

CEO Mine Recap - Issue 4

By Rich Nolan • May 06, 2024

Smart Brevity® count: 4 mins...1063 words

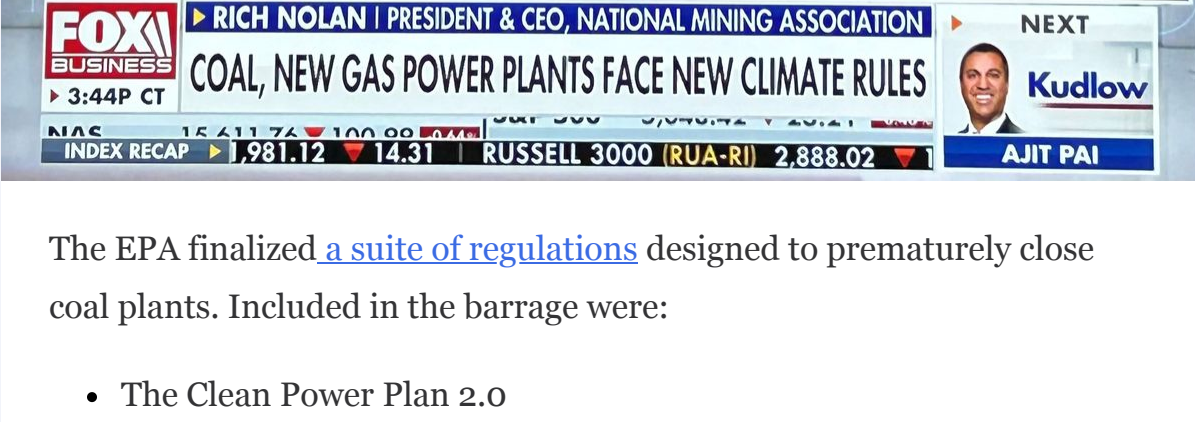
At times like these, I am reminded of a quote from Ronald Reagan’s first inaugural address in 1981: **“Government is not the solution to our problem; government is the problem.”**

Witnessing the nonstop regulatory assault of the past several weeks, these words have never been more true, especially for our industry. It would be difficult to find a stakeholder across mining who was left unscathed by everything from sweeping new land and air regulations, to further distortions of the permitting process and senseless project reversals. The Biden administration is clearly in full campaign mode, aggressively catering to its core environmental supporters, regardless of the fact that many of its actions will impede its own green energy goals.

But it wasn’t all bad news. Congress decisively banned the import of Russian uranium, providing a boost to domestic production. And the House hit back on key issues including Twin Metals and the BLM Land Conservation and Health rule, although these bills will need Senate support and an unlikely presidential signature to become law.

From government affairs to legal and communications, **your NMA team is hitting back and hitting back hard** — activating allies and exposing how damaging the administration’s actions are for our industry, our economy and the American people — and creating new opportunities wherever possible.

Administration Launches Power Plant Attack; NMA Strikes Back



The EPA finalized [a suite of regulations](#) designed to prematurely close coal plants. Included in the barrage were:

- The Clean Power Plan 2.0
- Mercury Air Toxics Standards
- Clean Water Act effluent limitations guidelines and standards
- First-time limits for legacy coal combustion residual surface impoundments

What they said.

- EPA’s [press release](#) contains a number of false assertions that ignore America’s electricity reality and the looming power supply crisis.
- EPA continues to falsely claim that its regulatory actions “ensur[e] that power companies can make smart investments and continue to deliver reliable electricity for all Americans” without recognizing that its own analysis confirms the new standards will force massive retirements of the critical resources needed to support the grid.

What we did.

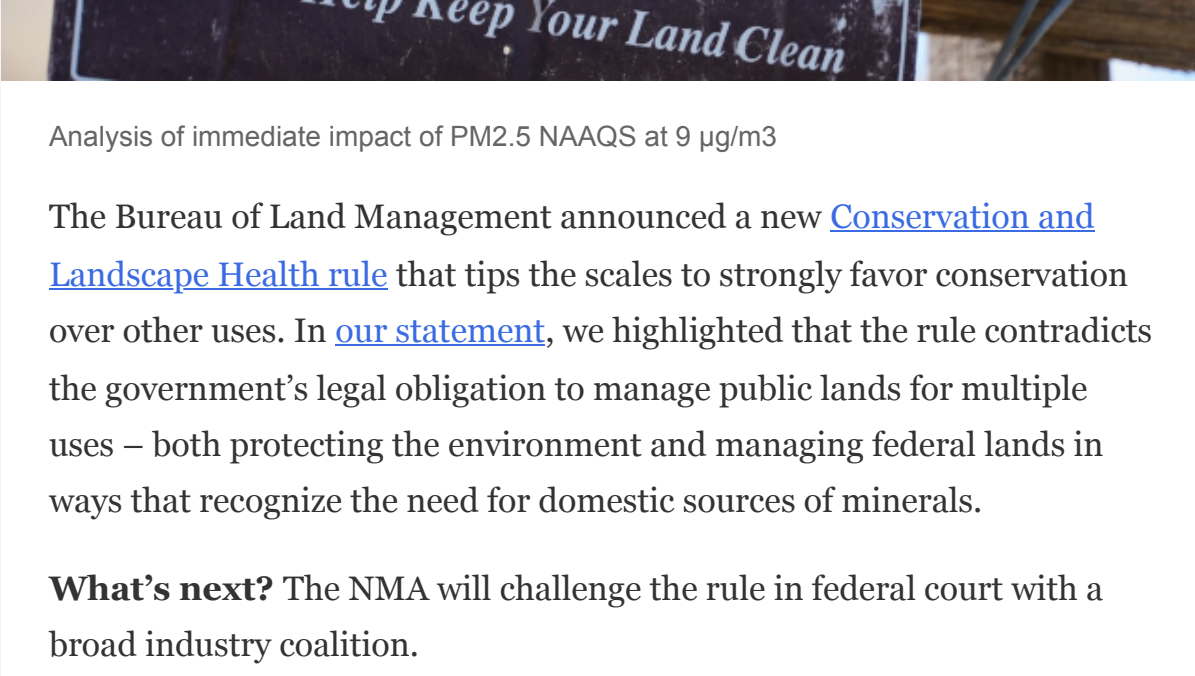
- In advance of the announcement, we released a [white paper](#) highlighting the collision of surging demand and eroding grid reliability. We also proactively contacted reporters and were included in first-run coverage from the [Associated Press](#), [Washington Post](#), [E&E](#), [ABC News](#), [Inside EPA](#), [Greenwire](#), [Argus](#), [Washington Examiner](#) and others, while I appeared live on [Fox Business the same day](#). Using extensive information provided by the NMA, the [Wall Street Journal](#) editorial board wrote an editorial opposing the EPA’s actions. And our media work continues.

- The day after the announcement we launched an op-ed that I authored that has thus far been featured in [USA Today](#) (USA), [MSN.com](#) (USA), [Reno Gazette Journal](#) (Nev.), [Huntington Herald Dispatch](#) (W.Va.), [Gillette News Record](#) (Wyo.), [Ogden Standard Examiner](#) (Utah), [Pottstown Mercury](#) (Pa.), [Owensboro Messenger Inquirer](#) (Ky.), [Bakersfield Californian](#) (Calif.), [Orange County Register](#) (Calif.), [Los Angeles Daily News](#) (Calif.), [Jacksonville Journal Courier](#) (Ill.), [Wayne County News](#) (W.Va.), [Provo Daily Herald](#) (Utah), [Johnstown Tribune Democrat](#) (Pa.), [Jeffersonville News and Tribune](#) (Ind.), and [Kokomo Tribune](#) (Ind.).

What’s next? Our government relations team is working with an extensive network of allies on the Hill on legislative action and the NMA legal team is preparing for litigation in coordination with coal-state allies.

Go deeper. Access the NMA’s full memo on these rules [here](#).

BLM Elevates Conservation Land Use



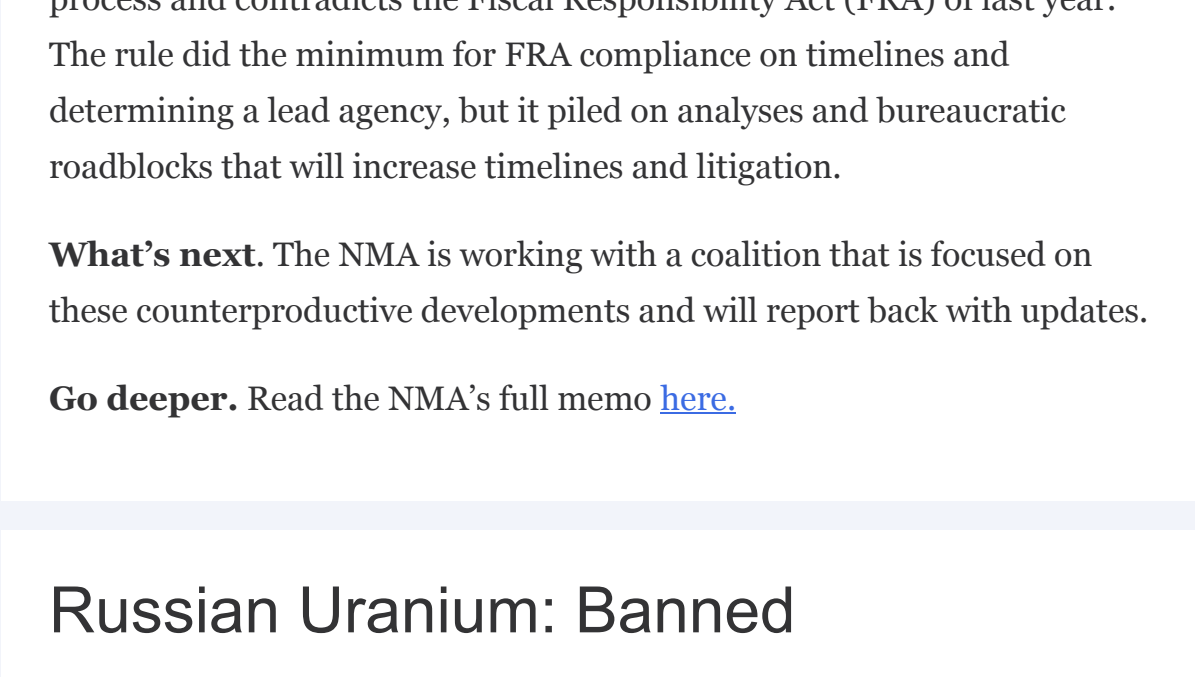
Analysis of immediate impact of PM2.5 NAAQS at 9 µg/m3

The Bureau of Land Management announced a new [Conservation and Landscape Health rule](#) that tips the scales to strongly favor conservation over other uses. In [our statement](#), we highlighted that the rule contradicts the government’s legal obligation to manage public lands for multiple uses – both protecting the environment and managing federal lands in ways that recognize the need for domestic sources of minerals.

What’s next? The NMA will challenge the rule in federal court with a broad industry coalition.

Go deeper. Additional information is provided in the [summary](#) NMA provided last week.

CEQ Adds to NEPA Red Tape



The Council of Environmental Quality (CEQ) [announced](#) its final NEPA phase 2 rule, which [we pointed out](#) only further complicates the NEPA process and contradicts the Fiscal Responsibility Act (FRA) of last year. The rule did the minimum for FRA compliance on timelines and determining a lead agency, but it piled on analyses and bureaucratic roadblocks that will increase timelines and litigation.

What’s next. The NMA is working with a coalition that is focused on these counterproductive developments and will report back with updates.

Go deeper. Read the NMA’s full memo [here](#).

Russian Uranium: Banned



Congress passed and sent to the President for his signature a bill prohibiting the import of Russian uranium into the U.S. This was a long-sought and long overdue win [we celebrated](#). While stopping the import of uranium from Russia, to ensure essential supply the bill lets DOE provide waivers through January 1, 2028.

What’s next? When the President signs it into law, \$2.7 billion will be available to establish the Nuclear Fuel Security Program, intended to ensure the availability of domestically produced, converted and enriched uranium.

Administration Blocks Ambler Access Project

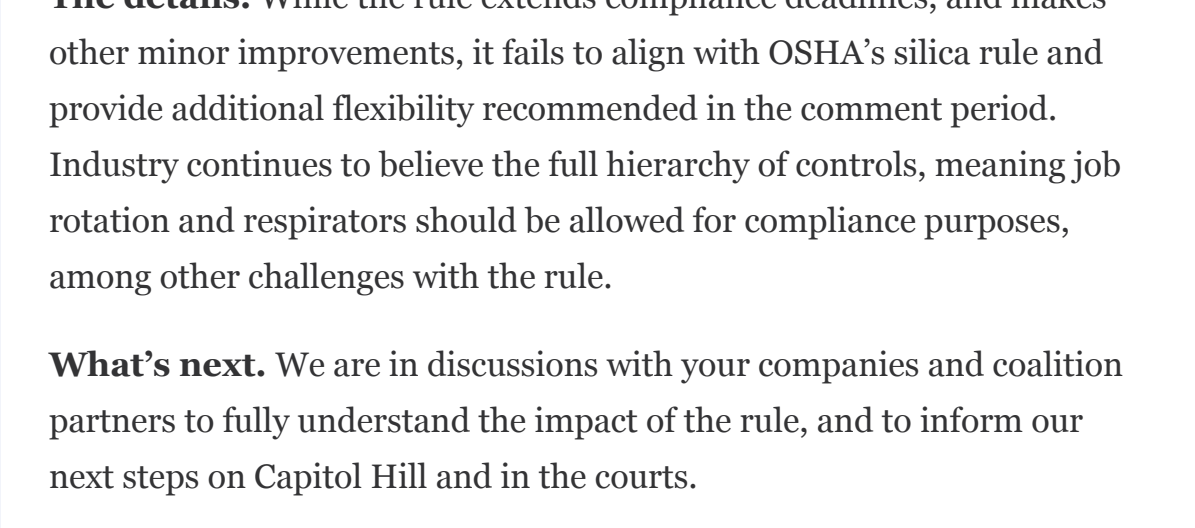


The Biden DOI did an astonishing about-face in Alaska, halting progress on the Ambler Access Project. This unreasonable decision flies in the face of Alaska’s established history of development and subsistence economies thriving together.

The project was previously approved by all appropriate federal agencies, but was suspended when legal action prompted DOI to revisit the Environmental Impact Statement, expanding the required analysis and scope of the project, raising new issues that have already been addressed, and unnecessarily offering unworkable alternatives.

What are our allies saying? Condemnations of this action were swift with [Sen. Lisa Murkowski](#) (R. Alaska), the [Western Caucus](#) and others issuing statements. The NMA [also issued a statement](#).

MSHA Finalizes Silica Rule

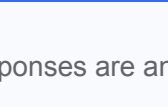


MSHA issued its [long-awaited silica rule](#), which mostly ignored the recommendations from industry and others.

The details. While the rule extends compliance deadlines, and makes other minor improvements, it fails to align with OSHA’s silica rule and provide additional flexibility recommended in the comment period. Industry continues to believe the full hierarchy of controls, meaning job rotation and respirators should be allowed for compliance purposes, among other challenges with the rule.

What’s next. We are in discussions with your companies and coalition partners to fully understand the impact of the rule, and to inform our next steps on Capitol Hill and in the courts.

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