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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

Both chambers of Congress returned to session and President Biden delivered his first State of the Union address in the shadow of Russia's invasion of Ukraine. In this dynamic environment, 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.

Safety Share

The National Safety Council urges us to “spring forward and [review your safety checklist.](#)”

SOTU: Made in America, Energy and Addressing Climate



President Biden delivered his first State of the Union address last night. With good reason, much of his remarks were focused on the ongoing invasion of Ukraine. However, the President took the opportunity to highlight remaining goals under his Build Back Better plan, although not referencing it by name.

The President said that he has a plan to battle inflation. As part of that effort, instead of relying on foreign supply chains, he said, “let’s make it in America... I call it building a better America.” The NMA is meeting with nearly a dozen White House officials this week following up on last week’s announcements on new mining, processing and sourcing natural resources, and will continue to work with this administration on developing domestic supply chains resources.

Another part of the president's plan was "cutting energy costs for families an average of \$500 a year by combatting climate change." The focus of this pledge was on tax policy to weatherize homes, extension of renewable energy tax credits, and electric vehicle incentives that will require both implementation of the new infrastructure law and additional congressional action. The NMA will continue to work with multiple congressional offices on opportunities and to defend reliability electricity generation.

Supreme Court Hears Landmark Clean Air Act Case



The U.S. Supreme Court this week heard oral argument in the landmark case *West Virginia v. EPA*, during which West Virginia Solicitor General Lyndsay See on behalf of the 19 state petitioners and Yaakov Roth on behalf of the coal industry petitioners made the case for limiting the Environmental Protection Agency (EPA) authority under Clean Air Act section 111(d) to regulate greenhouse gas emissions from power plants. The fundamental question before the court is whether Congress constitutionally authorized the EPA to issue significant rules – including, in this case, those capable of reshaping the nation's electricity grids – without any limits on what the agency can require so long as it considers cost, non-air impacts, and energy requirements. The NMA filed a brief supporting West Virginia,

demonstrating that EPA's efforts to seize upon a snippet of general statutory language as authority to implement a dramatic shift in the nation's electricity generation meet all three judicial tests that trigger the application of the major questions doctrine. A transcript of the oral argument is available [here](#). You can listen to the oral argument [here](#).

Meeting on Mine Safety with Secretary of Labor Walsh



This week NMA President & CEO Rich Nolan, mining company leaders and other mining associations met with Secretary of Labor Walsh, other representatives of Department of Labor and representatives from the Mine Safety and Health Administration to discuss recent trends in mine fatalities. The secretary stressed the importance of working together and sharing best practices to improve those trends, especially in the context of powered haulage. Several mining executives provided examples of effective safety protocols employed at their sites. At the close of the meeting, the secretary expressed his view that this meeting was just a beginning of a conversation and promised to host another meeting next quarter.

NMA Urges Strong Provisions to Remain in China Competitiveness Bill



During his State of the Union address, President Biden called on Congress to pass the bipartisan China competitiveness legislation to help unlock necessary investments in emerging technologies and domestic manufacturing. In support of these efforts, the NMA on Monday [urged](#) the Chair and Ranking Member of the Senate Commerce, Science and Transportation Committee – the principle drafters of the United States Innovation and Competition Act (USICA) – to maintain the stronger bipartisan minerals language included in that bill as they begin working to conference the House and Senate-passed bills. Specifically, the letter urges the Chair and Ranking Member to maintain bipartisan language included in the bill by Senators Jackie Rosen (D-Nev.) and Cynthia Lummis (R-Wyo.) during committee consideration that directs the U.S. Department of Commerce to award financial assistance for critical mineral production. The America COMPETES Act bill, which the House passed in early February, fell short of including any meaningful mineral supply chain provisions. The NMA will continue working with the committee and congressional allies to prioritize this language in the final bill sent to the President.

NMA and Third Party Voices

Rich Nolan is quoted by [Reuters](#), [Kitco](#), [Financial Post](#) and [Mining.com](#) in coverage highlighting that U.S. miners are clamoring for Washington to approve new domestic sources of minerals used to make weaponry, electric vehicles and other high-tech gadgets, frustrated that the Pentagon is working with foreign companies to stockpile these essential materials.

The NMA is quoted by [E&E News PM](#), [Washington Examiner](#) and [Elko Daily Free Press](#) in stories on the administration's supply chain announcements and efforts to update "outdated mining laws and regulations."

The NMA is quoted in an [Inside EPA](#) report noting that the Biden administration is signaling that EPA will revisit a Trump-era decision that rejected setting financial assurance requirements for the hardrock mining industry under the Superfund law, environmentalists say, part of a plan to shore up standards in the sector and prioritize recycling and reuse of critical minerals for low-carbon technologies.

The NMA is mentioned in a [Wall Street Journal](#) story on Supreme Court arguments concerning the scope of EPA's authority.

From our third parties, [Inside Sources](#) (D.C.) carries an op-ed by Dan Ervin, a finance professor at Salisbury University, in which he argues American manufacturing policy and energy policy should rest on the shoulders of American mining policy.

Mining and Energy News

A new [Pew Research study](#) finds that 69 percent of U.S. adults prioritize developing alternative energy sources, such as wind and solar, over expanding the production of oil, coal and natural gas, but just 31 percent believe the U.S. should phase out the use of oil,

coal and natural gas completely; far more (67 percent) say the country should use a mix of fossil fuel and renewable energy sources.

[Argus reported](#) that U.S. coal exports to China soared in 2021, with shipments of 15.3 million metric tons, up nearly five-fold from 2020, according to shipbroker Banchemo Costa.

Argus reported that [Powder River Basin](#) coal output rose by 12 percent in the fourth quarter due to higher utility demand and natural gas prices. Argus also reported that [Northern Appalachian](#) coal output was up 8 percent in the same period.

[Argus](#) reported that state regulators have approved a delay to the retirement of a coal-fueled unit at the Public Service Company of New Mexico's (PNM) San Juan Generating Station.

[Reuters](#) reported that a federal appeals court has ruled that Energy Fuels Resources can operate a uranium mine near the Grand Canyon on public land that was closed to new mining claims nearly a decade ago.

[E&E News](#) reported that Lithium Americas Corp.'s Thacker Pass mine in Nevada has received the remainder of its state permits from Nevada regulators.

[E&E Greenwire](#) reported that Russia's oil and gas industries have gotten a lot of attention in the ongoing conflict in Ukraine, but some experts say Russia's mining interests could also complicate the U.S. response to the nation's invasion of its neighbor.

[Mining.com](#) reported that "the Bank of Russia said it will start purchasing gold again, just under two years after it ended a long-running buying spree that helped prop up bullion prices last decade."

[E&E News published: "What the Russia crisis means for U.S. electricity mix"](#) and "Could Russian sanctions [hobble U.S. clean energy push?](#)"

U.S. Energy Information Administration reported retail electricity prices in 2021 rose at the [fastest rate since 2008](#).



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