



**NATIONAL MINING ASSOCIATION  
Minutes of the Board of Directors Meeting  
Sea Island, Ga.  
April 4, 2023**

The meeting of the National Mining Association's (NMA) board of directors was called to order at 9:16 a.m. by Chair, Mitch Krebs, Coeur Mining, Inc.

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

Randall Atkins, Ramaco Resources, Inc.; Phil Baker, Hecla Mining Co.; Brent Bisland, Hallador Energy Co.; JC Butler, North American Coal Corp.; Joe Craft, Alliance Resource Partners, L.P.; Mike Day, Eagle Specialty Materials LLC; Mary Beth Donnelly, Newmont; Christina Erling, Barrick Gold of North America; Jon Giesen, Nelson Brothers, Inc.; Jim Grech, Peabody; Greg Gregory, Materion Natural Resources; Peter Halpin, World Resources Co.; Greg Hinshaw, J.H. Fletcher & Co.; Mike Kendrick, Climax Molybdenum Co.; Shane Kuhlmeier, Liebherr USA, Co.; Paul Lang, Arch Resources, Inc.; Martin Litt, Kinross Gold USA, Inc.; Vern Lund, Navajo Transitional Energy Co., LLC; Andrew Lye, Rio Tinto; Kris McCaig, Teck American, Inc.; Michael Morriss, Trapper Mining Inc.; Rich Nolan, National Mining Association; Alan Prouty, J.R. Simplot Co.; Peter Salditt, Komatsu Mining Corp.; Walter Scheller, Warrior Met Coal, Inc.; Robert Stenger, Cincinnati Mining Machinery Co.; Joe Usibelli, Usibelli Coal Mine, Inc.; Randy Vranes, Bayer US-Crop Science; and Tim Viskocil, Materion Natural Resources.

Tom Borer, Epiroc USA LLC; Adam Diamond, Nutrien; David Hibbs, Prairie State Generating Co. LLC; Drayton Land, Nexans Amercable; Matt Mackowiak, Consol Energy; and Dennis Watson, American Consolidated Natural Resources Inc., were present as alternate board members.

The following representatives from member companies were present:

Matthew Adams, Navajo Transitional Energy Co., LLC; Emily Ahachich, Barr Engineering Co.; Rusty Ashcraft, North Star Strategies, LLC; Joe Bardswich, Golden Vertex Corp - Moss Mine; Richard Bark, Freeport-McMoRan Inc.; Dan Barron; Alliance Resource Partners, L.P.; Joe Becko, Cummins Sales and Service; Doug Blom, Komatsu Mining Corp.; John Boyd, John T. Boyd Co.; Mary Cordes, The Chemours Co.; Robert Duncan; J.H. Fletcher & Co.; Jonathan Ellis, Steptoe & Johnson PLLC, Baron Fidler, DYNOL NOBEL INC.; John Gefferth, Barr Engineering Co.; Greg Gillian, Stantec; Eric Hansen, Innovative Wireless Technologies; Ryan McManis, Hallador Energy Co.; Evan Midler, Alliance Resource Partners, L.P.; Ryan Modlin, Rio Tinto; C. David Morrison, Steptoe & Johnson PLLC; Dave Moss, North Star Strategies, LLC; Winston Nelson, Nelson Brothers, Inc.; John Neumann, The

North American Coal Corp.; Matt Nugen, Peabody; J.J. Ong, Freeport-McMoRan Inc.; Christian Palich, Eagle Specialty Materials LLC; Michael Portwood, Minova Global; Ken Reindl, DYNOL NOBEL INC.; Rachel Rogier, Arch Resources, Inc.; Michael Satre, Hecla Greens Creek Mining Co.; Jody Sciance, The Chemours Co.; Lorali Simon, Usibelli Coal Mine, Inc.; Deck Slone, Arch Resources, Inc.; Brian Somers; Utah Mining Association; Bobby Stenger, Cincinnati Mine Machinery Co.; Tony Stenger, Cincinnati Mine Machinery Co.; Fran Taglia, Weir International, Inc.; Josh Wagner, Komatsu Mining Corp. and D'Andre Wright, Warrior Met Coal, Inc.

The following officers and staff members were present:

Conor Bernstein, Tawny Bridgeford, Ashley Burke, Katie Coon, Ryan Jackson, Jerry Mullins, Roger Roberts (Treasurer), Veronika Shime, Katie Sweeney (Sec.), and Mike Zabko.

## **I. Call to Order**

A quorum of the board was established before Chair Krebs reviewed the purpose of the meeting. In opening remarks, he introduced and welcomed 19 new members to the association and thanked the opening session and board meeting sponsors.

## **II. Safety Share**

Katie Sweeney, NMA Executive Vice President & Chief Operating Officer provided a safety share on the importance of cardiopulmonary resuscitation training to provide quick action in the more than 350,000 out-of-hospital cardiac arrests annually in the U.S.

## **III. Association Business**

### **• Approval of the Agenda**

Following the presentation of antitrust guidance by NMA General Counsel and Senior Vice President of Regulatory Affairs Tawny Bridgeford, Chair Krebs placed approval of the meeting agenda before the board. Without any proposed changes or objection, the agenda was approved.

### **• Approval of Minutes of Sept. 16, 2022, Board Meeting**

Chair Krebs placed approval of the minutes of the Sept. 16, 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 Krebs provided a brief recap of the April 3 Executive Committee meeting. He noted the committee received an update from Walt Scheller, vice chair of audit, finance and membership on the association's financial health, who explained that with the \$3.5 million from the NMA's MINExpo insurance claim, and over \$180,000 in new membership revenues, the 2022 drawdown was very close to expected.

He also noted coal policy Vice Chair Paul Lang provided a recap of the Coal CEO meeting, which focused on the coal regulatory agenda, federal coal leasing, black

lung self-insurance and discriminatory lending and minerals Vice Chair Christina Erling recapped the Mineral CEO meeting, which focused on mining law litigation, activities of the White House Interagency Working Group on Mining Regulations, Laws and Permitting and permitting reform legislation. Mike Kendrick, environmental, social and governance (ESG) vice chair, gave an update on the NMA ESG Task Force and its planned activities for 2023.

## **V. Association Report**

Rich Nolan initiated the association report, the theme of which was “Meeting the Demand.” Specifically, he noted that demand for the materials, energy and equipment produced by NMA members is robust. He added that meeting that demand, reshoring supply chains, combatting a global energy crisis and navigating the ongoing impacts of inflation is challenging, as is what is confronting the industry in Washington. He explained that these dynamics offer opportunity but there are mounting threats. He then dove deeper into prices in energy markets, the impacts of inflationary pressure on everything from labor and wages to materials and transportation and commodity prices in the face of historic demand.

Mr. Nolan then turned to the current political volatility in Washington, D.C.. He highlighted the Biden administration’s full regulatory agenda, which presents robust opportunities for oversight, as well as the ongoing push for energy and infrastructure permitting reform. As the new election cycle lurks in the background, he turned to Ryan Jackson to discuss the current political landscape, especially the impacts of the fall 2022 election outcomes. Mr. Jackson reported that while the Republican Party won back control of the House of Representatives, the predicted wave did not occur, leaving republicans with a very small margin. On the Senate side, he noted that for the first time not a single incumbent lost, leaving that chamber under democrat control. For the 2024 election, he explained that there are twice as many democrats up for election, allowing the republicans to be on offense and attempt to regain control. In the House, he observed that the White House was already targeting 18 House republicans from districts that Biden won for the 2024 election. 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 next addressed threats posed by the regulatory wave, emphasizing the enormity of the wave, the challenges it presents and the NMA’s preparations to address it. He turned to Tawny Bridgeford to provide additional details on the threats and the NMA’s engagement strategy. She provided an overview of the 35 rulemakings expected before the end of 2023. She then discussed the tools the NMA utilizes to address such challenges, including bipartisan engagement, strategic alliances, messaging, and the courts. Ashley Burke further explained 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 placement of 77 op-eds, submission of 22 sets of comments, nearly 1900 congressional contacts and an audience reach of 3.3 million people.

Next, Rich Nolan turned to the important cross-cutting issues that touch the entire industry. He highlighted the Waters of the U.S. (WOTUS), National Environmental

Policy Act (NEPA) and the Securities and Exchange Commission (SEC) climate disclosure rules as well as the forthcoming silica standards and ongoing transportation and logistics challenges as significant battles that require the industry's unified focus. He added that these cross-cutting fights and opportunities are always an important reminder that the industry is at its strongest when acting together. He asked NMA team members Tawny Bridgeford, Ryan Jackson, and Katie Sweeney to elaborate on these high priority regulatory cross-cutting matters.

Ms. Bridgeford discussed the finalization of the Environmental Protection Agency (EPA) and Army Corps of Engineers' WOTUS rulemaking that dramatically expanded federal jurisdiction and will lead to permitting delays and higher mitigation costs. She noted the NMA litigation coalition had already challenged the rule in two federal district courts. She also discussed the potential for a Supreme Court decision that could upend the rule when it rules on the Fall 2022 case that addressed the proper test for determining which wetlands are WOTUS. Mr. Jackson added that WOTUS remained the single most bipartisan issue in Congress as both the House and Senate introduced congressional resolutions of disapproval. He noted, however, that despite the likely Biden veto of such efforts, significant congressional oversight would continue. Next, Ms. Bridgeford reported on the proposed SEC rule to mandate climate disclosure reporting. She explained that the widespread opposition to the rule may ultimately narrow its scope and eliminate the scope 3 reporting requirement. Regardless, the final rule will likely be the subject of multiple litigation challenges.

Ms. Bridgeford also addressed two Council on Environmental Quality (CEQ) NEPA initiatives. First, she discussed the recent CEQ greenhouse gas guidance, which elevates climate impacts above other environmental impacts that agencies consider when permitting new projects. She noted the guidance is likely to result in longer project reviews and more litigation risk. She then provided an update on CEQ's phase 2 NEPA rulemaking, which is likely to roll back remaining 2020 NEPA reforms and provide additional climate consideration requirements. She noted that the NMA had recently met with the Office of Management and Budget during the interagency review process to stress the need for timely reviews and permitting decisions.

Mr. Jackson provided an update on NMA's engagement to assist members with ongoing freight rail service issues involving Class I rail carriers. He noted the association's direct engagement not only with the Surface Transportation Board (STB), but also with several key railroads. He announced that the NMA's advocacy efforts resulted in the recent appointment of three coal producer companies to the STB Rail Energy Transportation Advisory Committee.

Next, Ms. Sweeney provided an update on the Mine Safety and Health Administration's (MSHA) upcoming reduction of its existing silica standard for coal and metal/nonmetal mining. She noted MSHA recently sent the proposal to OMB for interagency review. NMA took the opportunity to meet with OMB during the review period to highlight concerns with the proposal's likely approach to reduce the existing standard by 50 percent to align with the OSHA standard. Specifically, the NMA expressed concern that MSHA, unlike OSHA, may limit the use of administrative controls to meet the standard, which could make meeting the

standard technically or economically infeasible. Ms. Sweeny also discussed a new initiative to help members navigating the tribal consultations process, which has received heightened scrutiny under the current administration. She announced that in response to member comments, NMA is moving forward with the preparation of a tribal engagement resource tool kit to assist members.

Ryan Jackson concluded the cross-cutting policy section of the association report by outlining a broad list of new government incentives. He explained these incentives are available for carbon capture projects and for domestic mining production, processing, refining and recycling, including Defense Production Act funds, Department of Energy loans and new production and manufacturing tax credits.

Regarding minerals policy, Mr. Nolan highlighted the growing bipartisan consensus about the need for domestic production to meet soaring mineral demand and build a new minerals industrial base. That consensus is driven by concerns over supply chain security and unease over China's dominance of mineral supply chains. He noted, however, that that consensus has yet to translate into policy as ongoing battles over permitting reform and Mining Law continue. He then turned to Ashley Burke to discuss the NMA's response to the Biden administration's continued divergent and contradictory statements and actions when it comes to reducing reliance on foreign sources of minerals. She noted that despite government data demonstrating record high mineral import reliance, the administration continues to focus on international sourcing and keeps sidelining minerals projects including those proposed by Twin Metals and the Pebble Partnership. As a result, she indicated that the association's language and messaging had become much more pointed.

Mr. Jackson discussed Congress' response to the administration's lagging minerals policies. In particular, he highlighted the House Natural Resources Committee's oversight efforts related to actions to withdraw or delay mineral development on federal land. He also discussed proposed legislation designed to promote mining, including text related to permitting timeframes, ancillary uses, time limits on judicial reviews, and limitations on withdrawals.

Next, Ms. Sweeney provided an update on recent litigation pertaining to the Mining Law. She noted that as opportunities for upending the Mining Law with punitive legislative provisions has dwindled, mining opponents continue to try to use the courts to achieve the objective of making the Mining Law unworkable and driving mining off federal lands. She specifically covered three recent and ongoing cases with potential to undermine rights conveyed by the Mining Law.

Turning to coal policy, Mr. Nolan noted the Biden administration's coal strategy is on a direct collision course with on-the-ground reality as the need for affordable and reliable electricity grows. He cited presentations given the previous day by Clair Moeller at Midcontinent Independent System Operator and the Federal Energy Regulatory Commission's James Danly as evidence that regulatory policy is out of synch with the needs and demands of the U.S. electricity grid. He then turned to Tawny Bridgeford to discuss the EPA's aggressive regulatory agenda designed to force the shutdown of the coal fleet and the NMA's strategy for pushing back.

Ms. Bridgeford discussed the suite of EPA regulations, highlighting the Interstate Ozone Transport Rule as the newest and greatest threat. She detailed NMA's engagement with states and industry allies to prepare to challenge the rule as soon as it is finalized. She requested the assistance of coal producer members in providing declarations to support the legal challenge. Mr. Jackson echoed engagement with these same allies and others including members of Congress, in addressing reliability concerns. He discussed congressional action to force EPA to individually and cumulatively study the reliability impacts of its suite of coal plant rules.

Next, Ashley Burke discussed the NMA's latest polling results that demonstrated significant voter concern with EPA's attack on coal plants. She explained how we were putting the polling data to work in the association's messaging. She noted its deployment in the Count on Coal blog as important due to the number of reporters and media outlets that regularly reference the blog.

Ryan Jackson and Jerry Mullins concluded the coal policy section of the association report by highlighting the NMA actions to push back on EPA's plan. They discussed securing congressional oversight, working with allied governors and engagement with attorney generals' associations in advance of potential litigation.

Next, Mr. Nolan shifted focus to NMA's work on building new alliances as well as strengthening and broadening our overarching ESG and CORESafety platforms. He discussed the importance of alliances and bringing new voices to our issues. He turned to Katie Sweeney to discuss a new focus for 2023 – developing new alliances and potential coalitions with organized labor unions at the national and state level that NMA member companies indicated they have existing relationships with. She noted that as we continue to build out our bipartisan work with the administration and Congress, organized labor can be a key stakeholder and an influential voice on policy matters, including securing domestic supply chains, domestic production and reliable, affordable electricity.

Turning to ESG, Mr. Nolan first reminded the board of the purpose of our ESG initiative – to provide additional resources for companies looking to enhance their ESG profile without detracting from or duplicating companies' existing ESG efforts. He then provided an update on progress and direction for 2023 noting both the growth in the ESG task force and participation in resource sessions. He also noted the additional work to further build out the NMA's externally facing ESG webpage, focusing on member companies' ESG actions and now linking directly to members' sustainability reports. Finally, he highlighted the continued development of the NMA ESG Tracker, a searchable database that enables quick review and comparison of the characteristics and requirements of over twenty selected voluntary sustainability standards.

On CORESafety, Ms. Sweeney discussed the ongoing effort, with the expertise of the CORESafety Advisory Group, to conduct the first significant refresh to the program since its creation in 2011. She noted the refresh will include a review of all 20 CORESafety modules to determine if any need to be updated or revised. Also under consideration is potential addition of new modules, such as a module on mental illness and substance abuse. These refresh efforts align with our broader

overall goal of growing CORESafety participation both within the NMA membership and the broader mining industry. Additionally, she mentioned that the NMA has begun an initiative to analyze CORESafety and how it compares to other standard-setting schemes, initiatives, commodity exchanges, and associations in the industry. Given the robust nature of the program and its mining-specific focus, we believe ultimately we will be able to demonstrate that CORESafety meets international best practice and other health and safety management frameworks.

Next, Ms. Sweeney provided an update on member recruitment, noting the addition of eight new companies, and a corresponding \$80,000 in revenues already in 2023. She added that we are working to meet or exceed the 34 additions in 2022 by conducting outreach to an average of five new prospects per week. Finally, she discussed an evaluation of new membership categories to grow the association and its reach without diluting our core objectives.

Roger Roberts reported on exciting developments related to MINExpo. First, he announced that the NMA had finalized contract with the Las Vegas Convention Center for both the 2024 and 2028 shows. He also discussed the refresh of the MINExpo logo to provide a more advanced vision of the mining industry. Lastly, he noted that the NMA is evaluating all existing providers and other aspects of the show to help increase attendee engagement, attract new exhibitors, create new partnerships, and continue to improve the show experience.

Finally, Rich Nolan discussed the NMA's diversity, equity and inclusion journey, that so many of our members have also undertaken. He noted how it has provided the NMA team a valuable opportunity to recognize and better value a diversity of experience and thinking and build together a more inclusive and diverse association.

Mr. Nolan concluded the association report by thanking the membership for their engagement. He emphasized that while formidable challenges lie ahead, the association's strategic engagement has positioned the NMA to maintain our momentum and to defend our successes.

## **VI. Adjournment**

Chair Krebs announced that the fall board of directors and annual members meeting is scheduled for Sept. 21-22 in Washington, D.C. There being no further business, the meeting was adjourned at 10:47 a.m.