
ENVIRONMENT & LANDS COMMITTEE MEETING

March 3-4, 2025



NMA

National
Mining
Association

▶▶ Welcome and Introductions

▶▶ Safety Share

▶▶ NMA Staff Presentation

- Political Update
- View from the White House
- Industry-wide Issues
- Lands Committee Updates
- Environment Committee Updates

▶▶ Questions



March is Eye and Face Protection Month

Eye and face protection is essential at work and at home

- ▶▶ **Wear appropriate PPE:** always wear safety goggles
- ▶▶ **Regular inspections:** regularly inspect your equipment and replace immediately if needed
- ▶▶ **Training and awareness:** ensure everyone knows importance of protection and how to use/maintain PPE correctly
- ▶▶ **Emergency procedures:** be aware of emergency procedures in case of an eye injury. Know location of eyewash stations. Have eyewash solution at home
- ▶▶ **Personal hygiene:** avoid touching eyes with dirty hands or gloves, and wash hands thoroughly before touching face





POLITICAL UPDATE

POLITICO

Move over, EVs. AI needs critical minerals.

By BLANCA BEGERT | 05/07/2024 09:00 PM EDT

S&P Global

COAL, ELECTRIC POWER, ENERGY TRANSITION, EMISSIONS

November 05, 2024

US power generators pump the brakes on coal plant retirements

ENERGY WIRE ♦

Surge in electricity demand boosts coal use — IEA

By Christa Marshall | 07/25/2024 06:11 AM EDT

Bloomberg

Old King Coal Remains Omnipotent and Omnipresent

The dirtiest fossil fuel still powers the world. Talk of its demise is greatly exaggerated.

July 25, 2024 at 12:00 AM EDT



Demand for lithium and other critical minerals is skyrocketing, IEA says, but concerns over supply linger

Bloomberg

Coal Demand to Keep Hitting Records Through 2027, IEA Says

- Coal demand hit a fresh record in 2024, despite expected peak

“We're going to be shutting these [coal] plants down all across America”

JOE BIDEN
NOV | 5 | 2022



“We have coal that will last for over a thousand years... It's very, very powerful and we're going to be doing a lot of Clean Coal ...”

DONALD TRUMP
DEC | 16 | 2024





THE COLORADO SUN

Biden blocks mining on more than 221,000 acres of federal land in Colorado after decadeslong fight

The Biden administration officially removed nearly a quarter-million acres in the Thompson Divide, which spans three counties, from all new extractive uses for 20 years



Interior Secretary bans new mining and oil and gas exploration on some New Mexico land

April 20, 2024



E&E NEWS
By POLITICO

GREENWIRE

Inside Trump's quest for 'mineral dominance'

By Hannah Northey | 01/21/2025 01:58 PM EST

The president in a string of Day One executive orders sought to elevate domestic mining and minerals processing.



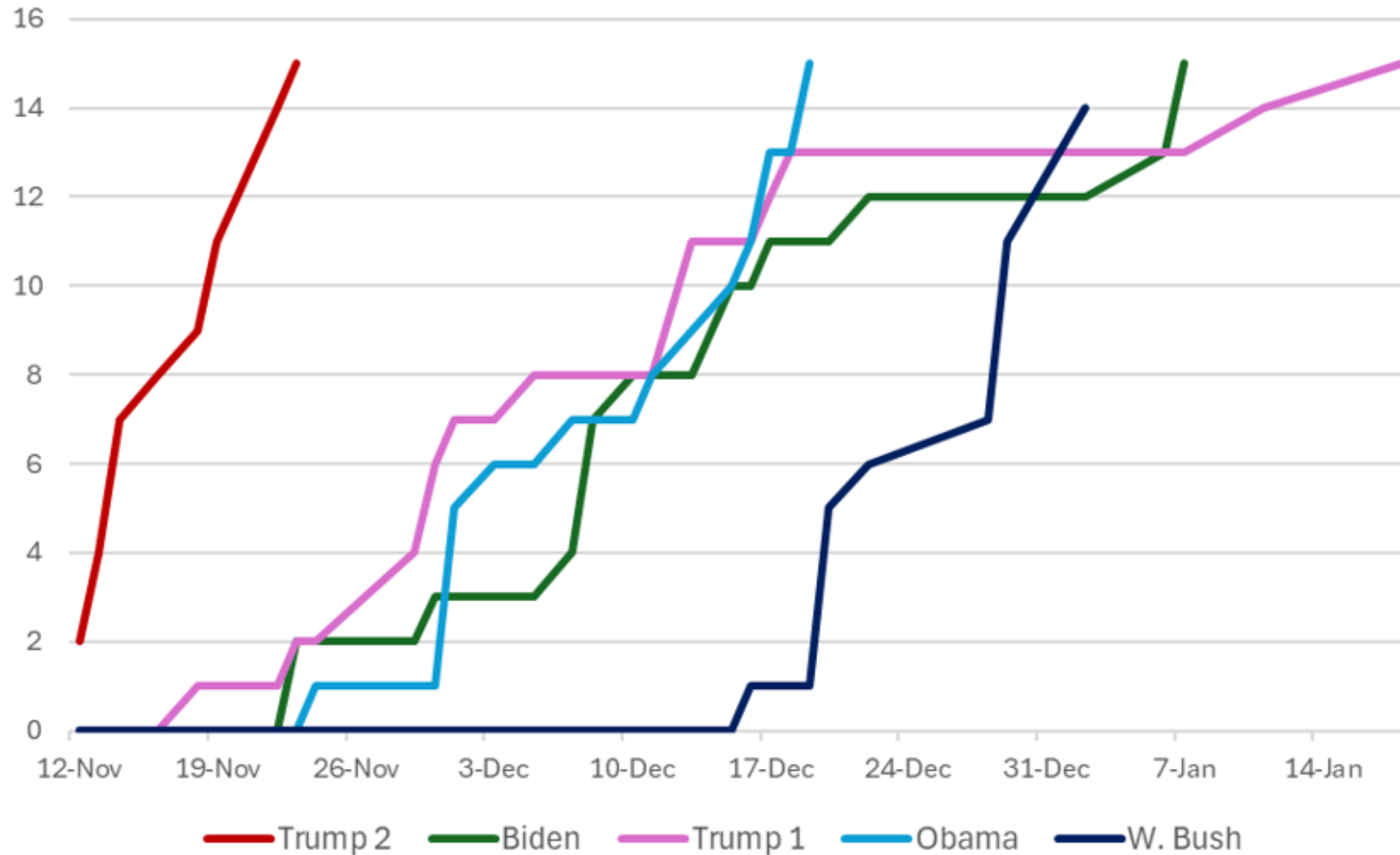
NRDC

Trump Interior Secretary's Orders Make Public Lands Ground Zero for Drilling & Mining

The Trump administration hopes to end protections of cherished places and expand oil, gas, and mining on the country's public lands.

PRESIDENT TRUMP SELECTS HIS CABINET EARLY

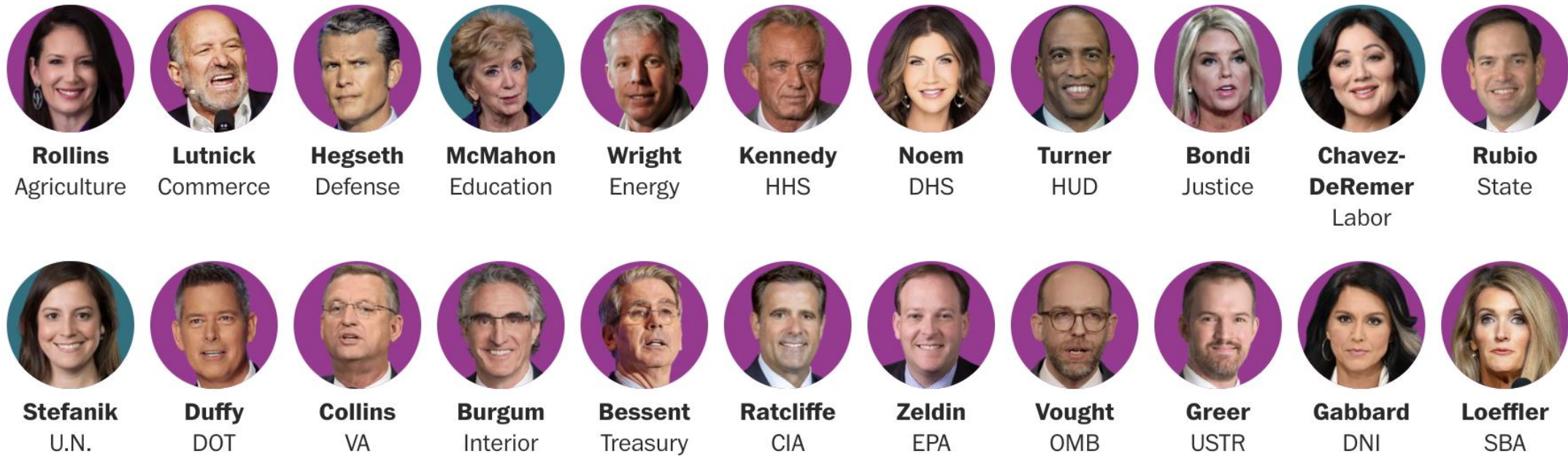
Timing of Cabinet Secretary Announcements



President Trump's Nominees Moving Quickly Through Senate

Status of Senate-Confirmable Cabinet-Level Positions

● Nominated ● Confirmed



Trump Cabinet Picks Confirmed: 19
President Biden at this time had: 10

75

UNLEASHING AMERICAN ENERGY

EXECUTIVE ORDER

January 20, 2025

UNLEASHING PROSPERITY THROUGH DEREGULATION

EXECUTIVE ORDER

January 31, 2025

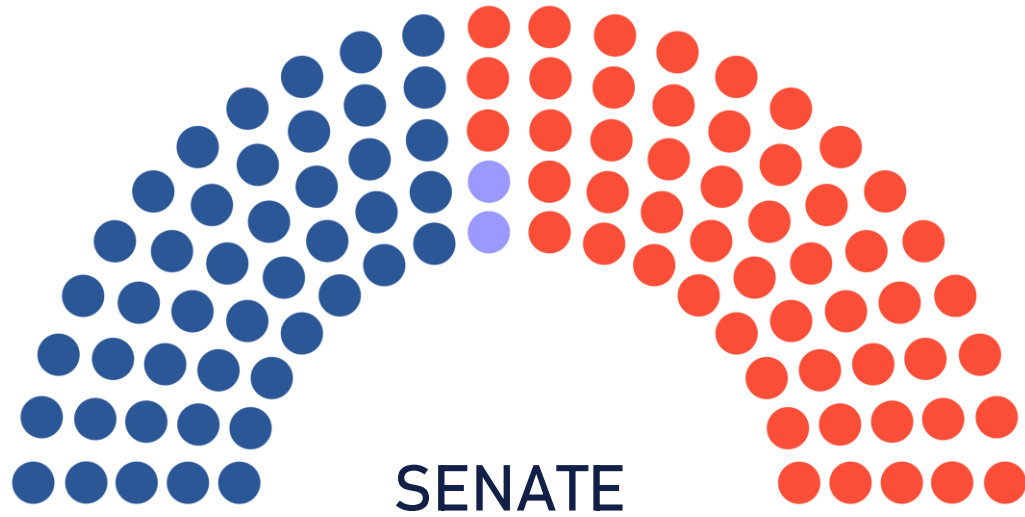
DECLARING A NATIONAL ENERGY EMERGENCY

EXECUTIVE ORDER

January 20, 2025

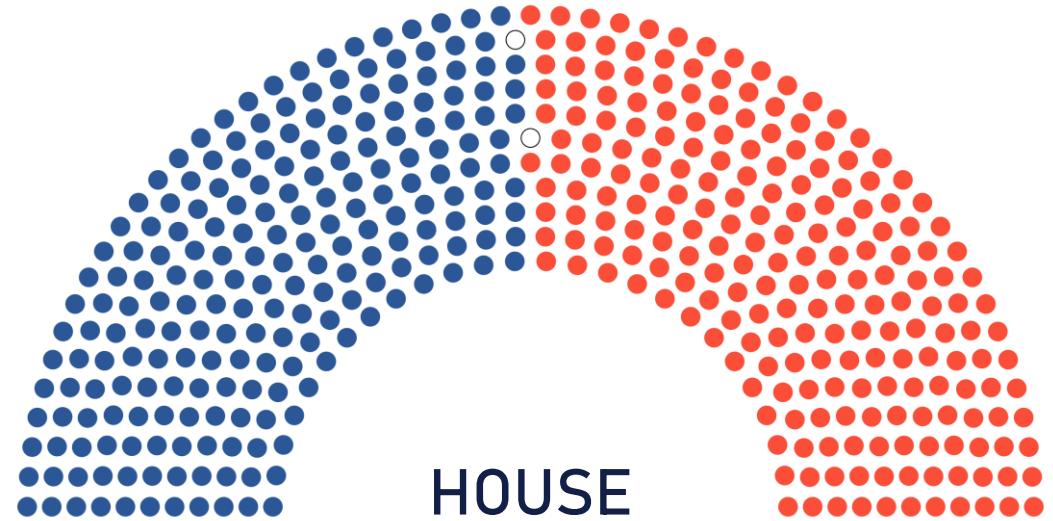
Executive Orders signed since January 20, 2025

REPUBLICAN MAJORITIES IN HOUSE AND SENATE



SENATE

D47 | R53



HOUSE

D215 | R218

NEW LEADERSHIP

SENATE

HOUSE

Majority Leader

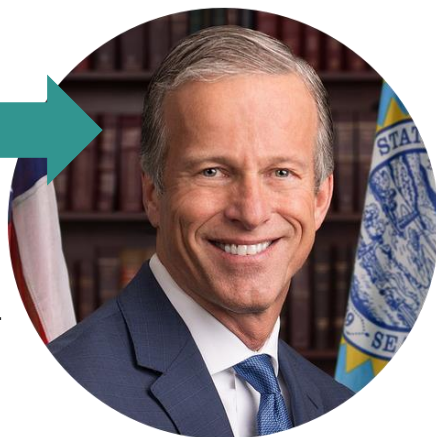
Majority Whip

Speaker

Majority Leader



**Former
Minority Leader**
Sen. Mitch McConnell
(R-Ky.)



Sen. John Thune
(R-S.D.)



Sen. John Barrasso
(R-Wyo.)



Rep. Mike Johnson
(R-La.)



Rep. Steve Scalise
(R-La.)

Minority Leader

Minority Whip

Minority Leader

Minority Whip



Sen. Chuck Schumer
(D-N.Y.)



Sen. Dick Durbin
(D-Ill.)



Rep. Hakeem Jeffries
(D-N.Y.)



Rep. Katherine Clark
(D-Mass.)

Leadership Changes in the 119th Congress



Energy & Commerce



Rep. Cathy McMorris Rodgers (R-WA) → Rep. Brett Guthrie (R-Ky.)

Rep. Frank Pallone (D-NJ), Ranking Member



Committee on Natural Resources

Rep. Bruce Westerman (R-AR), Chair



Rep. Raul Grijalva (D-AZ) → Rep. Jared Huffman (D-Calif.)



Energy and Natural Resources Committee

Sen. John Barrasso (R-Wyo.) → Sen. Mike Lee (R-Utah)



Sen. Joe Manchin (D-W.V.) → Sen. Martin Heinrich (D-N.M.)



Committee on Environment and Public Works

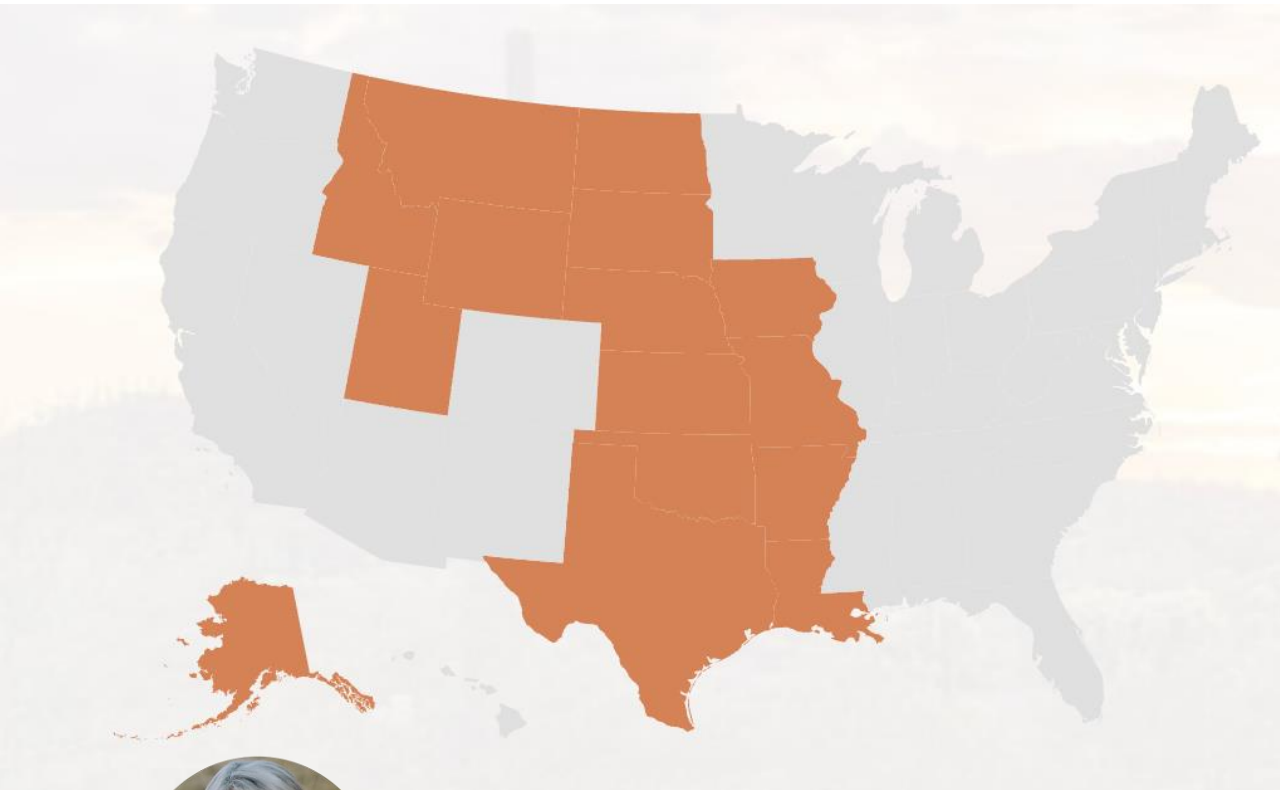
Sen. Shelley Moore Capito (R-W.V.)



Sen. Tom Carper (D-Del.) → Sen. Sheldon Whitehouse (D-R.I.)



SENATE WESTERN CAUCUS

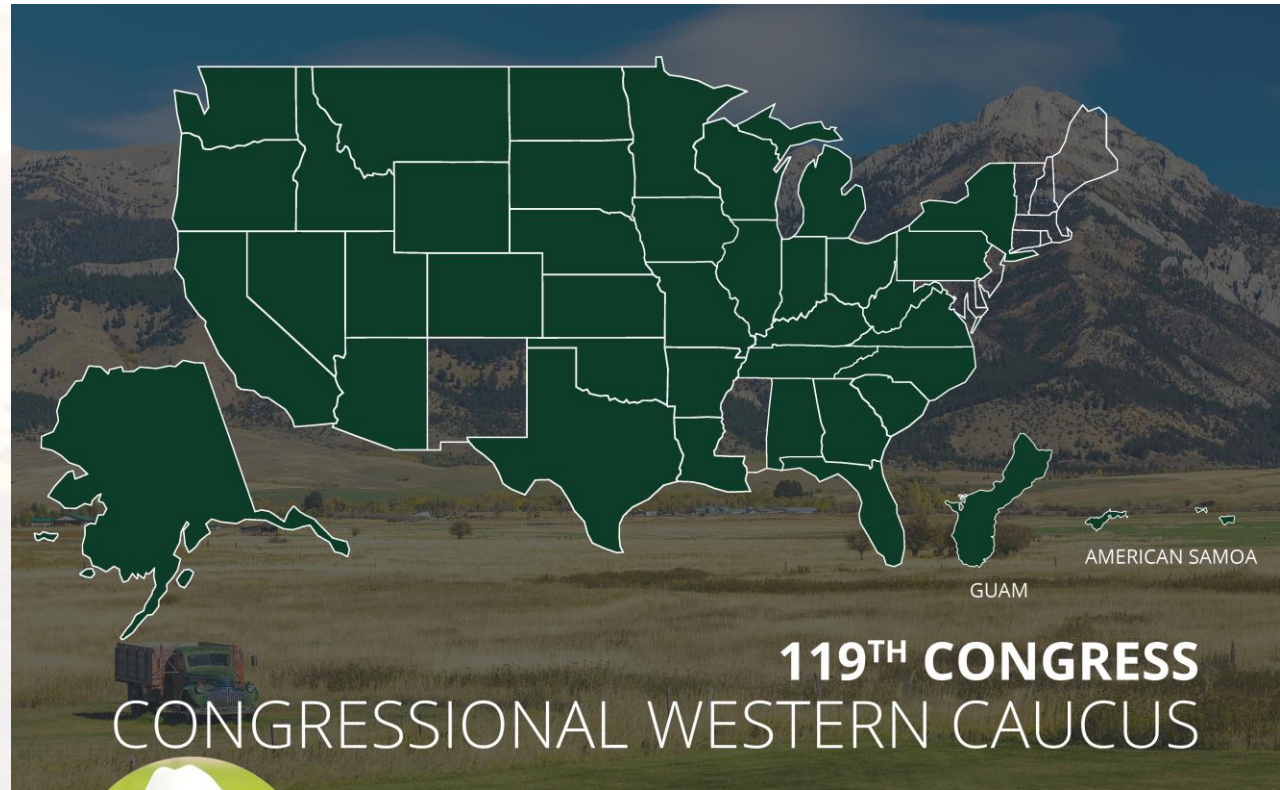


CHAIR

Sen. Cynthia Lummis (R-WY)

30 Caucus Members

HOUSE WESTERN CAUCUS



CHAIR

Rep. Doug LaMalfa (R-CA)

93 Caucus Members

COAL CAUCUS MEMBERSHIP

119TH CONGRESS

Chairs:



Rep. Morgan Griffith
VA-9



Rep. Harriet Hageman
WY-At Large



Rep. Dan Meuser
PA-9



Rep. Carol Miller
WV-1



Rep. Richard Hudson
NC-9, NRCC Chair



Rep. August Pfluger
TX-11, RSC Chair



Rep. Troy Balderson
OH-12, RSC HEAT Chair

Rep. Stephanie Bice OK-5
Rep. Lauren Boebert CO-4
Rep. Mike Carey OH-15
Rep. John Carter TX-31
Rep. James Comer KY-1
Rep. Pat Fallon TX-4
Rep. Virginia Foxx NC-5
Rep. Paul Gosar AZ-9
Rep. Sam Graves MO-6
Rep. Glenn Grothman WI-6
Rep. Andy Harris MD-1
Rep. Kevin Hern OK-1
Rep. Dusty Johnson SD-At Large
Rep. Dave Joyce OH-14
Rep. Mike Kelly PA-16
Rep. Celeste Maloy UT-2
Rep. Dan Newhouse WA-4
Rep. Scott Perry PA-10
Rep. Guy Reschenthaler PA-14

Rep. Brett Guthrie KY-2
Rep. Bob Latta OH-5
Rep. Dan Crenshaw TX-2
Rep. Erin Houchin IN-9
Rep. John Joyce PA-13
Rep. Randy Weber TX-14
Rep. Kat Cammack FL-3
Rep. Gabe Evans CO-8
Rep. Gary Palmer AL-6
Rep. Rick Allen GA-12
Rep. Julie Fedorchak ND-At Large
Rep. Robert Aderholt AL-4
Rep. Mark Amodei NV-2
Rep. Jodey Arrington TX-19
Rep. Jim Baird IN-4
Rep. Andy Barr KY-6
Rep. G.T. Thompson PA-15
Rep. Tom Tiffany WI-7
Rep. Mike Turner OH-10

Rep. Hal Rogers KY-5
Rep. Mike Rogers AL-3
Rep. Austin Scott GA-8
Rep. Jason Smith MO-8
Rep. Lloyd Smucker PA-11
Rep. Pete Stauber MN-8
Rep. Ann Wagner MO-2
Rep. Tim Walberg MI-5
Rep. Bruce Westerman AR-4
Rep. Joe Wilson SC-2
Rep. Ryan Zinke MT-1

119TH CONGRESS ENERGY AND COMMERCE MEMBERSHIP



Subcommittee on Energy:

Rep. Bob Latta (OH-05), Chairman

Rep. Randy Weber (TX-14), Vice Chairman

Rep. Gary Palmer (AL-06)

Rep. Rick Allen (GA-12)

Rep. Diana Harshbarger (TN-01)

Rep. Troy Balderson (OH-12)

Rep. Mariannette Miller-Meeks (IA-01)

Rep. John James (MI-10)

Rep. Cliff Bentz (OR-02)

Rep. August Pfluger (TX-11)

Rep. Russell Fry (SC-07)

Rep. Laurel Lee (FL-15)

Rep. Nick Langworthy (NY-23)

Rep. Julie Fedorchak (ND-AL)

Rep. Michael Rulli (OH-06)

Rep. Gabe Evans (CO-08)

Rep. Craig Goldman (TX-12)

Rep. Brett Guthrie (KY-02), Full Committee Chair



Subcommittee on Environment:

Rep. Morgan Griffith (VA-09), Chairman

Rep. Bob Latta (OH-05)

Rep. Buddy Carter (GA-01)

Rep. August Pfluger (TX-11)

Rep. Dan Crenshaw (TX-02), Vice Chairman

Rep. Mariannette Miller-Meeks (IA-01)

Rep. Laurel Lee (FL-15)

Rep. Nick Langworthy (NY-23)

Rep. Gary Palmer (AL-06)

Rep. Gabe Evans (CO-08)

Rep. Julie Fedorchak (ND-AL)

Rep. Gabe Evans (CO-08)

Rep. John Joyce (PA-13)

Rep. Julie Fedorchak (ND-AL)

Rep. Brett Guthrie (KY-02), Full Committee Chair

Rep. Randy Weber (TX-14)



House requires simple majority for all legislation

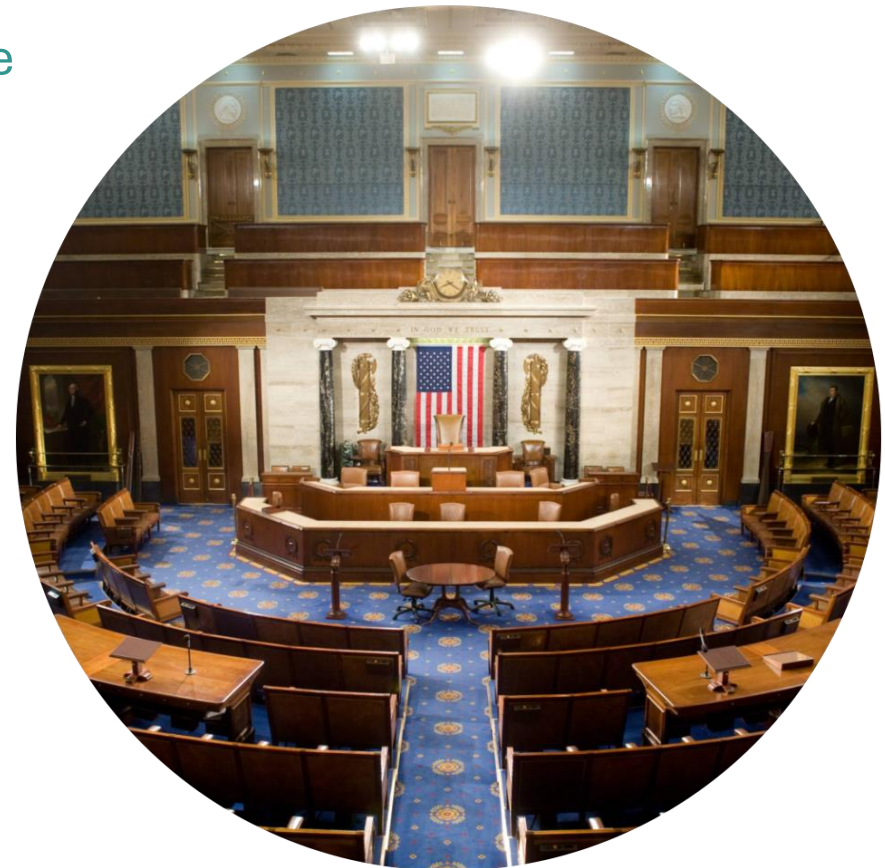
- ❖ Slim House Majority (2-seats)

Senate requires 60-votes for regular order

- ❖ Exceptions that require simple majority in Senate
 - Nominations
 - Reconciliation
 - Taxes
 - Policy that impacts revenue
 - Congressional Review Act (CRA)

Other Avenues: Must-pass legislation

- ❖ Appropriations
- ❖ National Defense Authorization Act (NDAA)





VIEW FROM THE WHITE HOUSE

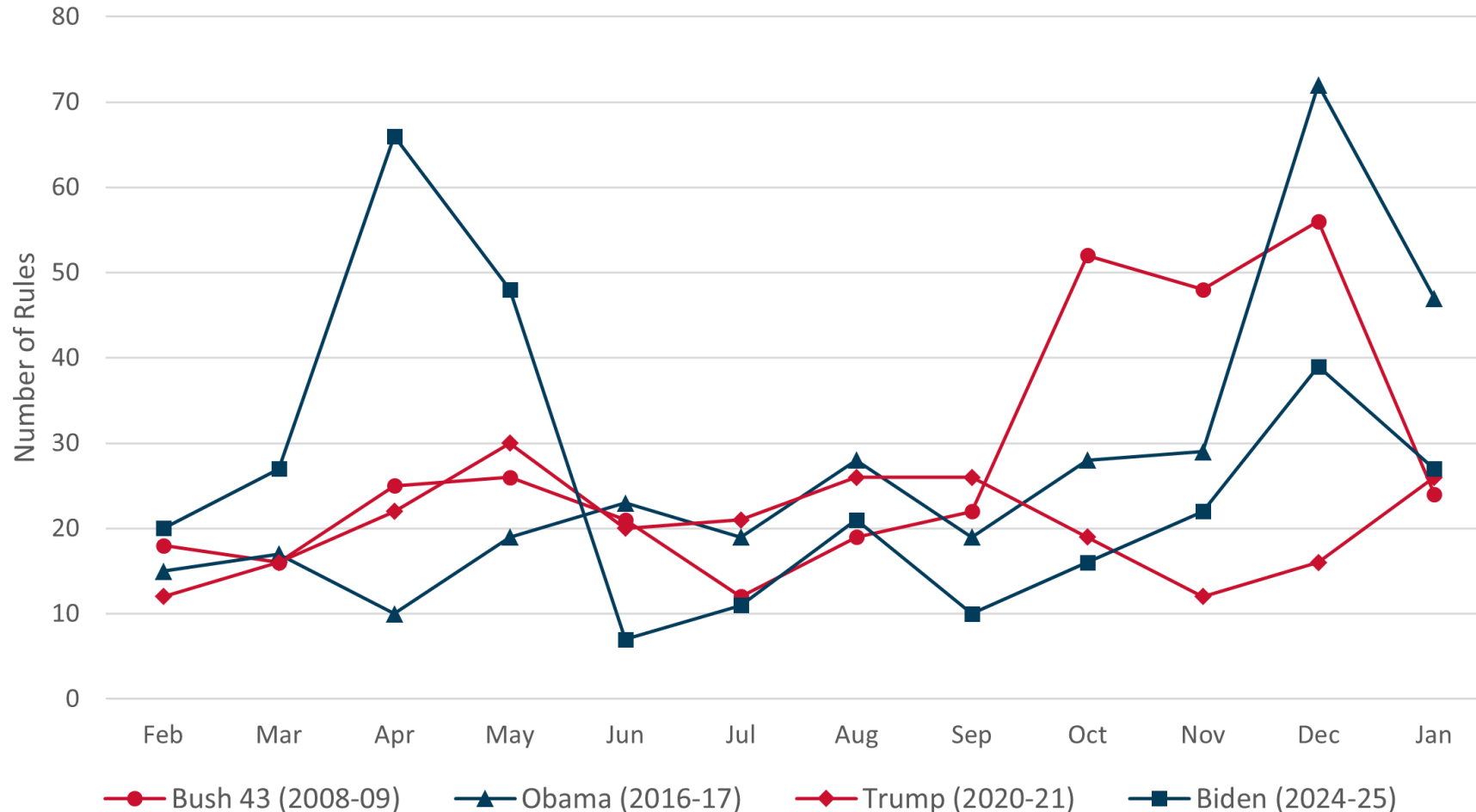
REGULATORY TSUNAMI

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	1167	1.8T	356M
TRUMP 2017	1113	112.3B	356.8M
OBAMA2 2009	1514	493.6B	315.9M

Regulatory Activity from Inauguration Day to Jan. 17th

TRACKING ADMINISTRATIONS

Figure 1: Significant Final Rules Published during the Last Year of an Administration



Source: GW Regulatory Studies Center: <https://regulatorystudies.columbian.gwu.edu/reviewing-biden-administrations-last-year-reg-stats>

REGULATORY BONANZA (AS OF OCTOBER 2024)

1st Quarter 2024

- Supplemental Actions: Ozone Transport Rule
- New Source Review: Project Emissions Accounting
- Appendix C Procedures
- RCRA PFAS Rules
- TSCA Fees
- Permits for Incidental Take of Eagles and Eagle Nests
- Minerals Cost Recovery
- Black Lung Benefits Act: Authorization of Self Insurance
- FWS Biological Integrity Rule
- Uranium Groundwater Protection
- Water Quality Standards to Protect Tribal Reserved Rights
- Risk Management Program
- PFOA & PFAS CERCLA Designation
- Draft Sage Grouse Management Plans
- NAAQS PM Reconsideration
- SEC Climate Change Disclosure

2nd Quarter 2024

- ESA Reevaluation of Section 4(d) Regulations
- ESA Interagency Cooperation
- Coal Ash Legacy Impoundments
- Baseline Water Quality Standards for Indian Reservations
- Respirable Crystalline Silica
- CWA Hazardous Substance Facility Response Plans
- TSCA Risk Evaluation Procedures Reconsideration
- NEPA Guidance on GHG Emissions and Climate Change (notice)
- NEPA Phase 2 Revisions
- Migratory Bird Permits
- ESA Section 4 Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat
- Mercury Air Toxics Standards
- Clean Power Plan 2.0
- Steam Electric ELGs
- Conservation and Landscape Health
- Ten Day Notice Final Rule

3rd Quarter 2024

- BLM Buffalo Field Office Resource Management Plan
- BLM Miles City Field Office Resource Management Plan
- Rock Springs RMP
- North Dakota RMP

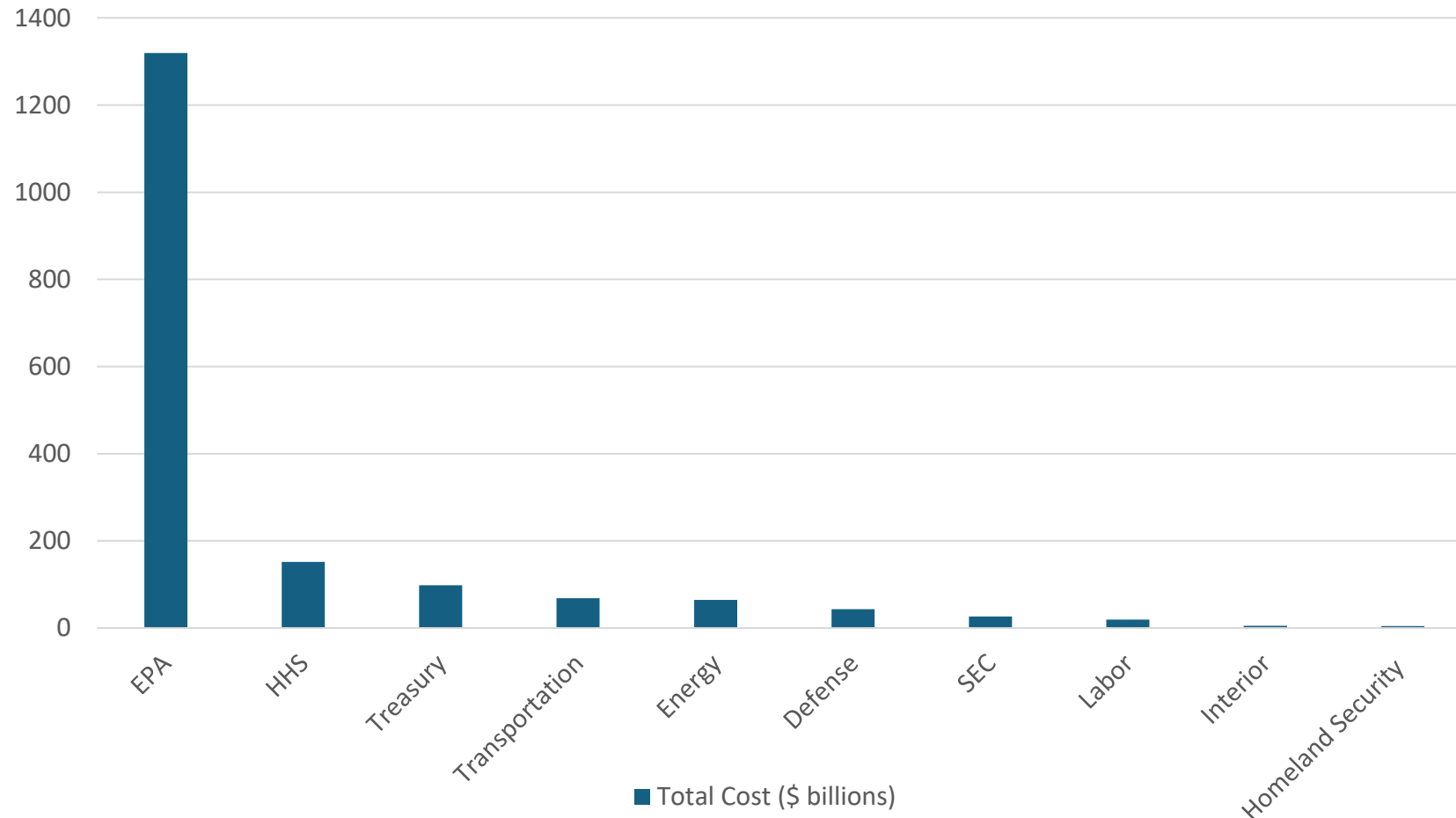
4th Quarter 2024

- Forest and Grassland Climate Resilience
- Migratory Bird Incidental Take Permits
- Nationwide Permit 12
- Air Emissions Reporting Requirements
- Sage Grouse Plans

- **Proposed Rule**
- **Final Rule**

BIDEN ADMINISTRATION: REGULATORY COSTS

► Biden Administration: Top 10 Agencies in Overall Regulatory Costs

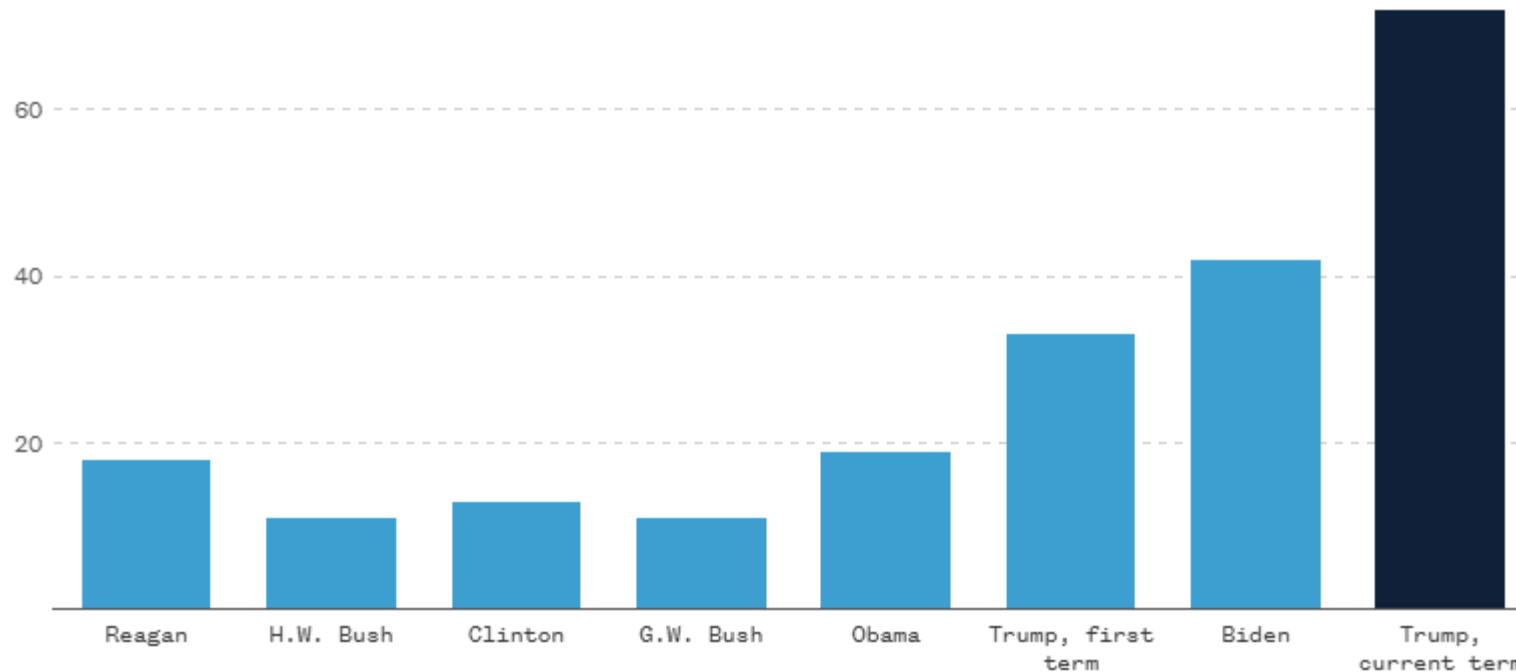


Source: American Action Forum, <https://www.americanactionforum.org/insight/the-biden-regulatory-record/>

TRUMP DEREGULATORY AGENDA

Executive orders in the first 100 days

Trump signed more executive orders in his first 10 days than any recent president has in their first 100 days.



Notes: Data current through Feb. 20

Source: NBC News analysis of [Federal Register data](#)

Graphic: Joe Murphy / NBC News

Source: NBC, <https://www.nbcnews.com/data-graphics/tracking-trumps-executive-orders-rcna189571>

- **Presidential Memo** on Regulatory Freeze (Day 1)
- **EO 14156:** Declaring a National Energy Emergency
- **EO 14154:** Unleashing American Energy
- **EO 14148:** Initial Recissions of Harmful EOs and Action
- **EO 14192:** Unleashing Prosperity Through Deregulation
- **EO 14219:** Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative
- **EO 14215:** Ensuring Accountability for All Agencies

THE KEY PLAYERS: SECRETARY BERGUM



Secretary's Order No. 3417

Addressing the National Energy Emergency

Secretary's Order No. 3418

Unleashing American Energy

Secretary's Order No. 3421

Achieving Prosperity Through Deregulation

Secretary's Order No. 3422

Unleashing Alaska's Extraordinary Resource Potential



“Powering the Great American Comeback”

Pillar 1

Clean Air, Land, and Water for Every American

Pillar 2

Restore American Energy Dominance

Pillar 3

Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership

Pillar 4

Make the United States the Artificial Intelligence Capital of the World

Pillar 5

Protecting and Bringing Back American Auto Jobs



“Unleash Golden Era of American Energy Dominance”

- Advance Energy Addition, Not Subtraction
- Unleash American Energy Innovation
- Return to Regular Order on LNG Exports
- Promote Affordability and Consumer Choice in Home Appliances
- Refill the Strategic Petroleum Reserve (SPR)
- Modernize America’s Nuclear Stockpile
- Unleash Commercial Nuclear Power in the United States
- Strengthen Grid Reliability and Security
- Streamline Permitting and Identify Undue Burdens on American Energy

DOGE VS. THE FEDERAL WORKFORCE



US ENVIRONMENT

DOGE, EPA team up to claw back \$67 million in 'environmental justice' grants

'Good work,' DOGE wrote of the EPA's spending cut



TRUMP'S FIRST 100 DAYS

Burgum says Interior Department 'completely embracing the DOGE effort'

Interior Department Secretary Doug Burgum emphasizes that when 'President Trump lowers the price of energy, it lowers inflation for everyone'



Trump admin scrambles to rehire hundreds of nuclear weapons workers



Medicaid cuts, DOGE chaos makes some Republicans wary

POLITICO

Email starts power clash between Musk and agency leaders — even the Trump loyalists

E&ENews
By POLITICO

GREENWIRE

DOGE lands at EPA

By Kevin Bogardus | 02/12/2025 01:43 PM EST

Elon Musk's team is eyeing contracts that could conflict with the Trump administration's goals as they push to slash federal funding and staffing.

Newsweek

OPM Now Says Musk Email is 'Voluntary', Even as Trump Says Comply or Be 'Fired'

FOX NEWS

DOD tells civilian workforce to ignore Elon Musk's request to report productivity

POLITICO

Republican senator urges Musk to show 'compassion' toward workers

PRACTICAL IMPACTS

Department/Agency	# of Employees terminated
Department of Energy	2,000
Environmental Protection Agency	400+
U.S. Forest Service	3,400+
National Nuclear Safety Administration	300
Department of Defense	5,400 (could be up to 70,000 in second wave)
U.S. Agency for International Development	10,000
Department of the Interior	2,300
Bureau of Land Management	800
National Park Service	1,000

Sources: <https://www.forbes.com/sites/saradorn/2025/02/21/heres-where-trumps-government-layoffs-are-fema-irs-tsa-and-more/>
<https://apnews.com/article/doge-firings-layoffs-federal-government-workers-musk-d33cdd7872d64d2bdd8fe70c28652654>
<https://wtop.com/government/2025/02/here-are-all-the-federal-agencies-where-workers-are-being-fired/>

▶▶ ENGOs Build Army of Attorney and Citizen Suit War Chest

Earthjustice:

200 attorneys; 15 offices in the US; spent \$81.8 million on litigation expenses in fiscal year 2023.

Environmental Defense Fund:

1,000 full-time staff; \$387.8 million in assets.

Natural Resources Defense Council:

40 litigation attorneys; \$594 million in assets

Sierra Club:

39 attorneys; \$199.3 million in assets

Center for Biological Diversity:

63 lawyers; \$43 million in assets

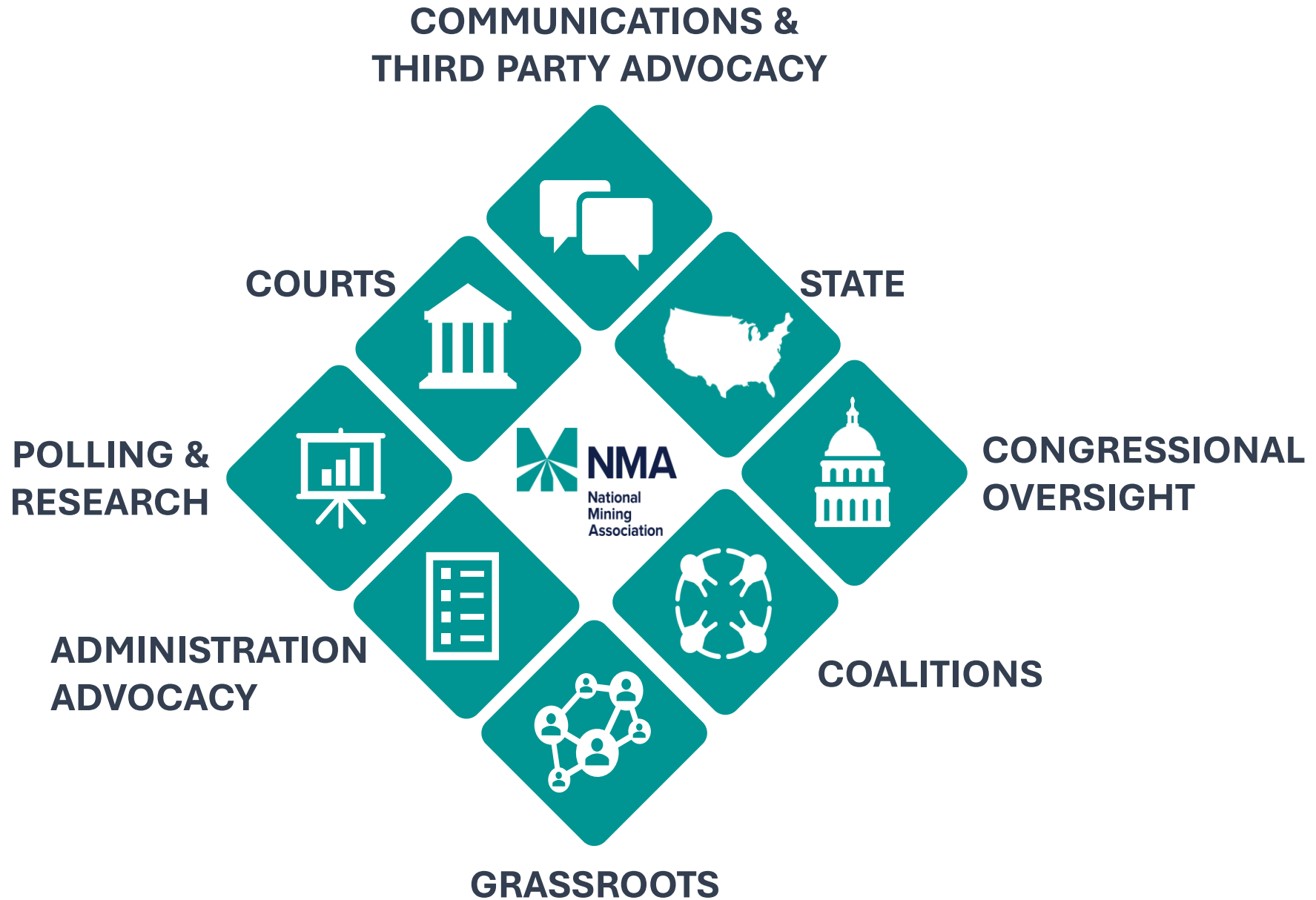
National Environmental Law Center:

Four attorneys; has secured over \$350 million in citizen suit relief

Source: Beveridge and Diamond, <https://www.bdlaw.com/publications/the-citizens-are-coming-citizens-groups-are-better-funded-than-ever-and-will-take-over-where-biden-left-off/>

▶▶ ENGOs Have Formidable Resources

- Over **500** attorneys working across the country
- Over **\$1.5** billion in assets to fight with
- At least **873** active cases
- At least **12** million members spread across every jurisdiction





ACTIVE

D.C. Circuit/Supreme Court

- Ozone Transport Rule
- Clean Power Plan 2.0
- Mercury Air Toxics Standards

D.C. Circuit: Particulate Matter National Ambient Air Quality Standards

Eighth Circuit: Silica

Texas & North Dakota District Courts: Waters of the U.S.

Utah District Court: Bureau of Land Management (BLM) Conservation & Landscape Health rule

Wyoming District Court: BLM Resource Management Plan Amendments for Miles City & Buffalo Field Office



AMICUS “FRIEND OF THE COURT” BRIEFS:

Supreme Court

- Scope of National Environmental Policy Act (NEPA) review amicus
- Clean Water Act permit shield
- Clean Water Act citizen suit involving state law
- Black Lung Benefits Act liability
- International Comity/Trade Promotion Agreements

Ninth Circuit:

- Land exchange
- Natural Resource Damages claims & cultural losses

Sixth Circuit: Clean Air Act Exceptional Events

District Court of D.C.

- First Amendment rights for associations
- Water Quality Standards & Tribal Treaties
- NEPA deadlines
- OSMRE Ten Day Notice

D.C. Circuit: Mineral lease cancelation

North Dakota District Court: Clean Water Act Tribal Reserved Rights rule



INDUSTRY-WIDE ISSUES

THE WALL STREET JOURNAL.

EPA Begins to Put Environmental-Justice Workers On Leave

Move would unwind Biden administration program to aid poor communities recovering from environmental risks

The
WASHINGTON FREE BEACON

Biden Environmental Justice Adviser Received Millions in Taxpayer Funds After Personally Applying For EPA Grant

LaTricea Adams's group received \$20 million 'environmental justice' grant while she served on Biden's Environmental Justice Advisory Council



Office of the Attorney General
Washington, D. C. 20530

February 5, 2025

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM: THE ATTORNEY GENERAL *A*

SUBJECT: RESCINDING "ENVIRONMENTAL JUSTICE" MEMORANDA¹

As one of his first official acts, President Trump rescinded many harmful executive orders and actions taken by the prior administration. In doing so, President Trump explained that "climate extremism has exploded inflation and overburdened businesses with regulation."

As an initial step towards "mak[ing] our Nation united, fair, safe, and prosperous again" and "restor[ing] common sense to the Federal Government," President Trump rescinded Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, 86 Fed. Reg. 7037 (Jan. 20, 2021), and Executive Order 14099, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, 88 Fed. Reg. 30,891 (Apr. 21, 2023).

After the promulgation of Executive Order 13990, the Department issued memoranda to implement an "environmental justice" agenda that, among other things, "prioritize[d]" enforcing environmental laws in cases affecting "overburdened and underserved communities," including "low-income communities, communities of color, and Tribal and Indigenous communities."

To ensure that the Department engages in the even-handed administration of justice, I hereby rescind the May 5, 2022 Memorandum from the Attorney General entitled *Actions to Advance Environmental Justice*, the May 5, 2022 Memorandum from the Associate Attorney General entitled *Comprehensive Environmental Justice Enforcement Strategy*, and any other Attorney General memoranda, guidance or similar directive that implement the prior administration's "environmental justice" agenda. Further, the heads of all components and U.S. Attorneys' Offices are to rescind immediately any memoranda, guidance, or similar directive applicable to their component or office. They must certify that they have done so by February 7, 2025.

▶ Litigation

- CEQ phase 2 rule vacated
- 2020 Trump rule (plus Biden phase 1 and Fiscal Responsibility Act timelines) is the operative state of play



▶ Rulemaking/Policy

- Executive Order
 - CEQ Interim Final Rule – 30-day comment period
 - CEQ Guidance
 - Agency actions – updates to align with guidance required within 12 months
- ▶ **NMA Strategy:** Comments on IFR, coalition engagement, agency engagement

TRIBAL ENGAGEMENT TOOLKIT

ENVIRONMENT
& LANDS COMMITTEE
MEETING
MARCH | 2025

**NMA Staff
Review**

4Q 2023

**Volunteer
Working
Group
Review**

Early-mid
2024

**External
Peer
Review**

Mid-late
2024

**Broader
NMA
Member
Review**

Dec. 2024-
Jan. 2025

**Final
Toolkit**

April 2025



LANDS COMMITTEE



▶▶ Legislation

- Rosemont fix

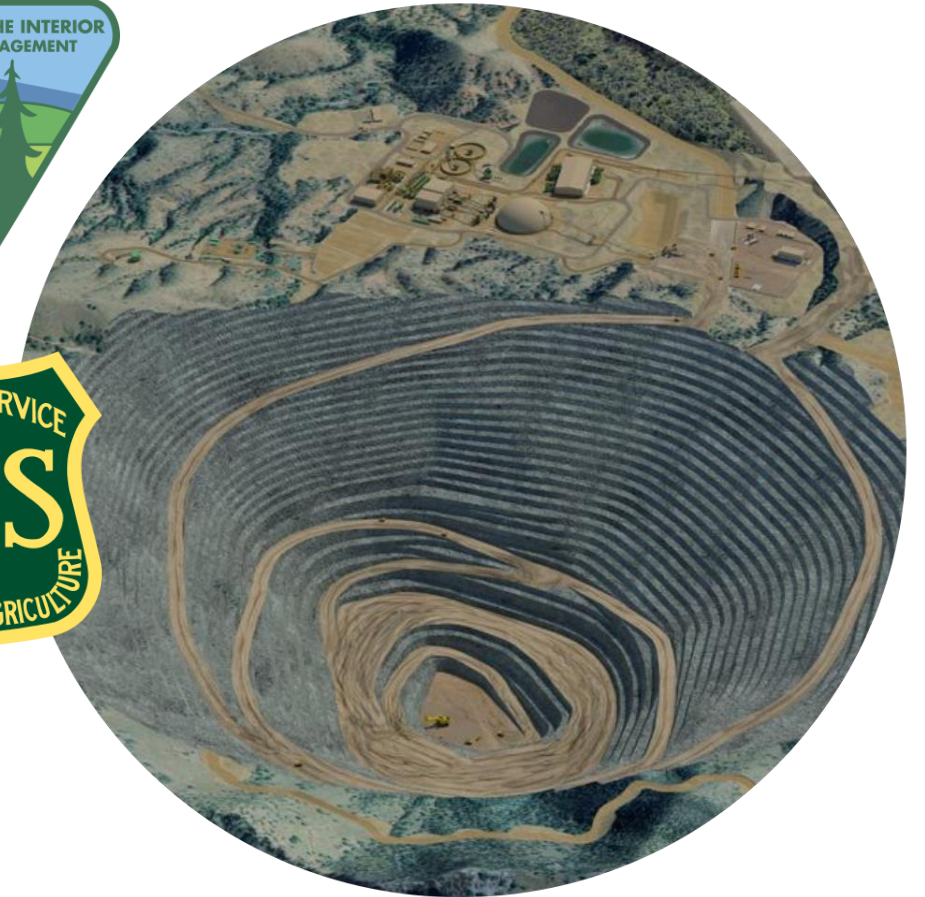
▶▶ Rulemaking/Policy

- DOI Solicitor Opinions
- BLM regulations
- FS regulations

▶▶ Litigation

- Earthworks
- Other

▶▶ NMA Strategy: Congressional engagement, agency engagement



▶▶ Litigation

- NMA Coalition
- State Coalition
(including North Dakota under
Burgum's governorship)
- Court grants case abeyance:
April 1 status report

▶▶ Administrative Action

- Secretarial Order 3418: action plan
to “suspend, revise, or rescind”
the rule

▶▶ NMA Strategy: Congressional engagement, agency engagement



▶▶ Unsuccessful Race to Finalize All Plans

- CO and OR plans cross the finish line
- Records of Decision not issued for other states due to protests and governor consistency comments
- NMA participated in protest process

▶▶ **NMA Strategy:** Agency engagement

▶▶ Operative Plans in Other States

- 2015 Obama plans
- 2019 Trump plans enjoined
- 2021 Trump Supplemental EIS never considered by enjoining court

▶▶ Opportunities under New Administration

- Secretarial Order 3418
- Leverage 2021 SEIS





WATER QUALITY SUBCOMMITTEE

▶▶ **Post-*Sackett* Implementation Challenges and Regulatory Uncertainty Persist**

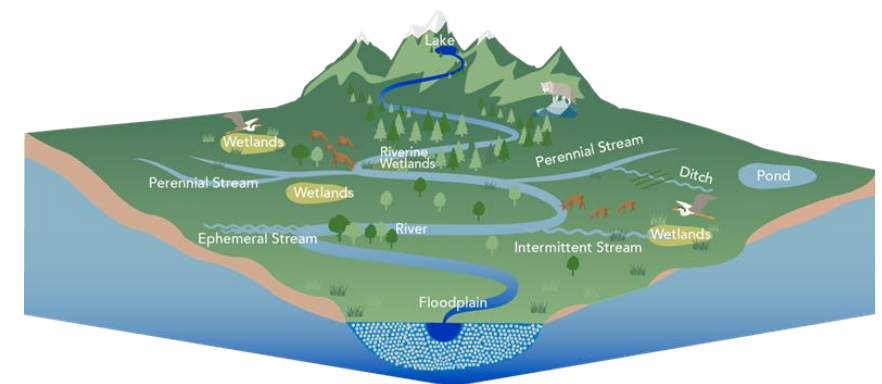
- Biden administration failed to truly implement *Sackett*
- Headquarters elevation and coordination process
- Ad hoc field memos
- NMA and Coalition Freedom of Information Act Requests inform Congressional oversight Initiatives

▶▶ **Trump Administration**

- Headquarters elevation and coordination process and field memos likely will be rescinded
- Urging a targeted approach to address implementation challenges and fix the 2023 Biden rule
- Concerns about AJDs and other Army Corps-related backlogs

▶▶ **NMA Litigation On Pause in Two Federal District Courts**

- U.S. District Court for the District of North Dakota
- U.S. District Court for the District of Texas



▶▶ *County of Maui v. Hawaii Wildlife Fund*

- U.S. Supreme Court issued decision in April 2020
- Created a seven-factor, nonexclusive test to determine whether a discharge from a point source that travels to WOTUS via groundwater is the “functional equivalent” of a direct discharge
- Time and distance most important factors

▶▶ **Regulatory Ping-Pong... Round 3?**

- **First Trump Administration:** Issued guidance in Jan. 2021
- **Biden Administration:** Draft guidance withdrawn from OMB review, but EPA released FAQ document on website instead

▶▶ **NMA Strategy**

- Advocate for new guidance that provides more clarity and respects role of states
- Legislative fix?



▶▶ EPA Multi-Sector General Permit (MSGP) for Industrial Stormwater Discharges

- Draft 2026 MSGP proposed for public comment
- Requested and secured extension of comment period
- Comments due **April 4, 2025**
- Opportunity to streamline MSGP?
- Coordinating with allied industry associations

▶▶ Army Corps Nationwide Permit Program

- 2021 suite of NWP **expires in Feb. 2026**
- Advocating for reissuance of the existing NWPs
- Ideas to make NWPs more usable for mining industry?
- Coordinating with allied industry associations





AIR QUALITY SUBCOMMITTEE

Clean Power Plan 2.0

- Published May 9, 2024
- **State plans due May 11, 2026**
- Oral argument held on Dec. 6, 2024
- D.C. Circuit granted 60day abeyance in case; status report due April 21

NMA Strategy:

- Advocating for notice-and-comment repeal in 2025
- Additional rulemakings under consideration: Clean Air Act 111 nonsignificant contribution finding versus replacement rule (or both)

Mercury Air Toxics Standards

- Published May 7, 2024
- **Industry compliance deadline July 6, 2027**
- Oral argument scheduled for March 27, 2025
- EPA granted 90-day abeyance in case; status report due May 21

NMA Strategy:

- Advocating for replacement Residual Risk and Technology Review to repeal onerous new emissions standards
- Additional rulemakings under consideration: “appropriate and necessary” finding or Clean Air Act 112 delisting

Ozone Transport Rule

- Published June 5, 2023
- **No compliance deadlines** due to Supreme Court stay
- Briefing ongoing due to D.C. Circuit remand on severability issue
- EPA denied 60-day abeyance in case; briefing on supplemental remand ends March 27; oral argument April 25

NMA Strategy:

- Advocating for notice-and-comment replacement rule
- Opportunity to advocate for mandatory reconsideration given EPA used new modeling results to select the 23-state FIP, making it impractical to comment on during proposal

▶▶ Particulate Matter NAAQS

- Published March 6, 2024
- Lowered the annual PM_{2.5} primary NAAQS from 12 µg/m³ to **9 µg/m³**
- **May 7, 2027** – Deadline for EPA to finalize nonattainment designations if the agency takes an additional year
- **Nov. 6, 2028** – State submission deadline for SIPs responding to reconsideration rule

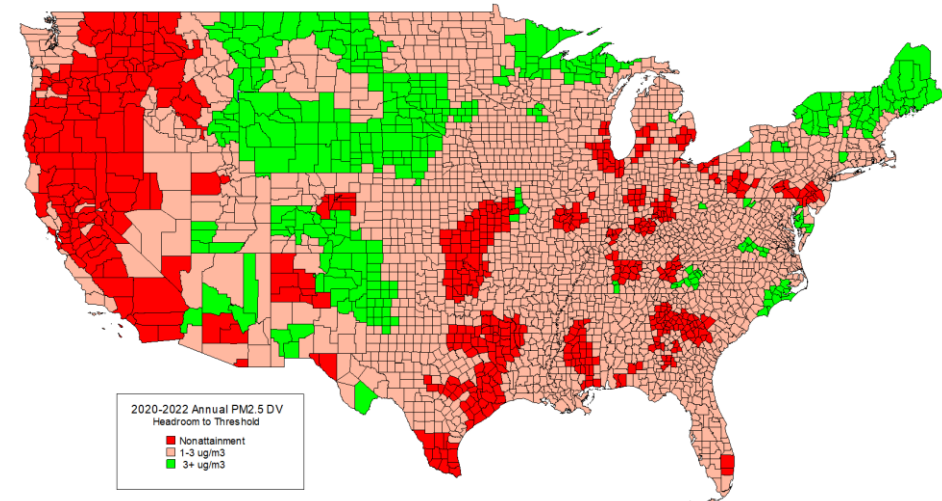
▶▶ Ozone NAAQS:

- Aug. 21, 2023 – EPA punted reconsideration to statutory review after pressure to lower the standard to 55 – 60 ppb
- Biden EPA planned a proposed rule in 2029 and a final rule in 2030

▶▶ NMA Strategy:

- **PM NAAQS:** Weighing reconsideration, reconsideration+, full review options
- **Ozone NAAQS:** Supporting NR3 coalition in advocating for expedited review to retain at 70 ppb

Industry's Analysis of Immediate Impact PM_{2.5} NAAQS at 9 µg/m³



Air Emissions Reporting Rule

Withdrawn from OMB Review

- Proposed rule published on Aug. 9, 2023; Comments filed Oct. 18, 2023
- Requires owners/operators of “point sources” to report hazardous air pollutants (HAP) directly to EPA
 - Major sources of HAP (>10 of 1 or >25 of all HAP) must report **all** HAP
 - Other sources must report HAP above specified thresholds
- States would continue to report criteria air pollutants, but the rule increases the amount of information and types of sources covered
 - Fugitive emissions
 - Mobile sources operated solely for functioning of stationary sources

Title V: Clarifying Applicable Requirements

Withdrawn from OMB Review

- Proposed rule published Jan. 9, 2024; Comments filed Apr. 10, 2024
- EPA’s proposal is designed to clarify its Title V objection policy after conflicting decisions in the 5th and 10th Circuits on allowing collateral attacks on state permits
- **The Good:** Codifies current policy that EPA cannot second-guess state permitting decisions
- **The Bad:** Opens the door to collateral attacks if the state permit was not subject to public notice and comment (e.g., non-applicability determinations and most minor source permits)

NMA Strategy: Monitor the 2025 Spring Regulatory Agenda and work with coalition allies if EPA pursues further rulemaking action.

NSR – Fugitive Emissions

“Long-Term Action”

- Proposed rule published on Oct. 14, 2022; Comments filed Feb. 14, 2023; meeting held at Research Triangle Park on June 8, 2023
- Reverses 40+ years of law by withdrawing a necessary, well-supported, and relied upon exemption
 - Requires all existing major stationary sources to include fugitive emissions in determining Clean Air Act PSD applicability for modifications
 - Creates additional permitting barriers with no meaningful environmental benefit
- NMA successfully advocated for EPA to pause this rule for additional review and consideration
- EPA moved the rule to the “long-term action” list on the 2024 Fall Regulatory Agenda

NMA Strategy: Open discussion on pushing to finalize a favorable rule during the Trump Administration.

Project Emissions Accounting

Proposed but not Finalized

- Proposed rule published on May 3, 2024; Comments filed on July 2, 2024
- Coalition comments urged EPA to:
 - Retain the Trump EPA 2020 rule
 - Not to adopt the proposed definition of “project” and reaffirm that owners and operators define projects in the first instance
 - Not address “project aggregation” or establish a constraining interpretation of what emission decreases may be considered as part of a “project”
 - Not require enforceable emission limits for Step 1 decreases

NMA Strategy: Work with coalition allies if EPA pursues this rulemaking.



SOLID WASTE SUBCOMMITTEE

▶▶ Biden Administration

- On Dec. 17, 2025, President Biden signed the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (S. 2781) into law as Public Law 118-155

▶▶ Next Steps

- EPA reached out to NMA to start working with industry and other stakeholders to implement the project permitting program
- We expect EPA will implement the law through guidance
- NMA will engage to ensure legislative intent is implemented

▶▶ NMA Strategy

- NMA is actively contributing to the implementation dialogue
- We strongly encourage member participation this year



THE WHITE HOUSE
WASHINGTON

FOR IMMEDIATE RELEASE

December 17, 2024

On Tuesday, December 17, 2024, the President signed into law:

S. 2781, the " Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024," which promotes remediation of abandoned hardrock mines.

Thank you to Senators Heinrich and Risch, and Representatives Maloy, Peltola, and Susie Lee for their leadership.

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▶▶ What is this new IRIS Assessment?

- On Nov. 19, 2024, the SAB released a final report of their review
- On Jan. 13, 2025, EPA released the final IRIS inorganic arsenic review
 - Replaces the 1995 IRIS assessment
 - EPA adopted an overly conservative noncancer reference dose and oral cancer slope factor
 - **21 times** more stringent for regional screening levels for residential soil.
 - Critical source of toxicity info for EPA, federal, state, and international health agencies
 - **IRIS values may drive mining industry policies and set regulatory standards below background levels**

▶▶ NMA Advocacy Strategy

- NMA continues to support ASTF and recently joined a letter asking Administrator Zeldin to withdraw and remove the assessment of inorganic arsenic from the IRIS website
- NMA supported a separate coalition letter to Administrator Zeldin requesting broad IRIS reforms
- Continued advocacy and outreach to Congressional offices (e.g., appropriations riders)

TSCA Prioritization

- In Oct. 2024, EPA released 27 candidate chemicals for prioritization
- **Metals listed for the first time:** Antimony, arsenic, cobalt, and lead and their compounds
- On Dec. 18, 2024, EPA selected five chemicals but no metals
- EPA cited complexity of evaluating broad chemical categories like metal compounds

NMA Strategy

- NMA is working with the NAMC and international commodity associations to develop an advocacy plan to update the 2007 Framework for Metals Risk Assessment, including pursuing a technical workshop with appropriate EPA staff

TSCA Risk Evaluation Final Rule

- Rule Effective on July 2, 2024
- Major reforms include:
 - Retains requirement for using Framework for Metals Risk Assessment
 - No assumption of worker use of PPE
 - Inclusion of all conditions of use (e.g., legacy uses and disposal)
 - Inclusion of all exposure pathways (e.g., Clean Air Act, Clean Water Act)
 - Single risk determination for each chemical ("whole chemical" approach)

NMA Strategy

- NMA will work with coalition partners on:
 - A rulemaking that narrows the scope of the risk evaluation framework
 - Broader legislative reforms on the TSCA program

SELECT PFAS REGULATIONS

CERCLA Designation

- Impacts PFOA & PFOS
- Strict, joint and several CERCLA liability
- **EPA Ask:** Withdraw EPA designation of PFOA & PFOS as CERCLA hazardous substances

TRI Reporting

- 196 TRI reportable chemicals for RY 2024
- EPA designated PFAS as a chemical of special concern; burden reduction tools no longer apply
- **EPA Ask:** Re-instate traditional TRI exemptions

RCRA Hazardous Constituents

- Adds 9 PFAS as RCRA hazardous constituents
- Clarifies RCRA corrective action authority
- Impacts hazardous waste TSDFs
- **EPA Ask:** Withdraw action and reopen stakeholder engagement

NMA Strategy: Working with coalition to propose and finalize new rules



URANIUM SUBCOMMITTEE

▶▶ Opportunities in New Administration

Considerations

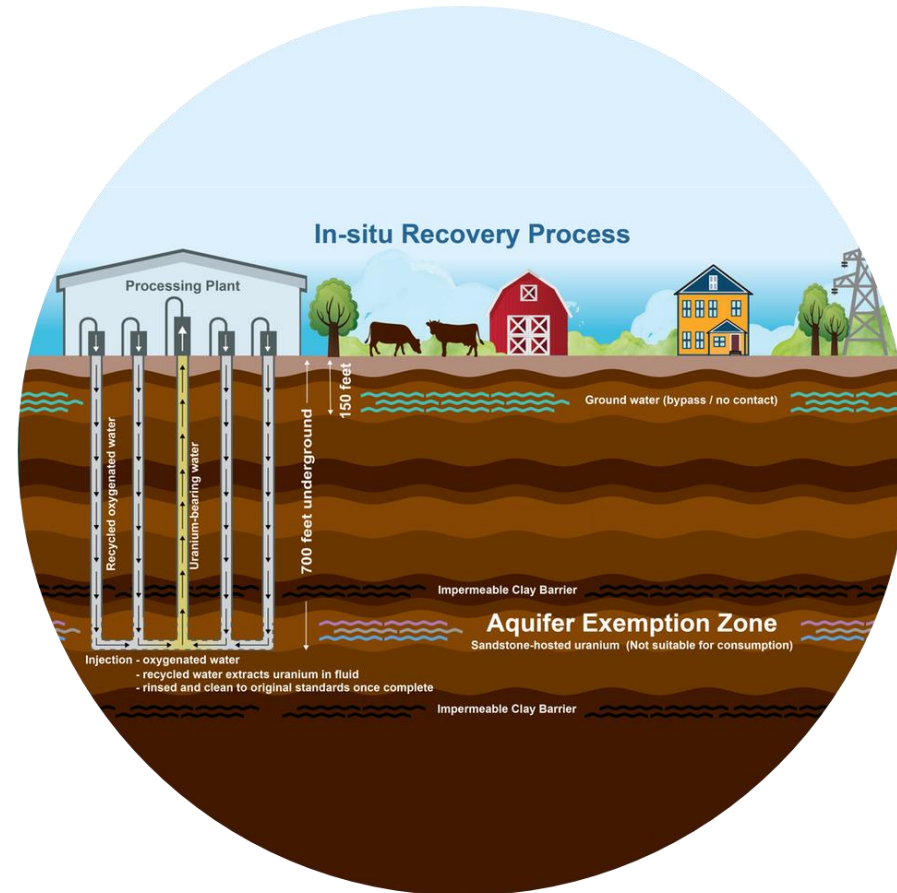
- Staggered Commissioner terms
- Narrow scope
- Needed to prevent EPA authority creep

Potential need for legislative solution

▶▶ Opportunities in New Congress

Considerations

- Memorialization of EPA and NRC roles and responsibilities
- Achievability of legislative solution



- ▶▶ **NMA Strategy:** Meet with Commission and determine advisability of rulemaking, congressional engagement

SECURING THE NUCLEAR FUEL SUPPLY CHAIN

2017

- 232 Petition
- Market manipulation by Russia

2019

- Commerce Determination
- Nuclear Fuel Working Group Creation

2020

- NFWG Recommendations
- Creation of Uranium Reserve

2023

- First Funding of Uranium Reserve
- Notice of HALEU EIS

2024

- Final HALEU EIS
- Passage of Nuclear Fuel Security Act and Russian Uranium Ban

▶▶ **NMA Strategy:** Meet with DOE



COAL SUBCOMMITTEE

▶▶ Litigation Update

- Multiple states led by Indiana file lawsuit challenging rule as violating SMCRA and undermining state primacy
- Environmental intervenors claim the states' lawsuit would threaten their interests in ensuring violations are addressed but examples provided are not persuasive
- NMA filed an amicus brief on Dec. 24, 2024:
 - Unlawfully transforms TDN from a compliance tool into a punitive mechanism against operators who follow state law
 - Unlawfully creates a new federal channel for collateral attacks on state decisions
 - Violates basic requirements of reasoned decision-making in reversing longstanding policy

▶▶ Next Steps

- Court granted recent motion to extend briefing schedule 60 days
- State reply due April 22; OSMRE reply due May 6; Status conference Aug. 15



▶▶ Coal Leasing Impacts

North Dakota Field Office:
Over 1 million acres off limits

Miles City:
1.7 million acres off limits

Buffalo:
400,000+ acres

Rock Springs:
776,000+ acres

▶▶ Strategies

Litigation:
Dec. 2024 challenge – Miles City and Buffalo RMPs

Legislation:
Reconciliation, other options

Administrative Action:
Secretarial Order 3418 directing review and revision



▶▶ Paths to Avoiding a Future Moratorium

Considerations for a legislative solution

- Requiring periodic lease sales may not be enough to overcome Secretary's discretion
- Role of coal suitability reviews in the Resource Management Plan process
- Role of the surface land management agency – can add conditions
- Role of OSMRE to ultimately approve the mine plan



UPCOMING MEETINGS

SPRING 2025 BOARD MEETING

April 13-15, 2025

Sea Island, GA

FALL ENVIRONMENT & LANDS COMMITTEE MEETING

October 2025

NMA Office | Washington, DC

Spring Board of Directors
and Members Meeting



Sea Island[®]

April 13-15