

NATIONAL MINING ASSOCIATION
Minutes of the Board of Directors Meeting
The Conrad Hotel, Washington, D.C.
Sept. 16, 2022

The meeting of the National Mining Association's (NMA) Board of Directors was called to order at 9:24 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:

Randall Atkins, Ramaco Resources, Inc.; Phil Baker, Hecla Mining Co.; Paul Davis, Nexans Americable; Christina Erling, Barrick Gold of North America; Greg Gibson, SSR Mining, Inc.; Jon Giesen, Nelson Brothers, Inc.; Jim Grech, Peabody; Trevor Hall, Teck American, Inc.; Peter Halpin, World Resources Co.; Greg Hinshaw, J.H. Fletcher & Co.; Mitchell Krebs, Coeur Mining, Inc.; Paul Lang, Arch Resources, Inc.; Vern Lund, Navajo Transitional Energy Co., LLC; Andrew Lye, Rio Tinto; Michael Morriss, Trapper Mining Inc.; Richard Mullen, Drummond Company, Inc.; Rich Nolan, National Mining Association; Jesse Parrish, Blackhawk Mining; Alan Prouty, J.R. Simplot Company; Walter Scheller, Warrior Met Coal, Inc.; Robert Stenger, Cincinnati Mining Machinery Co.; Justin Thompson, Iron Senergy; Ernie Thrasher, Xcoal Energy & Resources; and Joe Usibelli, Usibelli Coal Mine, Inc.

Doug Blom, Komatsu Mining Corp.; Tom Borer, Epiroc USA LLC; Mary Beth Donnelly, Newmont; Heath Lovell, Hallador Energy Co.; J.J. Ong, Freeport-McMoRan Inc.; Christian Palich, Eagle Specialty Materials LLC; Kim Roach, Western Fuels Association, Inc.; Randy Shefman, Royal Gold, Inc.; and Robert Wise, Jennmar Corp. were present as alternate board members.

The following representatives from member companies were present:

Matthew Adams, Navajo Transitional Energy Co., LLC; Emily Arthun, American Coal Council; Rusty Ashcroft, North Star Strategies, LLC.; Richard Bark, Freeport-McMoRan, Inc.; Dan Barron, Alliance Resource Partners, L.P.; Jason Bostic, West Virginia Coal Association; John Boyd, John T. Boyd, Co.; Mark Compton, American Exploration and Mining Association; Tim Crowley, Lithium Americas – Lithium Nevada; Ben Davenport, Idaho Mining Association; Richard Davis, Rimpull Corp.; Robert Duncan, J.H. Fletcher & Co.; Allen Freemyer, Freemyer & Associates; Greg Gillian, Stantec; Tyre Grey, Nevada Mining Association; Alexandra Guaqueta, ERM; Connor Hamburg; Nutrien; Chris Hamilton, West Virginia Coal Association; Amanda Hilton, KGHM International; Dennis Kostic, Weir International, Inc.; Drayton Land, Nexans Americable; Matt Mackowiak, Consol Energy Inc.; Wendie MacNaughton, Northern Star Resources Limited; Brian Mashford. Stantec;

Sarah Medearis, ERM; Evan Midler, Alliance Resource Partners, LLP; Ryan Modlin, Rio Tinto; Dave Moss, North Star Strategies, LLC; Renee Munasifi, Nutrien; Scott Nelson, ERM; Winston Nelson, Nelson Brothers, Inc.; Matt Nugen, Peabody, Matthew Palmer, Rimpull Corp.; Doug Park, ERM; Louise Pearce, ERM; James Pinkley, Mapei Corp.; Aaron Poole, RPMGlobal; Michael Portwood, Minova Global; Caitlin Purdy, ERM; William Rising, Freeport-McMoRan Inc.; Rachel Rogier, Arch Resources, Inc.; Michael Satre, Hecla Greens Creek Mining Co.; Lorali Simon, Usibelli Coal Mine, Inc.; Deck Slone, Arch Resources, Inc.; Stuart Smith, RPMGlobal; Brian Somers, Utah Mining Association; Josh Swank, Philippi-Hagenbuch, Inc.; Fran Taglia, Weir International, Inc.; Brian Thompson, Komatsu; Dennis Watson, American Consolidated Natural Resources Inc.; and D'Andre Wright, Warrior Met Coal, Inc.

The following officers and staff members were present:

Conor Bernstein, Tawny Bridgeford, Ashley Burke, Katie Coon, Scott Gemperline, Ryan Jackson, MK Kirlin, Catherine Krill, Paul Krivokuca, Lucia Livak, Wil MacPherson, Caitlin McHale, Katie Mills, Jerry Mullins, Justin Prosser, Roger Roberts (Treasurer), Matt Roper, Veronika Shime, Katie Sweeney (Sec.), Ben Walters, and Mike Zabko.

I. Call to Order

A quorum of the board was established before Chair Brock reviewed the purpose of the meeting. In opening remarks, he introduced and welcomed 36 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 safety share on recognizing signs for detecting strokes, which impact nearly 800,000 Americans annually.

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 May 4, 2022, Board Meeting

Chair Brock placed approval of the minutes of the May 4, 2022, 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 Sept. 15 Executive Committee meeting, the main focus of which was the review of the NMA's proposed 2023 budget. He reported that the Audit, Finance and Membership Vice Chair Walt Scheller provided a summary of the recent meeting of that committee and the proposed budget and noted that the committee voted to recommend approval of the budget to the full board.

He also noted Coal Vice Chair Paul Lang discussed the highlights of the Coal CEO meeting including the regulatory onslaught targeting coal fired power plants and that Mitch Krebs similarly provided a recap of the Minerals CEO meeting highlighting the discussion on the Interagency Working Group on mining laws, regulations, and permitting and implications of the Rosemont litigation. ESG Vice Chair Mitch Krebs also summarized the activities of the Environmental, Social and Governance Task Force, including its growth over time to 27 companies and the continued development of the NMA ESG webpage. He noted the ESG resources sessions were at all-time record attendance and the Task Force had just announced a new ESG tracker tool.

V. Association Report

Rich Nolan initiated the association report, the theme of which was "Mining: Center Stage in Washington and the World." He noted that in the midst of ongoing supply chain shocks, an unprecedented global energy crises and surging demand for our products, mining is front and center, with high stakes for our industry as new policy actions are unfolding. From a domestic perspective, Mr. Nolan spoke about how skyrocketing mineral demand has provided opportunity but come with significant market challenges, including inflation, labor shortages and price increases.

Mr. Nolan then focused on the importance of the 2022 midterm elections before turning to Ryan Jackson to discuss the upcoming elections in greater detail. Mr. Jackson noted that races were tightening as election issues solidified, including inflation, gasoline prices, border security and crime. He noted that the outcome for the Senate was too tight to predict. Using historical examples of midterm election outcomes when presidential approval ratings were at historic lows, he predicted that the House was likely to return to Republican hands. He then discussed key mining states' Senate and House races and the implications of the various mid-term election outcomes. Finally, Mr. Jackson spoke about the importance of the NMA Political Action Committees to help provide the NMA resources for engagement in these races.

Mr. Nolan pivoted to a discussion of the NMA's tools utilized to prepare for any outcome, including bipartisan engagement, strategic alliances, messaging, and the courts. He then turned to Ashley Burke to explain how

the NMA deploys these tools. Ms. Burke reviewed year-to-date key performance indicators that demonstrate the effectiveness of the NMA's efforts, including 267 op eds, nearly 7,400 congressional contacts, comments on 24 priority regulatory matters and an audience reach of 7.4 million.

Next, Mr. Nolan focused on the evolution of reconciliation or Build Back Better (BBB) legislation into the Inflation Reduction Act (IRA). He noted that as expansive as the IRA is, the NMA was able to successfully advocate for removal of key threats to mining included in the BBB as the IRA evolved. As a result, the IRA did not include new hardrock or coal royalties, additional severance taxes for coal, changes to the Mining Law or repeals of royalty relief. He concluded that while overall the IRA is problematic, particularly the 15 percent alternative minimum tax and permanent extension of the Black Lung Excise Tax, it does provide some opportunities. These opportunities include domestic sourcing requirements for electric vehicles and batteries, tax credits and loan guarantees for mineral production and electric utility upgrades. Mr. Jackson provided insight on Senator Manchin's unsuccessful efforts to have permitting reforms included within the IRA and potential for those reforms to be included in other moving legislative vehicles.

Mr. Nolan turned to the threats posed by the regulatory wave emphasizing that if the midterms produce split control of Congress, the administration will double down on regulations to drive its agenda. He turned to the Katie Sweeney to discuss the regulatory threats and the NMA's engagement strategy. She provided an overview of the 25 actions anticipated to be proposed or finalized by the end of 2022.

Turning to coal policy, Mr. Nolan focused on the U.S. Environmental Protection Agency's (EPA) aggressive agenda to prematurely shut down coal plants despite growing awareness and concern about grid reliability, energy security and energy affordability. Tawny Bridgeford then discussed the suite of EPA regulations, highlighting the Interstate Ozone Transport Rule as the newest and perhaps largest threat, and one that the NMA intends to challenge in the courts. She also covered the NMA's strategy for the rulemakings related to coal ash disposal, effluent limitation guidelines and emission guidelines for new and existing coal plants. Ryan Jackson and Jerry Mullins highlighted the NMA actions to push back on EPA's plan, including securing congressional oversight, working with allied governors and engagement with attorney generals' associations in advance of potential litigation. Ashely Burke concluded the coal policy section of the association report with a recap of the messaging the NMA is using to ensure policymakers understand the importance of coal to maintain the reliability and affordability of the nation's power supply. She highlighted how world events, particularly, the European energy crisis and Russian invasion of

Ukraine, continue to underscore the validity of our messaging. She also discussed the NMA's latest polling results and the importance of regular polling to ensure our messages remain relevant and effective.

Regarding minerals policy, Mr. Nolan highlighted the Biden administration's continued divergent, even contradictory, statements and actions when it comes to reducing reliance on foreign sources of minerals. He turned to Katie Sweeney to provide additional details particularly in the context of the White House interagency working group (IWG) on mining regulations, laws and permitting. 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 consistent engagement with the IWG as well as the extensive comments submitted demonstrating the need for government policies that promote domestic mineral production and processing. Scott Gemperline followed with a recap of the NMA's successful efforts to generate 2600 grassroots comments in support of domestic mining and to secure bipartisan congressional comments. Ryan Jackson outlined recent government incentives available for domestic mining production, processing, refining and recycling including Defense Production Act funds, Department of Energy loans and new production and manufacturing tax credits. Ms. Burke closed the minerals policy discussion with a summary of the NMA's minerals messaging. She highlighted how the supply chain crisis, EVs, and journalists' continued fascination with the Biden administration's position between a need for mined materials and its base of NGOs, has driven renewed interest in and support for our messaging.

Next, Rich Nolan turned to the important cross-cutting issues that touch the entire industry. From climate disclosure to Waters of the U.S. (WOTUS) and the National Environmental Policy Act (NEPA) to forthcoming silica standards, there are a number of significant challenges that require the industry's united focus. He asked NMA team members Tawny Bridgeford, Ryan Jackson, Jerry Mullins, Caitlin McHale, Katie Mills and Paul Krivokuca to elaborate on these high priority regulatory cross-cutting matters. Ms. Bridgeford reported on the proposed Securities and Exchange Commission's rule to mandate climate disclosure reporting. She detailed the NMA's comments on the proposal that focused on the rule's legal infirmities and compliance issues. She noted that opposition to the rule was expressed by most commentators, which likely will delay finalization of the rule and signals future litigation challenges. Mr. Jackson and Mr. Mullins highlighted congressional and state opposition to the rulemaking. Ms. McHale covered the latest developments on the soon to be finalized step one EPA/Army Corps' WOTUS rulemaking. She remarked that the NMA's coalition is prepared to challenge the rule upon finalization. She also discussed the potential for a Supreme Court decision that could upend the rule when it

hears a case in Fall 2022 that addresses the proper test for determining which wetlands are WOTUS. Mr. Jackson added that WOTUS remained the single most bipartisan issue in Congress and that the final rule would be the subject of significant congressional oversight. Ms. Mills reported on the suite of Endangered Species Act rulemakings pursued by the Biden administration that are likely to cause permitting delays and increase mitigation costs. She also addressed the Council on Environmental Quality's finalization of its step one NEPA rule that rolled back important 2020 NEPA reforms and uncertainty regarding the timing of the step two proposal. Mr. Krivokuca concluded the cross-cutting policy section of the association report with an update on the Mine Safety and Health Administration's upcoming reduction of its existing silica standard for coal and metal/nonmetal mining and the NMA's strategy to advocate for use of administrative controls to comply with the standard.

Next, Mr. Nolan shifted focus to the NMA's CORESafety platform, noting that it remains a critically important tool in keeping our workers safe. He emphasized, however, that just as our approach to safety cannot be static, CORESafety cannot be static either. He turned to Paul Krivokuca to provide an update on work being done to refresh and reenergize CORESafety. Mr. Krivokuca highlighted steps taken to date, including changing the pathway messaging, updating certification and recertification processes and refreshing the website. He also discussed future phases of the refresh to include review of all 20 CORESafety modules.

Finally, Rich Nolan provided an exciting update on the NMA's rebranding effort that had been announced at the previous board meeting. He noted that the NMA had not undergone a brand refresh in two decades. Given the significant change that has occurred in the mining industry in recent years, and the new prominence of mining's products to energy security, supply chain security, technology and innovation, he stressed the need to align our brand with those realities. He asked Ashley Burke to provide additional details on the rebrand journey. Ms. Burke explained that the association engaged two outside firms to lead the rebranding process. It included nearly a year of in-depth research – with one-on-one interviews and focus groups conducted with both Democrats and Republicans – and the NMA. She added that “everything” was on the table, including a potential name change, but we let the research with our target audiences guide us with the eventual product. She noted that ultimately the National Mining Association name recognition was strong and unveiled our new logo, new colors, and a new way we talk about the association. The new logo includes a stylized M that evokes a mountain and the lines suggest both underground mining and momentum driving towards and essential to innovation. She indicated the design reflects the critical role played by the mining industry in supplying the materials necessary for nearly every sector of our economy now and in the

future. Finally, she stated the new brand will be formally rolled out on Oct. 3, 2022.

Mr. Nolan concluded the association report by remarking that mining continues to take center stage in Washington, D.C. and beyond. He noted the tensions created by global events and market drives have created significant opportunities and challenges for the NMA members. He noted that working together and being prepared for disruptions and shifting policy landscapes has positioned the industry to maintain our momentum and to defend our successes.

VI. Audit & Finance Committee Report

Chair Brock turned to Walt Scheller, Audit, Finance and Membership Vice Chair to present the audit and finance committee report and the proposed 2023 budget. Mr. Scheller noted the proposed 2023 budget includes \$16.5 million for operating expenses, a 4.9 percent increase from the 2022 budget to allow address the oncoming regulatory wave as the Biden administration's agenda picks up steam and a mid-term election with unclear results. This additional spending is supported by an increase in dues and an increase in the drawdown from the operating reserve. A 7.5 percent dues increase is split between a 5.0 percent rate increase for all categories and 2.5 percent from new membership growth. Additionally, he noted a proposed dues cap increase from \$596,000 to \$626,000 and the first rate increase for manufacturers and suppliers since 2019.

Additionally, Mr. Scheller explained that the 2023 budget requires a \$6.5 million draw from operating reserve. While this is an increase from previous years, it maintains the operating reserve at a reasonable level and is a sustainable usage rate in line with the cyclical nature of the reserve balance, with an influx of MINExpo proceeds every four years and a steady spenddown in between shows. The projected balance going into the show year of 2024 is a \$22.4 million, comparing favorably to the balance at the end of 2019, 2015 and 2011. Following a motion, duly seconded, and no request for further discussion, the proposed 2023 budget was unanimously approved.

VII. Nominating Committee Report

Chair Brock referred the board to the report of the Nominating Committee, which was distributed electronically in advance of the meeting. The slate of nominees was considered, and after motions and seconds, the nominees were elected.

VIII. Other Business

The board meeting marked the end of Mr. Brock's term as chair with the presentation of a handcrafted statue to thank him for his years of service to

the association. As his final action, Mr. Brock welcomed the incoming chair, Mitch Krebs, President and CEO of Coeur Mining.

IX. Adjournment

Chair Brock announced that the Spring Board of Directors meeting is scheduled for April 2-4 in Sea Island, Ga. There being no further business, the meeting was adjourned at 11:05 a.m.