

**NATIONAL MINING ASSOCIATION**  
**Minutes of the Board of Directors Meeting**  
**The Ritz Carlton, Sarasota, Fla.**  
**May 4, 2022**

The meeting of the National Mining Association's (NMA) Board of Directors was called to order at 9:35 a.m. by the Chair of the Board, Jimmy Brock, Consol Energy Inc.

In addition to the chair, the following members of the board were present:

Phil Baker, Hecla Mining Co.; Joe Becko, Cummins Sales and Service; Tony Calandra, Jennmar Corp.; Joe Craft, Alliance Resource Partners, L.P.; Paul Davis, Nexans Americable; Greg Gibson, SSR Mining, Inc.; Jon Giesen, Nelson Brothers, Inc.; Stephen Gottesfeld, Newmont; Peter Halpin, World Resources Co.; Greg Hinshaw, J.H. Fletcher & Co.; Denise Johnson, Caterpillar Inc.; Michael Kendrick, Climax Molybdenum Co.; Mitchell Krebs, Coeur Mining, Inc.; Scott Kreutzer, Eagle Specialty Materials, LLC; Paul Lang, Arch Resources, Inc.; Andrew Lye, Rio Tinto; Michael Morriss, Trapper Mining Inc.; Richard Mullen, Drummond Company, Inc.; Rich Nolan, National Mining Association; Alan Prouty, J.R. Simplot Company; Peter Salditt, Komatsu Mining Co.; Meri Sandlin, Western Fuels Association, Inc.; Walter Scheller, Warrior Met Coal, Inc.; and Robert Stenger, Cincinnati Mining Machinery Co.

Adam Diamond, Nutrien, and Martin Litt, Kinross Gold USA, Inc., were present as alternate board members.

The following representatives from member companies were present:

Matthew Adams, Navajo Transitional Energy Co., LLC; Kent Armstrong, Draeger Safety Canada, LTD.; Rusty Ashcroft, North Star Strategies, LLC.; Richard Bark, Freeport-McMoRan, Inc.; Dan Barron, Alliance Resource Partners, L.P.; Doug Blom, Komatsu Mining Corp.; Tom Borer, Epiroc USA, LLC; John Boyd, John T. Boyd, Co.; Bill Cheatham, Mapei Corp.; Claudio Cossio, Stantec; Tim Crowley, Lithium Americas – Lithium Nevada; Michael Day, Eagle Specialty Materials LLC; Robert Duncan, J.H. Fletcher & Co.; John Gefferth, Barr Engineering Co.; Greg Gillian, Stantec; Chris Hamilton, West Virginia Coal Association; Eric Hanson, Innovative Wireless Technologies; Stan Harlen, Minova Global; Alyssa Harre, Prairie State Generating Co., LLC; Mickey McCarthy, Barrick Gold of North America; Evan Midler, Tunnel Ridge LLC – Tunnel Ridge Mine; C. David Morrison, Steptoe & Johnson PLLC; Dave Moss, North Star Strategies, LLC; Matt Nugen, Peabody; Christian Palich, Eagle Specialty Materials LLC; Jesse Parrish, Blackhawk Mining; Rachel Rogier, Arch Resources, Inc.; Jamlyn Sarver, Sunrise Coal (Hallador Energy); Michael Satre, Hecla Greens Creek Mining Co.; Randy Shefman, Royal Gold, Inc.; Lorali Simon, Usibelli Coal Mine; Deck Slone, Arch Resources, Inc.; Keith Smith, Materion Natural Resources; Brian Somers, Utah Mining Association; Bobby Stenger, Cincinnati Mine Machinery Co.; Tony Stenger, Cincinnati Mine Machinery Co.; Josh Swank, Philippi-Hagenbuch, Inc.; Fran Taglia, Weir International, Inc.; Justin Thompson, Iron Senergy; Ernie Thrasher, Xcoal Energy & Resources; Dennis Watson, American Consolidated Natural Resources, Inc.; Robert Wise, Jennmar Corp.; and D'Andre Wright, Warrior Met Coal, Inc.

The following officers and staff members were present:

Tawny Bridgeford, Ashley Burke, Katie Coon, Rebecca Freeman-Adcock, Scott Gemperline, Paul Krivokuca, Ryan Jackson, Catherine Krill, Caitlin McHale, Katie Mills, Jerry Mullins, Justin Prosser, Roger Roberts (Treasurer), Veronika Shime, Katie Sweeney (Sec.) and Mike Zabko.

#### **I. Call to Order**

A quorum of the board was established a reading of the list of in-person and virtual attendees. Chair Brock reviewed the purpose of the meeting. In opening remarks, he introduced and welcomed new members to the association and thanked the opening session and board meeting sponsors.

#### **II. Safety Share**

Paul Krivokuca, NMA vice president of Health & Safety, provided a short safety share that covered recent safety initiatives undertaken by the Mine Safety and Health Administration (MSHA) and plans to better coordinate with the agency on future initiatives.

#### **III. Association Business**

- **Approval of the Agenda**

Following the presentation of antitrust guidance, Chair Brock placed approval of the meeting agenda before the board. Without any proposed changes or objection, the agenda was approved.

- **Approval of Minutes of Sept. 12, 2021, Board Meeting**

Chair Brock placed approval of the minutes of the Sept. 12, 2021, Board of Directors meeting before the board. Following a motion, duly seconded, and no request for further discussion, the minutes were unanimously approved.

#### **IV. Executive Committee Report**

Chair Brock provided a brief recap of the May 3 Executive Committee meeting, and covered which vacancies on the committee needed replacements due to Jeff Dawes of Komatsu's retirement and Catherine Raw's departure from Barrick. Peter Salditt, who replaced Jeff as President & CEO of Komatsu Mining Corp. and Christina Erling, Head of Government Affairs for Barrick, North America, are the newest members of the committee. Catherine Raw's departure also left an open vice chair slot – vice chair for minerals policy, which is now being filled by Mike Kendrick, President-Climax Molybdenum Co., a subsidiary of Freeport-McMoRan.

The committee also received a report on the NMA's financial health, as its 2022 audit was recently completed. Mr. Brock reported the association is in great shape with higher than projected reserves due to a great 2021 MINExpo® INTERNATIONAL, investment returns and operational savings during the pandemic.

Coal policy Vice Chair Paul Lang provided a recap of the Coal CEO meeting and Mitch Krebs did the same for the Mineral CEO meeting. Mitch Krebs, our Environmental, Social and Governance (ESG) chair also reported on the NMA ESG task force's planned activities for 2022. The goal of the task force is to provide value to members in a manner that does not detract from or duplicate a company's current ESG efforts but acts as a resource for member companies. And the 2022 plan aligns with those goal – we will have monthly task force meetings with both external and member presentations on key ESG issues as well as more frequent and broader resources sessions for the entire NMA membership. Rich Nolan then discussed the association's diversity, equity and inclusion efforts led by an internal staff working group, which recently developed an inclusion statement that reaffirms our commitment to maintain a welcoming culture for all.

## **V. Association Report**

Rich Nolan initiated the association report, with the theme: American resource security in a changed world. He highlighted the impacts of supply chain instability, the global energy crisis, the Russian invasion of Ukraine and inflation on the mining industry. He noted that the growing awareness of these vulnerabilities has led to greater understanding of the scale of the material needs of our energy and manufacturing future. Additionally, he discussed how energy security is once again a global priority as the repercussions to energy markets of the Russia-Ukraine war continue to resonate. These events turned every forecast and assumption about the course of the energy transition on its head and heightened the need for energy optionality and security.

From a domestic perspective, Mr. Nolan spoke about skyrocketing mineral demand, gas prices and inflation leading to congressional and White House action. These actions range from bans on imports of Russian energy to the use of Defense Production Act to boost domestic production and processing of battery minerals. In the midst of this instability, the midterm elections are looming with razor-thin margins in Congress, while the president's approval rate is dropping.

Mr. Nolan then turned to Ryan Jackson to discuss the potentially major political change on the horizon. Before turning to the congressional landscape, Ryan first reviewed the success the NMA had at the end of 2021 with bipartisan outreach around the Build Back Better bill, including defeating new hardrock royalties and increases in coal royalties. He reiterated, however, that threats remain as discussions in Congress continue about a more narrow budget package but that the NMA would continue to work closely with bipartisan allies in the Senate to prevent unfavorable measures from moving forward. Mr. Jackson then provided some insights on the upcoming elections using historical examples of midterm election outcomes when presidential approval ratings were at historic lows. He then discussed key mining states Senate and House races before turning to the importance of the NMA Political Action Committees to help provide the NMA with resources for engagement in these races.

Rich Nolan pivoted to a discussion of the administration's regulatory wave, with a mounting number of rules on the agenda. He highlighted the tools the association has in place to address the coming tsunami such as engagement with a host of allies in Congress, the states, other industries as well as grassroots and media tools. He then

turned to the NMA team to discuss how we are constructing an energetic defense and building our breakwater for this wave.

Katie Sweeney started with a high-level description of the regulatory challenges on the minerals front, including the ongoing efforts of a White House-convened interagency working group (IWG) to review potential changes to minerals mining laws and regulations. Among the changes being considered by the IWG are alternatives to the locatable claim system, imposition of royalties and additional financial assurances. Ms. Sweeney discussed the NMA's outreach to the IWG and invitation to participate in the IWG kickoff roundtable. Scott Gemperline followed with a recap of the NMA's efforts to secure bipartisan allies to shape the IWG efforts. Katie Sweeney also provided insights on the President's extraordinary use of the Defense Production Act (DPA) to incentivize production of large capacity battery materials. The DPA determination provides hundreds of millions of dollars for feasibility studies, process modernization and other activities to help bring domestic resources online more quickly.

Turning to coal policy, Mr. Nolan noted that the global energy crisis has forced a reawakening to coal's importance, leading to greater demand for American coal than seen in years. It has also led to ever greater concern about grid reliability, energy security and now energy affordability. Tawny Bridgeford then discussed the major regulatory challenges for coal, primarily the suite of U.S. Environmental Protection Agency (EPA) regulations designed to force premature closure of coal plants. This suite includes regulations for coal ash disposal, effluent limitation guidelines and interstate transport of ozone. Ryan Jackson and Jerry Mullins highlighted NMA actions to push back on EPA's plan, including securing congressional oversight and engagement with attorney generals' associations in advance of potential litigation.

Next, Rich Nolan turned to the important cross-cutting issues that touch the entire industry. From climate disclosure to National Ambient Air Quality Standards (NAAQS), Waters of the U.S. (WOTUS) and the National Environmental Policy Act (NEPA), these challenges are also a reminder that we are strongest when we are together as an industry. He turned to NMA team members Tawny Bridgeford, Caitlin McHale, Katie Mills and Jerry Mullins to elaborate on these high priority regulatory cross-cutting matters. Ms. Bridgeford reported on the recently proposed Securities and Exchange Commission's rule to mandate climate disclosure reporting. The expansive rule, requiring reporting of scope 1, 2 and 3 emissions, will be incredibly costly even by the SEC's own standards. Next, she discussed the potential changes to both the ozone and particulate matter NAAQS standards and how lower standards could create permitting challenges for the mining industry. Ms. McHale covered the latest developments on EPA WOTUS rulemaking as the administration moved to finalize its step one action. She also noted the Supreme Court may be acting soon to shape the definition of WOTUS when it hears a case in Fall 2022 that addresses the proper test for determining which wetlands are WOTUS. enforcement. Ms. Mills reported on the Council on Environmental Quality's finalization of step one of its two-phased process to roll back the important NEPA reforms finalized by the previous administration. She also noted the uncertainty regarding the timing of the step two proposal. Jerry Mullins covered the association's engagement with state attorneys general on these cross-cutting issues to help shape outcomes favorable to the industry.

The next section of the association report focused on the NMA communications platform. Mr. Nolan explained that the prominence of global energy crisis, supply chain shocks and the interest in reshoring supply chains and meeting surging demand means has provided many opportunities to share the NMA's key messages. He then turned to Ashley Burke for additional details on the association's communication strategy.

Ms. Burke reported that direct media contacts were way up with Rich Nolan appearing on the cable news networks and in virtually every major print outlet in the U.S. multiple times. On coal messaging, she highlighted how world events aligned to underscore the validity of our messaging. The European energy crisis and Russian invasion of Ukraine brought affordability and reliability messaging to the forefront. Regarding minerals, she noted that the supply chain crisis, EVs, and journalists' fascination with the Biden administration's position between a need for mined materials and its base of NGOs, led to a massive uptick in interest in and support for our messaging. Ms. Burke also discussed the latest polling results and the importance of polling to hone our messages to ensure they stay relevant and effective. She noted the room to build support from messages that are resonating more than ever. She also highlighted how messaging has changed since the last time the association rebranded two decades ago and indicated that the association is moving forward with the Board approved rebranding effort that will be rolled out in the fall.

Mr. Nolan concluded the association report by remarking that there are opportunities in current crisis of global events and currents reshaping markets and the political and policy landscape. He also recognized the challenges the NMA's members are facing and the changed environment every company is having to navigate. He summarized how the NMA's efforts to prepare for the regulatory wave and the high-water mark metrics for our story telling have positioned the NMA to maintain our momentum and to defend our successes.

### **VIII. Adjournment**

Chair Brock announced that the Spring Board of Directors meeting is scheduled for Sept. 15-16 in Washington, D.C. With no further business, the meeting was adjourned at 11:05 a.m.