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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

Congress is hoping to wrap up its lame duck session this week with a Continuing Resolution to avoid a government shutdown Friday night. President-elect Donald Trump's transition activities continue apace. 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. With the upcoming Christmas and New Year's holidays, this will be our last MINE Update of the year. Happy holidays to all!

Safety Share

The American Red Cross has [10 ways to stay safe](#) as you deck the halls this holiday season.

President Biden Signs Good Samaritan Legislation into Law



On Tuesday, President Biden signed S. 2781, the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 into law. It is now Public Law 118-155. The law 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 NMA thanks its members and the broad array of conservation partners, led by Trout Unlimited, who worked tirelessly to make this important bill the law of the land.

Republicans and Democrats Pick Committee Leaders for the 119th Congress

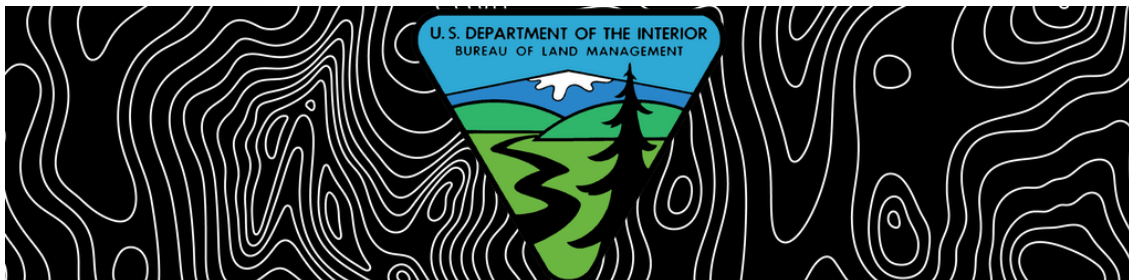
The committee leadership for the House and Senate has come into focus as House Democrats follow House Republicans in picking their leaders for the 119th Congress. Of particular note, Rep. Jared Huffman (D-Calif.) will replace Rep. Raul Grijalva (D-Ariz.) as the top Democrat on the House Natural Resources Committee. Chairman Bruce Westerman (R-Ark.) will continue in his role as chairman. A full list of all the next years committee chairman and ranking members can be found [here](#).

NMA Joins NTEC in Challenging PRB Resource Management Plans



This week, the NMA joined the Navajo Transitional Energy Company, LLC in challenging the Bureau of Land Management's recent Records of Decision and Final Environmental Impact Statements for the Miles City Field Office and Buffalo Field Office Resource Management Plan Amendments (RMPAs) in the United States District Court for the District of Wyoming. These RMPAs ban all coal leasing across a total of 16.4 million acres of federal mineral estate, indefinitely withdrawing over 2 million acres from any possibility of future coal leasing in Wyoming and Montana and harming members in the Powder River Basin (PRB). [Our petition](#) seeks judicial review under the Administrative Procedure Act for violations of the Federal Land Policy and Management Act, Mineral Leasing Act as amended by the Federal Coal Leasing Amendments Act, the Surface Mining Control and Reclamation Act, and several other authorities. Our challenge also [supports a petition](#) for review initiated by the State of Wyoming and State of Montana last week on the RMPAs in the same court.

NMA Joins Broad Coalition in Filing Opening Brief Challenging BLM's Conservation and Landscape Health Rule



Last week, the NMA joined 11 industry associations whose members conduct activities on federal lands in filing our [opening brief](#) challenging the BLM's [Conservation and Landscape Health rule](#) (Public Lands Rule) in the

U.S. District Court for the District of Utah. Recall, the Public Lands Rule significantly overhauls the way the BLM manages federal lands under the Federal Land Policy and Management Act (FLPMA). See the NMA's April 18, 2024, memorandum with more information on the final Public Lands Rule. First, we argue that BLM exceeded its statutory authority under FLPMA by unlawfully: (1) establishing a new conservation leasing scheme that directly undermines FLPMA by setting aside land for nonuse; (2) omitting any opportunity for public participation in conservation leasing decisions; and (3) allowing the designation of Areas of Critical Environmental Concern outside the ordinary land-use planning processes in FLPMA. Second, we assert that the Congressional Review Act resolution of disapproval of BLM's 2016 "BLM Planning 2.0" rule independently precludes the Public Lands Rule from being promulgated because it is substantially similar. Third, we contest BLM's failure to prepare an analysis under the National Environmental Policy Act and instead unlawfully invoking a categorical exclusion for rules that are administrative or procedural. Finally, we argue that the Public Lands Rule is arbitrary and capricious under the Administrative Procedure Act because the rule: (1) departs sharply from decades of settled policy; (2) BLM did not respond to substantive comments during the rulemaking process; (3) treats conservation leases different from leases or permits for land use; and (4) fails to articulate a comprehensible standard or offer meaningful guidance to affected parties with respect to whether a productive use is "compatible" with conservation. While the government has until Jan. 30, 2025, to respond, it is possible that they file before inauguration to put their defense of the rule on the record in this litigation.

NMA Submits Protest on Sage Grouse Land Use Plan Amendments

The NMA submitted a [final protest](#) on the Bureau of Land Management's (BLM) recently [announced](#) Final Environmental Impact Statement (FEIS) and Resource Management Plan Amendment (RMPA) for its Greater Sage-Grouse (GRSG) [Rangewide Planning](#). The RMPA amends 77 land use plans across 121 million acres in 10 Western states. Of concern, the RMPA increases protections for GRSG from the draft preferred alternative, and potentially creates additional hurdles for mining on federal land. The NMA expressed significant concerns with the BLM's efforts to recklessly hasten the process for completing the RMPA that resulted in unforced errors, conclusions based on flawed information, inadequate justifications for leasable minerals, failure to address wildfires and invasive species as the primary threats to GRSG, and failure to incorporate state plans, policies and strategies. The NMA urged the BLM to pause the RMPA process to ensure adequate consideration of stakeholder comments to ensure a lawful and durable plan to withstand the inevitable legal challenges that threaten regulatory certainty for mining operators.

NMA Submits Comments on Proposed Expansion of Okefenokee National Wildlife Refuge



Last week, the NMA submitted [final comments](#) on the U.S. Fish and Wildlife Service's (Service) [proposed expansion](#) of the boundary of the Okefenokee National Wildlife Refuge (Refuge) in Georgia. This expansion would add approximately 22,000 acres adjacent to the existing Refuge, and explicitly include the footprint of a proposed mining project. The NMA's comments express grave concern with the Service's approach in the Refuge expansion as part of an ongoing pattern by the Department of the Interior (DOI) to overreach its legal authority to place federal lands off limits to mining operations under the guise of protecting federal lands. In addition to filing mining-specific comments, the NMA also formed a coalition of 10 national and state trade associations to file [comments](#) opposing the Service's approach and highlighting the harmful precedent these actions could have on the U.S. economy and broader business community, including agriculture, construction, energy, forestry, manufacturing and mining.

EPA Seeks Comment on Proposed 2026 Multi-Sector General Permit for Industrial Stormwater Discharges

The U.S. Environmental Protection Agency (EPA) recently published its draft multi-sector general permit (MSGP) for industrial stormwater discharges. **Comments are due Feb. 11, 2025.** Recall that the MSGP authorizes stormwater discharges from industrial facilities across 30 sectors, including Sector G (metal mining), Sector H (coal mines and coal mining-related facilities), and Sector J (mineral mining and dressing). EPA renews the MSGP every five years, and many states use EPA's MSGP as a template or guide for their own stormwater permitting programs. The NMA continues to review the [proposed permit](#), the [fact sheet](#), and the sector-specific requirements and how any new provisions could impact the mining industry. We welcome your feedback on any issues impacting your sectors, and will schedule a conference call in early 2025 to discuss comment strategy.

EPA Seeks Comment on Water Quality Standards Handbook

EPA recently published an announcement seeking comment on three chapters of its [Draft Water Quality Standards \(WQS\) Handbook](#). This handbook provides a discussion of the relevant regulatory and statutory requirements and the EPA's recommendations for how states and authorized Tribes can develop and implement WQS consistent with both. EPA also believes the handbook provides useful information for regulated entities and the public when engaging in the WQS development and implementation process. The agency specifically seeks comment on three chapters involving designated uses, antidegradation, and WQS variances. Notably, these chapters reference regulations that are likely to be revised or rescinded under the incoming Trump administration, including EPA's Tribal Reserved Rights rule and the revised Clean Water Act section 401 certification rule. EPA plans to hold three informational webinars in February. EPA will post final webinar dates and registration information on its [website](#) in Jan. 2025. **Comments are due March 12, 2025.**

EPA Does Not Select Metals for Next Round of TSCA Prioritization

Today, the EPA released a [Federal Register notice](#) initiating the prioritization process for five chemical substances as candidates for designation as High-Priority Substances for the next round of risk evaluation under the Toxic Control Substances Act (TSCA). As you are aware, in Oct. 2024, EPA selected 27 chemicals to prioritize, which included antimony and antimony compounds, arsenic and arsenic compounds, cobalt and cobalt compounds, and lead and lead compounds. See the NMA's Nov. 7, 2024, memorandum outlining the NMA's comments on EPA's candidate selection. In a positive development, EPA did not select any of these metal or metal compounds for further evaluation at this time. Notably, EPA stated that they "considered the complexity of evaluating broad chemical categories such as metal compounds" in making their prioritization selections. The NMA will continue to monitor the agency's implementation of TSCA as the shortlist for future prioritization selection will continue to include these metals unless the next administration changes its prioritization approach.

New TSCA Reporting Requirement: Unpublished Health and Safety Data for Certain Chemicals Including 6PPD

Last week, the EPA published a [final rule](#) requiring manufacturers (including importers) of 16 chemical substances to report data from unpublished health and safety studies to the agency. EPA promulgated this "Health and Safety Data Reporting Rule" pursuant to Section 8(d) of the Toxic Control Substances Act (TSCA). See EPA's [announcement](#) of the rule. Of particular interest is

EPA’s inclusion of 6PPD and 6PPD-quinone in the list of chemical substances subject to this rule. This final action may be relevant to your company if you import these chemical substances, particularly articles that contain the chemical substance. In addition to unpublished health and safety studies, manufacturers (including importers) of these chemical substances must also submit unpublished exposure studies such as occupational and environmental (e.g., inhalation and dermal exposure, environmental monitoring of indoor and outdoor air, soil, and water). The information gathered by this rulemaking is intended to provide EPA “with useful information for prioritization, risk evaluations, and risk management activities under TSCA section 6.” Submitters must report during a 60-day reporting period from Jan. 13, 2025, to March 13, 2025. For more reporting details, please see a recent NMA [memorandum](#).

NMA and Third Parties In the News

The [Las Vegas Sun](#) (Nev.) ran 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.

A [NPR](#) story on industry’s desire to have a federal government entity charged with coordinating mining policy in order to regain America’s competitive footing includes an interview with Rich Nolan.

[The Washington Free Beacon](#) quotes Rich Nolan in an article on China’s recent export restrictions and the promise of Perpetua’s Stibnite project.

The [Washington Examiner](#) quotes Rich Nolan in a story on the latest assessment from the North American Electric Reliability Corporation (NERC), which said the surge of energy demand growth and difficulty building energy infrastructure is putting most of North America at risk of electricity shortages.

[**Energywire**](#) also quotes Rich Nolan in a story on NERC's new long-term grid reliability assessment, deeming it "grim."

[**Politico Pro**](#) quotes the NMA in a report that mining firm Syrah Resources declared a force majeure in a filing Thursday for output from its graphite operation in Mozambique, causing the Australian company to default on its U.S.-backed loans.

[**Argus**](#) mentions the NMA in a report on the US Labor Department's new requirements for coal producers who want to self-insure their anticipated black lung liabilities.

Mining and Energy News

[**Mining Journal**](#) reported that Nippon Steel is hoping to win over U.S. Steel Corp union workers in a last-ditch effort before review over national security concerns nears. In a letter to U.S. Steel Corp. workers last week, Nippon clarified its spending plans.

[**Energywire**](#) reported that the U.S. government is considering whether to provide a loan of up to \$550 million to help develop a nickel and cobalt mine in Brazil's northeast.

[**Argus**](#) reported that U.S. coal producers are gradually scaling back employment from the four-year high set in June, showing some reaction to persistently muted demand.

[**Greenwire**](#) reported that the Department of Energy unveiled \$17 million to boost research around critical materials, production and alternatives.

Reuters reported that global exports and use of thermal coal will reach all-time highs in 2024, despite the record roll-out of renewable energy generation capacity across all major continents.

E&E Daily reported that the House approved legislation last week that would offer limited legal protection for good Samaritan groups willing to cleanup abandoned mines — breaking a decadeslong impasse and sending the bill to the President’s desk.

Axios and others reported that President-elect Trump promised an expedited pathway to permits and project approvals for anyone investing \$1 billion in the U.S.

Utility Dive reported that largely driven by data center growth, the PJM Interconnection expects its summer and winter peak load to grow by 2 percent and 3.2 percent per year on average through 2045. Meanwhile, it will be hard to build enough power and transmission infrastructure to meet anticipated data center growth in Virginia, the Virginia General Assembly’s Joint Legislative Audit and Review Commission said in a data center report released last week.

Global Energy Monitor’s recent report on India’s steel market growth found that “India’s ongoing investments in new coal-based steelmaking, coupled with a young fleet of emissions-intensive blast furnaces that is set to have its operations extended, jeopardize the country’s Net Zero by 2070 target and risk saddling the country with upwards of US\$187 billion in stranded assets.”

Greenwire reported that the Energy Department is no longer weighing whether to use federal dollars to offset the price of cheap metals like nickel, cobalt and lithium from China that have flooded the market. “The industry turns to the Trump administration and Congress now.”

[**Mining.com**](#) reported that U.S. President-elect Trump should deploy tariffs strategically rather than bluntly as he aims to support American mining companies facing stiff Chinese competition, a senior executive at cobalt producer Jervois Global said last week.

[**Newmont**](#) announced that it has agreed to sell its Cripple Creek & Victor operation in Colorado to SSR Mining Inc. for up to \$275 million in cash consideration.

[**Politico Pro**](#) reported the premier of Canada's largest province is threatening to cut energy exports to the U.S. in response to President-elect Trump's threats of 25 percent tariffs.

[**Mining.com**](#) reported Australia's South32 is hopeful about a potential policy shift under Trump's second administration that could unlock access to the Ambler Mining District, a copper-rich region in northwest Alaska.

[**E&E Daily**](#) reported that House Republicans proposed legislation last week that would create a \$2.5 billion critical mineral reserve — part of a lame-duck, legislative blitz aimed at countering China on mineral supply chains.

[**Argus**](#) reported that Wyoming and Montana have filed a lawsuit in the U.S. District Court for the District of Wyoming, challenging plans by the U.S. Department of the Interior and the Bureau of Land Management (BLM) to end federal coal leasing in the Powder River basin (PRB).

[**E&E News PM**](#) reported that political unrest and protests have forced a U.S.-backed graphite producer in Mozambique to declare force majeure and default on its federally backed loans.

[**Mining.com**](#) reported that Talon Metals has won a contract from the U.S. Department of Defense to aid the research and development of new techniques

for extracting minerals from nickel sulfide ores and tailings.

[Axios](#) reported that new analysis puts fresh data behind a major global trend: Rising resource protectionism — especially with minerals needed for clean energy and defense tech.

[E&E News PM](#) reported that the Biden administration recently moved to temporarily protect thousands of acres of public land along the Pecos River in New Mexico from a mining boom taking hold across the West.

[Visual Capitalist](#) graphically illustrates how copper demand is projected to increase over the coming decades, while oil consumption is expected to decrease. The data was compiled by the International Monetary Fund as of October 2024.

The **[International Copper Study Group's](#)** *2024 Statistical Yearbook* released Monday found that global copper production rose from 18.4 million metric tons (mt) in 2014 to 22.4 mt in 2023. The major contributors to growth over that 10-year period were Peru, Indonesia, Congo, Panama, Kazakhstan, Mexico and Serbia.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	12/17/24	\$11.02
Copper Spot Price (\$/lb)	12/18/24	\$4.08
Gold Spot Price (\$/ounce)	12/18/24	\$2,636.52
Lead Spot Price (\$/lb)	12/18/24	\$0.89
Lithium Spot Price (\$/kg)	12/18/24	\$10.41
Molybdenum Spot Price (\$/kg)	12/18/24	\$64.38
Nickel Spot Price (\$/lb)	12/18/24	\$7.03
Silver Spot Price (\$/ounce)	12/18/24	\$32.22
Steel HRC Price (\$/mt)	12/18/24	\$679.54
Steel Rebar Price (\$/mt)	12/18/24	\$445.73
Zinc Spot Price (\$/lb)	12/18/24	\$1.36
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	12/17/24	\$211.00
Coal Spot Price - Central Appalachian (\$/st)	12/13/24	\$75.25
Coal Spot Price - Newcastle futures (\$/mt)	12/17/24	\$130.45
Coal Spot Price - Rotterdam futures (\$/mt)	12/17/24	\$111.50
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	12/11/24	\$3.11
Uranium Spot Price (\$/lb)	12/17/24	\$74.80

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

CORESafety



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



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