Nolan.

[\*\*E&E News PM\*\*](#) reported that the Biden administration on Thursday vowed to respond to China's move to block the exports of minerals vital for military and energy technology, calling the export ban "coercive."

[\*\*Argus\*\*](#) reported that U.S. coal producer Knight Hawk Holdings has closed its Viper mine in Illinois after its main customer decided to switch suppliers.

[\*\*Bloomberg\*\*](#) reported that Newmont Corp. is cutting management jobs in a major restructuring.

[\*\*NPR\*\*](#) reported that Ukrainians are facing another harsh winter as Russia attacks coal country advancing deeper into Ukraine. Existing mines are short-staffed with miners fighting at the front lines.

**[AIST Steel News](#)** reported that Nippon Steel Corp. still believes it can close its acquisition of U.S. Steel Corp. by year's end, despite ongoing opposition from President-elect Donald Trump.

**[Bloomberg](#)** reported President Joe Biden plans to formally block the \$14.1 billion sale on national security grounds once the deal is referred back to him later this month.

**[E&E News PM](#)** reported that Cleveland Cliffs and U.S. Steel Corp. are again asking a federal appeals court to freeze the implementation of updated air toxics regulations.

## Commodity Prices

## Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	12/9/24	\$11.02
Copper Spot Price (\$/lb)	12/10/24	\$4.22
Gold Spot Price (\$/ounce)	12/10/24	\$2,692.42
Lead Spot Price (\$/lb)	12/10/24	\$0.93
Lithium Spot Price (\$/kg)	12/10/24	\$10.56
Molybdenum Spot Price (\$/kg)	12/10/24	\$64.79
Nickel Spot Price (\$/lb)	12/10/24	\$7.16
Silver Spot Price (\$/ounce)	12/10/24	\$32.02
Steel HRC Price (\$/mt)	12/10/24	\$674.24
Steel Rebar Price (\$/mt)	12/10/24	\$457.67
Zinc Spot Price (\$/lb)	12/10/24	\$1.42

  

Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	12/10/24	\$216.00
Coal Spot Price - Central Appalachian (\$/st)	12/6/24	\$76.25
Coal Spot Price - Newcastle futures (\$/mt)	12/10/24	\$133.23
Coal Spot Price - Rotterdam futures (\$/mt)	12/10/24	\$113.75
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	12/4/24	\$2.83
Uranium Spot Price (\$/lb)	12/9/24	\$76.90

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

**CORESafety**



In the December edition of CORESafety TV, we visit Penn State University.



**This is a confidential document intended for membership of the National Mining Association.**

**Please do not forward or post its content externally.**

*Copyright © 2024 National Mining Association, All rights reserved.*

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#).