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**MINE** Update  
MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

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## This Week in the News

Congress averted a government shutdown by extending funding through February, but a host of other open issues remain. Christmas vacation on Capitol Hill will likely be abbreviated at best as the President's Build Back Better budget reconciliation bill hangs in the balance. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus, we have updates on how the mining and energy markets are faring.

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## Safety Share

It's not too soon to begin planning your New Year's [workplace safety resolutions](#).

## NMA Holds Member Meeting with DOE's Loan Program's Office on Minerals Lending

The image shows a Zoom meeting interface on the right side, with three participants visible in a vertical stack. The top participant is a man in a suit, the middle one is a man in a white shirt, and the bottom one is a man in a light-colored shirt. The Zoom control bar at the bottom shows a mute button (R), a volume icon (+15), and a name tag (JS). On the left side, there is a document titled "Executive Order on America's Supply Chains" dated February 24, 2021. The document includes sections on policy, supply chain review, and assessments. The document is displayed in a "BRIEFING ROOM" format with a blue header and footer.

**Executive Order on America's Supply Chains**  
February 24, 2021

Section 1. Policy. The United States needs resilient, diverse, and secure supply chains to ensure our economic prosperity and national security. Pandemics and other biological threats, cyber-attacks, climate shocks and extreme weather events, terrorist attacks, geopolitical and economic competition, and other conditions can reduce critical manufacturing capacity and the availability and integrity of critical goods, products, and services.

Section 3. 100-Day Supply Chain Review. (a) To advance the policy described in section 1 of this order, the APNSA and the APEP, in coordination with the heads of appropriate agencies, as defined in section 6(a) of this order, shall complete a review of supply chain risks, as outlined in subsection (b) of this section, within 100 days of the date of this order.

Section 3 (b) (ii) The Secretary of Energy, in consultation with the heads of appropriate agencies, shall submit a report identifying risks in the supply chain for high capacity batteries, including electric vehicle batteries, and policy recommendations to address these risks. The report shall include the items described in section 4(c) of this order.

Section 4. Sectoral Supply Chain Assessments. (a) Within 1 year of the date of this order, the specified heads of agencies shall submit the following reports to the President, through the APNSA and the APEP:

Section 4 (c) Each report submitted under subsection (a) of this section shall include a review of:

Section 4 (c) (ix) specific policy recommendations for ensuring a resilient supply chain for the sector. Such recommendations may include sustainably reshoring supply chains and developing domestic supplies, cooperating with allies and partners to identify alternative supply chains, building redundancy into domestic supply chains, ensuring and enlarging stockpiles, developing workforce capabilities, enhancing access to financing.

This week, the NMA and representatives from several member companies met with John Lushetsky, Senior Advisor in the Department of Energy's (DOE) Loan Programs Office (LPO) to discuss implementation of several provisions from the Infrastructure Investment and Jobs Act (IIJA / PL No: 117-58), including expanded LPO loan guarantee eligibility for projects that increase domestic production, processing and recycling of critical minerals. Mr. Lushetsky also provided an update on several new DOE grant programs included in the IIJA. Please find a link to the LPO's PowerPoint [HERE](#). The NMA will continue to work with DOE to support funding opportunities for qualifying mining projects. If you or anyone from your organization has questions or would like additional information about today's meeting, would like the material DOE distributed, or a section-by-section of the minerals provision in the new infrastructure, please reach out to Justin Prosser ([jprosser@nma.org](mailto:jprosser@nma.org)).

# Congress Expected to Pass NDAA Conference Report



Next week, Congress is expected to pass the final FY2022 National Defense Authorization Act (NDAA). The House passed its version of the NDAA (H.R. 4350) in September, and although the Senate was not able to pass its bill over the last two weeks, a bicameral agreement on a final bill was reached and includes several domestic mineral supply chain provisions. NMA-backed language was included to support interagency coordination for the development of domestic supply chains for minerals while directing consultation with producers and processors of strategic and critical materials to prevent undue supply chain disruptions. Additional language in the bill requires the Department of Defense to develop a plan to reduce reliance on services, supplies and materials obtained from China, Russia, North Korea and Iran and establishes a demonstration program for domestic production of rare earth elements from coal byproducts. The agreement does not include the House-passed provisions to withdraw federal lands in three states, including one million acres in Arizona, from mineral entry. Language to create new and sweeping wilderness conservation designations and other withdrawals was struck from the final bill at the [urging of the NMA and member companies](#). The House passed the bill last night, and when the Senate passes the NDAA agreement it will directly head to the President to be signed into law.

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## NMA's Rich Nolan Testifies to House Energy, Climate and Conservation Task Force



Last week, NMA President and CEO Rich Nolan provided testimony and answered questions from Members of Congress and staff concerning the future of mineral production and processing policy in the U.S. Rich's comments focused on the ever-increasing mineral demand, the lack of U.S. domestic policy needed to meet it, and the state of domestic mineral development policy of our foreign competitors and rivals. Rich was joined by representatives from Security America's Future Energy and the North America's Building Trades Unions who also presented to the Energy, Climate, and Conservation Task Force. In response to questions about U.S. reserves, Rich properly characterized the problem not as a lack of resources but a lack of American manufacturing capacity for new technologies, batteries, and semiconductors and the material supply chains needed for them. Certainty, standing up more domestic production, and new investment are all necessary to turn the obstructions of bad regulatory policy into domestic mining and processing to rebuild the industrial base the U.S. needs. The NMA will continue to work with the Task Force to develop its legislative agenda for next year pursuing new opportunities for domestic mining legislation in Congress.

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## DOE Awards Over \$10 Million to Reduce Coal Mine Methane Emissions

The DOE last week [announced](#) over \$10 million for three projects focused on developing technologies to reduce methane emissions from coal mines. The three projects that received awards are part of a broader “[Reducing Emissions of Methane Every Day of the Year \(REMEDY\) Program](#)” unveiled earlier this year by DOE’s Advanced Research Projects Agency-Energy (ARPA-E). ARPA-E awarded a total of \$35 million to develop technologies to reduce methane emissions in the oil and gas and coal industries. The three coal projects were awarded to Johnson Matthey, Inc. (Wayne, PA), Massachusetts Institute of Technology (Cambridge, MA), and Precision Combustion, Inc. (North Haven, CT). Of note, Johnson Matthey is partnering with CONSOL Energy Inc. and Oak Ridge National Laboratory to develop a Catalytic Oxidation METHane (COMET™) technology to address ventilation air methane sources. A demonstration unit that incorporates all safety features and monitoring equipment will be constructed and installed at one of CONSOL’s active underground coal mining sites to validate the safety, reliability, and durability of the technology. Once this project is successfully completed, the plan is to begin commercialization efforts, which would result in significant reductions in coal mine methane emissions in the U.S. and globally.

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## WOTUS "Step One" Proposal Published in Federal Register; Comments due Feb. 7, 2022

The Environmental Protection Agency (EPA) and the Army Corps of Engineers’ proposed “step one” rule defining “waters of the United States” (WOTUS) was published in the Federal Register on Dec. 7, 2021, kicking off a 60-day public comment period. Comments due Feb. 7, 2022. For more background information and NMA’s initial takeaways on the proposal, please review our Nov. 19 [memo](#). To discuss the proposal and solicit your initial feedback, NMA will hold a Teams call next Monday, Dec. 13 at 3:00 p.m. (Eastern). To RSVP and download an Outlook invitation with the Teams link, please click [here](#).

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## NMA Comments on FWS Advance Notice on MBTA

The NMA last week submitted [final comments](#) in response to the U.S. Fish and Wildlife Service's (FWS) [Advance Notice of Proposed Rulemaking](#) to consider a program authorizing incidental take. The FWS is considering authorizing incidental take using three mechanisms: (1) exceptions to the Migratory Bird Treat Act's (MBTA) prohibition on incidental take; (2) general permits for certain activity types; and (3) specific or individual permits. Recall, the NMA supported the Jan. 2021 rule as a straightforward approach to provide regulatory certainty for industry, when historically enforcement and prosecution has been selective. However, the NMA's most recent comments expressly request that mining and mining-related activities be excepted from the prohibitions on incidental conduct under the MBTA.

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## Western Caucus Roundtable Meeting in Vegas



Last weekend, the Western Caucus Foundation (WC) held its annual winter roundtable in Las Vegas with Members of Congress, their staff, and WC stakeholders in attendance. During the event, several policy discussions were held, including a panel moderated by Senator Steve Daines (R-Mont.) and Congressman Mark Amodei (R-Nev.) on “America’s Mineral Needs for Next Generation Technology.” NMA member company representatives Mike Satre (Hecla Mining Company) and Scott Melbye (Uranium Energy Corp) participated on this panel and provided expert remarks about the importance of a robust domestic mineral supply chain and the need to improve the mine permitting process and ensure

access to mineral resources on public lands. The NMA will continue to work with members of the Congressional Western Caucus and others in the House and Senate to advocate for responsible resource development policies that strengthen our nation's economic and national security.

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## NMA and Third Party Voices

The NMA's Katie Sweeney is quoted in a [North of 60 Mining News](#) report that the \$1.2 trillion Infrastructure Investment and Jobs Act brightens an otherwise gloomy outlook when it comes to federal policies that impact Alaska and its mining sector.

The NMA is quoted in an [E&E Greenwire](#) report indicating that a wastewater rule the Trump administration pushed through as a Hail Mary for struggling coal plants is now being cited as a reason some of those same units are opting to close.

From our third parties, [The Eastern New Mexico News](#) (N.M.) carries an op-ed by Jim Constantopoulos, a geology professor at Eastern New Mexico University, in which he argues rising inflation and an insecure minerals supply chain are threatening to disrupt the development of green energy and derail U.S. climate goals.

## Mining and Energy News

[The Wall Street Journal](#) reported that making the global economy more environmentally sustainable will require a lot more natural resources.

The [Boston Herald](#) carries an op-ed which argues for mining in Maine in order to provide the inputs for green energy technologies.

[The Guardian](#) reported that Thacker Pass is rich in lithium deposits but is also a place of

historical and cultural significance to the Paiute people.

[National Geographic](#) reported that electrifying global vehicle fleets will require vast new troves of metals like cobalt and copper that may be tough to find without help from big data.

[Green Car Congress](#) reported on a Wall Street Journal story indicating that China plans to create one of the world's largest rare-earths companies with the aim of maintaining its dominance in the global supply chain of the strategic metals as tensions deepen with the U.S.

[The Wall Street Journal](#) published: "The scramble for EV battery metals is just beginning."

[The Financial Times \(subscription\)](#) reported that China is interested in Afghanistan's rich lithium and copper deposits. China's mining industry visited Afghanistan recently to discuss access to copper deposits in Mes Aynak, southeast of Kabul.

[A new economic impact report from the World Gold Council](#) estimates that in 2020, council member companies directly employed 200,000 people and supported another 1.2 million jobs through their local suppliers. Wages among the member companies are on average tend to be six times higher than the average where they operate. WGC analysis concluded that member companies contributed \$438 million to communities and indigenous groups.

[Argus Media](#) (subscription) reported that coal-fueled generation increased 15 percent in September from a year earlier, as electricity use rose and natural gas generation fell. Argus also [reported](#) that the Southwest Power Pool (SPP) coal region dispatch rose by 13 percent in November. [Argus Media](#) also reported that coal-based power in the PJM power region fell sharply in November.

[The Wall Street Journal](#) reported that coal stocks at U.S. power plants have shrunk to their lowest level since the 1970s, according to data from the Energy Information Administration (EIA), and as utilities try to build up their inventories before winter, coal

prices have climbed to their highest mark in over a decade.

The Casper Star-Tribune published: “Price of Wyoming coal jumps to [unprecedented high.](#)”

Oil Price published: “U.S. coal is making a [transitory comeback.](#)”

[The Wall Street Journal](#) reported that the decline of coal in the U.S. is playing out in rural Utah, where a mine is losing two top domestic customers because their power plants are switching to cleaner fuels.

New England’s grid operator warned the region [could face blackouts](#) this winter if severe cold snaps and fuel supply disruptions strike at the same time.



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