

CEO Mine Recap

By Rich Nolan • Apr 01, 2024

Smart Brevity® count: 3.5 mins...927 words

In Washington and beyond, all eyes are on the tragic accident in the Port of Baltimore and our thoughts are with the victims and their families. With rescue operations now shifted to recovery and removal, just how quickly the wreckage of the Francis Scott Key Bridge can be cleared to allow for the flow of goods - including coal - remains a primary question. Transportation secretary Pete Buttigieg has warned of “major and protracted impact to supply chains.” Baltimore is the nation’s ninth busiest port, and is second only to Norfolk for the movement of coal. The NMA coordinated with the Cybersecurity and Infrastructure Security Agency and our members to help information flow from federal agencies regarding the next steps for cleanup and reopening the channel.

In politics, with the primaries behind us, we’re locked in for a Biden-Trump rematch. President Biden surprised many with a forceful State of the Union address, foreshadowing what will clearly be a spirited election season. Recent polls show the current president leading the former in a head-to-head matchup, but the introduction of third party candidates can flip the advantage to former President Trump. The only thing clear is that there are a lot of days and a lot of campaign stops between now and election day.

Personally, **I’m looking forward to seeing many of you at our Spring Board Meeting**, which will be held April 7-9, at the Conrad, in Washington, D.C. We have a full lineup of top notch speakers - from lawmakers to political analysts and even a journalist turned author - and a packed agenda to discuss your priorities. If you have yet to register but would like to attend, you can do so [here](#).

SEC Releases Climate Rule



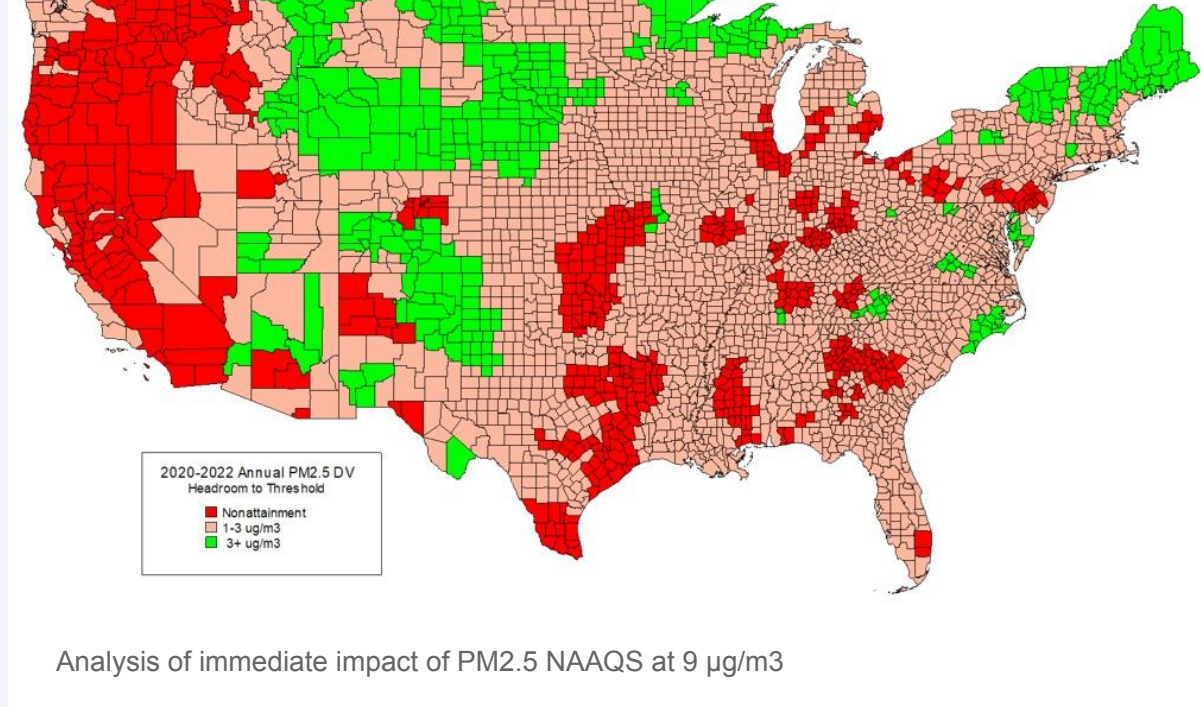
The Securities and Exchange Commission released its long awaited climate disclosure rule, in the works since 2022.

What’s in it? The final rule requires: (1) disclosure of Scope 1 and/or Scope 2 greenhouse gas (GHG) emissions by larger registrants if material; and (2) disclosure of the financial effects of severe weather events and other natural conditions.

What’s out? The SEC removed the controversial disclosure requirements for Scope 3 GHG emissions.

Go deeper. Review the final rule text [here](#) and the NMA’s memo [here](#).

EPA Air Rule Meets Broad Opposition in the Courts and Congress



Analysis of immediate impact of PM2.5 NAAQS at 9 µg/m3

A coalition, including the NMA, last month filed a petition for review in the D.C. Circuit Court challenging the U.S. Environmental Protection Agency’s (EPA) rule that significantly lowered the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM).

Who’s against the rule?

- The NMA partnered with the U.S. Chamber of Commerce, American Chemistry Council, American Forest & Paper Association, American Petroleum Institute, American Wood Council, National Association of Manufacturers and Portland Cement Association.
- Kentucky and West Virginia are co-leading the state challenge, joined by 22 other states.

What does Congress think? Congressional Review Act (CRA) resolutions are gaining support in both the Senate and the House. CRA is a legislative tool that grants Congress the power to repeal a federal rule; it requires passage by the House and Senate, and the president’s signature.

- Senate Republican Leader Mitch McConnell (R-Ky.) is leading the Senate effort with a resolution backed by 48 Senate Republicans.
- In the House, Rep. Rick Allen (R-Ga.) introduced a similar CRA resolution with 50 cosponsors.

What’s next? While there is no expectation that the President would sign a CRA should it reach his desk, the significant opposition to the rule is noteworthy. We will keep you posted on developments in the D.C. Circuit as the case moves forward.

Good Samaritan Legislation Introduced in the House



Reps. Celeste Maloy (R-Utah) and Mary Peltola (D-Alaska)

The NMA-backed Good Samaritan Remediation of Abandoned Hardrock Mines Act was introduced in the House of Representatives by Reps. Celeste Maloy (R-Utah) and Mary Peltola (D-Alaska) last month. The House introduction represents the first time ever that Congress had legislation with bipartisan co-sponsorship in both chambers that addresses abandoned mine land (AML) cleanup and liability protections. This bipartisan bill is the companion legislation to S.2781, introduced by Sens. Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho), which has 34 bipartisan cosponsors and passed out of the Senate Committee on Environment and Public Works unanimously.

What does it do? The legislation would create an AML clean up pilot program allowing mining companies to utilize their equipment and technical expertise to clean up abandoned sites without fear of incurring additional legal liability.

Who else supports it? The NMA was joined by Trout Unlimited in championing the bill.

What’s next? The NMA team will continue to work with sponsors of both House and Senate bills and jurisdictional committee staff to advance the legislation in both chambers.

Biden Administration Reverses Trump ESA Reforms



The Biden administration last week formally reversed regulatory reforms to the Endangered Species Act (ESA) enacted under the Trump administration.

The rules, which can be found [here](#), could reintroduce unnecessary development restrictions and create regulatory uncertainty:

- Increasing agencies’ discretion to require reasonable and prudent measures outside the action areas of a project to offset any remaining impacts of the incidental take of listed species and removes the framework that determines whether a consequence of a proposed project is “reasonably certain to occur.”
- Making sweeping changes to how critical habitat can be designated and the process for listing and delisting species.
- Offering blanket treatment to both threatened species and endangered species, counter to the intent of the ESA.

We will be consulting with all of you to better understand the impacts of these rules on your operations.

We look forward to seeing all of you in Washington, D.C. next week!

Was this edition useful?



[Leave feedback](#)

Your responses are anonymous