

A man wearing a white hard hat with a headlamp, safety glasses, and a high-visibility orange and yellow vest over a dark blue shirt stands in a dimly lit underground tunnel. He is leaning on a metal railing. The background shows the tunnel's interior with various pipes, cables, and distant lights.

National Mining Association

FALL BOARD OF DIRECTORS &
ANNUAL MEMBERS MEETING

September 22, 2023

Meeting Sponsors – Thank You



Welcome New Members



**NEW MEMBER
KPIS YTD**

31 New
Members

\$200K+ Additional
Revenue

200 New
Prospects



Safety Share

Agenda



Welcome and introductions

Safety share

Approval of meeting agenda*

Approval of minutes from board meeting held April 2023*

Executive Committee report

Association report

Audit and Finance Committee report*

- Budget presentation

Nominating Committee report*

- Officers

- Audit & Finance Committee

- Executive Committee

- Directors

Adjournment

*Requires board action



Executive Committee Report

Association Report

Unearthing Potential: People, Policy and Permitting



Unearthing Potential





Unearthing Potential: People

People



People



The U.S. mining industry has restored more than three million acres of mined land.

It has also paid more than \$11 billion to reclaim mines that were abandoned prior to laws being enacted requiring reclamation.

Katie Heazlett
Senior Environmental Coordinator
Coeur Mining, Inc.

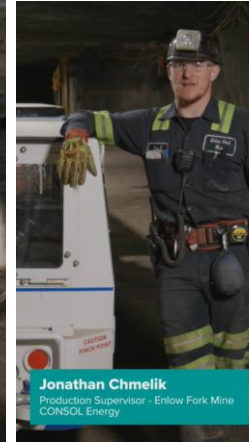


U.S. coal plant owners have invested more than \$100 billion in advanced emission control technologies in the last 20 years.

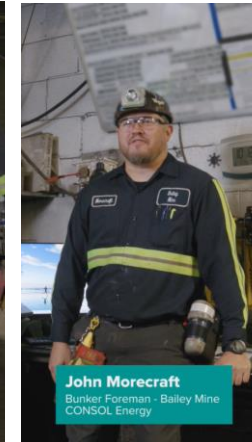
Cody Wilson
Senior Electrical Supervisor - Bailey Mine
CONSOL Energy



Dalton Eddy
Beltman - Bailey Mine
CONSOL Energy



Jonathan Chmelik
Production Supervisor - Enlow Fork Mine
CONSOL Energy



John Morecraft
Bunker Foreman - Bailey Mine
CONSOL Energy



Cody Wilson
Senior Electrical Supervisor - Bailey Mine
CONSOL Energy



Tasha Helms
Section Foreman - Bailey Mine
CONSOL Energy



Zack Erickson
Process General Supervisor
Coeur Mining, Inc.



Jesse Cholic
Safety Coordinator Trainer
Coeur Mining, Inc.



Katie Heazlett
Senior Environmental Coordinator
Coeur Mining, Inc.

The Times-Tribune
Mining job opportunities abundant

The Patriot-News
America urgently needs more young people to work in mines | Opinion

THE DAILY SENTINEL
GRAND JUNCTION, COLORADO

American mining needs Generation Z

People

Workforce Shortages

221K Mining workforce retirements by 2029

THE WALL STREET JOURNAL.

‘War for Talent’ at Mines Could Drive Up Cost of Energy Transition

THE DAILY
SENTINEL
GRAND JUNCTION, COLORADO

American mining needs Generation Z

“Mining, and the remarkable technologies and standard of living it enables, has never been so important. Americans, especially young Americans, need to recognize it and, hopefully, begin to recognize the extraordinary opportunities available in the mining workforce.”

Mining Engineering

14 U.S. mining engineering schools

970 Mining engineers enrolled

500 mining engineers needed per year through 2031

39% drop in mining and mineral engineering degrees awarded in the U.S. (since 2016)



half number of reported full professors in mining engineering programs from 2019 (33 total)



MINING.COM

Colorado School of Mines warns of ‘grey tsunami’ of mining industry retirements

People





People

Election 2024



DONALD
TRUMP

56.6%

+43.9



RON
DESANTIS

12.7%



VIVEK
RAMASWAMY

7.2%



NIKKI
HALEY

5.7%



MIKE
PENCE

4.5%



CHRIS
CHRISTIE

2.8%



TIM
SCOTT

2.5%

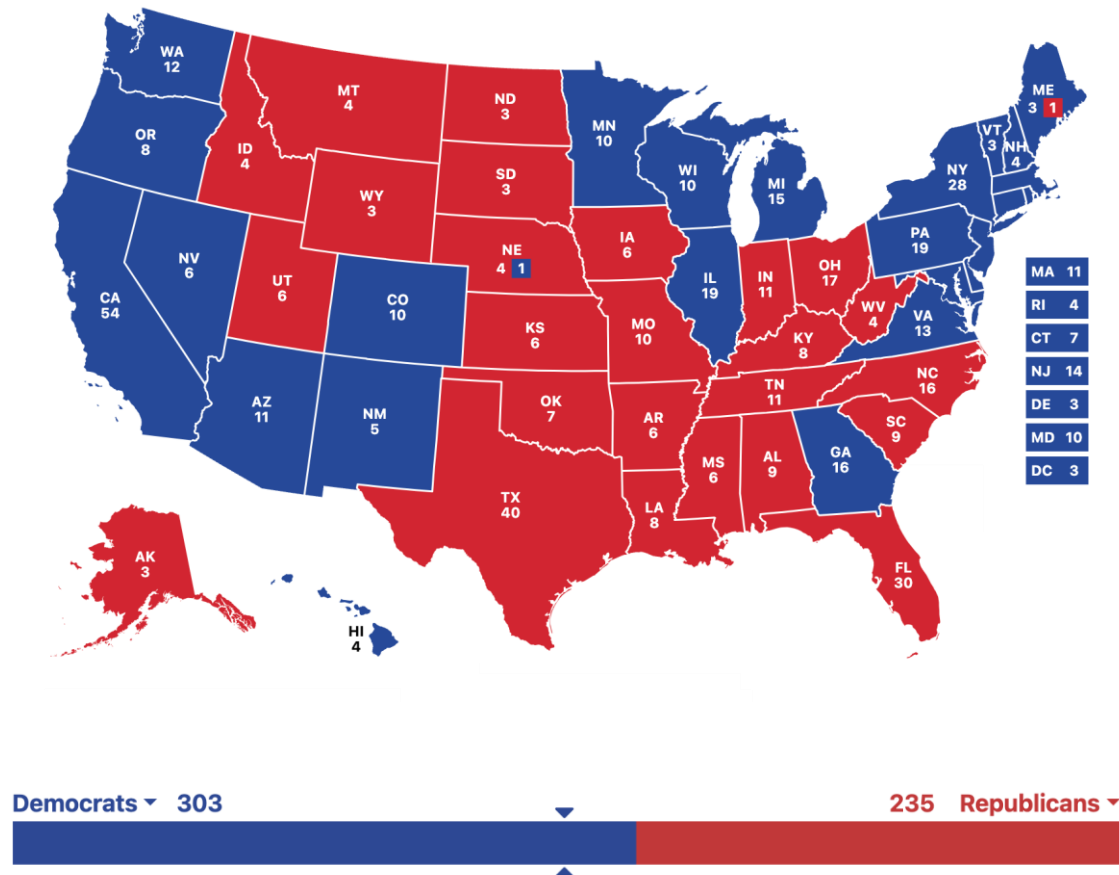
**WSJ poll: Trump leads GOP primary
field by 46 points as DeSantis drops**

Source:

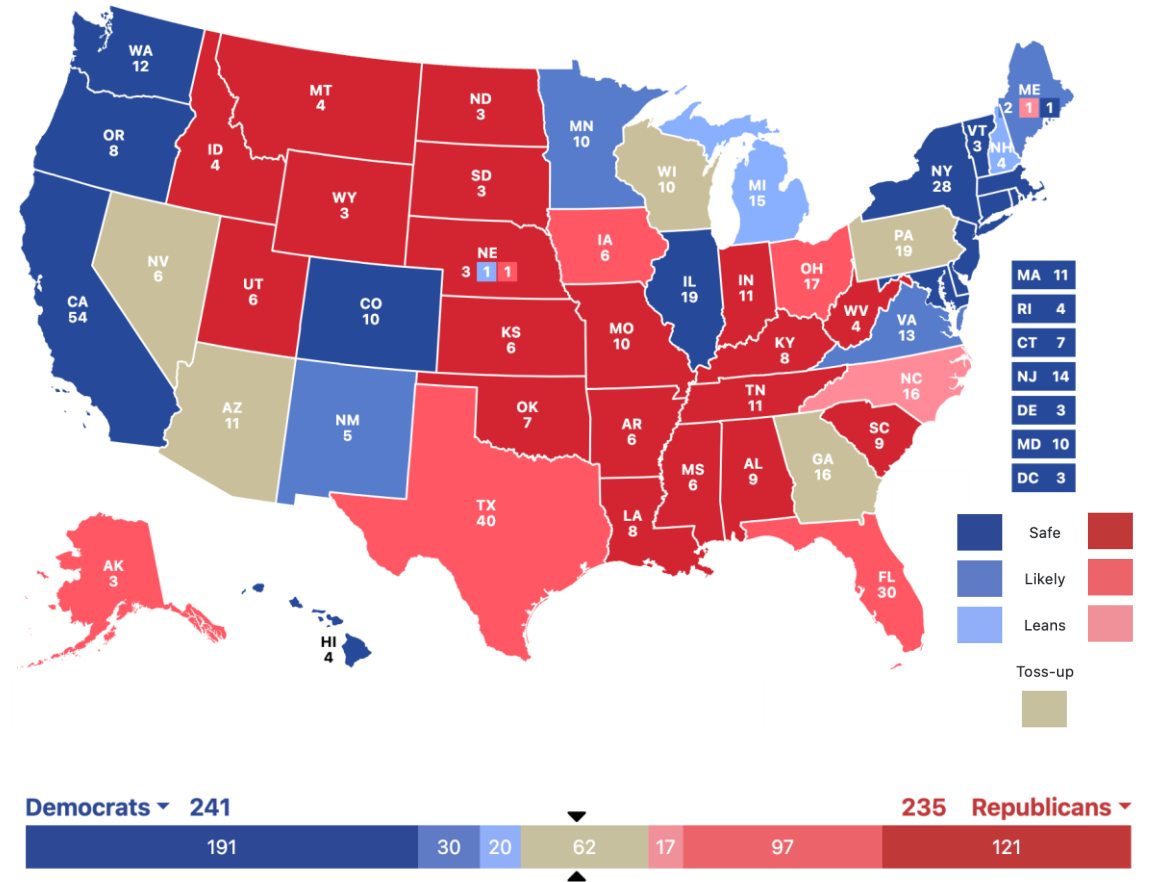
RealClear

Politics September 15, 2023

2020 Presidential Election Results

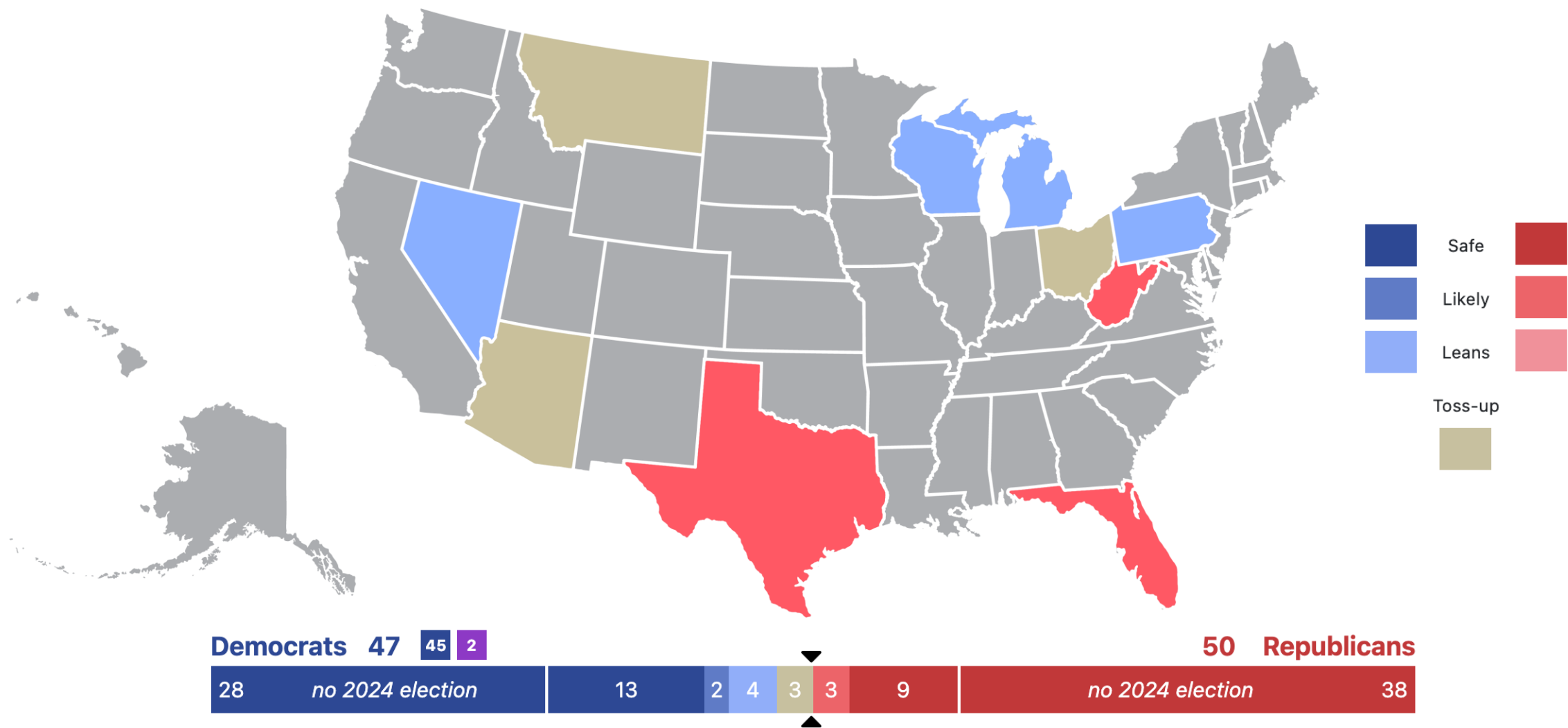


2024 Presidential Battleground States



People

Senate 2024





NMA PACs + NMA Member
Companies Contributed
\$200,400 to
25
Bipartisan Congressional
Mining Allies



American Chemistry Council	\$224,289
American Exploration & Production Council	\$132,600
American Forest & Paper Association	\$157,398
American Fuels & Petrochemical Manufacturers	\$70,277
American Petroleum Institute	\$119,006
Croplife America	\$54,295
National Association of Manufacturers	\$200,655
National Mining Association	\$105,000
National Stone, Sand & Gravel Association	\$821,303
The Fertilizer Institute	\$30,034
U.S. Chamber of Commerce	\$178,245

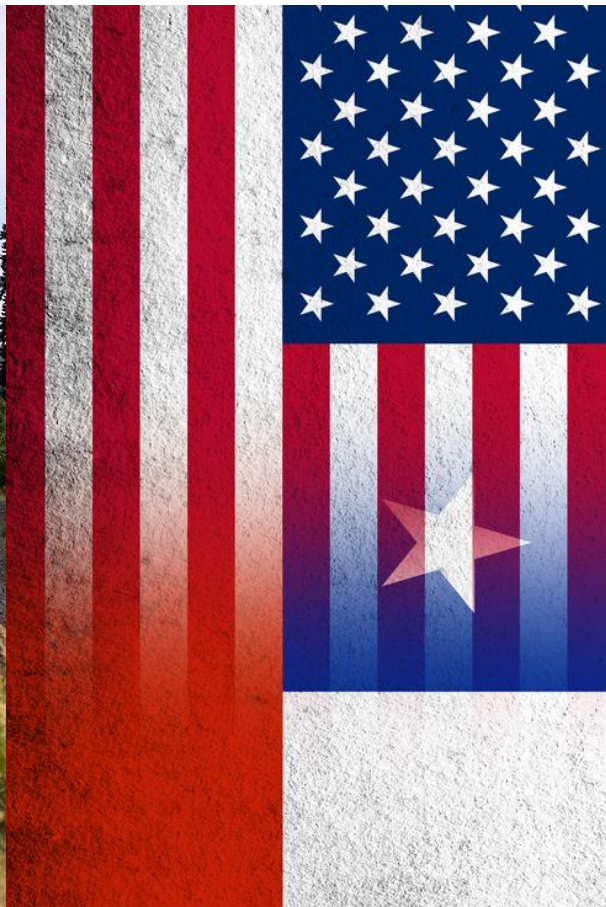


Unearthing Potential: Policy and Permitting

Policy



**WOTUS Limited
Supreme Court**



**Chilean
Tax Treaty
Ratified by Senate**



**Bipartisan NEPA
Amendments Enacted**



**EPA Ozone Rule
Blocked**

Policy

Key Performance Indicators



TELLING OUR STORY
YTD 2023

13.6% YOY INCREASE

309 Op-Eds 5.92M Audience Reached 206 Press Inquiries 748 Tweets + Posts 46 Blogs

President & CEO Op-Eds 52 Media Audience Reached 1,006 Video Views 4M Followers 559K Recognition for 2022 Rebrand



INFLUENCING
STAKEHOLDERS 2023

285 Administration Contacts 5,168 Congressional Contacts 306 State Contacts 93 Congressional Letters & Testimony



DELIVERING
VALUE 2023

48 Comments 17 Legal Filings 358 Coalition/Ally Meetings 20 Press Releases 10 Speeches

Committee Meetings 43 Memos to Members 202 MINE Update Newsletters 35 Testimony 4



OPERATIONS

ESG		CORESafety®		Membership				
3 Task Force Meeting	8 Resource sessions	12 CORESafety TV Videos	18 Blogs/ Newsletter	21 Advisory Group Meetings	4 Modules Reviewed	31 New Members	200+ New Prospects	\$200K Additional Revenue



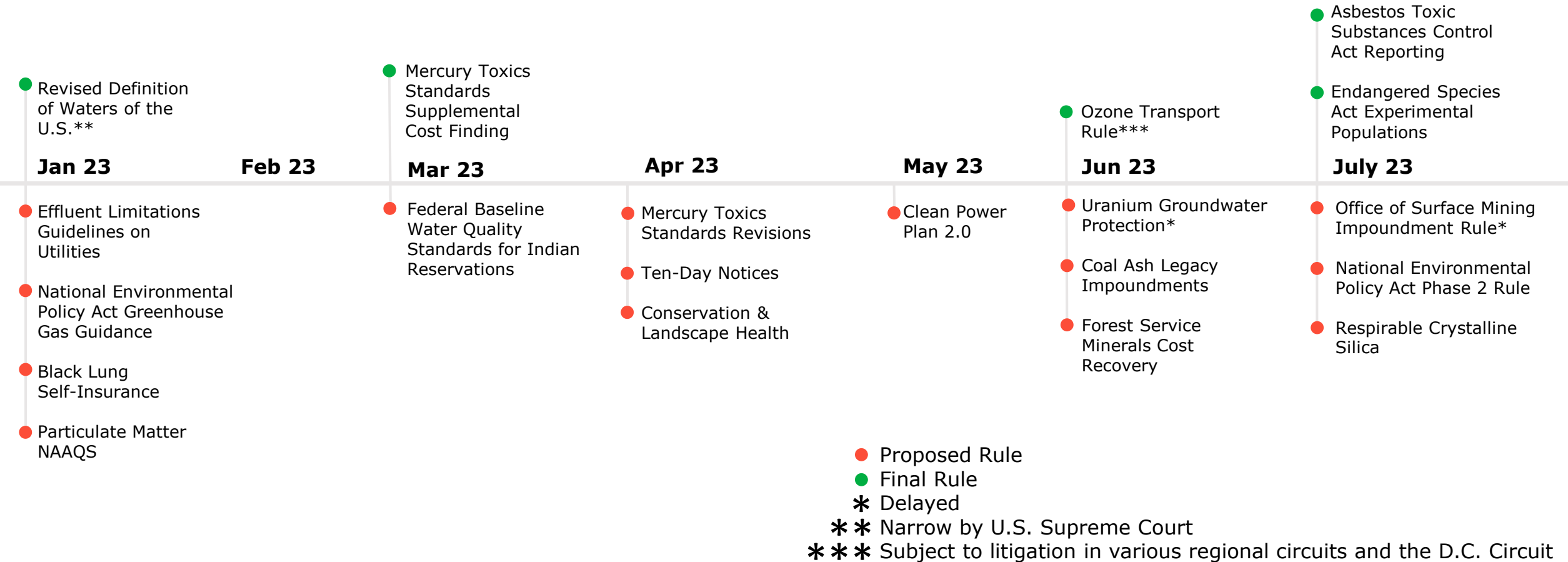
FINALIST

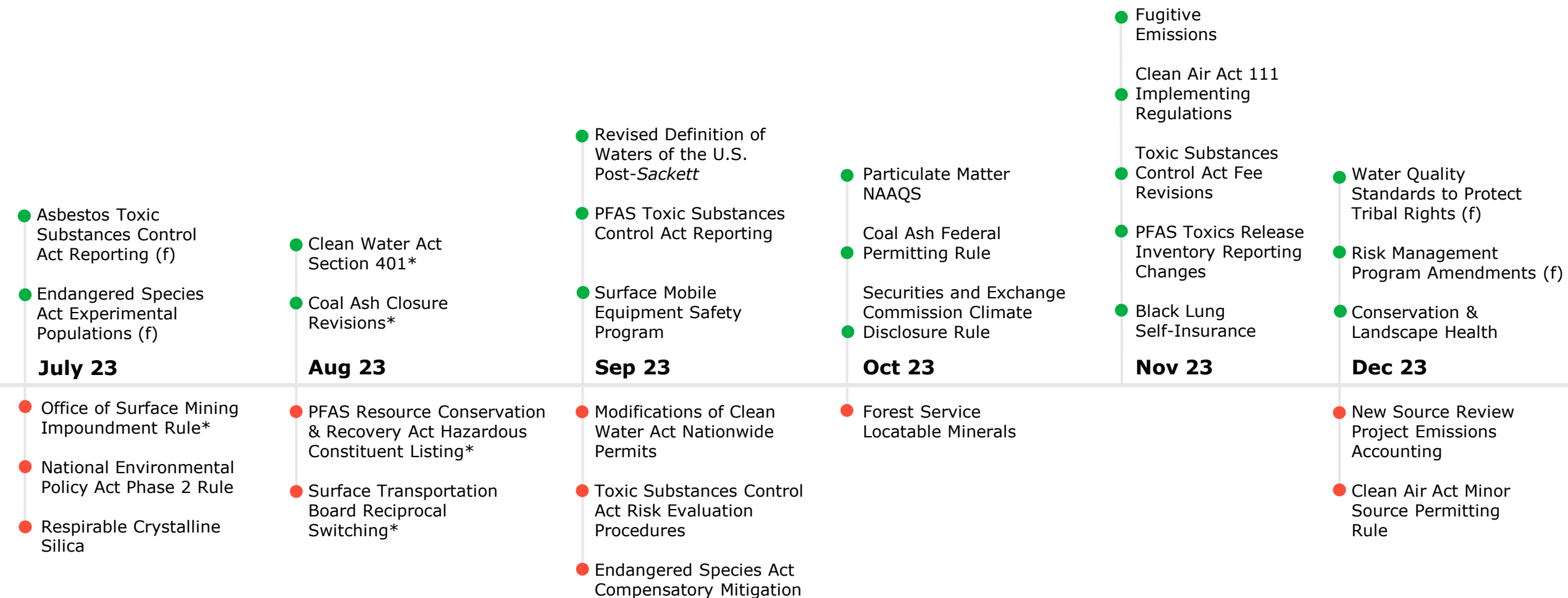
Best Visual Identity
from the Professional
Services Sector

TRANSFORM
AWARDS
NORTH
AMERICA 2023
NEW YORK

Policy

Regulatory Onslaught





2024

Jan 24

- Ten-Day Notices
- PFAS CERCLA Designations
- National Environmental Policy Act Greenhouse Gas Guidance

Feb 24

- Regional Haze State Implementation Requirements

- Mercury Toxics Standards Revisions
- Federal Baseline Water Quality Standards for Indian Reservations
- Office of Surface Mining Impoundment Rule

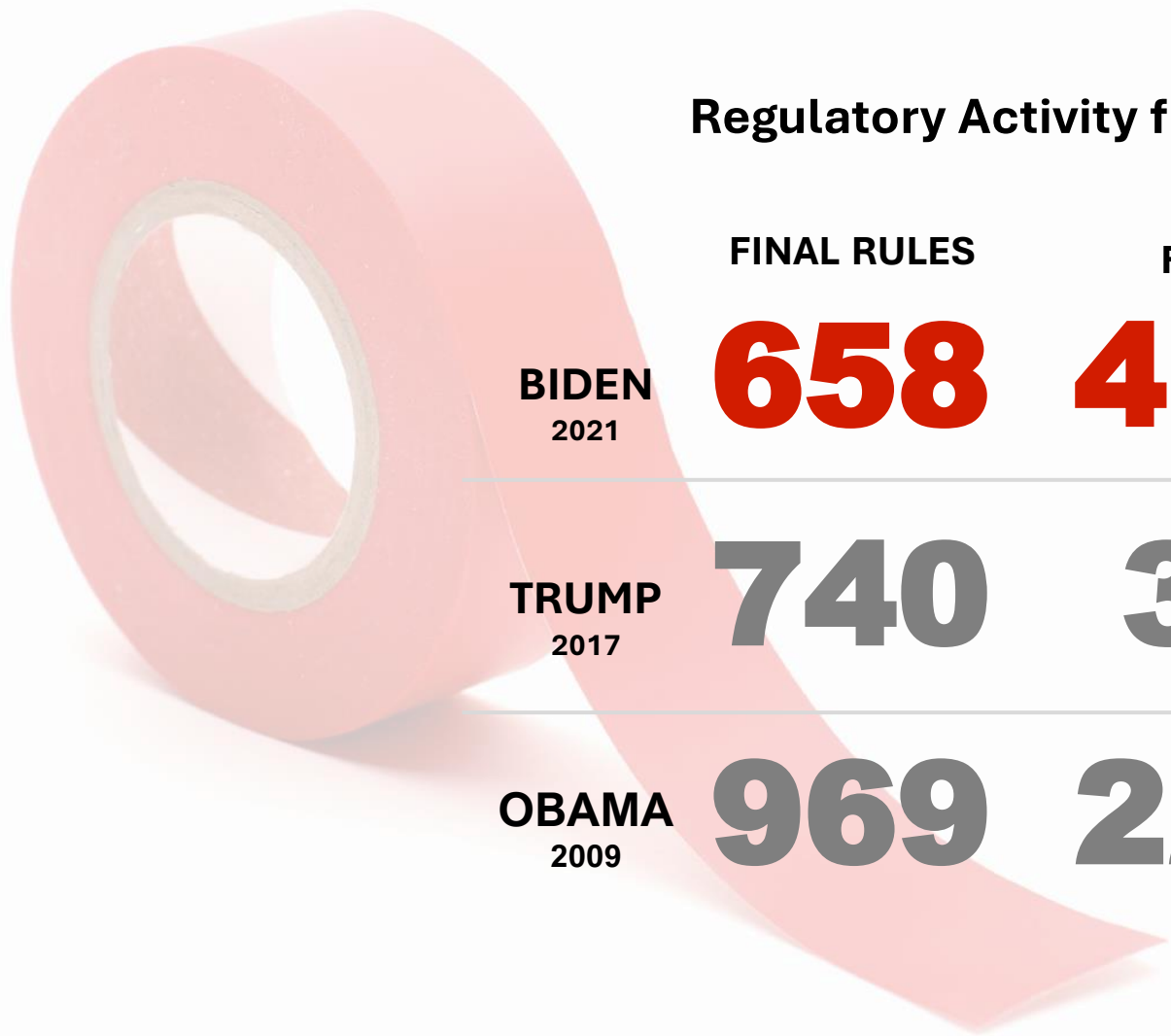
Mar 24

- Coal Impoundment Emergency Preparedness*

- Clean Power Plan 2.0
- Effluent Limitations Guidelines for Utilities
- Coal Ash Legacy Impoundments

Apr 24

Regulatory Activity from Inauguration Day to September 8 (Year 3)



	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	658	403.3B	232.7M
TRUMP 2017	740	36.7B	55.6M
OBAMA 2009	969	228.1B	161.8M

Policy

Regulatory Onslaught

Manufacturers for Sensible Regulations



June 22, 2023

Jeff Zients
Chief of Staff
White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. Zients,

As members of the Manufacturers for Sensible Regulations coalition, representing hundreds of thousands of businesses across the nation that collectively employ millions of Americans, we write to express our concern with the regulatory burden, which is hindering our ability to create well-paying jobs, grow the economy and create the products that will improve the quality of life for everyone.

President Biden has made strengthening the manufacturing sector a priority for his administration. Historic legislation like the Bipartisan Infrastructure Law, the CHIPS and Science Act, key energy provisions of the Inflation Reduction Act and the initial permitting reforms in the Fiscal Responsibility Act underscores the commitment that policymakers have made to our industry. However, the onslaught of new regulations, some of which are previewed in the recently released Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions, is chilling manufacturing investment, curtailing manufacturers' ability to hire new workers and suppressing wage growth, especially for the small and medium-sized manufacturers that are the backbone of the supply chain.

According to the National Association of Manufacturers' Q2 2023 Manufacturers' Outlook Survey,² more than 63% of manufacturers report spending more than **2,000 hours** per year complying with federal regulations, while more than 17% of manufacturers report spending more than **10,000 hours**. That is time that cannot be spent on more productive activities, including delivering products to customers, and it expends resources that otherwise could go toward hiring, raises or capital investments.

The Outlook Survey demonstrates that there are clear consequences to burdening companies with higher compliance costs: "Concern about an unfavorable business climate was the highest in six years [...] 65.0% of manufacturers would purchase more capital equipment if the regulatory burden on manufacturers decreased, with 46.9% increasing compensation, 43.2% hiring more workers, 40.1% investing in research and 38.1% expanding their U.S. facilities."

The cost of complying with regulations can be enormous, particularly when it comes to regulations that impact hiring and retention. The most current data on the cost of regulations shows that the average U.S. company paid \$9,991 per employee per year to comply with federal regulations, but the average manufacturer in the United States pays nearly double that amount: **\$19,564 per employee per year**. Small manufacturers face an even higher and

¹ See: <https://www.reginfo.gov/public/do/eAgendaMain>
² National Association of Manufacturers, NAM Manufacturers' Outlook Survey, Second Quarter 2023, (June 2023), available at https://www.nam.org/wp-content/uploads/2023/03/Manufacturers_Outlook_Survey_Q2_June_2023.pdf

The **Cost** of Federal Regulation to the **U.S.** Economy, **Manufacturing** and Small Business

(Executive Summary)



The Washington Post

"It's truly an onslaught" of government regulation "designed to shut down the coal fleet prematurely," said Rich Nolan, president and CEO of the National Mining Association.

Permitting

Interagency Working Group

“In its report, the IWG concluded 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.”

Department of the Interior (DOI) press release on the recommendations



“We need to implement much needed mining reforms to establish strong, 21st Century environmental and engagement standards.”

DOI Sec. Deb Haaland




One of the biggest problems we have is we still operate under the 1872 Mining Law . . . as opposed to a leasing process.”

DOI Dep. Sec. Tommy Beaudreau



Permitting

Labor Management



International Union of Operating Engineers

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRY

June 30, 2023

Mr. John Podesta
Senior Advisor to the President for Clean Energy Innovation and Implementation
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. Podesta,

The International Union of Operating Engineers has serious concerns about upcoming recommendations of the White House Interagency Working Group on Mining Policy Center. As prefaced by your remark law that governs mining on federal lands. In the face of skyrocketing mineral supply chains, the need to tap into our nation's bountiful mineral resources ever before. Upending the Mining Law at this critical juncture will not only continue its dangerous import reliance on countries with questionable environmental practices.

The International Union of Operating Engineers (IUOE) is one of North America's largest construction unions, representing over 400,000 hardworking men and women maintaining heavy equipment; thousands of us are employed building the nation's highways, and other transportation infrastructure.


The IUOE spends millions of dollars every year toward training our members located in Texas. The IUOE invested over \$150 million at the 265-acre members can train with the newest advances in safety and technology. It is comprehensive training facility for union Operating and Stationary Engineers.

Minerals are the front end of the supply chain for virtually every industry important for the energy transition and the electric vehicle revolution. Strengthening mineral processing supply chains provides a significant opportunity to create union jobs, many for members of the Operating Engineers—an opportunity IUOE recommendations create the regulatory uncertainty that will drive investment.

Upending the Mining Law as we understand is contemplated by the IWG will create new barriers to mining. Potential recommendations that would

- Conversion of the Mining Law's locatable claim system, which provides the necessary self-initiation and security of tenure, to a leasing system that leaves mining on federal lands completely to the government's discretion.

1125 SEVENTEENTH STREET, NW • WASHINGTON, DC 20036-4707 • 202-429-9100 • WWW.IUOE.ORG



NIA

www.niabuild.org

NATIONAL INFRASTRUCTURE ALLIANCE

July 27, 2023

The Honorable Joseph R. Biden Jr.
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Biden,

The National Infrastructure Alliance is deeply concerned about the inhospitable permitting environment for mining that exists in the United States today, and we are especially concerned about the reported direction of upcoming recommendations of the White House Interagency Working Group on Mining Regulations, Laws and Permitting.


The National Infrastructure Alliance (NIA) is a coalition of North America's leading construction unions – the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Union, the International Union of Operating Engineers, Laborers' of America – representing over 1.7 million hardworking men and women in the United States and the continent's abundant natural resources play a vital role in virtually all aspects of our work.

Critical minerals are essential to transforming our energy economy and meeting your climate goals. In the face of skyrocketing mineral demand and unstable supply chains, the need to tap ambitious environmental goal

Five years ago, the U.S. trans contributor to greenhouse gases political consensus is rightfully solution. Building the typical car. Similarly, the burgeoning resources than a gas-fired power offshore wind turbine. Copper and it has a broad range of electric wind turbines.

Today, critical minerals come labor standards in the world – Republic of the Congo. Nearly of the global supply is refined labor records, where workplace significant concern. China's pre related to labor and human rights and more.


Building A
1125 17th Street, N



IUNA!


United Brotherhood of Carpenters & Joiners of America

James T. Callahan
General President




INTERNATIONAL UNION OF OPERATING ENGINEERS

James T. Callahan
General President



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

Brent Booker
General President



INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS

Eric M. Dean
General President



NABTU

North America's Building Trades Unions

#BuildingTradesWhateverItTakes

August 10, 2023

Mr. John Podesta
Senior Advisor to the President for Clean Energy Innovation and Implementation
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. Podesta,

On behalf of North America's Building Trades Unions (NABTU), its fourteen affiliated national and international unions, and the over three million construction industry skilled craft professionals we represent, I write to express our concern regarding upcoming recommendations by the White House Interagency Working Group on Mining Regulations, Laws and Permitting (IWG).

As the voice of those who have built our nation's infrastructure and energy grid and continue to work every day to provide our country with the energy it demands, we cannot stress enough that overhauling mining law governing activities across the country on federal land is a concerning prospect. Particularly as this Administration continues to lead our nation into a new generation of renewable energy resources and is working to rectify unstable supply chains in a manner which will further our energy and national security. Wholesale changes to mining law will create a large degree of uncertainty at a time when degrading this nation's ability to rely on its domestic resources is paramount.

These minerals represent the key to creating a domestic supply chain and their extraction in a responsible, environmentally sound manner is a lynchpin in the clean energy revolution. From copper, to cobalt, lithium, and others the United States will not reach self-sufficiency in the creation of wind farms, electric vehicles, or other renewable energy sources if we are unable to predictably permit and build these mining energy sources if we are unable

Sean McGarvey
President

Brandon W. Bishop
Secretary-Treasurer

Newton B. Jones
Boleymakers

Frank J. Christensen
Elevator Constructors

James T. Callahan
Operating Engineers

Eric M. Dean
Ironworkers

Mark McManus
UA

Timothy J. Driscoll
BAC

James Williams Jr.
Painters and Allied Trades

James A. Hadel
Roofers

Sean M. O'Brien
Reinforcing

Terry M. Larkin
Plumbers

Kenneth W. Cooper
IBEW

Kevin D. Saxton
Plasterers and Cement Masons

Brent D. Booker
IUNA

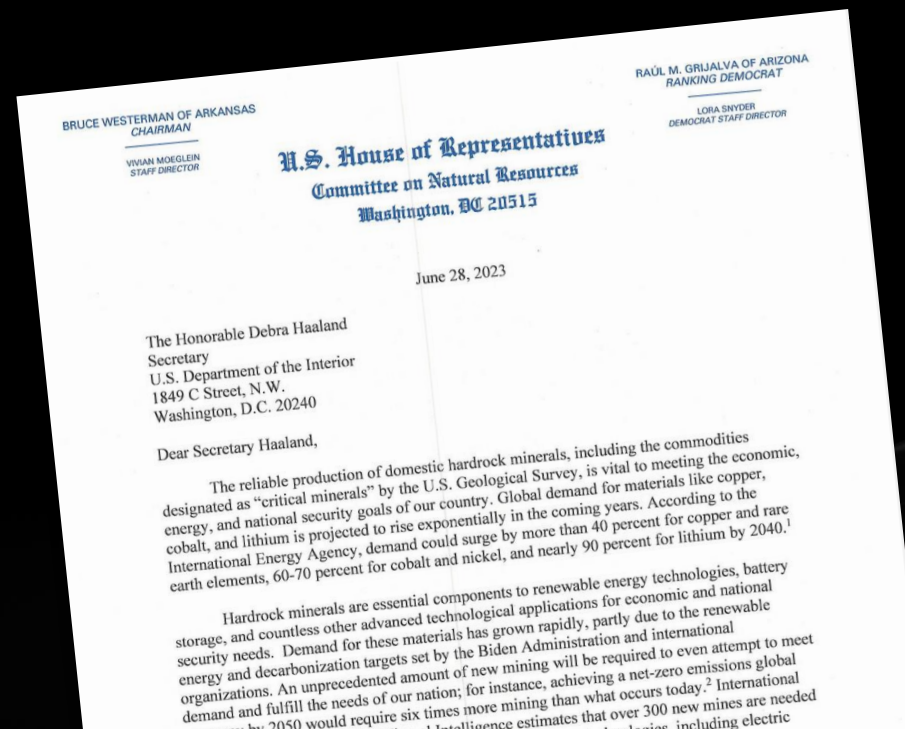
Michael Coleman
SMART



Mineral Resources.—The Committee recognizes the importance of domestic mineral production and directs the Bureau to provide quarterly updates on the Interagency Working Group on Mining Regulations efforts to encourage domestic mineral development.

IWG BRIEFING

- NMA hosted a briefing on what to expect from IWG
- Attended by 37 bipartisan congressional offices



Permitting


Legislation

118TH CONGRESS
1ST SESSION

H. R. 1

AN ACT

To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by quality certifying energy projects,



118TH CONGRESS
1ST SESSION

S. 1456

To provide for certain energy development, permitting reforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

Mr. BARRASSO (for himself, Mrs. CAPITO, Mr. RISCH, Mr. LEE, Mr. DAINES, Ms. MURKOWSKI, Mr. HOVEN, Mr. CASSIDY, Mrs. HYDE-SMITH, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for certain energy development, permitting reforms, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Spur Permitting of Underdeveloped Resources Act” or

118TH CONGRESS
1ST SESSION

S. 1399

To provide for American energy security by improving the permitting process.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2023


Mr. MANCHIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL


To provide for American energy security by improving the permitting process.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2



Mr. Rich Nolan



Overcoming Barriers & Creating Opportunities in Domestic Mining


Amy Farrell
The Permitting Institute

Ryan Modlin
Rio Tinto

Rich Nolan
National Mining Association

Matt Wiggins
American Association of Port Authorities

Moderated by Chad Whiteman
U.S. Chamber of Commerce



Katie Sweeney

Permitting

Land Access

- **Only two** major mining projects approved under the Biden administration
- Lands off limits to mining by presidential action/antiquities act:
over 3.5 million

Nearly **1 million** acres in Ariz.

506,814 acres in Nev.

53,804 acres in Colo.

2 million acres in Utah

- The Federal Land Policy and Management Act withdrawals by DOI:
Nearly **850,000** acres

Largest

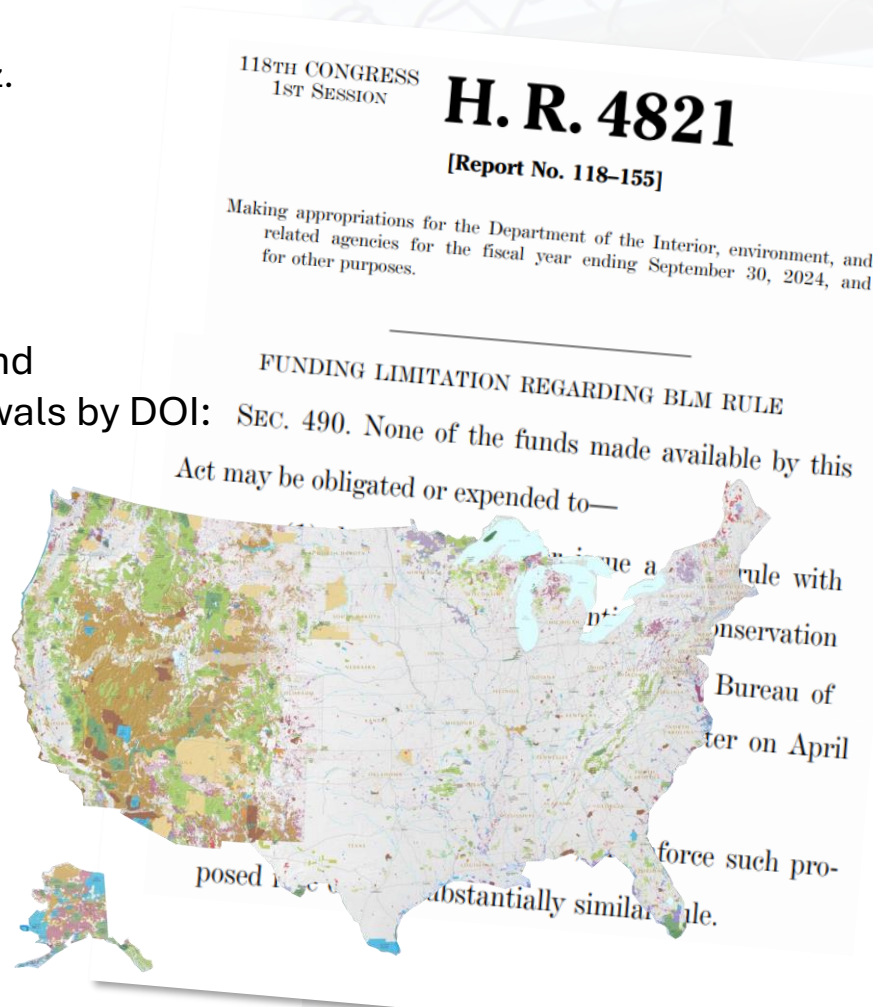
Colo.: 225,000

N.M.: 336,404

S.D.: 20,574 in SD

Minn.: 225,504

- EPA Pebble decision:
Sterilizes nearly 200,000
acres in Alaska



Permitting

Communications



Opinion | Electric cars and solar cells rely on Chinese minerals. Here's how to curb the risks.

Start digging: Just as expanded domestic oil and gas production helped overcome petroleum import dependence, a commitment to U.S.-based mining and mineral processing could reduce the geopolitical risks of the transition to green energy. And yet it can take seven to 10 years to get environmental and other permits — twice as long as in Canada. **This red tape has to be cut.**



Opinion | Electric vehicles could be cleaner with eased U.S. mining regulations



There's Not Enough Copper For Our Electrification Plans—And Biden Is Making It Worse



Biden's 'Dr. Jekyll And Mr. Hyde Approach' To Mining Critical Minerals Could Derail His Own Green Dreams, Critics Say

ENERGYWIRE

Nolan said the mining group is “pushing the administration to bring those tax incentives home, so that those materials come from U.S. mines, from mining communities mind by American miners.”

The EASTERN NEW MEXICO NEWS

Opinion: US's reliance on Russian uranium a growing problem

LAS VEGAS  SUN Nevada holds a key to America's energy future By Rich Nolan



BILLINGS GAZETTE

Courtney Young: Our dependence on China's minerals carries a high price

RealClear Energy

Europe Taking Lead in Mineral Security

KEY PERFORMANCE INDICATORS

131 Op-Eds

454K Audience Reached

39 President & CEO Op-Eds

12 Blogs

118K Followers

3.8M Video Views

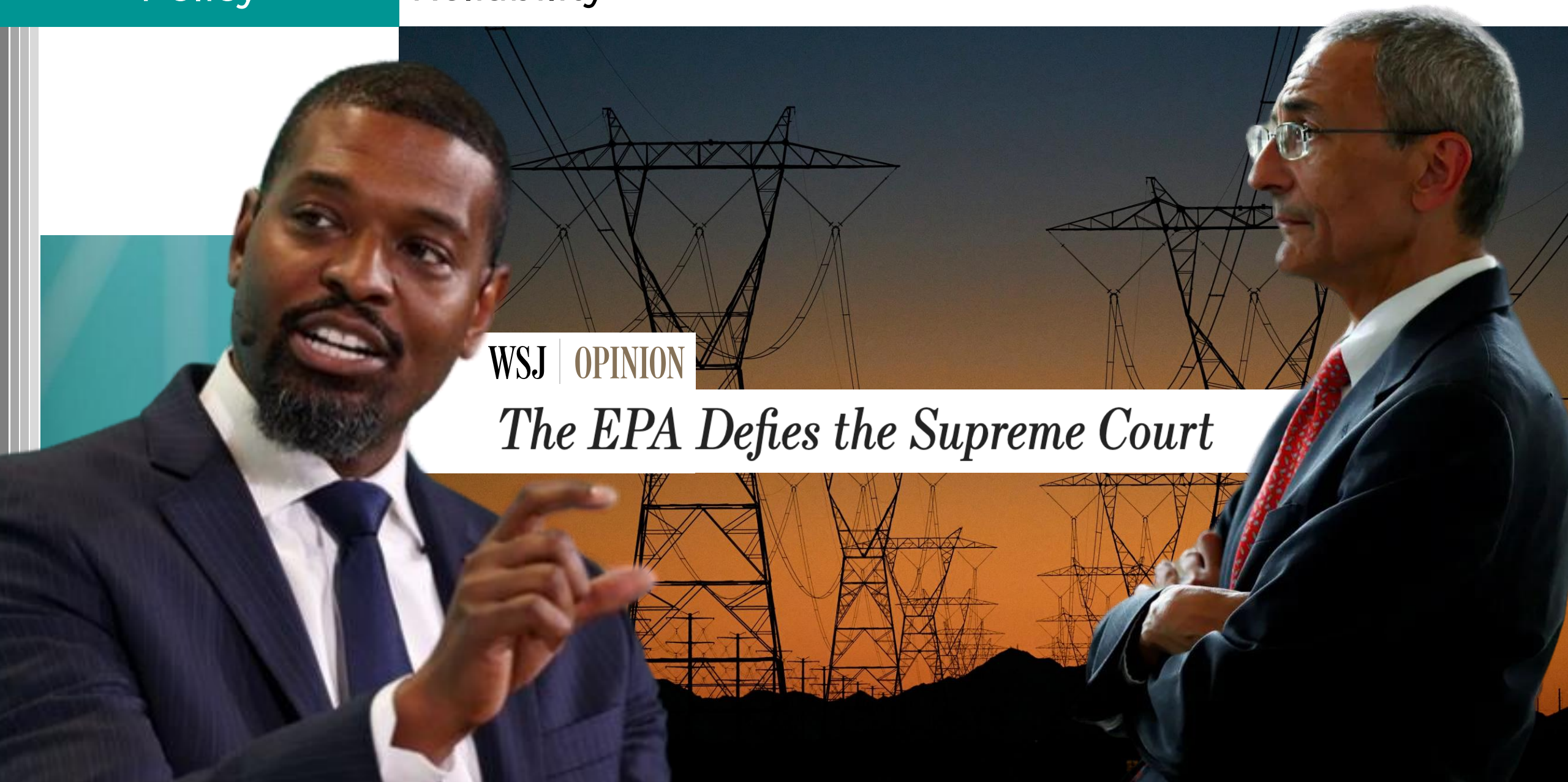
150K Grassroots Contacts

Policy

Reliability

WSJ | OPINION

The EPA Defies the Supreme Court





Midcontinent Independent System Operator (MISO) CEO John Bear: “We are accelerating the retirement of dispatchable long-duration [coal] power plants before we have adequate energy and attributes to replace them. This is being driven by EPA policies and state policies.” - June 26, 2023, Veriten Podcast



North American Electric Reliability Corporation (NERC) CEO Jim Robb testimony: “Interagency coordination is absolutely needed for policies that impact generation, especially coal resources, to keep reliability at the forefront of the policy table.” - June 1, 2023



Joint Independent System Operators (ISO) / Regional Transmission Organization (RTO) comments: “...the challenges and risks to grid reliability associated with a diminishing amount of dispatchable generating capacity could be severely exacerbated if the [GHG Rule] is adopted.” - August 8, 2023

Reliability.

—The Committee urges the Agency to seek and consider input from the Federal Energy Regulatory Commission [FERC], the North American Reliability Corporation [NERC], as well as state, interstate, and other reliability authorities regarding the impact on resource adequacy and electricity reliability during the development of any final rules based on the proposed rules.

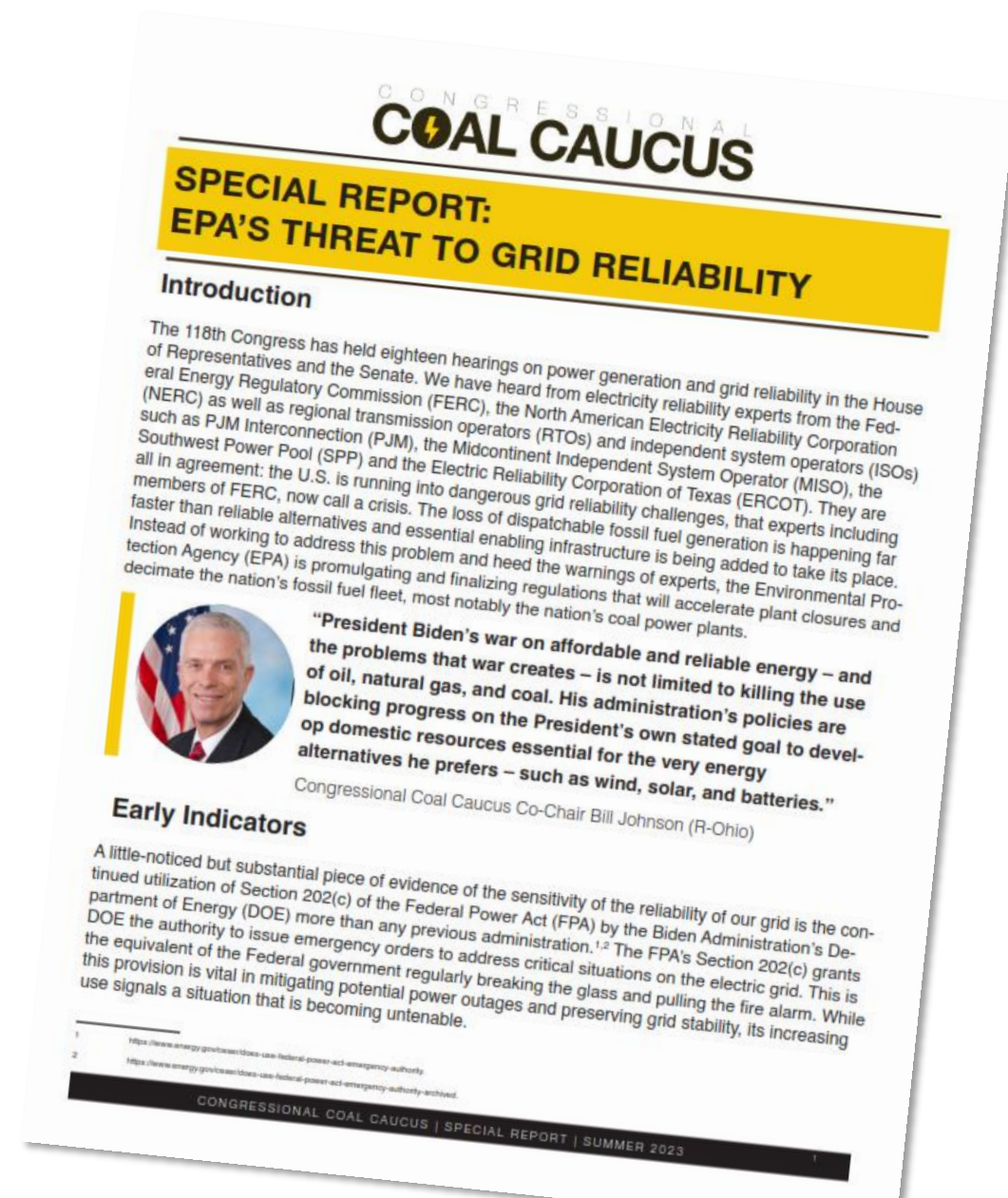
—The Committee urges the Agency to ensure that FERC, NERC, and other authorities' inputs are considered when these regulations are finalized.

Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2204
118th Congress House of Representatives

Energy Reliability.

—The Committee directs the Agency to ensure it is evaluating and considering impacts to the reliability of the grid and preventing negative consequences, such as rolling power outages, when developing and implementing environmental standards. This includes ensuring the agency is aware of expected energy demands and the importance of maintaining energy sources that can prevent outages or other reliability issues.

Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2204
118th Congress House of Representatives



Policy

Regulators Weigh In on Reliability



FERC



Full Committee Hearing to Conduct Oversight of Federal Energy Regulatory Commission

Policy

Labor Management on Reliability



Joint Union Comments on Proposed U.S. EPA Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units

EPA-HQ-OAR-2023-0072

88 Fed. Reg. 33240 (May 23, 2023)

Via Web to <https://www.regulations.gov>

These comments are submitted jointly by the International Brotherhood of Boilermakers, et al., the International Brotherhood of Electrical Workers, the International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers, the Transportation Communications Union, IAM, and the United Mine Workers of America. Our unions represent workers in electric power, transportation, coal mining, construction, and other energy-related industries.

Our members' jobs and economic wellbeing will be affected by U.S. EPA's decisions on the proposed guidelines for reducing greenhouse gas emissions from existing fossil-fueled generating units. Our members are employed directly or indirectly at more than 500 coal- and gas-fueled generating units impacted by this rule. These comments identify the magnitude of potential jobs at risk as a consequence of the implementation of policies to decarbonize the utility sector by 2035.

These comments focus on the agency's methods for determining the Best System of Emission Reduction (BSER) for coal-fueled electric generating units in the four subcategories chosen by EPA; the imposition of new federally-enforceable retirement dates for the widely-disparate groups of units of differing ages, generation capacities, capacity factors, and other characteristics that would be covered by each subcategory; the lack of evidence supporting the choice of carbon capture and sequestration (CCS) as



International Union of Operating Engineers

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

August 8, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Proposed rule new source performance standards for greenhouse gas emissions from new, modified, and reconstructed fossil fuel-fired electric generating units; emission guidelines for greenhouse gas emissions from existing fossil-fuel fired electric generating units, and repeal of the affordable clean energy rule. Docket No. EPA-HQ-OAR-2023-0072

Dear Administrator Regan:

The International Union of Operating Engineers appreciates the opportunity to comment on the U.S. Environmental Protection Agency's proposed rules for regulating Greenhouse Gas emissions for the power sector under the Clean Air Act, *New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule* (Proposed 111 Rules directly cover emissions from new natural gas-based units while also setting emissions guidelines for the states to address emissions from existing coal and natural gas-based units.

I. Introduction

The International Union of Operating Engineers (IUOE) represents nearly 400,000 hardworking men and women in the United States and Canada. Both "stationary engineers" and "hoisting and portable" members of the IUOE are essential workers in the nation's energy portfolio. Stationary Engineers of the IUOE operate and maintain oil, gas, petrochemical facilities, and electricity generating units (EGUs) across North America. We are the second biggest union in the nation's oil refineries and petrochemical facilities. Most of these members work in the oil patch – Texas, Louisiana, etc. – though we proudly represent refinery workers in Pennsylvania, Illinois, and other locations around the country. The "traditional" work of stationary engineers is in operating and maintaining the built environment (hotels, hospitals, high-rises, industrial and public facilities), where we are experts in energy efficiency and water conservation, maximizing the performance of mechanical and electrical systems.

1125 SEVENTEENTH STREET, NW • WASHINGTON, DC 20036-4707 • 202-429-9100 • WWW.IUOE.ORG



Communications

Reliability

WSJ

FT
FINANCIAL
TIMES

ENERGYWIRE

POLITICO PRO

Roll Call

The Washington Post
Democracy Dies in Darkness

An EPA Death Sentence for Fossil-Fuel Power Plants

The coal industry was quick to condemn it. “Mandating [the use of carbon capture] in a rulemaking before this technology is technically and fully economically demonstrated is nothing more than unlawful showmanship reinforcing a destructive agenda,” the National Mining Association said.

“Hoping that the weather cooperates to avoid catastrophic consequences for American families can’t be an acceptable status quo,” Nolan said.

But Rich Nolan, president and CEO of the National Mining Association, said the U.S. needs a CCS “moonshot” before the technology is ready for primetime.

“Each one of the rules coming from the Biden administration’s EPA is designed to make it impossible for states and utilities to make decisions based on the merits of what keeps the lights on electricity inflation low, forcing them to make decisions solely based on the EPA’s desire to end coal-powered generation in the United States,” the group said in a statement.

“It’s truly an onslaught” of government regulation “designed to shut down the coal fleet prematurely,” said Rich Nolan.



KEY PERFORMANCE INDICATORS

174 Op-Eds

5.42M Audience Reached

12 President & CEO Op-Eds

35 Blogs

442K Followers

1.2M Video Views

400K Grassroots Contacts

Policy

Mine Safety Health Administration Silica Limits on All Mining



Waters of the United States (WOTUS)

118TH CONGRESS
1ST SESSION

H. R. 4821

[Report No. 118-155]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

WATERS OF THE UNITED STATES

SEC. 441. The rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'" (88 Fed. Reg. 3004 (January 18, 2023)) shall have no force or effect.



July 24, 2023

The Honorable Michael S. Regan
Administrator
Office of Administrator
Mail Code 1101A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Michael L. Connor
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
108 Army Pentagon
Washington, DC 20310

Dear Administrator Regan and Assistant Secretary Connor:

The Waters Advocacy Coalition (WAC) provides the following recommendations as the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) develop a rule to amend the January 18, 2023 final rule defining "waters of the United States" (WOTUS), consistent with the U.S. Supreme Court's May 25, 2023 decision in *Sackett v. Environmental Protection Agency*.

WAC's members are committed to both building modern, resilient infrastructure and protecting and restoring America's wetlands and waters. WAC represents a diverse cross-section of the nation's agriculture, construction, transportation, real estate, mining, manufacturing, forestry, energy, recreational, specialty pesticides, wildlife conservation, and public health and safety sectors—all of which are vital to a thriving national economy and provide much needed jobs.¹ WAC and its members have extensive expertise relevant to rulemaking proceedings related to the definition of WOTUS. We have submitted comments on all of the Agencies' prior rulemakings and guidance documents on this issue. In those comments, WAC has consistently urged the Agencies to avoid adopting expansive theories of CWA jurisdiction that: (i) fail to preserve the States' traditional and primary authority over land and water use; (ii) ignore relevant Supreme Court precedent on the definition of WOTUS; (iii) effectively read the term "navigable" out of the statute; and (iv) redraw the line between federal and state authority based on ecological considerations.

EPA and the Corps have stated that they intend to issue a final rule by September 1, 2023, to amend the Biden WOTUS Rule to ensure consistency with the decision in *Sackett*.² Based on the rulemaking timeline, it appears that the Agencies will forego public comment language from the rule related to the significant nexus test as well as the "relatively adjacent," while reinforcing the Agencies' interpretation of the "relatively

WAC members is attached to these recommendations as Appendix A. Comments to the 2023 Rule," available at <https://www.epa.gov/epawaters/2023-rule> (last visited July 10, 2023).

Congress of the United States
Washington, DC 20515

June 21, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

The Honorable Michael L. Connor
Assistant Secretary of the Army for Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator Regan and Assistant Secretary Connor:

We write to request a detailed update on the planned next steps of the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), collectively "Agencies," in response to the Supreme Court's (Court) recently issued decision in *Sackett v. EPA*, 598 U.S. (May 25, 2023) (*Sackett II*). The Court's ruling reinforces property owners' rights, protects the separation of powers by limiting your Agencies' authority to what Congress has delegated in statute, and ensures adherence to the congressional intent in writing the Clean Water Act (CWA). Additionally, the Court upholds the cooperative federalism framework of the CWA, as well as the states' authority and responsibility to regulate non-Federal waters within their borders. All nine Supreme Court justices agreed that the Biden Administration's definition of "waters of the United States" (WOTUS) based on "significant nexus" is illegitimate, and a majority of the Court articulated a clear, easily administrable definition of WOTUS.¹

In implementing the Court's decision, the Agencies must adhere to the majority opinion and not slow-walk compliance with the decision. The Agencies wasted valuable time and resources by prioritizing the promulgation of a rule over the first two years of the Biden Administration; that is now clearly unlawful. Notably, this Administration ignored our repeated admonitions that Agencies should wait until the Supreme Court acted to proceed,² and our warnings that the rule being drafted would not be "durable."³ Now the EPA and the Corps must work to bring application of WOTUS quickly and effectively in line with *Sackett II*.

While we are pleased to see *Sackett II* clearly define the scope of the Agencies' regulatory authority, we are concerned that the Administration is now delaying implementation of the ruling. For instance, in response to the Supreme Court's decision, some Corps districts have stated that they will temporarily halt the review and issuance of approved jurisdictional determinations.⁴ Such a freeze in processing jurisdictional determinations unnecessarily delays the permitting process for projects. The Agencies previously used taxpayer resources to revisit *already settled* jurisdictional determinations issued by the previous Administration. The Biden Administration must now follow the law by implementing the Supreme Court's decision with the same fervor it showed in its prior efforts on WOTUS. Failure to do so is indicative that these recent delays are needless at best, or intentional efforts to halt economic development at worst.

Following the Court's ruling in *Rapanos v. EPA*, the Agencies took a year to provide interim legal guidance and two years to issue the 2008 guidance document on implementing that case.⁵ However, implementing the ruling in *Rapanos* was legally complex because of the 4-1-4 nature of the decision. By contrast, the "continuous surface connection test" upheld by a majority of the Court in *Sackett II* is clear and can be implemented immediately.⁶

In order to comply with the Court's ruling, the Agencies must provide immediate direction to their regional and district offices to apply *Sackett II* in the evaluation of jurisdictional determinations and permits, ensuring clarity and consistent nationwide application of CWA jurisdiction to landowners and the regulated community. Ongoing delays and confusion will hamper project development across the country, including those authorized by the Infrastructure Investment and Jobs Act.

In light of these developments, we request a briefing and response to the following questions no later than June 28, 2023, so that we may fully understand the Administration's plan to implement a truly durable definition of a WOTUS in line with *Sackett II*:

1. What concrete steps are the Agencies taking following *Sackett II* to implement the majority's opinion?
2. Will you direct the Corps to immediately resume the issuance of jurisdictional determinations? If not, please provide a detailed explanation justifying the failure to resume issuance.

Sincerely,

Shelley Moore Capito

Shelley Moore Capito
United States Senator
Ranking Member
Committee on Environment and Public Works (EPW)

Sam Graves

Sam Graves
Member of Congress
Chairman
Committee on Transportation and Infrastructure (T&I)

Cynthia M. Lummis

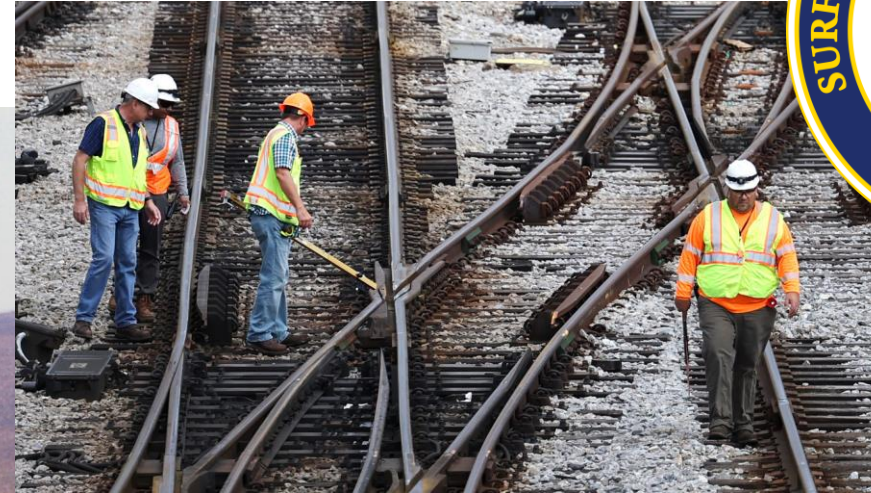
Cynthia M. Lummis
United States Senator
Ranking Member
EPW Subcommittee on

David Rouzer

David Rouzer
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Policy

Transportation





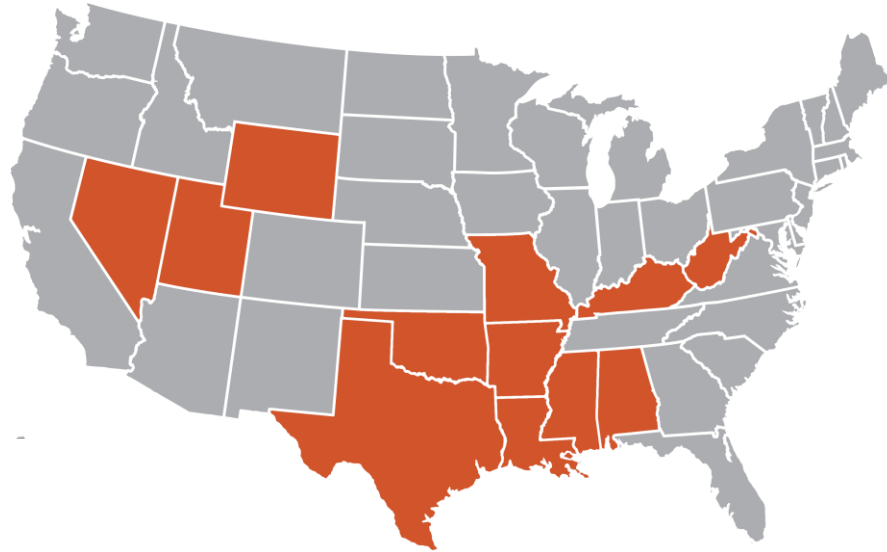
HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN



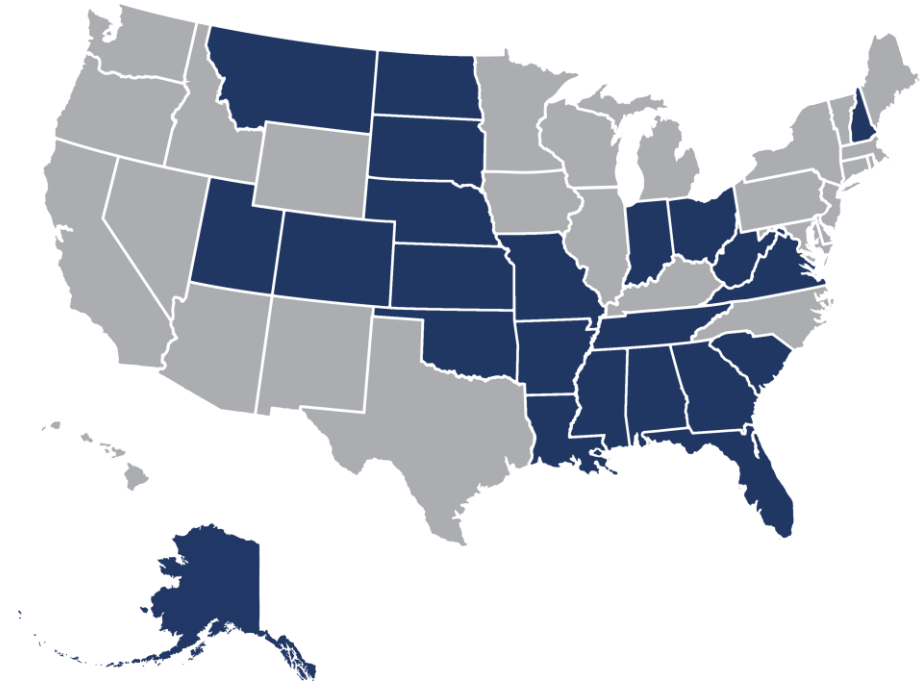
Policy

State Allies

Ozone Transport



Waters of the United States



Attorneys General



AG Morrissey
W.Va.



AG Marshall
Ala.



AG Landry
La.



AG Knudsen
Mont.



AG Bird
Iowa



Gov. Burgum
N.D.



Gov. Gordon
Wyo.



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Gov. Parson
Mo.



Gov. McMaster
S.C.

Governors

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- Expert CORESafety® Advisory Group refreshing modules
- Outside consultant evaluating opportunities for external recognition

Timing

- Update of language/content and combination of modules – by end of 2023
- Consultant gap analysis, recommendations and outreach – by first quarter 2024





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Unearthing Potential: People, Policy and Permitting





Audit and Finance Committee Report

Nominating Committee Report



Nominating Committee Report

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Next Meeting

Spring 2024

National Mining Association Board of Directors Meeting

The Conrad | Washington, D.C.
April 7-9, 2024

Fall 2024

National Mining Association Board of Directors & Annual Members Meeting

Las Vegas Convention Center | Las Vegas, NV
September 23, 2024

