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This Week in COVID-19 News

With Congress in recess, discussions continue behind the scenes regarding the potential framework for the next, and potentially final, COVID-19 relief legislative package. A Senate and administration proposal may be released next week with a goal of wrapping up any package before the August 8 recess in the House. Meanwhile, federal agencies continue to push forward regulatory proposals with potential major impacts for mining interests.

The National Mining Association (NMA) this week began phase one of our reopening, with limited staff returning to the office in compliance with recommendations from the Centers for Disease Control and District of Columbia Department of Health, with rotating schedules, pre-shift temperature checks, revised traffic flow patterns and increased cleanings. At this time, outside committee and business meetings remain virtual.

The team remains engaged on numerous fronts, including public communications

regarding the essential nature of mining, safety actions taken by our members, and contributions being made by NMA member companies. Plus we have updates on the pandemic's impact on the overall economy, as well as energy and mining markets.

Administration Finalizes First NEPA Regulatory Update in 40 Years

President Donald Trump announced that the Council on Environmental Quality has finalized the rule titled, "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act." The reforms included in the rule will better align NEPA with its intended purpose, improve efficiencies, and bring long-overdue clarity to regulations that govern the mining industry. The final rule largely aligned with [NMA's comments](#). Please find a link to NMA's news release [here](#).

New Main Street Lending Program Lenders

The Federal Reserve Bank of Boston issued a state-by-state [listing of lenders](#) accepting applications from new business customers for the Main Street Lending Program. Launched in April, the Fed initiative pledged to purchase 95 percent of each loan banks provide to small and medium-sized businesses (SMBs). It is designed to help credit flow for SMBs that were in sound financial condition prior to the COVID-19 pandemic.

The program offers five-year term loans, with principal payments deferred until year three, and interest payments deferred until year two. To support a wide variety of businesses, the loans range in size from \$250,000 to \$300 million. Business borrowers must apply for program loans through a participating lender.

Next COVID Relief Legislation in Congress

With the House passage of the [HEROES Act](#) on May 15, 2020, attention for what may be in the next iteration of COVID relief legislation has focused entirely on the Senate. Early in the process, Senate Majority Leader Mitch McConnell identified liability protections for employers as his principal priority for any new COVID relief legislation. The NMA [joined many organizations](#) supporting liability protections for essential industries when employers began to reopen operations. Although both chambers of Congress expect to consider COVID relief legislation before leaving for the August recess, the amount of aid in new legislation and terms of that aid for individuals, businesses, state and local governments, school systems, among other recipients, remains wide ranging.

State-Level Activity on Liability Protections

Lawmakers in Iowa, Kansas, Louisiana, Massachusetts, North Carolina, Oklahoma, Utah and Wyoming have adopted laws that limit liability for employers and others from claims relating to COVID-19 exposure. While they vary in their details, these laws generally provide immunity from liability for claims of exposure to, or infection from, COVID-19 where an employer is acting in good faith in accordance with federal, state or local guidance, and is not intentionally or recklessly negligent. According to the National Conference of States, more states including Alabama, Georgia, Indiana, Illinois, Ohio and South Carolina are all considering immunity laws to extend liability coverage beyond the health care industry. NMA is working with state associations across the country to highlight the importance of securing these protections.

Congress Continues to Prioritize Royalty Relief

On July 13, 2020, Rep. Michael C. Burgess, M.D. (R-TX-26) introduced the Save American Vital Energy (SAVE) Jobs Act in the House of Representatives, which is a companion to [S. 4041](#) introduced by Senators John Cornyn (R-TX) and John Barrasso (R-WY) on June 23. Both pieces of legislation call for royalty reductions for coal leases in order to provide more immediate and certain relief. Please find a link to NMA's memo on S. 4041 [here](#) and a link to Rep. Burgess' news release [here](#).

Critical Manufacturing Sector Disaster Access Letter

On July 13, 2020, the U.S. Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) issued a disaster access letter requesting “any courtesy that can be extended to essential workers involved in critical manufacturing infrastructure operations, maintenance and restoration in response to the COVID-19 Pandemic and any other regional disasters (e.g., hurricanes, tornadoes, wildfires, earthquakes) that may occur during any COVID-19 response phase.” The letter references CISA’s [Essential Critical Infrastructure Workers advisory guidance](#) and states essential workers should be able to travel to and access necessary critical infrastructure facilities in order to prevent loss of service or restore critical manufacturing services/locations, consistent with the rules in place of the appropriate jurisdiction.

EPA Proposes Retaining Ozone Standards at Existing Levels

The U.S. Environmental Protection Agency (EPA) on July 13, 2020, released a [pre-publication copy](#) of the agency’s proposed rule to retain the National Ambient Air Quality Standards (NAAQS) for ozone. According to [EPA’s news release](#), “[t]his proposal comes after careful review and consideration of the most current available scientific evidence and risk and exposure information, and with consultation of the agency’s independent science advisors.” EPA also [published a fact sheet](#) on the proposed rule, which will be the subject of a 45-day public comment period and two virtual public hearings following publication in the *Federal Register*.

Consistent with the final Draft Policy Assessment, EPA is proposing to retain the current primary standard of 70 parts per billion (ppb) as the fourth-highest daily maximum 8-hour concentration averaged across three years without revision. The Administrator concluded that this standard “provides the requisite public health protection, with an adequate margin of safety.” Notably, EPA explains in the proposal that the Clean Air Scientific Advisory Committee (CASAC) concurred with the draft Policy Assessment “that the currently

available health effects evidence is generally similar to that available in the last review when the standard was set.” However, EPA acknowledges the division in CASAC on support for retaining the standard with one member expressing support for a lower standard. EPA requests comment on the Administrator’s proposed decision, including the “public health and science policy judgments inherent in the proposed decision.” Regarding the secondary (welfare-based) standard, the Administrator also finds that the current standard is adequate and should be retained without revision and seeks comment on this proposal.

NMA [submitted comments](#) during the last NAAQS review. Beyond arguing against EPA’s proposed lowering of the ozone NAAQS, NMA’s comments focused on attainment and compliance issues related to natural background levels, economic impacts of lowering NAAQS in mining communities, and unique implementation challenges at mining sources. NMA co-chairs a broader industry coalition focused on EPA’s NAAQS rulemakings and will work with that coalition to develop substantive scientific and legal comments supporting this proposed rule.

EPA Enforcement Policy Set to Expire

EPA recently [announced](#) that its [temporary policy](#) regarding the agency’s enforcement of environmental legal obligations during the COVID-19 pandemic will expire on Aug. 31, 2020. Accordingly, EPA will not use the temporary policy as the basis for exercising its enforcement discretion for any noncompliance that occurs after Aug. 31, 2020. EPA’s termination of the policy does not impact the agency’s ability to exercise enforcement discretion on a case-by-case basis, including in noncompliance situations due to COVID-19.

NMA [provided guidance](#) on EPA’s temporary policy, which included [steps](#) regulated entities can take if faced with certain COVID-19-related non-compliance issues to receive enforcement discretion. EPA now recognizes that state and local restrictions that made complying with environmental obligations challenging may no longer exist as stay-at-home orders have been relaxed or lifted and business are starting to reopen. While EPA

acknowledges that some states and businesses may pause reopening due to recent spikes in COVID-19 cases, the agency does not address the possibility of extending this deadline in these circumstances. Instead, EPA notes that “there will be a period of adjustment as regulated entities plan how to effectively comply with both environmental legal obligations and with public health guidance.” According to EPA, the termination of the policy “reflect[s] the impact of the changing circumstances on facility operations, worker shortages, and other constraints caused by the public health emergency.”

NMA and Third Party Voices

The NMA and its third parties continue to place editorials across the country on the importance of our industry to the country and economy.

[The Eastern New Mexico News](#) (NM) carries an op-ed by Jim Constantopoulos in which he says the development of clean coal technology should be the focus of the path to emission reductions, instead of federal tax credits for renewable energy.

[MSN.com](#) (national), [Scranton Times Tribune](#) (PA) and [Arizona Capitol Times](#) (AZ), [Fort Myers News Press](#) (FL), [Reno Gazette Journal](#) (NV), [Salem News](#) (OH), [Lisbon Morning Journal](#) (OH) and [East Liverpool Review](#) (OH) all ran an op-ed by Michael Stumo in which he describes the importance of minerals in the automotive industry and argues that the U.S. must become competitive with China for these minerals.

Economic Impact

New unemployment claims for the week ending July 4, 2020, [declined slightly to 1.3 million](#).

The U.S. Bureau of Labor Statistics reported the number of hires [increased by 2.4 million](#) to a series high of 6.5 million in May.

American Road and Transportation Builders Association reported all construction sectors **posted job gains** between April and May, but highway and bridge construction was the only sector that increased employment above May 2019 levels.

U.S. **consumer prices rebounded** by the most in nearly eight years in June, led by an uptick in gasoline prices.

The Bureau of Labor Statistics **Producer Price Index** for final demand fell 0.2 percent in June.

U.S. consumer credit outstanding fell 5.3 percent in May as Americans **reduced spending** for the third straight month.

The New York Times reported consumers in Europe have gone on a "**spending spree**" as economies there reopen.

Energy and Mining COVID-19 Impact News

U.S. Energy Secretary Dan Brouillette said his department has earmarked \$122 million to establish "innovation centers" for development of **products from coal**.

Argus Media reports that there are signs of recovery in the Atlantic coking coal market in the 3rd quarter.

Mining.com reports that copper prices have surged 45 percent since mid-March, with copper's gain being driven "chiefly by concerns over strains on supply from key producers South America." COVID-19 outbreaks in the mines have resulted in constrained copper mine production in Chile and Peru.

The Wall Street Journal published: "Governments eye a green economic recovery. **Some industries aren't convinced.**"

The U.S. Energy Information Administration reported the United States produced and

consumed [record volumes of natural gas](#) in 2019. But natural gas production in April had the [biggest monthly decrease in years](#).

NMA COVID-19 Resources

The NMA team is maintaining a comprehensive suite of online resources for [Coronavirus Assistance and Response](#). Resources include both [health, safety and business assistance](#) for NMA members and a chronicle of the American [mining industry's response to the current crisis](#).

Tell Us About Your COVID-19 Response

We are continually gathering information about how the COVID-19 crisis is affecting our members. Information will be used in discussions with policymakers and decision makers at all levels of government and will help illustrate how mining is giving back to the communities where we live and work. Please [contact Ashley Burke](#) with on-going accounts of your responses to the global pandemic.

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