

**NMA**

National  
Mining  
Association

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# 2023

**ANNUAL  
REPORT**



# LETTER FROM THE PRESIDENT AND CEO

From global conflicts to domestic political challenges, grid warnings to projected minerals shortages, outsized regulatory aggression in the thermal coal and minerals markets to the tightest of labor conditions, 2023 has been a challenging year from any perspective. Our industry, specifically, holds a particularly unique position given that it is both a lynchpin of the Biden administration's electrification ambitions but also the target of environmental activists who are among the Biden administration's most ardent supporters heading into another contentious election year.

In the midst of this ever-changing landscape, the National Mining Association (NMA) has been working around political deadlocks and global uncertainty by driving the discussion with aggressive messaging and advocacy, bringing new allies into our corner, deepening cooperation with old friends and securing bipartisan wins wherever possible. Because, independent of what happens or doesn't happen in a deeply divided Congress, there is a heightened awareness of the importance of mined materials and their undeniable benefits in society.

Despite ongoing national and global concerns about energy security and stability, mixed messages from China, and questions about minerals availability, the administration has not significantly altered the onslaught of aggressive regulations that was put in motion the moment President Biden took office.

But our industry is not alone in the pressures being imposed on us by the Biden-Harris team, and that cross-industry shared concern has pulled like-minded interests together. From the auto manufacturing to the battery industries, the Federal Energy Regulatory Commission to the labor unions and the states, an increasing bench of voices has awoken to the fact that U.S. competitiveness, free enterprise and high-paying American jobs are being threatened by a wide range of rules being crafted in many federal agencies. The NMA is actively working with these groups, and we are seeing more of our messaging echoing through national editorial pages — and at the oversight committees and witness tables on Capitol Hill — than ever before.

We notched an important win in the U.S. Supreme Court narrowing the federal jurisdiction over the waters of the U.S. (WOTUS) rule and are continuing the fight on the amended rule. The team also worked with the states as they secured judicial stays preventing the implementation of the Ozone Transport rule in 12 states, as we pursued our challenge to the rule in the D.C. Circuit and Supreme Court. And, on Capitol Hill, we supported a steady drumbeat of electric reliability hearings, were finally able to welcome the passage of the long-awaited Chilean Tax Treaty, and pushed for the enactment of key National Environmental Policy Act (NEPA) reform

amendments. To address workforce challenges, the NMA launched a video series targeting the next generation of miners, which has been viewed more than 5.3 million times. Progress has been significant but, as is always the case, there's much more work ahead.

The road ahead for our growing industry has never been more promising and, with your partnership, new bipartisan allies are embracing our industry every day. I'm looking forward to the positive difference we can make together in 2024 and beyond.



**RICH NOLAN**  
PRESIDENT AND CEO  
NATIONAL MINING ASSOCIATION





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# 2023 AT A GLANCE



**395**

op-eds, 4% increase year-over-year



**202**

administration contacts



**6,659**

congressional contacts



**94**

president & CEO op-eds, across 25 states and D.C.



**46%**

increase in total NMA followers on LinkedIn



**84**

congressional & administration letters and testimony



**8.9 MILLION**

Americans reached through our editorial program



**236**

hearings, markups and forums tracked



**13%**

increase in total NMA followers on Twitter/X



**2,382**

posts across social media platforms



**111**

fundraisers attended



**458**

state contacts



**68**

blog posts



**64**

comments filed



**31**

legal filings



**560,000+** followers



**15**

videos reaching 5.3 million viewers



**590**

memos to members



**21**

active third-party voices



**37**

new members recruited

# MAKING AN IMPACT



THE BIDEN ADMINISTRATION'S MINING REFORM PLAN WOULD DEEPEN SUPPLY CHAIN WOES

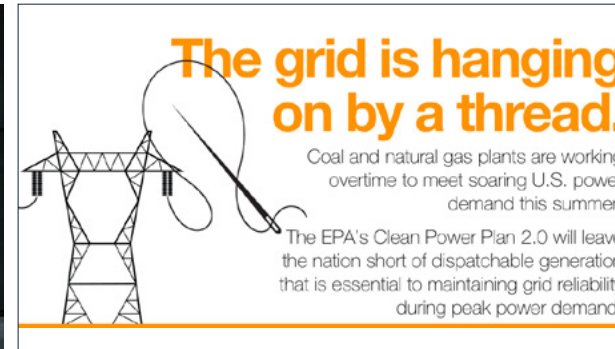
MINERALS  
MAKE  
LIFE

IF WE WANT MORE ELECTRIC CARS, WE NEED MORE MINES



MINERALS  
MAKE  
LIFE

**The grid is hanging on by a thread.**



Coal and natural gas plants are working overtime to meet soaring U.S. power demand this summer.

The EPA's Clean Power Plan 2.0 will leave the nation short of dispatchable generation that is essential to maintaining grid reliability during peak power demand.



**China is charting its own energy path.**

**The west should take note.**

China is leaning into an energy abundance agenda, seeing no conflict with both leading the world in the deployment of renewable energy and rapidly expanding – not just maintaining – the world's largest coal fleet.

**American metallurgical coal: Meeting the global demand.**



U.S. met coal is some of the world's highest quality and is a key input in steel making from Europe to India, Japan and Brazil.

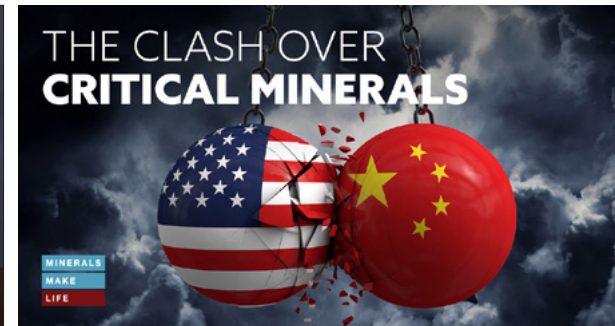
"THE BEST WAY TO ESCAPE FOREIGN MARKETS IS TO INVEST IN OUR OWN."

NATIONAL MINING ASSOCIATION



MINERALS  
MAKE  
LIFE

**THE CLASH OVER CRITICAL MINERALS**



MINERALS  
MAKE  
LIFE

It's past time to recognize the critical importance of the fuel security and dispatchable fuel diversity provided by the coal fleet.

We need the resiliency provided by winterized coal plants with months of fuel on site. Doing so is a reliability strategy we can't wait another winter to pursue.



TIME TO ADDRESS CHINA'S SUPREMACY OF VITAL MINERALS



MINERALS  
MAKE  
LIFE

**WARNING: There's a power demand tsunami heading our way**



The rapid electrification of transportation, heating and heavy industry, a growing economy and surging electricity from data centers and AI are upending the status-quo.

Years of relatively flat power demand are long gone and utilities seem to be struggling to grasp how much things are changing and how quickly.

**DETACHED FROM REALITY**

EPA'S AGENDA IS SOWING THE SEEDS FOR A GLOBSAL SELF-MADE ENERGY CRISIS



When the nation should be scrambling to add new electricity generating capacity on the shoulders of the grid we have and working to solve market failures to ensure existing resources are properly valued for the reliability attributes, EPA is instead determined to take them apart.

**Don't hold your breath.**



Alarm over the nation's collapsing grid reliability has been building for years, reaching a crescendo over the past few months.

None of it has convinced EPA to change the pace of its regulatory onslaught.

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# 01

**GROWING FOR  
TOMORROW**



**A**s a sign of the industry’s momentum and promise for the future of the economy, the fastest growing segment of the NMA membership is a set of companies in the exploration, prospecting, discovery, assessment and early production phases of development. In fact, the number of NMA member companies in these early phases of mining has more than doubled in the past few years.

Given the ever-changing regulatory environment that faces our industry — an industry that has been embraced by parts of the Biden administration for the pivotal role it will play in bringing the technologies of tomorrow to market only to be shunned by other parts of the administration that are reluctant to permit any domestic projects — the NMA offers resource developers a team of deeply experienced lobbyists, attorneys, regulatory and communications experts as an extension of their own staff. Many of these small but growing companies have yet to start the permitting process in a formal way, but they are able to turn to the NMA for company-specific consulting and support on communications efforts that can bolster local community relations efforts and pique the interest of potential investors, and utilize the NMA’s extensive government affairs team to better understand the now robust government funding opportunities.

In 2023, the NMA welcomed 11 new members in this category — and 37 new members in total — and we look forward too continuing to build this important member segment, one whose success will directly and positively impact the economic success of our country.



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# 02

## ATTRACTING THE NEXT GENERATION OF MINERS



**R**esponding to the need articulated by NMA members to support the recruitment of the next generation of talent for the mining industry, in 2023, the NMA team traveled to mines across the country to film and develop a video series intended to highlight the extraordinary job opportunities available in mining and to dispel misperceptions about our industry. Working closely with Coeur Mining and CONSOL Energy — whose teams spent months with the NMA planning these videos in advance and hosting the team on-site for extended shoots and interviews — we captured the spirit of our industry through the voices of our most valuable asset: the miners themselves.

What was intended to be one video became a series of 12 videos that the NMA promoted across its digital channels through both organic and paid media promotion targeting a range of audiences from graduates and soon-to-be graduates looking at career opportunities; to policymakers and their staff in both Washington, D.C., and mining states; as well as mining fans, friends and other interested individuals. The first video spoke generally to the fantastic career opportunities available across the mining industry. Phase two included a series of individual employee interviews, with miners discussing the positive impacts that a career in mining has had on their lives, their communities and the country. These powerful first person accounts allowed employees of the industry to speak directly to the next generation of miners about what is possible in mining. For the final phase of our video rollout, the focus was on policymakers. The first policymaker-focused video covered mining and

the environment. In this video, employees across our industry discuss the fact that they and their families live in the communities that surround the mines, making them personally invested in caring for the land, water and wildlife that surround each project. The second policymaker-focused video showed coal miners discussing the vitally important role that coal plays in powering America and in supporting American communities. Across the series, these videos have received more than 5 million views.

To increase the reach and impact of our careers messaging, Rich Nolan wrote an editorial that was published in more than 30 outlets across the country, reaching audiences in 14 states. The NMA has also collaborated with congressional allies to advance workforce investment opportunities that encourage research and development, training, and grants to trade schools, universities and nonprofits that support the next generation of the mining workforce. Through legislation, appropriations and coalition development, the NMA is ensuring that building the mining workforce of the future is a national priority.



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# 03

## ADVANCING INDUSTRY'S INTERESTS



**W**ith the wars in Ukraine, and now Israel and Gaza, ongoing, and sporadic chaos within the Republican party in the House, keeping our agenda on top of policymakers' priority lists has been a challenge. But the external turmoil has solidified alliances between and among likeminded groups creating stronger choruses of voices around issues that matter to us. We have used this unique moment in history to build for the future, and the results have been noteworthy.

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## IMPACT THROUGH COALITIONS AND PARTNERSHIPS

The manufacturing industry has come together with a unified voice to impress on the White House, Congress and the media the breadth and cost of its regulatory assault. The NMA team has engaged with the National Association of Manufacturers (NAM) to inform and push the “Manufacturers for Sensible Regulations” campaign, and helped drive an effort with more than



The NMA meets with National Economic Council Director Lael Brainard as part of the National Association of Manufacturers Council of Manufacturing Associations.

70 trade association chief executives opposing the U.S. Environmental Protection Agency's (EPA) efforts to tighten the existing particulate matter National Ambient Air Quality Standards (NAAQS).

This administration is very sensitive to labor concerns and criticism, and we have worked to push organized labor to express its concerns not only with the Clean Power Plan 2.0 and the permitting regime for mining projects but also to specifically weigh in on the Interagency Working Group on Mining Regulations, Laws and Permitting (IWG) recommendations on mining reform. The team worked to generate support from the International Union of Operating Engineers, the National Infrastructure Alliance, and the North American Building and Trades Union, speaking to the uncertainty an overhaul of the General Mining Law would create at precisely the moment the nation should be ramping up domestic production to meet surging demand.

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## SCORING WINS WITH ALLIES

Even as new allies have been important, doubling down with longstanding supporters has also borne positive results. The NMA actively engaged with a broad industry coalition to ratify the Chilean tax treaty, which was negotiated between the U.S. and Chile in 2010 and ratified by the Chilean Congress in 2014, but remained pending in the U.S. Senate ever since. Following additional action by the Chilean government in November, the treaty entered into force January 1, 2024. The treaty will avoid double taxation of U.S. companies operating in Chile and ensure competitive



NMA Chairman Mitch Krebs of Coeur Mining and Simplot CEO Garret Lofto meet with House mining leaders, Reps. Pete Stauber and Bruce Westerman at NMA HQ.

corporate tax rates for U.S. companies operating in Chile, providing U.S. mining companies and mining service companies the legal certainty required for new business investments.

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## THE UNRELENTING REGULATORY WAVE

As previously noted, our allies, coalitions and advocacy efforts have been invaluable in the face of what has been an unrelenting regulatory environment. The volume of activity seen thus far is extraordinary. From inauguration day to present, the government finalized more than 740 rules at a cost of more than \$447 billion dollars, shattering prior records of regulatory cost burdens.

The NMA is actively monitoring or engaged in more than 100 regulatory matters. That list is long and significant. This year alone, the EPA finalized a revised definition of the WOTUS and a water quality

If you pulled it [coal] off right now, would it give you the certainty that the system would give you the reliability needed?

**“It would not.”**

**– WILLIE PHILLIPS,  
FERC CHAIRMAN**

certification rule under the Clean Water Act, an expansive Ozone Transport Rule, a rule underpinning the Mercury Air Toxics Standards for power plants, and new chemical reporting requirements on asbestos and PFAS applicable to mines. The Department of the Interior’s (DOI) Fish and Wildlife Service also finalized a controversial endangered species rule on experimental populations. The NMA filed comments on more than 60 proposed rulemakings this year, including those that form EPA’s destructive power plant strategy (Clean Water Act effluent limitations guidelines for coal plants, the Clean Power Plan 2.0, and revised Mercury Air Toxics Standards).

The NMA opposed EPA’s proposal to significantly lower the particulate matter National Ambient Air Quality Standards, a proposal to greatly expand permitting requirements on fugitive emissions from all mining operations, and an expansive air emissions reporting rule that would create new reporting burdens across the

mining industry. The NMA also opposed the Council on Environmental Quality’s proposed NEPA greenhouse gas guidance and a phase 2 rule that increases environmental review and permitting obligations across the industry. The NMA also weighed in on a new Bureau of Land Management (BLM) conservation and landscape health rule, the Office of Surface Mining and Enforcement’s proposal to roll-back ten-day notices, and several rules removing favorable Endangered Species Act (ESA) limitations.

Finally, the NMA filed extensive comments on the Mine Safety and Health Administration’s (MSHA) proposed changes to black lung self-insurance and the long-awaited revised silica standards for all mining operations.

This diverse range of rules would impose new or expanded compliance obligations, increase businesses’ operating costs, inflict new permitting and environmental review obligations that could impede or delay projects, and require new safety compliance measures across the industry-destroying capital investment and jobs.

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## THE RELIABILITY RACE

The EPA has constructed a suite of rules that will rapidly close coal plants without adequate replacement generation, damaging the resiliency and reliability of the grid and increasing costs to consumers and industrial users alike. The NMA has been working to bring attention to this for years, and our messaging has now been broadly adopted by a range of interests, particularly on Capitol Hill.

The NMA’s and member companies’ efforts have significantly raised the profile of grid reliability and American energy production in Congress, resulting in more than 25 congressional hearings this year that centered on grid reliability and the importance of dispatchable, reliable and affordable coal energy. This year also saw the re-establishment of the Congressional Coal Caucus with five co-chairs, all members of prominent coal mining states and strong advocates for the mining industry. The NMA worked to shape and advance Caucus priorities, including through appropriations legislation, with overwhelming success in House-passed legislation, and in congressional oversight of EPA regulations targeting the industry. This included supporting the Coal Caucus congressional “Electricity Reliability Report,” which outlined EPA’s harmful regulations targeting the industry. The team’s efforts have culminated in the introduction and favorable reporting of a bill from the House Energy and Commerce Committee to rein-in EPA’s regulatory onslaught by ensuring federal agencies cannot finalize regulations that are likely to have a significant negative



National Mining Association leadership visits CONSOL Energy.

**“Coal is more dependable than gas and yes, we need to keep coal generation available for the foreseeable future”**

**– MARK CHRISTIE,  
FERC COMMISSIONER**

impact on the reliability and adequacy of the grid without considering and responding to input from the Federal Energy Regulatory Commission (FERC) and other reliability experts.

The NMA also had a substantial role in influencing and affecting oversight ahead of FERC’s Reliability Technical Conference that analyzed the impacts of EPA’s Clean Power Plan 2.0. The NMA worked with both the House Energy and Commerce Committee and the Senate Environment and Public Works Committee to express concerns over EPA’s proposed rule to FERC, resulting in response letters from two FERC commissioners expressing similar concerns with EPA’s proposal. EPA admitted that it needs to provide more flexibility in the final rule to respond to stakeholder concerns, and published an irregular supplemental notice requesting comments on specific reliability mechanisms.

In the states, the NMA was able to educate and activate state leaders on grid reliability and the potential impact of EPA’s rulemakings. In states like South Carolina, Ohio and Alabama, governors took steps to focus on making reliability part of the state’s economic planning. The governors of Wyoming, North Dakota and Texas visited the White House to express their energy policy concerns to the administration. These same education efforts were also successful in gathering 27 attorneys general across the country to challenge EPA rulemakings hostile to the mining industry in courts across the country. An additional focus of state legislation was on grid reliability and unnecessary fuel switching by utilities. Legislation was introduced in eight states that would require Public Utility Commissioners and Public Service Commissioners to take into consideration electricity production capacity when considering shutting down a power plant.

**E&ENews**  
BY POLITICO

## **U.S COAL POWER REFUSES TO DIE.**

**Nolan said the “regulatory wave that’s coming” could wipe out “well-functioning coal plants” and hurt grid resilience in certain parts of the country. He rejected the argument that more renewable power from a diverse set of sources could shore up the grid. “Certainly in an ideal world if everything was wired up, and we had engineers and a permitting process that wasn’t broken and electricity transmission lines were strung up all over the world, yeah, they may be correct,” he said. “However, that’s not reality. And that’s not where we are today.”**

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## **COUNTERING AN ILL-ADVISED REPORT**

The White House Interagency Working Group on Mining Regulations, Laws and Permitting (or IWG) released its report in September, concluding that “fundamental reform of the Mining Law of 1872 — the 151-year-old law that still governs access to mineral resources on hundreds of millions of acres of public land in the United States — is necessary to achieve the best outcomes.” While the NMA successfully worked with allies behind the scenes to water down recommendations that would have called for Tribal vetoes of projects or required adherence to the overly stringent Initiative for Responsible Mining Assurance

(IRMA) standard, the primary recommendations remained detrimental to the industry. Among the recommended fundamental reforms were: conversion of the location system to a leasing system, which will allow agencies additional discretion to deny mining projects even if they meet all environmental requirements; net royalties in the range of 4-8 percent, likely to be imposed on both new and existing claims; and a dirt tax on volume of material moved at mine sites that would likely be 7 cents per ton and apply to mines on federal, state and private lands.



Although the report's most egregious recommendations would require congressional action — something unlikely in the current Congress — the NMA jumped to action to shape the news surrounding the report's release and rallied like-minded allies and organizations against it. When the report was released, we had already been pre-briefing media for months so that, when the DOI contacted reporters to give them an advance preview of the recommendations, some of the red flags we had highlighted were immediately obvious and reporters reached out, even before the embargo was lifted. We were able to get into all major news coverage published the minute the embargo was lifted — from *The Washington Post* to *The New York Times* and Associated Press — and followed with an op-ed from Rich Nolan, which was picked up across the country.

In preparation for the roll out of the IWG report and recommendations, the NMA held a July briefing for 37 bipartisan and bicameral congressional pro-mining offices on what was expected in the report, and the industry's reaction. When the report was finally released, the NMA was quickly able to provide updated information to those offices and requested their engagement in opposition to the problematic recommendations. This engagement continued to propel congressional interest in the IWG's recommendations and led to the development and adoption of an amendment to this year's House-passed Interior Appropriations bill prohibiting funding to implement any of the IWG's recommendations.

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## MINING LAW

This year brought with it significant litigation activity on Mining Law requiring NMA engagement to ensure workable interpretations of the statute. From protecting the right of owners of unpatented claims to use surface resources to develop those claims, to preventing misuse of the millsite provision, the NMA represented the industry's interests in several federal appeals courts. We helped secure a win in the U.S. Court of Appeals for the Ninth Circuit related to a challenge to Lithium America's Thacker Pass project in Nevada. We are hoping for a similar success in the D.C. Circuit after oral argument is held in Jan. 2024 in the Earthworks case in which anti-mining organizations argue that the Mining Law must be interpreted to impose a limit on the number of millsites an operator can use to support mining activities on federal lands.

In Congress, this summer, House Natural Resources Committee Ranking Member Raúl Grijalva (D-Ariz.) and Senator Martin Heinrich (D-N.M.) reintroduced their respective partisan legislation to amend the General Mining Law, the Clean Energy Minerals Reform Act (H.R. 3495 and S. 1742). These bills include new and punitive hardrock mining royalties, taxes and fees, and would increase claims maintenance fees that would overburden the domestic mining industry at an estimated half a billion dollars annually and jeopardize economic and national security. The NMA and other industry witnesses provided congressional testimony before the Senate Energy and Natural Resources Committee in opposition to Senator Heinrich's



legislation, specifically educating senators as to the severe negative impacts these pieces of the legislation would have on state and local economies and the workforce in these areas.

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## THE FIGHT OVER LAND ACCESS

While claiming to support supply chain security, the administration has only approved six mining projects major enough to require a full-blown environmental impact statement (EIS). And it has done a great deal to obstruct new mines, including using the Antiquities Act to place land adjacent to the Grand Canyon off-limits to mining, utilizing DOI Federal Land Policy and Management land withdrawals to prevent mining in Minnesota and blocking access to hundreds of thousands of acres of minerals-rich land in Alaska. In total, this administration has placed nearly 4.5 million acres off-limits to mining. The NMA has worked with allies on the Hill to combat and draw attention to these actions, driving congressional oversight action including numerous pieces of introduced or planned legislation requiring congressional approval before lands can be withdrawn, nullifying monument designations, rescinding mineral withdrawals, disapproving certain mineral withdrawals, and amending the Antiquities Act — all to address the administration’s continued anti-mining abuses. Further, both House and Senate Interior appropriations bills included bill and report language aimed at defunding or blocking the BLM Conservation and Landscape Health proposed rule, mineral withdrawals, and the 30x30 initiative.



Rich Nolan testifies before the U.S. Congress.

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## PERMITTING REFORM

The NMA continues to pursue opportunities to enact bipartisan permitting reforms that will enable the U.S. to develop a robust domestic mineral supply chain to supply manufacturing, infrastructure, energy and national security needs while lessening our nation’s mineral import reliance. The NMA worked closely with House Natural Resources Committee Chairman Bruce Westerman (R-Ark.) and Energy and Mineral Resources

Subcommittee Chairman Pete Stauber (R-Minn.) on comprehensive mine permitting and regulatory reforms in the Lower Energy Costs Act (H.R. 1), which included a fix for the misguided 9th Circuit Court of Appeals Rosemont decision.

The NMA also worked closely with Ranking Member John Barrasso's (R-Wyo.) staff to develop and introduce the Spur Permitting of Underdeveloped Resources (SPUR) Act (S. 1456). The NMA also worked to support permitting provisions in the Fiscal Responsibility Act (H.R. 3746), which modified NEPA for the first time in forty years and limited the scope of EISs and environment assessments (EAs) to reasonably foreseeable impacts to the environment from a proposed project. It also placed enforceable 2- and 1-year limits on EISs and EAs with page limits and established a process for determining a lead federal agency with the purpose of conducting one federal review/decision and preparing one environmental document. Further, it allowed a project sponsor to simply contract to conduct their own EIS or EA under the supervision of the one lead federal agency, similar to other countries.



House Leadership celebrates passage of the Lower Energy Costs Act (H.R. 1).

Throughout the year, the NMA secured numerous opportunities to provide testimony before Congress on permitting reform and domestic mining competitiveness. In February, the NMA's Executive Vice President and Chief Operating Officer Katie Sweeney testified before the House Energy and Commerce Committee on Chairwoman Cathy McMorris Rodgers (R-Wash.) and House Natural Resources Committee Chairman Bruce Westerman's (R-Ark.) Securing America's Mineral Supply Chains Act. The NMA's President and CEO Rich Nolan twice testified on permitting reform, first during a February Subcommittee on Energy and Mineral Resources hearing and later in a May hearing before the Senate Energy and Natural Resource Committee. Capping off a successful year, Katie Sweeney also testified before the committee in support of the bipartisan Mining Regulatory Clarity Act.

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## FPISC

In September, the Federal Permitting Improvement Steering Council (FPISC or Council) proposed to amend its existing regulations to limit inclusion of minerals mining as a covered sector eligible for the expedited permitting process available under section 41 of the Fixing America's Surface Transportation Act (FAST-41) to "critical minerals" as that term is defined by the U.S. Geological Survey. Having been the primary advocate that achieved the inclusion of all mining as a covered industry under FPISC, the NMA worked with congressional allies to conduct oversight activities in opposition to the FPISC action. More specifically, Senator's Dan Sullivan (R-Alaska) spearheaded a letter urging the FPISC to rescind

**“S&P Global data on 127 mines across the world that began production between 2002 and 2023 shows that a major new resource discovery today would likely not become a productive mine until 2040 or later.”**

**– DANIEL YERGIN,  
VICE CHAIRMAN S&P GLOBAL  
U.S. SECRETARY OF ENERGY**

the proposed rule, which included 22 bipartisan signatures. In addition, Congressmen Blake Moore (R-Utah) and Mike Waltz (R-Fla.) passed an amendment blocking the regulation in the House. The NMA also submitted comments on the proposed rule primarily focused on the exclusion of mining projects that do not include the extraction of "critical minerals" from FAST-



41 consideration. The comments criticized the Council's efforts to exclude mining projects that do not involve the extraction of critical minerals as arbitrary and urged FPISC to abandon the proposal.

In an effort to pursue additional benefits of the FPISC permitting process, the NMA worked with Rep. Elissa Slotkin's (D-Mich.) to craft and introduce the Permit Reform in Mining for Energy and Defense (PRIMED) Act, which would maximize the impact of the Defense Production Act (DPA) by enabling mining projects that receive DPA funds to access the permit streamlining process of the FPISC permitting dashboard, ensuring that awarded projects enter production more efficiently.

**“In this critical minerals and materials context we are up against a dominant supplier that is willing to weaponize market power for political gain”**

**– JENNIFER GRANHOLM,  
U.S. SECRETARY OF ENERGY**

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## ENDANGERED SPECIES ACT

This year marks the 50th anniversary of the ESA. Unfortunately, the Biden administration is adding to the regulatory onslaught through an uptick in species listed as endangered or threatened under the ESA, and rolling back favorable regulatory changes implemented during the last administration. With these regulatory changes, the mining industry can expect longer permitting times, mandatory mitigation and additional required studies for species that may impact mining operations or development. Further, environmental groups continue to target specific companies and mines, alleging more and more creative ESA violations to stop mining projects.

To push back, the NMA has been heavily engaged in these ESA rulemakings, writing comments and working with members of Congress who have a growing interest in taking on the ESA and its deficiencies. The NMA is also working closely with House Natural Resources Committee Chairman Bruce Westerman, in coordination with the Congressional Western Caucus through its bipartisan ESA Working Group, to examine the practical impacts of the law, its implementation and how litigation drives ESA decisionmaking. The NMA has also supported numerous congressional actions this year to address species specific ESA issues by including multiple provisions in the House and Senate appropriations bills, moving stand-alone legislation, supporting hearings, and providing stakeholder feedback aimed at improving the ESA.



Katie Sweeney testifies before the U.S. Congress.

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## GOOD SAMARITAN

Bipartisan support for legislation to address the cleanup of abandoned mine lands (AML) continues to grow. Building on successes in the last Congress, Sens. Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) reintroduced their Good Samaritan Remediation of Abandoned Hardrock Mines Act to provide liability protections to address AML sites through the establishment of a pilot permitting program for low-risk Good Samaritan remediation projects. At the time of this publication, the legislation had 26 bipartisan cosponsors and the support of industry and environmental groups. With this robust and diverse support, the NMA continues to support efforts to advance the legislation in the Senate with a possible committee mark-up in early 2024.

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## COAL LEASING MORATORIUM

The NMA is in the final stages of its appeal of an August 2022 Montana District Court ruling in which an activist judge issued a legally suspect and outcome driven ruling that imposed an indefinite nationwide injunction against federal coal leasing until the BLM completes a “sufficient” NEPA analysis of the 2017 rescission of an Obama-era moratorium. Joined by the states of Montana and Wyoming, the NMA delivered a strong response on the judicially imposed moratorium in its filings to the Ninth Circuit. Oral argument is scheduled for Feb. 2024.

The NMA also continues to engage with allies in Congress through oversight activities to showcase the value of coal production and the benefits of the Federal Coal Leasing Program, securing legislative provisions in H.R. 1, the SPUR Act, as well as the House-passed DOI appropriations bill.



Rich Nolan appears on FOX News to discuss industry priorities and the administration’s regulatory agenda.

**“IT’S TRULY AN  
ONSLAUGHT” OF  
GOVERNMENT REGULATION  
“DESIGNED TO SHUT DOWN  
THE COAL FLEET,”  
SAID RICH NOLAN.**

## FUNDING AND INCENTIVES FOR MINING PROJECTS

Congress and the administration have spurred the largest industrial mobilization since the 1930’s industrial policies. Over the past three years, the NMA has worked to develop, pass and implement generational incentives that maximize investment in domestic mining and the mineral supply chains. With the CHIPS and Science Act, the Bipartisan Infrastructure Law, the Defense Production Act, and the IRA, the NMA has provided timely updates of relevant industry opportunities and sought to bridge the divide between public and private engagement by organizing informational webinars and arranging meetings between companies and the Departments of Energy, Commerce, Defense, Export-Import Bank and others to advance access to these incentives.



## ANCILLARY USE AND MINING REGULATORY CLARITY

To support NMA’s regulatory and litigation activities, NMA engaged bipartisan congressional allies to introduce the Mining Regulatory Clarity Act (S. 1281). Led by Senator’s Catherine Cortez Masto (D-Nev.) and Jim Risch (R-Idaho), the bill has the support of five other Senators. The NMA worked with Representative’s Mary Peltola (D-Alaska) and Mark

Amodei (R-Nev.) to introduce a companion bill in the house. As part of NMA’s strategy, several actions were taken to ensure further consideration of the legislation, including successfully including the provision in H.R. 1, the House legislative vehicle for permitting reform, inclusion in the Interior and Environment Appropriations bill and securing a legislative hearing for S. 1281 in the Senate Energy and Natural Resources Committee where the NMA provided testimony.

The success of the continued bipartisan support was made possible through NMA's coalition engagement with automakers, battery and renewable energy producers, and bipartisan think tanks. Catalyzing and aligning messaging on this and other policy proposals is an instrumental aspect of NMA's engagement strategy across the political and ideological spectrum.

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## IMPROVING RAIL TRANSPORTATION

Addressing unacceptable freight rail service experienced by NMA's members across the nation continues to be a priority for NMA and our coalition partner the Rail Customer Coalition (RCC), a group that consists of the majority of commodities shipped by rail.



This year, working with our members, we successfully secured three positions for NMA members on the Rail Energy Transportation Advisory Committee (RETAC), the first time in many years coal or mining interests have been represented. Our rail reliability advocacy on the Hill quickly generated action beginning with a February hearing in the House Committee on Transportation and Infrastructure to discuss rail supply chain challenges. Further oversight was provided through support from mining allies, including the Congressional Coal Caucus, which secured a second hearing in May.

The NMA's consistent advocacy, using hard data provided by NMA members clearly showing poor service experiences, ensured there was a bipartisan desire to address unsatisfactory rail service for America's most critical energy and mineral supply chains. In June, Senator Tammy Baldwin (D-Wis.) introduced the NMA-supported bipartisan Reliable Rail Service Act (S.2071), cosponsored by Senator Roger Marshall (R-Kan.), to support competitive rail service and accountability of class I freight providers. The NMA capped off this year's progress by organizing and sponsoring a Rail Customer Coalition congressional reception and Hill day. The team engaged numerous offices to highlight industry-specific challenges and legislative solutions, including S. 2071.

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## ENGAGING ON TRIBAL & ENVIRONMENTAL JUSTICE MATTERS

Recognizing the ongoing importance of early and meaningful engagement with Tribes, the NMA is in the midst of preparing a Tribal Engagement Toolkit to provide important background and content for engagement with Native Nations. It offers important information on engaging with Tribal governments, and outlines strategies as a starting point for meaningful outreach when mining projects may be near Native Nations. The NMA intends for the toolkit to assist members in developing a robust Tribal engagement program with best practices and success stories for future mining projects. The toolkit will be available in early 2024 for member review.

This year, the NMA also took on a critical leadership role in the broader business community by creating an environmental justice coalition. With more than 60 members representing nearly 30 trade associations across a wide range of industry sectors, this coalition has been an important forum for the business community to share information, ensure industry has a seat at the table in this administration's "whole of government" approach to environmental justice, and engage in regulatory and policy issues that could impact our sectors. We look forward to continuing the dialogue with the administration on the important role of the mining industry to many communities across the country.

## WATERS OF THE UNITED STATES

The NMA continued to challenge the federal government’s efforts to expand its jurisdiction over land and water features this year in our advocacy before Congress, the courts, and the EPA and Army Corps of Engineers. In January 2023, the agencies finalized a new WOTUS rule that broadened the scope of federal jurisdiction over land and water features, making it more expensive and time-consuming for mining operations to obtain Clean Water Act permits. But several months later, industry achieved an important victory when the Supreme Court in *Sackett v. EPA* unanimously struck down the “significant nexus test,” a foundational part of the agencies’ rule, forcing them back to the drawing board. In response to *Sackett*, in September 2023, the agencies released yet another WOTUS rule that still suffered from numerous legal and practical flaws. The NMA and our industry coalition swiftly filed lawsuits challenging this rule in two federal district courts.

On the Hill, the NMA, with the Waters Advocacy Coalition, quickly mobilized to help congressional allies hold agency leadership to account in numerous hearings and oversight requests, including when the agencies paused issuing jurisdictional determinations and permitting actions. The NMA briefed over 100 congressional staff on the punitive rule, and ultimately secured bipartisan passage of the Congressional Review Act joint resolution of disapproval of the 2023 WOTUS rule in both chambers, but was ultimately vetoed by President Biden.

The NMA also supported several hearings to provide oversight of the rule and secured passage in House appropriations and permitting legislation to prevent implementation of the final rule. We continue to press for transparency and efficiency as the agencies attempt to implement the new rule with the goal of issuing guidance in the new year.

**E&ENews**  
BY POLITICO

### UNCERTAINTY ABOUNDS AS EV TAX CREDIT GUIDANCE LOOMS

**“Incentives are not giveaways — they are intended to incentivize action, and the regular announcements of new supplier agreements between miners and the manufacturers show that these incentives are working as intended, are creating U.S. jobs and more secure supply chains, and should be implemented as proposed,” National Mining Association President Rich Nolan said in a statement on Manchin’s legislation.**



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# 04

## DRIVING AHEAD



The administration will be in a rush to finalize all of its rules in the first six months of 2024, with all of EPA's power plant strategy targeted for April 2024. The NMA is advancing a robust litigation strategy to combat these rules, continuing our litigation on WOTUS and the Ozone Transport Rule, wrapping up our litigation on millsites, and filing new challenges to address unlawful rules related to permitting, land use and more. We will also continue to focus on tribal rights and the administration's greater integration of environmental justice in all federal decision-making.

Despite industry tailwinds, as we enter 2024, Congress and the administration are entering an uncertain and increasingly volatile year. Speaker of the House Mike Johnson (R-La.) must quickly avert a government shutdown after opting for a Continuing Resolution to extend funding by passing two different spending bills before January 19 and February. At least 40 House members have announced retirements or are leaving office prematurely. Republicans, who already hold one of the slimmest majorities in over 20 years, will now face a razor thin majority during the second session, making even good policy difficult to pass.



Coeur Mining's operations in Rochester, Nev.



Rich Nolan speaks at the U.S. Chamber of Commerce Critical Minerals Summit.

In addition to passing government funding, the administration will continue its sprint to enact numerous measures prior to next year's pivotal elections, which will require an unwavering commitment from Congress to provide meaningful oversight.

November elections will truncate Congress' ability to pass legislative priorities, including permitting reform for mining and energy transmission. It appears likely that Congress will remain split, with Democrats potentially regaining control of the House and Republicans, at this writing, taking control of the Senate. The 2024 presidential election is shaping up to be a rematch between President Biden and former President Trump, though potential third party candidates may tilt any anticipated outcome. The NMA is prepared to mobilize and engage the Senate in 2024 to fortify support for the mining industry and defend against a potential onslaught of anti-mining policies.

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# 05

**MINEXPO  
INTERNATIONAL®  
2024**



**M**INExpo INTERNATIONAL®, powered by the National Mining Association, is the world's largest mining event, and is held every four years in Las Vegas. MINExpo 2024 is scheduled for September 24-26.

MINExpo covers the entire mining industry — exploration, mine development, open pit, underground mining, processing, safety, environmental improvement and more. It brings professionals, experts and decision-makers from the global mining industry together to collaborate, learn and engage. The show floor will feature mining products for safety, drilling, engineering, materials handling, training & human resources and much more.

The NMA will be making a formal announcement early 2024 that the MINExpo INTERNATIONAL Chair is Denise Johnson, Group President of Caterpillar Inc., responsible for Caterpillar's Resource Industries (RI) segment. Show preparations are well underway with nearly 90 percent of exhibit space sold at the end of 2023 and sales expected to top 800,000 square feet of equipment, parts and services from domestic and international exhibitors.

NMA member participation continues to be robust with 107 member companies taking 50 percent of the current space sales. Looking to 2024, registration will open February with Expo Only registration fees waived for all domestic and international NMA producer member employees. Special guest speakers and sponsorship opportunities will be announced soon.

Current show information is available on the MINExpo website ([www.minexpo.com](http://www.minexpo.com)).



**MINEXPO**  
INTERNATIONAL®

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# 06

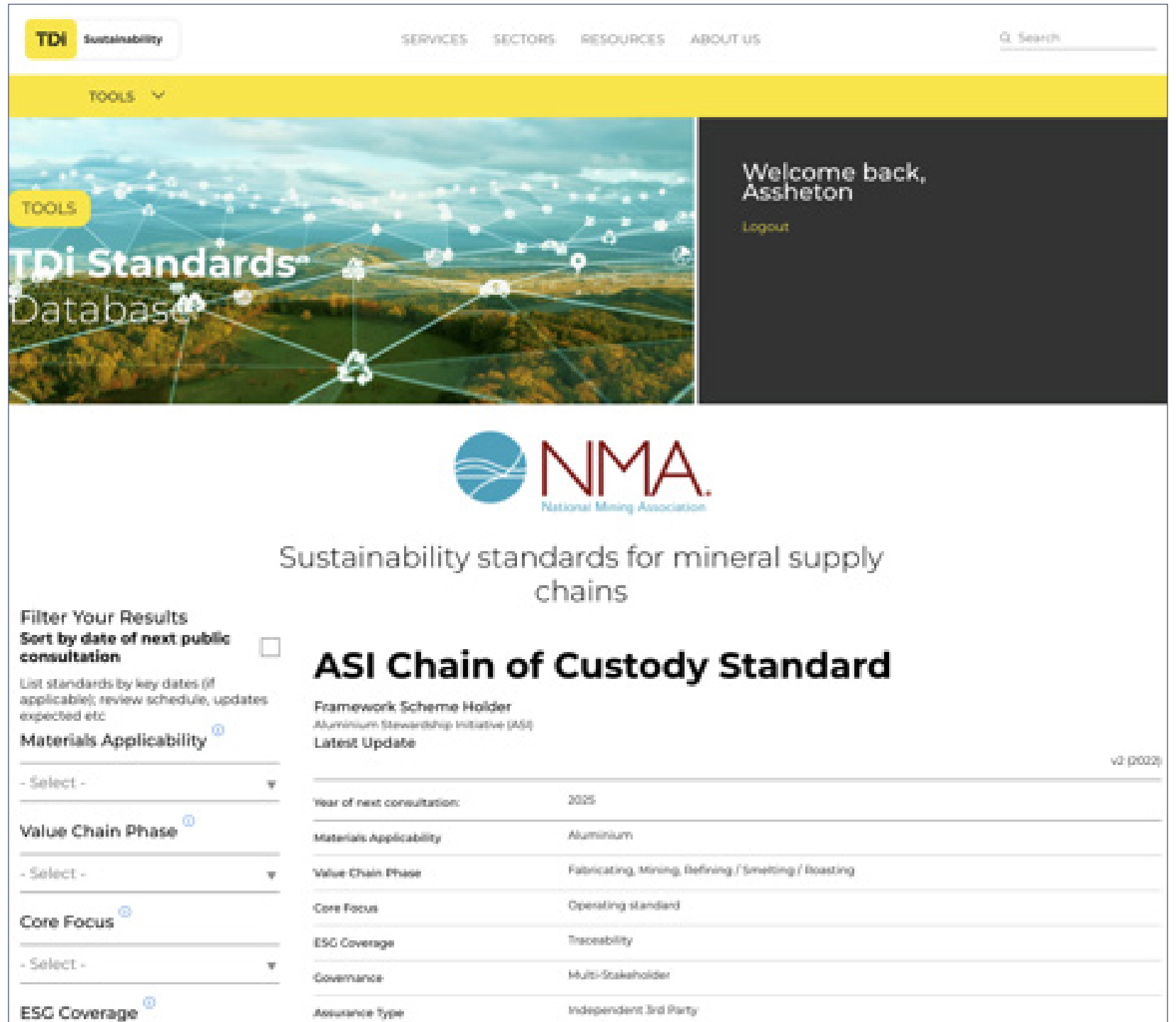
## ENHANCING ACTION AND UNDERSTANDING IN RESPONSIBLE MINING — ENVIRONMENTAL SOCIAL AND GOVERNANCE (ESG) TASK FORCE



**W**ith the NMA environmental, social and governance (ESG) CEO-led task force now in its third year, the initiative has proven to be a true value add to many member companies, acting as a resource for those looking to enhance their ESG profile.

In 2023, the task force grew to 30 companies and 60 individuals. Participation in the ESG resource sessions, including among new members, has grown exponentially, expanding our membership’s ability to understand, implement and communicate around their ESG efforts. This has included approximately 300 participants in NMA resource sessions, which have averaged 30 people per session; member only content on the resource sessions website accessed more than 1,000 times; and more than 130 individuals, from more than 70 member companies, participating in the NMA ESG Resource Group.

A highlight of the initiative, the NMA ESG Tracker is a members-only searchable database designed to break down more than 33 ESG standards. This year, the Tracker was enhanced to assist companies with data management, standards and internal/external audit templates.



**TDI Sustainability** SERVICES SECTORS RESOURCES ABOUT US

TOOLS

TOOLS

**TDI Standards Database**

Welcome back, Assheton  
[Logout](#)

**NMA**  
National Mining Association

Sustainability standards for mineral supply chains

**Filter Your Results**  
Sort by date of next public consultation

List standards by key dates (if applicable); review schedule, updates expected etc

**Materials Applicability**

- Select -

**Value Chain Phase**

- Select -

**Core Focus**

- Select -

**ESG Coverage**

**ASI Chain of Custody Standard**

Framework Scheme Holder  
Aluminium Stewardship Initiative (ASI)  
Latest Update v2 (2022)

Year of next consultation:	2025
Materials Applicability	Aluminium
Value Chain Phase	Fabricating, Mining, Refining / Smelting / Roasting
Core Focus	Operating standard
ESG Coverage	Traceability
Governance	Multi-Stakeholder
Assurance Type	Independent 3rd Party

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# 07

## SUPPORTING OUR COMMUNITY



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## BOOK DRIVE

The NMA joined in a friendly competition with 14 D.C.-area trade associations for the 3rd annual Association Book Drive Challenge, hosted by Everybody Wins D.C. (EWDC). The challenge helps put thousands of new science, technology, engineering, and math (STEM) books directly into kids' hands. In 2023, the challenge raised 3,972 books.

The list of books provided by EWDC highlights populations underrepresented in STEM fields to give young readers representative role models and show them that STEM is open, exciting and accessible to all. This is especially important as the NMA and our members advocate for greater awareness and access to fulfilling careers in the mining industry.



Books purchased as part of the NMA book drive.

Thanks to the determination of NMA staff, family and friends, and our valued NMA membership, we donated 514 books along with personalized notes for book recipients created by staff.

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## D.C. DIAPER BANK

This summer, the NMA partnered with the Greater D.C. Diaper Bank to create “hygiene kits” for adults of newborns as well as children’s dental kits. The organization works to empower vulnerable families and individuals by providing an adequate and reliable source for basic baby needs and personal hygiene products across the Washington, D.C. metropolitan area. Our charity event delivered 60 essential newborn kits for our local community and highlighted ongoing internal efforts of the staff-led Diversity, Equity and Inclusion working group focused on family support systems.

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## MARTHA’S TABLE

The NMA completed our third annual holiday sandwich making event to support Martha’s Table D.C., an organization providing education programs, healthy food access, and physical and mental health services to at-risk groups in the region. The NMA staff joined together during the busy December holiday season to make and package more than 650 healthy sandwiches for distribution to food insecure individuals in our community.



NMA staff members make sandwiches for Martha’s Table.

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**NMA**

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**NATIONAL MINING ASSOCIATION 2023 ANNUAL REPORT**