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MINING

WINTER
2025

INVESTING IN MINERS OF THE FUTURE

Montana Mining Association
partners with Montana Tech
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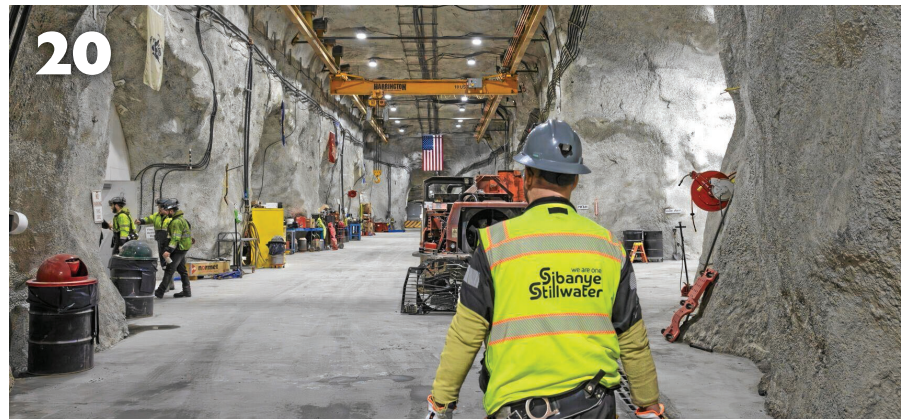
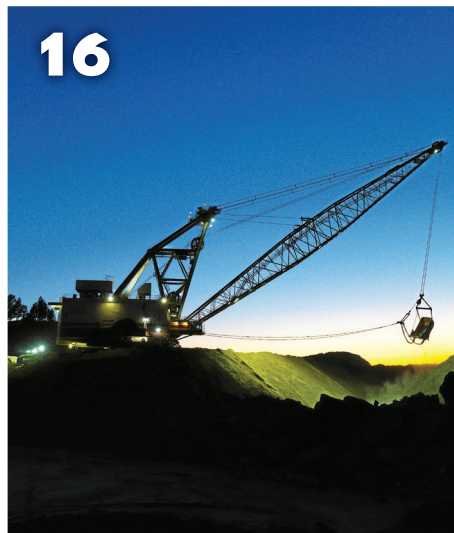
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ON THE COVER: The mining industry will need thousands of new miners in the years ahead, and the Montana Mining Association is giving a hand by supporting Montana Tech scholarship programs. Lou Mason photo

MONTANA MINING

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► LETTER FROM THE MMA PRESIDENT

Poised to reinvigorate Treasure State mining

I believe we all can agree that Ben Raffety's resignation as the Montana Mining Association's president after five years in that position is unfortunate for the Association.

Under Ben's leadership the Association



Mark Thompson

has rebounded from the brink of disappearing to record highs in revenue and membership.

While I am no stranger to the president's position, having served in that role during the Stop I-186 campaign and the tailings storage facility legislation, it will be very difficult for me to muster the energy, enthusiasm and dedication that we all benefitted from under Ben's tenure. I am committed, however, to advancing the interests of our industry in a sustainable and responsible manner.

The attention to our industry and the stability that domestically sourced minerals bring to the country is at a 40-year high, and we have seen the permitting of a new large base mineral hard rock mine in Montana, the first in over 30 years, as well as exponential growth in mineral exploration in Montana.

The Montana Mining Association is uniquely poised to be the catalyst that reinvigorates mining in the Treasure State and honor its motto "Oro y Plata".

Sincerely,
Mark Thompson,
President

THE YEAR IN REVIEW AND A LOOK AHEAD ...

Happy New Year and welcome to the Winter 2025 edition of Montana Mining. This marks the fourth issue of our biannual publication, and there's plenty inside to generate interest if not excitement.



**MATT
VINCENT**

This fall marked two years since Jon Sonju and I have taken over the reins, and while we still have plenty to do, we've done a lot in this relatively short period of time. None of this would be possible without the stellar support from our membership, the outstanding leadership from our board of directors, and the relationships we continue to build with our industry colleagues and government partners both in Montana and beyond.

A VERY QUICK RECAP OF 2024

The Association had a banner year. We increased our membership by over 50 percent (130 members and counting!) and hosted the largest annual meeting we've had in some time, if ever, with nearly 300 attendees. This allowed us to raise over \$10,000 for our Montana Tech scholarship fund (see story on page 34), helping recruit new Orediggers to bolster the industry's workforce once they receive their degrees.

We hosted our first "Montana Mining Day" at the World Museum of Mining and Montana Tech; 125 elementary students and their teachers from Butte and Ramsay took part in a day of learning about the industry and got to spend time with volunteers from the museum, MMA's member companies, and perhaps most exciting, students from Montana Tech's International Mining Competition winning team, as well as some of the other schools' teams competing in the event from Australia.

This is a fun event for all, and so important to provide our next generation an accurate and personal introduction to the mining industry. We aim to do this every year, so stay tuned for details on how you/your company can take part in 2025!

As executive director, I continued to represent our state's mining industry across the country, including in Washington D.C.



At the inaugural Montana Mining Day for elementary students in Butte, hosted by the Montana Mining Association on March 20, 2024, one of the many highlights the students learned about was the use of drone technology in mining. The Montana Mining Association plans to make Montana Mining Day an annual event.



with the National Mining Association and in front of the U.S. House Energy & Commerce Committee on critical minerals, in Minnesota at the Western States Mining Collaborative Council, and in Las Vegas at MINExpo International.

There was also plenty to do at home influencing regulations and policy, including but certainly not limited to nutrient water quality standards, climate change, and conservation areas.

The biggest headline for our industry was the victory handed down in the Montana Supreme Court (MTSUPCO) decision for Sandfire America's Black Butte Copper Project in Meagher County. This will be the first major mining permit granted in Montana in nearly 30 years! The Black Butte



Montana Mining Association Executive Director Matt Vincent talks to the U.S. House Energy and Commerce subcommittee on Environment, Manufacturing and Critical Materials on June 13, 2024 in Washington, D.C.

project received a more recent victory from MTSUPCO in early January when the high court ruled in favor of the company on its water permits. A great couple of strokes for responsible mining in Montana indeed!

And one more big change for the association in 2024, in November our board voted to accept Westmoreland Mining, marking our first coal producer to join the organization.



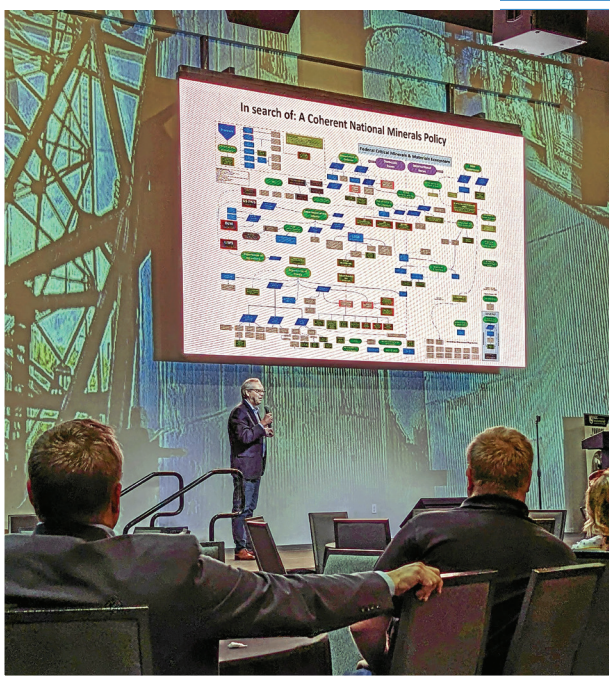
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During his keynote address at the Montana Mining Association's 2024 Annual Meeting in July, Mark Compton, the Executive Director of the American Exploration & Mining Association, discussed the importance of minerals in daily life and the good news and bad news of mining in the lens of stakeholder groups, and he gave a sneak peek into the launch of AEMA's "I Am Mining" campaign. Read about the campaign on page 42.

Westmoreland operates the vital Rosebud Mine near Colstrip, as well as the Absaloka Mine on the Crow Reservation in southeastern Montana. Welcome to MMA, Westmoreland!

WHAT'S HAPPENING IN 2025

We believe this year is going to be even more exciting. For starters, we are headlong into Montana's 69th biennial legislative session in Helena. The association has a major agenda of its own, not to mention a close eye and a hand on a number of other bills focusing on reforms to the Montana Environmental Policy Act (MEPA) and nutrient water quality standards (see story on page 19).

Governor Gianforte won a second term, and we look forward to further developing our relationship with his administration for the benefit of mining in Montana and for our overall economy.

The 90-day legislative session will be over in late April/early May, and we will do our best to keep everyone up to date on what's happening. Our board meets every month, we have a legislative committee that meets every week during the session, and we will try to host a membership social either during or shortly after the session so our members can stay engaged.

Along the communication lines, we will be



Montana Resources hosted a tour of their copper mine in Butte to kick off the Montana Mining Association's 2024 Annual Meeting.

increasing outreach to our membership with more social media and a new email update to members every other week called "Mining Matters." These biweekly emails provide an overview of interesting news in the industry here in Montana and beyond, not to mention brief updates during the legislature.

Aside from Montana's legislative session, we are eager to work with our two new congressional delegates, Senator Tim Sheehy and Representative Troy Downing. MMA appreciated our relationships with Senator Tester and Congressman Rosendale and wish them both all the best in their next endeavors.



RJS
Toasting the recent legal victories for the Black Butte Copper Project. Black Butte has the first major mining permit granted in Montana in nearly 30 years.

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During the Montana Mining Association's 2024 Annual Meeting in July, attendees enjoyed a wonderful morning of golf and trap shooting. The Butte Country Club and the Butte Trap Club hosted 24 golf teams and nine trap teams.

We are excited to continue our work building a program for critical minerals development in Montana. We have a lot going on right now and even more opportunities in the future. In fact, the theme of our annual meeting this year (SAVE THE DATES: July 14, 15 and 16 in Butte) is "Securing America's Critical Minerals Supply Chain," and we will be working hard to put together an engaging program of speakers and presentations.

Lastly, Montana is hosting for the first time the annual gathering of the Western States Mining Collaborative Council (WSMCC). The event is still in its planning stages and will be in September.

The WSMCC is made up of the mining associations from Alaska, Arizona, Colorado, Idaho, Minnesota, Nevada, New Mexico, South Dakota, Utah and Wyoming, as well as representation from American Exploration and Mining Association, American Coal Council,

and the National Mining Association. This is a great opportunity for us to learn from our colleagues and continue to grow our collective efforts to benefit mining across our region.

Once again, we are excited for 2025 and hope to cross paths with you all at some point along the way – hope to see you at the Annual Meeting in July! **M**

Matt Vincent is the executive director of the Montana Mining Association

A note from the Past President

Dear Montana Mining Association,
Happy New Year!

I recently resigned as MMA president to focus my efforts on growing my consulting business, Anvil Solutions. My resignation is bittersweet: while it is exciting to directly support this great industry, it is certainly difficult to see this chapter in my story come to an end.



**BEN
RAFFETY**

I began working with the association in 2015 as a large producer board member, serving in various roles of increasing responsibility. My time was highlighted by my tenure as board president from 2019 to 2024.

I am proud of the association we have built together and excited about the opportunities that lie ahead. I sincerely appreciate the things I have learned along the way, and particularly the great people I have met. The mining industry in Montana truly has some of the best operations, made possible by the

best people.

My confidence in this association has never been higher. Under Matt and Jon's leadership, the association will continue to thrive. 2025 is shaping up to be the biggest year yet for MMA.

I look forward to seeing you all in Butte at the 2025 MMA Annual Meeting and wherever else our paths may cross.

*Regards,
Ben Raffety, Anvil Solutions
MMA Immediate Past President*

A GREEN LIGHT FOR BLACK BUTTE

The copper project in central Montana wins its second Montana Supreme Court case, paving the way to proceed toward construction

TIM BURMEISTER

On Jan. 2 the Montana Supreme Court issued a ruling that upholds the water-use permit for Sandfire Resources America's Black Butte Copper Project north of White Sulphur Springs, opening the door for the mine to proceed toward construction.

"A great way to start the new year, indeed!" Montana Mining Association Executive Director Matt Vincent said.

A week earlier when Vincent was on the Voices of Montana radio program, he started out the conversation saying the mining community in Montana is pretty encouraged right now, and he highlighted the progress being made with the Black Butte Copper Project.

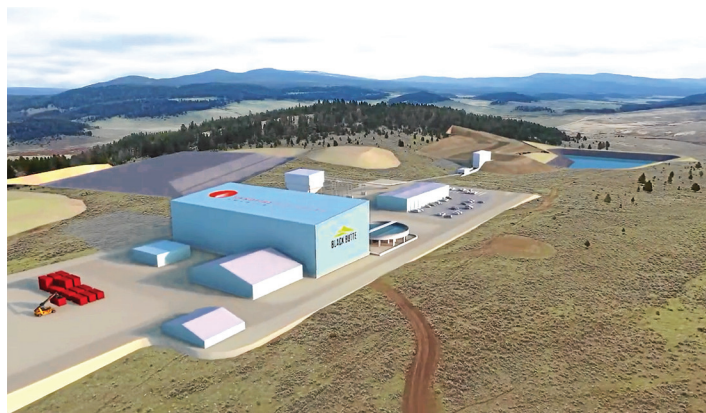
"That is the first major mine permit in Montana in 30 years," he said. Vincent said the last major mine permit was for Sibanye-Stillwater's East Boulder mine.

The Montana Supreme Court, while looking at the Black Butte water permit appeal filed by environmental groups, discussed issues surrounding whether mines need to get a beneficial use permit from the Department of Natural Resources and Conservation for water they displace for dewatering and later return to the aquifer. The court said in its 5-2 decision that precedent shows that such a permit is not needed for the dewatering planned at Black Butte.

If the Supreme Court had ruled in favor of the environmental



Nancy Schleppe, left, Sandfire America's vice president of communications and government relations, talks to visitors at the Sandfire America office in White Sulphur Springs.



A rendering of an aerial view of the facilities planned for the Black Butte Copper Mine. Sandfire America says the mine's design is engineered to meet and exceed Montana's stringent environmental protection laws.

groups and decided that Black Butte needed to obtain a beneficial use permit for the water which is going to be returned to the aquifer, that would have put additional delays and obstacles on the path toward the mine's construction.

It will still take at least until late 2026 for major construction

to begin at Black Butte. Until then, Sandfire Resources America will continue its exploration and mine planning for the Black Butte mine.

The Jan. 2 ruling was Black Butte's second Montana Supreme Court victory in less than a year. On February 26, 2024, the Montana Supreme Court issued a 5-2

ruling which reversed a 2022 district court decision and said the Montana Department of Environmental Quality should completely reinstate the Mine Operating Permit for the Black Butte Copper Project.

Tintina Resources, a subsidiary of Sandfire, applied for its Mine Operating Permit in late 2015. The Montana DEQ issued the permit in April 2020, and the company then began phase one construction at the site.

In June 2020, Montana Trout Unlimited, Trout Unlimited, the Montana Environmental Information Center, Earthworks and American Rivers filed a challenge to the Montana DEQ, saying they did not properly or sufficiently evaluate the risks of the mine. In 2022 a district court judge ruled in favor of the environmental groups. The case then went to the Montana Supreme Court, which

held a hearing on June 21, 2023, which led to its Feb. 26, 2024 ruling reinstating the mine's permit.

Nancy Schlepp, Sandfire's vice president of communications, said the Feb. 26 ruling "spurred a drilling program to provide sample material from both the Johnny Lee Upper and Lower Copper Zones for metallurgical testing and geotechnical testing; all with the expectation to better understand how to build the mine and the economics of the project."

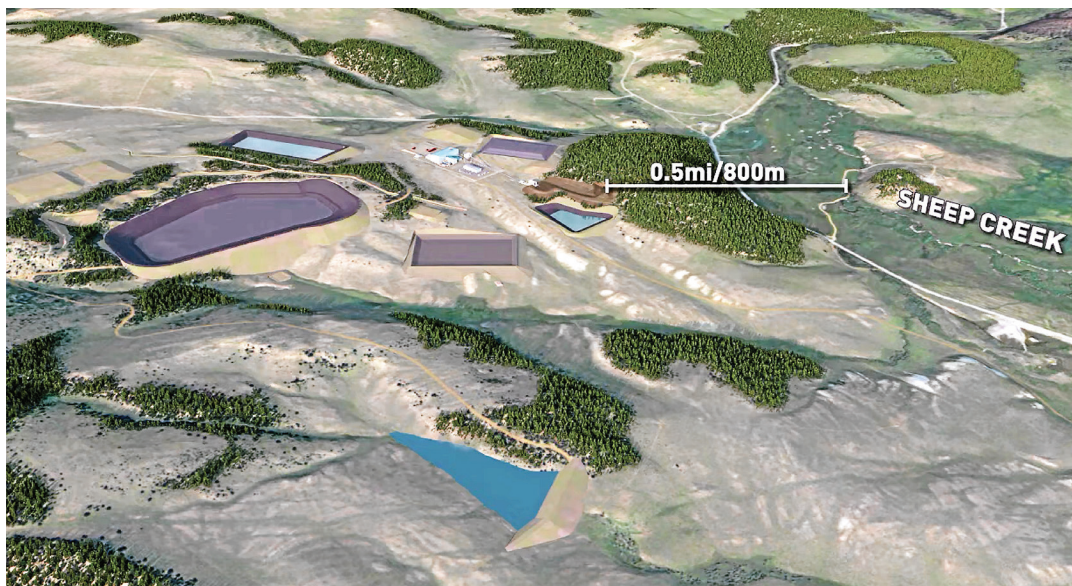
The current drill program is expected to continue into the middle of 2025. Geological and geochemical results from the drill program will be used to develop an updated feasibility study for the Johnny Lee deposit at Black Butte. The company expects to complete this feasibility study in 2026, Schlepp said.

WATER PERMIT DISPUTE

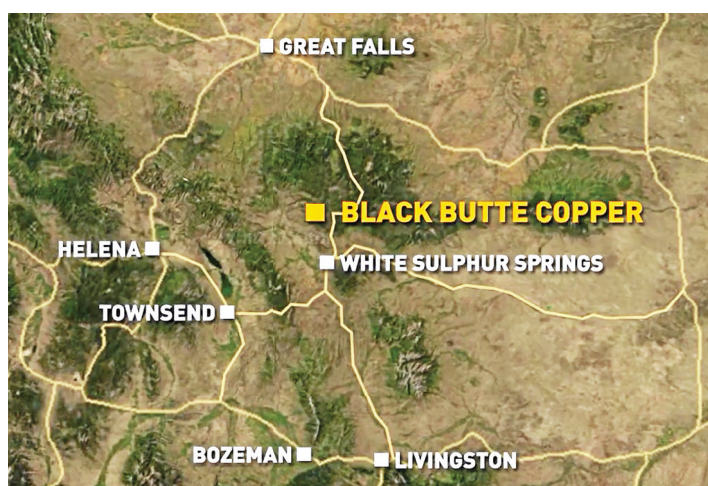
Tintina filed its application for a beneficial groundwater permit with the Montana DNRC in September 2018. Tintina expects to need to remove about 807 acre-feet, or 263 million gallons, of water per year from the underground mine. Of this, Tintina expects to use about 350 acre-feet, or about 114 million gallons, of water in its mining operations. Tintina says the remaining 457 acre-feet, or about 150 million gallons per year, will be treated and returned to the aquifer underlying the Sheep Creek alluvium. To comply with seasonal surface-water standards, this water will be held in treatment ponds from July to September.

The DNRC issued a water permit for Black Butte in March 2020. The permit applies to the 350 acre-feet which will be used in the mining operations. A mitigation plan is in place for this water, and Tintina will obtain and provide sufficient water to offset any loss to senior rights holders.

The same group of environmental organizations that filed a



The Black Butte Copper Project has been designed to keep all facilities at least a half mile from the Sheep Creek drainage.



The Black Butte Copper Project is in central Montana north of White Sulphur Springs. Much of the mine's workforce of around 265 people is expected to live in White Sulphur Springs and the surrounding area.

lawsuit contesting Black Butte's Mine Operating Permit also filed a lawsuit over the mine's water permit.

The dispute over the water permit initially went to a DNRC hearing examiner, who upheld the water permit in February 2022.

To resolve some of the environmental group's objections, Tintina agreed to some additional water monitoring and mitigation measures. Montana Trout Unlimited then agreed to withdraw all its objections to Tintina's water permit application, except for the objections over the idea that the water removed and later returned to the aquifer is not "beneficial" to the mine and does not need to be covered by a beneficial use permit.

On April 12, 2023, a district court judge ruled that the DNRC and the hearing examiner properly determined that removing water from the mine and returning it to the aquifer is not a beneficial use of water. The case then went to the Montana Supreme Court.

Additional organizations joined as intervenors in the suit in support of Montana DNRC and Tintina. These organizations included the Montana Stockgrowers Association, Montana Farm Bureau Federation, the Association of Gallatin Agricultural Irrigators, the Montana Chamber of Commerce, the Montana League of Cities and Towns, and the Montana Water Resources Association.

The case that went to the

Montana Supreme Court involved disputes over the meanings of words and precedents, but both sides agreed that the decision in this case could have effects which go far beyond just what happens with the Black Butte Copper Project.

The Montana Supreme Court's opinion said that "for over 40 years, DNRC has consistently taken the position that mine dewatering standing alone is neither a beneficial use of water" nor a waste of water, but is rather a displacement or "manipulation" of water, and therefore does not require a beneficial use permit.

The Montana Water Use Act says "the withdrawal or use of ground water may not be construed as waste" when there is "the disposal of ground water without further beneficial use ... that must be removed from a mine to permit mining operations."

The Montana Supreme Court opinion explained that the environmental groups believe the phrase "without further beneficial use" implies that removing the water is a beneficial use, whereas the DNRC and Tintina believe that the phrase means that removing the water is not a beneficial use unless the water goes on to some "further" beneficial use at the mine site.

The opinion also explained that



The Montana Department of Environmental Quality engaged a third party to prepare a detailed Environmental Impact Statement. More than two years were spent on the EIS to analyze a wide array of technical details of the project. Sandfire America says its mine operating permit reflects the company's commitment to world-class environmental standards.

the environmental groups argue that if the Montana Water Use Act does allow DNRC "to administer mine dewatering as belonging to a third category beyond 'waste' or 'beneficial use,' then MWUA is unconstitutional because such a dewatering 'loophole' circumvents the constitutional requirement that Montana's waters be 'comprehensively regulated and protected.'"

The Montana Supreme Court's majority opinion suggested that if the court did side with the environmental groups, there could be far-reaching effects since everyone, including agricultural producers and cities, might have to get a beneficial water use permit in order to move water from one place to another.

The opinion said the DRNC and Tintina argue that Montana



Sandfire America says mine entrances and the processing plant will be positioned to protect the integrity of Sheep Creek and the area wetlands.

Trout Unlimited "is asking this court 'to fundamentally reinterpret the foundational basis of every water right in Montana: "beneficial use,"' which would 'require thousands of otherwise legal manipulations of water to obtain a water right, even when there is no use of water.'"

The majority opinion was written by Justice Jim Rice, with Mike McGrath, Beth Baker, James Shea

and Dirk Sandefur concurring. The dissenting opinion was written by Justice Laurie McKinnon, with Ingrid Gustafson concurring.

McKinnon disputed the idea that ruling in favor of the environmental groups in this case would require a permit every time water is moved from one place to another, since dewatering a mine is a unique case that involves the displacement of huge amounts of water.

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Members of the Meagher County Chamber of Commerce look at a model of the plans for the Black Butte underground mine during a visit to the site in September.

“This scheme necessitates much more control over the water than a simple draining of a field or redirecting of stormwater,” McKinnon wrote.

McKinnon commented that although it is “not necessary to look at other jurisdictions given the plain language and text of the MWUA,” other states “that have considered the issue of mine dewatering have concluded that mine dewatering is a beneficial use or have enacted statutory mechanisms ensuring state oversight and protection of senior appropriators.”

She briefly reviewed the mine dewatering regulations that are in place in Colorado, Nevada, New Mexico, Arizona, and Alaska.

McKinnon wrote that the court’s decision on Black Butte “has needlessly created a glaring loophole in state oversight of Montana waters ...”

“I deeply regret and am saddened by the court’s decision



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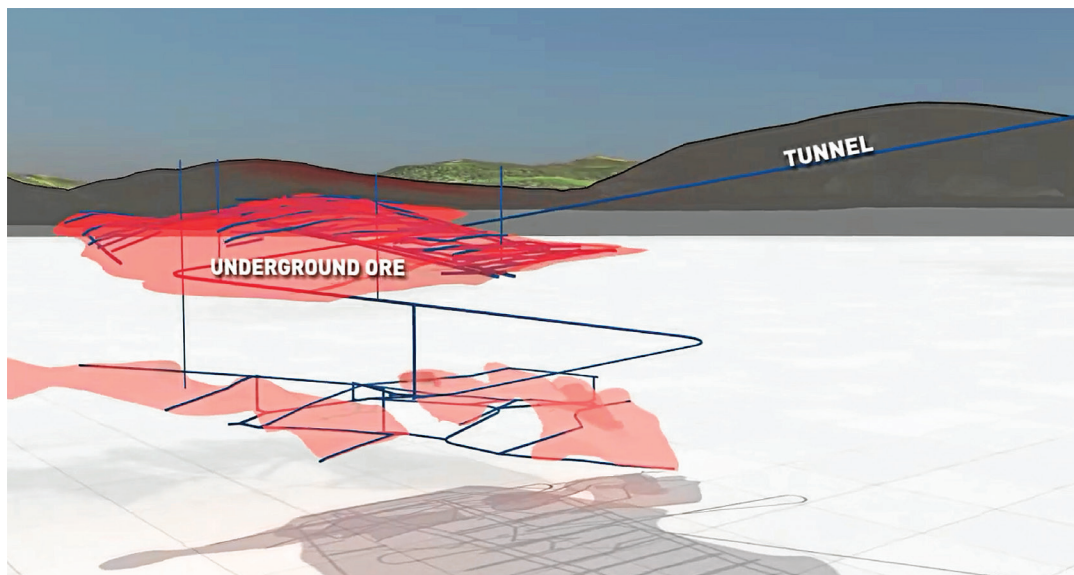
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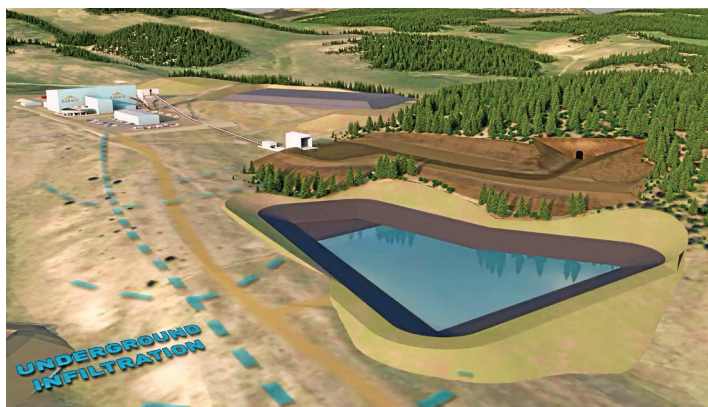
The Black Butte Copper Project is being planned as an underground mine with a minimal surface footprint. The mine is expected to produce up to 30,000 tons of copper-in-concentrate per year.

today,” McKinnon wrote. “The MWUA provides clear guidance on how to address mine dewatering issues. The MWUA does not prevent mining; rather, it instructs on how the interests at stake are to be weighed within the parameters of existing constitutional enactments, senior water rights, and beneficial use.

“The court refuses to follow the plain language of the MWUA’s provisions and justifies its deviations by pointing to an agency policy, never formally made a rule, and two decisions in which the agency applied its policy. In my opinion, our decision will cause a great injustice and will have huge impacts on Montana’s waters and future generations to come,” McKinnon concluded.

Rice commented in his majority opinion that “the dissent labors under the proposition that the water being removed from the mine and returned to the aquifer is ‘completely unexamined and unregulated,’ creating a ‘giant loophole.’” However, Rice wrote, “This ignores the system of water regulation outside of the MWUA ...”

Rice wrote that precedent over the last 40 years required the court to side with the DNRC and Tintina, and that it would be up to the Montana legislature to



Sandfire America says any water pulled from the mine which is not used in the milling process will be treated through a reverse osmosis water treatment plant and returned to the groundwater system by infiltration.

decide if changes should be made to the way that mine dewatering is regulated.

“The legislative record here shows the Department’s longstanding application of the MWUA, including its dewatering policy, has been specifically brought to the Legislature’s attention,” Rice wrote. “Ultimately, whether this regulatory system is ideal or preferable is a determination for the Legislature to make.”

REACTIONS TO THE OPINION

In Sandfire’s press release on the Jan. 2 Montana Supreme Court ruling, Schlepp said, “We are grateful for this commonsense decision that maintains longstanding water law in the state of Montana. We appreciate the court’s

diligent review of this case.

“Following February’s Supreme Court ruling fully reinstating our permit, the entire Sandfire America team has remained focused on implementing a world-class, environmentally safe mining project, and today’s decision continues us down that path.”

Sandfire America CEO Lincoln Greenidge said, “Black Butte Copper now has all permits to proceed with the feasibility work for this project. We remain diligently focused on reaching an investment decision to build the mine of which all Montanans, and the North American mining community can be proud.”

Montana Gov. Greg Gianforte released a statement saying, “Today’s ruling from the Montana Supreme Court is a significant



The Black Butte Copper Project was recently seeking two full-time temporary geologists as the exploration drilling program progresses at the site.

win for our economy, our state’s mining industry, and workers at the Black Butte Copper Mine. This decision ends years of litigation that held back investment and the creation of good-paying jobs for Montanans. I’m grateful to Director Kaster, DNRC, as well as the Department of Environmental Quality for their work to resolve these issues.

“By reinforcing Montana’s position as a leader in critical mineral production, we are paving the way for future investment. Together, we will continue to foster an environment where businesses can thrive, create good-paying jobs, and bring the American dream into greater reach for all Montanans,” Gianforte said.

The Black Butte Copper Project is adjacent to Sheep Creek, a tributary of the Smith River. The Smith is such a popular recreation destination that it is the only river in Montana that requires a permit for float trips. The Black Butte Copper Project is about 12 air miles and 19 stream miles from the Smith. Environmentalists have been concerned about the impacts the mine could have on the Smith. Many expressed their disappointment at the Montana Supreme Court’s Jan. 2 decision.

“This decision sets an extremely dangerous precedent that will allow mining companies and other extractive industries to dewater our most prized rivers

and streams without fully mitigating the impacts,” said Scott Bosse, Northern Rockies regional director for American Rivers. “This is a devastating ruling for everyone who cherishes the Smith River or any other river in Montana.”

“Given the value of water to all people and uses, including fish, wildlife, family homes and agriculture, this ruling is incredibly disappointing,” said David Brooks, executive director of Montana Trout Unlimited. “Allowing mining companies a free pass on massive water use threatens the lives and livelihoods of all downstream water users, not to mention the health of the treasured Smith River.”

The Montana Trout Unlimited Facebook page said, “Our love of the Smith River is undiminished, as is our resolve to offer it the best protection we can. Rather than hang our heads, we will continue to pursue much-needed restoration work in the Smith watershed,



Black Butte Copper offers free summer STEM camps for local third through sixth grade students.

monitor any activity undertaken by the mine, and fight to ensure that the Smith’s water quality and quantity are protected to the fullest extent of the law.”

EXPLORATION UPDATE

On Dec. 18 Sandfire announced the latest drill results

at Black Butte, which continue to show very high grades. The current drill program is aiming to upgrade and expand the Johnny Lee Lower Copper Zone resource, which the company says has 1.2 million tons at 6.8% copper measured and indicated, and a half million tons at 5.9% copper inferred.

Drillhole highlights included 10.5 feet at 19.46% copper and 9.2 feet at 11.82% copper.

Since December 2023, Sandfire has drilled a total of about 45,275 feet. A second drill was added in late November and a third is being added in January.

“We are pleased with our additional drilling results,” said Jerry



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Nancy Schlepp, Sandfire America's vice president of communications, in the yellow hat, talks with visitors at the spot where the portal will go into the underground mine.

Zieg, Sandfire's vice president of exploration. "Our drilling is achieving consistent high-grade intersections in and around the resource as well as clearly defining its boundaries. This much improves the integrity of the resource model and adds significant value to the Black Butte project."

"We continue working diligently with this positive forward momentum to improve the permitted resource," said Lincoln Greenridge, Sandfire's CEO. "This will ensure a robust feasibility study which will lead to an informed final investment decision related to building the project."



A group of visitors look at the ponds which were built as part of the phase one construction work at the Black Butte Copper Project.

Sandfire says the Johnny Lee deposit at Black Butte has a measured and indicated resource of 10.9 million metric tons at an average copper grade of 2.9%, for 311,000 metric tons of contained copper at a 1% copper cut-off grade, and an inferred mineral resource of 2.7 million metric tons at an average copper grade

of 3%, for 80,000 metric tons of contained copper at 1% copper cut-off grade.

The grades reported at Black Butte are many times higher than many other copper mines. Investing News Network said in 2023 that the average grade of copper ores in the 21st century is below 0.6% copper. **M**

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PHOTOS TIM BURMEISTER

Westmoreland Mining joins the Montana Mining Association



Westmoreland Mining joined the Montana Mining Association in November. It is the first coal producer to join the organization.



Westmoreland is committed to reclamation excellence, and plans to offer contract mining and reclamation services in the future.

In November the Montana Mining Association welcomed Westmoreland Mining as the first coal producer to join the Association.

Ken Wooley, Westmoreland's general manager of the Rosebud and Absaloka mines in Montana, has joined the Montana Mining Association board.

Here is an overview of Westmoreland's long history of helping to power the country, a look at the company's Montana operations, and plans for the future.

2024 marked 170 years that Westmoreland has been a cornerstone of America's energy sector. With a zero-harm commitment to worker safety, Westmoreland has a track record of innovation and service that supports communities and business dating back to the beginning of modern industrialization.

Westmoreland currently has 11 active mines across three U.S. states and two Canadian provinces. These sites have a proud culture which is diverse yet equally unified around a set of shared values. These values include being the best neighbors possible by fulfilling the obligation to return the land to an equal or better condition as it was found.

Westmoreland is continually inspired by its close associations with Indigenous people both from the First Nations in Canada and also from the Navajo, Crow, Northern Cheyenne and Ute Mountain Tribes in the USA.

Westmoreland's significant presence in Montana includes three surface mines across southeastern Montana collectively employing nearly 400 miners. These mines have been amongst the safest and most efficient dragline operations in the world.

The largest of the operations is Westmoreland's flagship Rosebud Mine near Colstrip. This mine is the sole source of coal for the Colstrip Generating Station and employs 325 union employees. Mining started in the Colstrip region to supply coal for railroad engines over 100 years ago. Operations temporarily stopped from 1959 to 1969 following the railroad's conversion to diesel prior to establishing electrical generation.

Sales at Rosebud peaked in 2010 with just over 12 million tons sold. Since that time, two of the four Colstrip units have shut down and rail shipments have discontinued. Demand in recent years, however, has remained steady at between six and seven million tons per year. Colstrip not only supplies power to Montana, but it also provides power throughout the Northwest United States.

While coal fired generation has become increasingly uncertain, there is confidence that the Colstrip Power Station will run well into the next decade.

The Absaloka Mine is located on the Crow Reservation 31 miles east of Hardin. This mine boasts a rich

history over its 50-plus years of rail shipments to customers along the Northern Corridor of the U.S. The Absaloka mine has not only been a significant employer to its Crow employees, but it has also provided over \$100 million in tribal royalties and taxes.

Over 222 million tons of coal have been shipped from Absaloka, with 93% of those sales being tribal owned coal. This coal represents enough energy to power every home in Montana for 300 years. Sales peaked at just over seven million tons in 2014.

Curtailed of coal fired generation in the Midwest states has reduced the demand for Absaloka coal. The mine still ships roughly 500,000 tons per year to the Hardin Power Station. Westmoreland is currently pursuing customers for the extensive reserves remaining at and around the Absaloka mine.

The Savage Mine west of Savage is finalizing reclamation after a long, successful run supplying steam coal to the Lewis and Clark Generating Station and to Sidney Sugars. Savage is a showcase of world class reclamation. The reclamation plan has produced some of the most productive and highest quality reclamation in mining. Scheduled to wrap up reclamation in the mid-2030s, this mine is an example of Westmoreland's commitment to reclamation excellence.

While sales at Westmoreland's Montana Operations have reduced by 70% over the past decade, production appears to be more stable for the foreseeable future.

Reclamation operations have benefited from the coal demand being lower. Equipment and manpower are more available than ever, and reclamation is proceeding at record rates. In 2024, over 650 acres were reclaimed while fewer than 200 acres of ground were disturbed.

This strong reclamation performance sets the stage for Westmoreland's ventures into contract mining and reclamation services.



Westmoreland's flagship Rosebud Mine near Colstrip employs around 325 union employees.

While no contracts have been taken on yet, resources are being marshalled to begin bidding work within the next year. By leveraging its 170 years of mining excellence, Westmoreland's innovative team expects to evolve its business to continue for decades to come.

MEET KEN WOOLEY

Westmoreland's Montana and Dakota operations are led by Ken Wooley. Ken is a Montana native born in Dillon. Ken attended school at Chester High School and graduated from Montana Tech in Butte.

Ken's mining career began in 1991 and has included mining in both surface and underground operations producing coal, zinc, lead, silver, copper, nickel, and gold. Twenty-two of Ken's 33 years in mining have been in maintenance.

The current position is Ken's second stint leading mines in Montana. Ken was the general manager of the Spring Creek Mine while working for Rio Tinto from 2002 to 2004. Other assignments with Rio Tinto included mining in Gillette, Wyoming; Juneau,



Ken Wooley, Westmoreland's general manager of Montana and Dakota operations, left, and Montana Mining Association Executive Director Matt Vincent. Wooley has joined the board of the Montana Mining Association.

Alaska; and Marquette, Michigan.

Before coming to Westmoreland, Ken was the GM of maintenance at Peabody's North Antelope Rochelle Mine (NARM) south of Gillette, Wyoming. During his 10-year stint at NARM, the mine grew to the world's largest coal mine,

producing over 118 million tons annually – slightly more than the entire state of West Virginia for the same period!

When Ken is not working, he enjoys spending time with his wife and two daughters. He also enjoys outdoor activities including hunting and fishing. **M**



An introduction to Montana Department of Environmental Quality's new director Sonja Nowakowski

MATT VINCENT

Montana's new director of its Department of Environmental Quality, Sonja Nowakowski, said she felt like she'd finally found her home when she transitioned into the department in 2021 as its administrator of Air, Energy and Mining.

"My heart has always been in natural resource issues," Nowakowski recalled during a recent interview. Once she started getting her footing there—which didn't take long, given her vast experience in the sector—she said to herself, "I think I found my home."

The fact is, Nowakowski may be more fitted for her new home at the helm of one of the state's largest and most complex agencies than any of her predecessors.

Born and raised in Roundup, Sonja graduated a Panther and went on to the University of Montana in Missoula, where she graduated from the highly renowned school of journalism in 1998. From there, she worked the natural resources beat for the Great Falls Tribune before transitioning to state government in the early 2000s, working as both a policy analyst and research director for the Legislative Services division. There she primarily served the energy and natural resources committees and interim committees of Montana's legislative branch, developing a well-deserved reputation among its members.



Sonja Nowakowski



For this story, it's also noteworthy to include her family's roots from Butte – Walkerville to be exact. Many of her relatives worked in the mines and her mother, Ellen, grew up upon "the richest hill on earth" and graduated from Butte High School.

"There's Butte tough, and then there's Walkerville tough," Nowakowski quipped when telling of her Mining City lineage. And being from Roundup, while she doesn't have any direct connections to the Signal Peak coal

the protection of Montana's unique and pristine environment with its need for economic growth.

And when it comes to energy and mining projects, finding the balance between the humanitarian and environmental factors is always a challenge, but one that she embraces through "having those hard discussions."

Nowakowski has seen a handful of some of the tougher challenges that currently define the position in her brief tenure, including the *Held v. Montana* and *Montana Environmental Information Center v. DEQ* cases before the Montana Supreme Court, and what to do next in light of those decisions; the continued efforts to find a workable solution for Montana's water quality standards for nutrients; and the updating of the state's subdivision rules at a time when Montana is seeing exponential growth.

At the end of the day, Nowakowski sees her department "at the forefront of determining what Montana will be in the future." A daunting place for any one person or entity to be.

Luckily for our Treasure State, its future appears to be in Nowakowski's able hands with a serious yet personable can-do attitude to go along with it. She will face confirmation by the Legislature in late January. MMA is looking forward to supporting her nomination. **M**

mine there, she said she wrote several articles for the Roundup Record-Tribune "as efforts to open the mine started and stopped in the '90s."

As the new DEQ director, Nowakowski said she feels her strengths are in being a strong leader, having the ability to get along with multiple stakeholders, and her deep background in natural resource policy.

"With environmental issues, they are so complex," she said. "There are so many more than two sides."

Her job, as she sees it, is complex as well, stated by her as implementing the laws that the legislature passes in an effective and respectful way and balancing

Looking ahead



The Montana State Capitol in Helena.

2025 Legislative Session Preview

The 2025 Montana Legislature convened Monday, January 6, 2025, at the state Capitol in Helena. This is the 69th biennial Montana legislative session, which focuses on the passage of legislation and the formulation of the state's two-year budget.



**JON
SONJU**

While the Republican Party retains control of the legislature following the 2024 elections, their previous supermajority from last session has been diminished. Republicans currently hold 32 of the 50 seats in the Senate and 58 of the 100 seats in the House of Representatives.

Governor Greg Gianforte, who was re-elected to a second term, has outlined several key

legislative priorities, including fostering economic growth, providing tax relief, enhancing education, addressing housing issues, and strengthening public safety. These priorities align with those of the legislature, which is also expected to focus on housing affordability, tax reform, education policy, and the potential renewal of Montana's Medicaid program.

Recognizing the importance of the state's natural resources, the legislature remains cognizant of the significant role the hard rock mining industry plays in Montana's economy. The Montana Mining Association has outlined a current legislative agenda that includes establishing a Montana Mining Day, introducing a House resolution highlighting Montana's contributions to critical minerals and rare earths, defining critical minerals projects and incentives in Montana, revising the Independent Review Panel code for Montana's industry-leading tailings



Gov. Greg Gianforte speaks on the steps of the Montana State Capitol on Oct. 7.

storage facility regulations, and addressing nutrient standards for water quality.

Additionally, the Montana Mining Association is expected to collaborate with a broader coalition of industry stakeholders on the *Held v. State of Montana* court case. The *Held* ruling from the Montana Supreme Court criticized the Montana Environmental Policy Act (MEPA) for failing to adequately assess the climate impact of greenhouse gas emissions during environmental reviews. Critics argue that the judiciary overstepped its

authority by influencing policy decisions traditionally within the legislative and executive branches' purview.

Montana citizens are encouraged to actively engage in the legislative process. The official Montana Legislature website offers a range of resources, including bill tracking, session calendars, and contact information for legislators. Go to <https://www.legmt.gov/>

Further, MMA will provide regular updates to its board of directors and has a legislative committee that meets weekly during the session to track its own bills and other legislation that affects the industry.

If you have any questions or would like to receive a copy of the periodic bill tracking reports, please contact MMA associate Emilia Gilsdorf at emilia@rampart-solutions.com. **M**

Jon Sonju is the chief lobbyist for the Montana Mining Association.

Restructuring Stillwater



Underground miner Lincoln Potter explains his day-to-day work at the Sibanye-Stillwater mine on Dec. 18.

After layoffs, Sibanye-Stillwater hoping for a brighter future in 2025

TIM BURMEISTER

The Sibanye-Stillwater platinum/palladium mines in Montana had a rough year in 2024, but people at Sibanye are hoping to be sharing some good news about the Montana operations in 2025.

With the price of palladium dropping over the past two years, while the costs of operating the Montana mines have been climbing, the company has been losing money with every ounce produced. That led to major restructuring plans, and in November Sibanye-Stillwater laid off hundreds of its Montana miners.

The Stillwater West operation, which is the company's older and less efficient mine, has been put on care and maintenance. Stillwater East, which is part of the

same mine but which has a separate portal and is newer, and East Boulder continue to be mined.

But there has been some good news, also, as the mines head into the new year. A tax credit that was finalized in October will bring a boost to the mines' bottom line. Montana legislators are likely to push for a ban on the import of palladium from Russia, which could send the price of the critical mineral back up. And changes to the mine operations and increased efficiencies have started to drive costs down.

THE LAYOFFS

As part of a restructuring plan, the Sibanye-Stillwater mines in Montana laid off about 440 workers the week of November

11. Heather McDowell, the vice president for legal and external affairs for Sibanye-Stillwater, said about another 80 people chose to take a voluntary severance, and from August through November about 120 people left the mines through attrition. So by the end of November, the Sibanye-Stillwater mines were down about 640 employees, or around 40% of its workforce. At the end of 2023, the Sibanye-Stillwater mines in Montana had a total of around 1,665 employees and contractors.

The layoffs were a major life-changing event for many hundreds of people, and are having a big impact on the local economy. According to the Montana Department of Labor and Industry (DLI), the layoffs accounted for about

13% of the payroll jobs in Sweet Grass and Stillwater counties. The layoffs accounted for about 16% of the mining jobs in Montana.

When the layoff plans were announced on September 13, the Montana DLI immediately began coordinating with mine leadership, representatives from the Montana Chapter of United Steel Workers, community leaders, and government leaders to develop plans to support the impacted workers and to help people as they began to navigate their way into the future.

"It's been really amazing work by the Department of Labor," McDowell said. She said Montana DLI Commissioner Sarah Swanson and her team "have just done an outstanding job of trying to make this as easy as possible



Miners work underground in the large shop at the Stillwater Mine.

on people. They were on site tirelessly.”

“Just their presence means a lot,” McDowell said. “When you’re going through something like this, it’s really hard to know where to go, what to do—basic things like applying for unemployment, which most of our people probably haven’t done before.”

The Sibanye-Stillwater layoff was the single biggest job-loss event on record for Montana.

“If we look back in Montana history,” Montana DLI Public Information Officer Sam Lovridge said, “we know that the mine shutdown I believe in the ‘80s was probably larger, but at that time we didn’t track layoffs and the size of them. So right now, this is the largest layoff in recorded history in Montana, and the Rapid Response that we put on as the layoffs were occurring



The Sibanye-Stillwater Mine

is actually the largest Rapid Response our agency has ever done.”

On November 12 the Montana DLI held a Rapid Response event in Columbus for people who had been laid off from the mines. Crystal Armstrong, DLI’s deputy administrator for workforce

services, said about 450 people came to the event, and about 170 of them did their initial registration with the workforce services office. People were there from different agencies and organizations to share information about topics such as unemployment insurance, workforce training opportunities,

and apprenticeships, as well as mental health resources.

People from the workforce services office helped people with their resumes, “and anything that they needed to explore new career opportunities, if they’re interested in looking at different fields,” Armstrong said.

The Montana DLI has 18 permanent Job Service offices around the state, and temporary offices have been opened in Livingston and Columbus to help meet the needs in the area of the Sibanye-Stillwater mines. Lovridge said people can stop in at the offices any time without making an appointment.

“And each and every one of those offices can help miners directly, because we’ve got miners spread across the state,” Lovridge said.

Lovridge said a lot of people in the area thought that a big

percentage of the people laid off from Sibanye-Stillwater would move to other states to get mining jobs, but that has not been the case.

“What we’re seeing is that a good sizable amount want to stay in Montana,” Loveridge said. “So that’s something we’re working on with the different Chambers of Commerce and with our own communications, to let businesses know that, hey, there are a few hundred highly skilled employees that are looking for work.

“And obviously we know every business in Montana is looking for highly qualified employees.”

“Every employer is looking for one thing first and foremost, and that’s work ethic,” Swanson said. “And these miners and these workers from the Stillwater mine are the very definition of Montana work ethic.”

“We have seen a couple folks that have been interested in going out of state, and we’re doing everything that we can to help them,” Armstrong said. “But for the most part, these families are invested in their communities and want to stay here.”

Jobs at the Sibanye-Stillwater mines pay well. The DLI said that in 2023, Montana mining jobs paid an average annual salary of \$106,000, almost double the average Montana salary of around \$57,000. That means that many of the laid off Sibanye-Stillwater miners will take a pay cut to stay in Montana.

Armstrong said the DLI is working with spouses of laid off miners, since many of them are now looking into getting a job.

“For the spouses, we’ve had a lot of folks that are interested in some new training,” Armstrong said. “A fair amount of them have been out of the labor force for a while, because the miners had a nice income.”

The DLI will also be working with people who lose their jobs because of cutbacks at other workplaces following the reduction in force at the mines.

In early January the DLI held an entrepreneurship event in Billings.

“We had a big proportion of folks that were interested in opportunities to start their own businesses,” Armstrong said. “So we pulled together some resources and partnered with some organizations to offer a workshop, so that we can get folks some basic information if that’s a direction they’d like to go in terms of new opportunities.”

To help cover the costs of helping the many people impacted by the Sibanye-Stillwater layoff, when the Montana DLI heard about the layoff plans they applied for an \$11.5 million National Dislocated Worker Grant from the U.S. Department of Labor. On Dec. 19 the U.S. Department of Labor announced an award of \$3.5 million to the Montana DLI.

“This is a meaningful win for the affected workers, their families, and the entire state,” Swanson said.

“I’m grateful for the work of DLI to secure this important relief for the 700 hardworking miners affected by the recent layoffs at Sibanye-Stillwater Mine,” Montana Gov. Greg Gianforte said. “While more work remains, the State of Montana will continue to come alongside these workers and their families to help them navigate this transition in their lives.”

Loveridge said the Dislocated Worker Grant “gives us the opportunity to upskill workers, gives us the opportunity to provide training and educational opportunities, and in some cases, even work supplies. For example, if we had a worker that didn’t have steel-toed boots and that was required, that’s something that we could possibly use those funds for.”

The Montana DLI has received some smaller Dislocated Worker Grants in the past when there have been large layoffs in the state. They received an \$800,000 grant in July following the closures of Pyramid Lumber and Roseburg Forest Products in Missoula



Workers laid off from the Stillwater Mine listen to a presentation from Montana DLI Commissioner Sarah Swanson at the agency's Rapid Response event on Nov. 12 in Columbus. About 450 people came to the event, and about 170 of them did their initial registration with the workforce services office.



Montana DLI staff provide employment assistance to workers laid off from the Stillwater Mine at the agency's Rapid Response event on Nov. 12 in Columbus.

County.

There is still a lot more work to do to assist the people affected by the Sibanye-Stillwater layoffs, and Loveridge said the Montana DLI is hoping to receive the rest of the \$11.5 million grant request in 2025.

The Dislocated Worker Grants come from a fund that is used to meet needs throughout the country, including disaster relief funding.

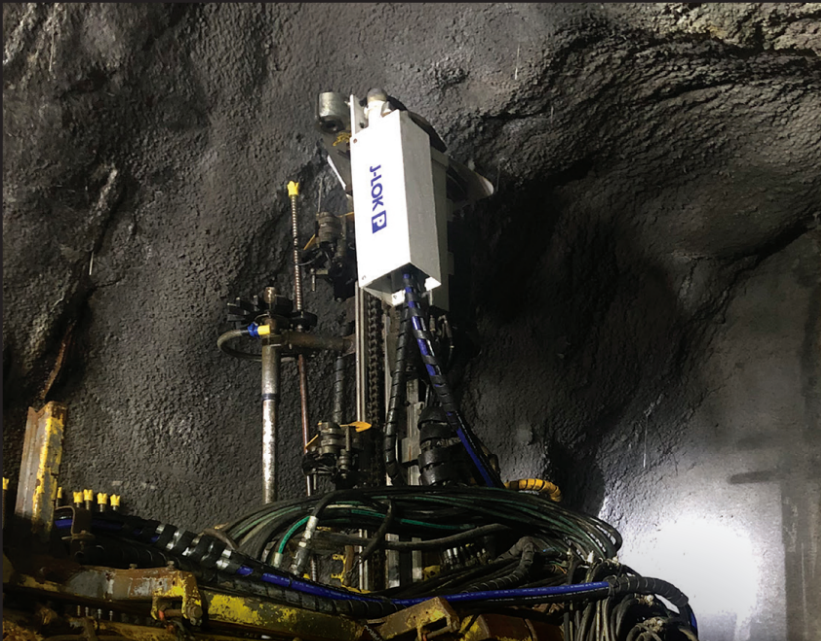
“With all the hurricanes and stuff that we saw over the summer, that fund has been pretty well used up,” Loveridge said. “So we’re anticipating that the new Congress will refill those

funds and get us up to that \$11.5 million.”

TAX CREDIT

On Oct. 24 Sibanye-Stillwater got some good news when the U.S. Treasury Department announced the updated rules for its Advanced Manufacturing Tax Credit, also known as 45X. Under the revised rules, Sibanye Stillwater expects to receive hundreds of millions of dollars in tax credits in the coming years.

The 45X credit is part of the 2022 Inflation Reduction Act. The draft rules released in December 2023 said that for critical minerals, the 10% tax credit would only



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apply to the companies doing the final refining, but not to companies doing the mining or other steps in the mineral processing.

McDowell said that under the draft rules, Sibanye-Stillwater would not receive any of the tax credit, even though they do the mining in their underground mines, crush the material, put it through their concentrator, and take it to their smelter at their metallurgical complex in Columbus, where they produce a 68% concentrate. The concentrate is then taken to a refiner, where the platinum group metals are refined to 99% purity. The refiner is a separate company, but Sibanye-Stillwater continues to own the material through this final refining.

However, McDowell said, under the 45X draft rules, only the company doing the refining would get the tax credit.

“Which we obviously thought was pretty misguided,” McDowell said. “Because it didn’t even matter under the old rule where the critical minerals came from. So that refiner could just as well have imported them from Russia and done the same thing and gotten the credit.”

Sibanye-Stillwater asked for amendments to the draft rules and lobbied members of Congress to push for changes. Montana Sen. Jon Tester wrote to Treasury Secretary Janet Yellen, saying the



Lincoln Potter moves equipment at the mine.

draft rules would actually incentivize refiners to seek out cheaper foreign minerals instead of buying domestically.

The Treasury Department cited “feedback from stakeholders” when it announced the revised rules for the 45X tax credit in October.

The new rules for the tax credit for critical minerals production are still quite limited in scope – the minerals have to be mined and refined in the U.S. – so the credit will not be available to many companies.

“There are not very many entities in the U.S. who can take advantage of it because first of all, there is hardly any production of critical minerals in the US,” McDowell said.

She said there are currently fewer than 10 companies in the U.S. that are producing large amounts of critical minerals.

Besides Sibanye-Stillwater, one of the companies which expects to benefit from the credit is MP Materials, which has the Mountain Pass rare earth mine in California.

“Initially, the proposed rules excluded extraction costs and both direct and indirect material costs,” Jim Litinsky, MP’s chairman and chief executive officer, said during the company’s third quarter earnings call. “However, the final rules now allow vertically integrated U.S. miner refiners such as MP to include these extraction and material costs.”

Ryan Corbett, MP’s chief financial officer, said this was “a really important and beneficial change.”

Some of lithium mines which are being developed in the U.S. could also qualify for the credit.

The National Mining

Association said it appreciated the updated rules but was disappointed at the limitations which remained.

“Treasury’s decision to limit the credit to those producers who also refine materials will prevent many important projects from benefiting from the credit as Congress intended,” said Rich Nolan, the National Mining Association’s CEO.

When Sibanye-Stillwater first learned of the updated 45X rules in October, the initial estimates from their tax advisors is that they would receive about a \$65 million reimbursement for taxes paid for 2023. But after they learned that their recycling cost of goods could also be included in the calculations, the current estimate is that Sibanye-Stillwater will receive about a \$140 million reimbursement for the 2023 tax year, and about \$100 million for the 2024 tax year.

It will take some time for Sibanye-Stillwater to get this money, McDowell said. They need to come to an agreement with their refiner, and then file an amended tax return, and then the funding has to go through the U.S. Congress’ Joint Committee



An exposed seam of palladium at an active mining site underground at the Stillwater Mine on Dec. 18.

on Taxation.

“So we expect that to all take a while,” McDowell said. “We’re hoping to have it in the calendar year 2025, but we don’t think we’ll have it before the third quarter.”

When the initial word of the potential 45X funding came out in October, that was shortly before the layoffs in November, but anticipating this funding a year down the road was not enough to stop the layoffs at Sibanye-Stillwater.

McDowell said the 45X tax rebate is “absolutely a primary key to getting back to full scale production at our Montana operation,” but there are several other steps Sibanye-Stillwater is also working on to make the operation profitable.

EXPENSES, INCOME

“We really need three things to happen to get back to normal,” McDowell said.

One of these is policy support from the government, which Sibanye-Stillwater is now receiving with the 45X tax credit.

“We really thought this could be the hardest piece to get, so we’re exceptionally grateful that that is already here in the form of 45X,” McDowell said.

McDowell commented that in the U.S., where mining companies mine responsibly, pay high wages, and comply with robust environmental regulations, the costs of mining can be higher than in other countries, so at times it can be important for the government to step in and offer support in order for domestic miners to be able to compete against foreign competitors.

The other pieces of the puzzle in order to rebuild Sibanye-Stillwater’s Montana operations are increasing efficiencies at the mines to get costs down, and seeing a recovery in the price of palladium, which could happen through a U.S. ban of Russian imports of the metal.

Costs for Sibanye-Stillwater



Underground miners work in the Stillwater Mine on Dec. 18.



A brass tag for underground miner Lincoln Potter hangs on the board as a way to keep track of the worker’s movement in and out of the mine.

have been increasing in recent years, with inflation pushing up the cost of materials and electricity, and with the challenges of working in mines that have been in operation for many years.

“The Stillwater West mine that we put on care and maintenance is older, it’s been operating since 1986,” McDowell said. “As you know, the longer you mine somewhere, you get farther away from the portal, and it’s just a function of time, really ... It’s taking everyone more time to get to work and everything is more expensive. So we need to get costs down.”

In the 2024 second quarter

earnings call, Sibanye-Stillwater CEO Neal Froneman said that along with putting Stillwater West on care and maintenance, “We will increase productions slightly from our higher-grade Stillwater East operations, which has lower-cost infrastructure and more efficient infrastructure. We will also reduce production from East Boulder and that will essentially improve the cost performance but also defer expansion capital.”

Froneman also said that “We certainly did look at putting the entire business on care and maintenance. That is a much higher-cost option than what we have

set out here ...”

In 2019, the all-in sustaining cost of producing platinum and palladium at the Sibanye-Stillwater operations in Montana was \$784 per ounce, and in 2020 the AISC was \$874 per ounce. In the third quarter of 2023, the AISC had climbed to \$1,922 per ounce. In the third quarter of 2024, the company had the AISC down to \$1,274, a 34% reduction from the previous year.

“This is a notable performance given the circumstances and confirms the relevance of the restructuring which was undertaken during Q4 2023,” Froneman said in the company’s 2024 third quarter report.

The goal is to get costs down to around \$1,000 per ounce.

“Over the longer term the emphasis will be on continuous cost optimization and modernization of the mining practices, technology and infrastructure in order to support higher production necessary to reduce AISC to approximately US \$1,000” per ounce, Froneman said in the third quarter report.

Even at \$1,000 per ounce, the production costs would still be higher than the price of palladium



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in early 2025. Prior to 2023, the price of palladium was between \$1,500 and \$3,000 per ounce for several years. The price declined in 2023, and fell below \$1,000 per ounce in November of that year. Since then, the price of palladium has hovered around \$1,000 per ounce. The price was down to as low as \$906 per ounce in early January 2025.

McDowell said palladium comes almost entirely from mines in Russia and South Africa and from Sibanye-Stillwater in Montana, and from recycling. Sibanye-Stillwater said Russia has been “dumping” palladium into the market, resulting in low prices.

There are a few options for addressing the low platinum group metal prices. Bloomberg reported on Oct. 23 that the U.S. had urged its G7 allies to consider sanctions on Russian palladium and titanium, and the price of palladium spiked in the following days, reaching about \$1,228 per ounce on Oct. 29 before dropping back down.

A Heraeus precious metals report on Nov. 4 said, “Sanctions on Russian palladium would be very disruptive to U.S. and European businesses and that is most likely the reason that sanctions have not already been imposed.”

The report said “Replacing imports of Russian palladium would be extremely difficult. The U.S. imported over 750,000 ounces of palladium from Russia in 2023 while the EU imported more than 400,000 ounces, and this would be impossible to replace at short notice.”

The U.S. used around two million ounces of palladium in 2023, according to the report, and the Sibanye-Stillwater mines in Montana produced around 330,000 ounces of palladium.

McDowell said palladium is now the Russian import of greatest value that comes into the U.S. unfettered.

“I think people are surprised to hear this, because there has been a huge package of Russian products



Daniel Beluscak is president of United Steelworkers Local 11-0001, which represents the workers at Sibanye-Stillwater's Montana operations. As the layoffs approached in November he said to the Billings Gazette that “All these workers, and their families and the businesses and schools they support with their wages and taxes, will be lost. It's just terrible.”

that had heavy duties placed on them as part of the Ukraine support,” McDowell said. “But palladium was omitted from that list, and it continues to be the thing of greatest value imported into the U.S. without any restrictions.”

Restricting Russian imports of palladium would very likely boost the price, which over time could lead to a ramp-up in production at Sibanye-Stillwater.

On Sept. 12, the day Sibanye-Stillwater announced its plans to do layoffs, Sen. Jon

Tester and Sen. Steve Daines both introduced bills to ban the import of Russian palladium, McDowell said. Rep. Ryan Zinke and Rep. Matt Rosendale also introduced bills in the House.

“Rather than relying on our own Montana mines to provide palladium, the Biden-Harris administration is allowing critical mineral imports from Russia, which is costing Montana jobs and funding Russia's unjust war against Ukraine,” Daines said in announcing his legislation to ban

importing eight critical minerals from Russia, including palladium and platinum. “There is no reason the United States should be importing critical minerals that we can find right here at home. Montana is rich in minerals, and we need to be supporting American mines and American jobs, not Russia's.”

McDowell said a bill banning Russian palladium is “exactly what we need. If that happened, that would help us immensely.”

“We're looking at all the options, and we think that the congressional remedy is very clean. It could happen quickly, and we really hope that when Congress is seated in January that those bills progress.”

She said an import ban could be a trade bill which may need to originate in the House, and that is something that Troy Downing, who was elected to the U.S. House in November, might get involved in, along with Rep. Zinke.

“I think we are so very fortunate in Montana to have an engaged and aware congressional delegation that we actually know,” McDowell said. “They've been to our operation. It's just the value of being in a small state where folks actually know what's going on. We don't have to get them up to speed. We're all in this together.” **M**



Underground miners work underground in the large shop at the Stillwater Mine.

To combat China's mineral dominance, invest in America's mining workforce

It is no secret that the United States is facing a minerals crisis. Demand for minerals is soaring, and our reliance on imports, notably from China, is only



**RICH
NOLAN**

worsening. Just recently, China retaliated against new U.S. restrictions on the export of semiconductor manufacturing equipment by cutting off the supply of germanium, gallium and antimony, three minerals essential to semiconductor production and a host of military applications.



Like a minerals OPEC of one, China is now all too happy to exert as much geopolitical leverage as it can through minerals extortion. It's far past time to address this glaring vulnerability.



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America's minerals challenge is not geology. Many of the minerals essential to this moment are here and in vast quantities. From lithium to copper to uranium — and gallium, germanium and antimony — America's resource base is extensive. We now must turn those resources into the secure, nimble supply chains that our economic, energy and national security require.

Doing so is going to take smart policy, and it requires people. America's mining workforce talent pipeline is a fraction of what it needs to be when mineral demand is soaring. Worker shortages — from truck drivers and electricians to data scientists and mining engineers — are already handcuffing some domestic operations.

By 2029, with a tsunami of retirements on the horizon, half of the nation's mining workforce — more than 200,000 workers — needs to be replaced. That is a humbling challenge, but it's also



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an incredible opportunity.

Careers — not just jobs — are there and waiting. As the nation faces a \$1.6 trillion student loan crisis — 40 percent larger than a decade ago — it's past time we encourage the next generation of the workforce to look toward industries that are hiring and that can provide family-supporting

jobs, often right out of high school.

That's the case for the mining industry where the typical American miner earns nearly \$95,000 yearly.

Mining jobs are technology-driven, where innovative solutions — like the rapid uptake of robotics and autonomous

vehicles — are transforming the production of irreplaceable material inputs, enabling technology revolutions. From smartphones to semiconductors, data centers and electric vehicles, minerals and miners make it happen.

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guidance counselor offices to expanding opportunities at trade schools to reinvesting in mining engineering programs — must be a national priority.

This isn't just about finding the people to power a strategic industry. At stake is the nation's economic and national security. China has invested in mineral supply chains, and its mining workforce is the keystone of its industrial and geopolitical ambitions.

China has 45 mining engineering programs with 12,000 students, graduating 3,000 mining engineers annually. In the United States, we have 600 mining engineering students, a number which has fallen 40 percent in the last eight years.

We must boost our mining engineering programs, and we have bipartisan legislation that can help us take a significant step forward. The Mining Schools Act allocates \$10 million annually into a grant program



National Mining Association President and CEO Rich Nolan says in his editorial that China has 12,000 mining engineering students, and 3,000 graduate annually, whereas the United States has a total of 600 mining engineering students.

for mining schools to recruit students and conduct research. It's a tiny investment that could pay dividends as we work to reshore our mineral supply chains and begin the urgent work of defanging China's mineral weapon. It deserves to become law.

We are in a new industrial

arms race and a rapidly escalating trade war. While semiconductors, electric vehicles, data centers and AI may first come to mind, it's the minerals that make all these technologies possible that's at the heart of the competition. Until Washington makes mineral policy — and the

development of our mining workforce — a national priority, we will be playing catch up to Beijing. **M**

Rich Nolan is President and CEO of the National Mining Association. His op-ed was initially written for Inside-Sources.com

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MEPA AND MINING

What you need to know about Held v. State and MEIC v. DEQ (Laurel Generating Station)

On Friday, January 3, the Montana Supreme Court issued a decision in MEIC v. DEQ (Laurel Generating Station), which marked its second major decision on the Montana Environmental Policy Act (MEPA) in the last few weeks. The Laurel Generating Station case gave more insight into the practical application of the Court's first decision in Held v. State.



**SARAH
M. CLERGER**

THE HELD DECISION

This case was brought by youth plaintiffs against the State and several agencies. The plaintiffs sought wide-ranging relief, but the Court denied a lot of it. It found that: 1) The Montana Constitution's "right to a clean and healthful environment" and environmental life support system includes a stable climate system...; 2) the plaintiffs were allowed to bring the lawsuit even though there was not a particular project or permit at issue in the case; and 3) the Montana statutes prohibiting the State from considering greenhouse gas emissions (GHGs) in a MEPA analysis violated the Montana Constitution.

These three holdings mean that: 1) a project that significantly impacts climate will require a full or Environmental Impact Statement (EIS), rather than a smaller Environmental Assessment (EA). EISs take a lot of time and money, so this will impact a project's timeline and budget; 2) it will be easier for plaintiffs to bring cases



Dale Schowengerdt, representing Montana Gov. Greg Gianforte and state environmental agencies, argues before the Montana Supreme Court, on July 10, 2024, in Helena in the youth climate lawsuit Held v. Montana.

Holland & Hart

against mining companies—particularly those involving fossil fuels (e.g., coal); and 3) we know that State agencies must now include a GHG analysis in their EAs and EISs, but we do not know how detailed that analysis must be.

THE LAUREL GENERATING STATION DECISION

This case questioned the sufficiency of an EA that DEQ did on an Air Quality permit for a 175-megawatt natural gas power plant. Unlike Held, this was a specific project, with a specific EA, and therefore the first practical application of Held. The Court found that DEQ was required to do a GHG analysis for this project, but put some important sideboards on Held.

First, the Court stated, "We did not hold in Held, and do not



The Montana Supreme Court recently heard a case that questioned the sufficiency of an Environmental Assessment that the Montana Department of Environmental Quality did on an Air Quality Permit for NorthWestern Energy's new power plant near Laurel.

hold here, that DEQ is required to analyze GHG emissions for every potential state action." This is very important, as it means that smaller projects (like gravel pits) will probably not be constitutionally required to analyze GHGs in their EAs.

Second, the Court noted some specific facts that it relied on to determine a GHG was required

in this case, which we can use to help predict when GHG analysis will be required in future cases. The Court highlighted that this case "undisputedly involves a significant amount of CO2 emissions ... from a fossil fuel [source] and generated hundreds of public concerns regarding potential impacts from those emissions."

Those are six facts that connected this project directly to climate change. Although the Court will not demand these exact facts in all cases where a GHG analysis is required, it does provide some level of reassurance that there will need to be a connection between the project and GHG emissions.

The Court also held that, because the case was brought under MEPA and not the Clean Air Act, “[n]or do we hold that DEQ must regulate GHG emissions in an air quality permit application.”

There was concern that this case could have shoehorned in, through MEPA, a requirement that DEQ adopt GHG emission standards, but it did not. The Court also reiterated that “MEPA does not confer regulatory authority beyond what is explicitly provided for in an existing statute.” This was an important reminder that MEPA is purely procedural. It also did not require that the permit be vacated while DEQ completed a new MEPA analysis.

Unfortunately, the Court did hold that, when a GHG analysis is required, “MEPA requires DEQ to analyze the direct, secondary, and cumulative impacts of this permitted action.” This will mean that, when a GHG analysis is required, it will likely have a wide scope.

The decision did state that



Youth plaintiffs in the Held v. Montana climate case leave the Montana Supreme Court on July 10 after oral arguments before the state's highest court.

the error was not considering “impacts of the climate in Montana,” though, which may mean that the impact of international shipping, for example, is a step too far. The depth of the analysis necessary will certainly be the subject of future litigation, but there is still a crumb of comfort here.

WHAT CAN WE DO?

Engage with this Montana legislative session. There are already 12 different bills in the works on day one. Consider a tailored S.W.O.T. analysis of how these bills could affect your specific operation.

Help DEQ and other state

agencies engage MEPA on your projects. The first permits issued after these cases will be targets for litigation. As permit applicants must provide agencies the information necessary to do EAs or EISs, providing detailed data and GHG analysis to the agency may help. **M**

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Sarah M. Clerget was counsel for DEQ on both Held and Laurel Generating Station before joining Holland & Hart as Of Counsel and the Government Affairs Director for Montana. She can assist with S.W.O.T. analysis or as a contract lobbyist, in addition to permit EA/EIS assistance and MEPA litigation. Contact smclerget@hollandhart.com or 406-324-0236.



Supporters of the youth plaintiffs in the Held v. Montana climate case line sidewalks outside the Montana Supreme Court on July 10 after oral arguments before the state's highest court.



Youth plaintiffs in the Held v. Montana climate case attend a press conference outside the Montana Supreme Court on July 10 after oral arguments before the state's highest court.

Investing in new miners

Montana Mining Association partners with Montana Tech to bridge talent gap

SHANNON PANISKO

The mining industry is reported to need an estimated 24,000 new workers by 2026, but the supply of skilled workers is expected to fall short, with only about 16,000 likely to be available.

Montana Tech is uniquely poised and ready to answer this call.

The Montana Tech Mining Engineering department is happy to report that increasing outreach and available recruiting dollars over the past year is bearing positive results. In two and a half years, they have nearly doubled the size of the undergraduate program from a low of 32 in the spring of 2022, and currently have over 60 students.

Their goal is to continue the recruiting efforts that have been successful and leverage the diverse student body in the program to help with those efforts. The program currently has students from the U.S., Canada, Peru, and Indonesia. The department is also proud to boast that the 2023 cohort was 15% female, and the 2024 cohort is 36% female.

Additionally, the Metallurgical and Materials Engineering department has seen incredible success from its summer program, which



A Montana Tech Oredigger graduate.

offers a transformative experience for high school juniors and seniors. In just two years, the program has enriched the educational journeys of 53 students while proving to be an incredibly effective recruiting tool for Montana Tech.

Over 80% of rising seniors who attended the inaugural 2023 program enrolled at Montana Tech in the fall of 2024, with five of them choosing Metallurgical and Materials Engineering as their

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This year, two scholarships programs at Montana Tech were combined into the Montana Mining Association Langley and Lawson Annual Scholarship, helping make it possible to offer recruitment scholarships at each of the departments.

major, one choosing Mining Engineering, one choosing Petroleum Engineering, and three entering the Welding Technology program at Highlands College.

The Montana Mining Association (MMA) has long partnered with Montana Tech in many ways, including providing direct student support through the Lawson and Langley scholarships. This year, the MMA took steps to amplify the scholarship's impact and ensure that it continues for future generations.

This year, the two scholarships were combined into the Montana Mining Association Langley and Lawson Annual Scholarship to better serve industry needs and individual departments' outreach and recruitment efforts. This change will allow Montana Tech's Mining Engineering, Metallurgical and Materials Engineering, Geological Engineering,



The percentage of female students in the Montana Tech Mining Engineering department increased to 36% in 2024.

Environmental Engineering, and Safety Health and Industrial Hygiene programs to offer recruitment scholarships at the department level. Fundraising efforts at

the annual MMA meeting support this yearly scholarship.

The MMA also made this investment in Montana Tech permanent by creating the Montana Mining

Association Langley and Lawson Endowed Scholarship. The establishing gift for the endowment was \$5,000. The short-term goal is to grow the endowed scholarship to \$250,000, which would provide five \$1,000 scholarships in perpetuity to each of the programs that currently benefit from the annual scholarship.

Please consider supporting these efforts. Gifts can be made online to support the Montana Mining Association Langley and Lawson Endowed Scholarship at <https://foundation.mtech.edu/give>. For additional information, contact Shannon Panisko with the Montana Tech Foundation at spanisko@mtech.edu or 406-496-4271. **M**

Shannon Panisko is the vice president of development and philanthropic engagement for the Montana Tech Foundation.

GOOD NEWS FOR GOOD SAMARITANS

A new law, decades in the making, will open doors for groups that want to clean up abandoned mine sites

TIM BURMEISTER

When the nation's new "Good Samaritan" abandoned mine cleanup bill was signed into law on Dec. 17, it was the fulfilment of an idea that people had been trying to make a reality for a long, long time.

Back in 1999, U.S. Sen. Max Baucus of Montana stood on the floor of the Senate and talked about a bill that would help people who wanted to clean up abandoned hardrock mines.

"The settlement of the mountain west was driven, in large part, by

mining," Baucus said. "Take my home state of Montana. At the center of Helena is Last Chance Gulch, where gold was discovered in 1864. Butte was called the Richest Hill on Earth, because of its huge veins of copper. Our state's motto is 'Oro y Plata'—gold and silver.

"Mining has long been critical to our development. It's created jobs, it's part of our culture, of our community. But mining, like many other economic activities, can have severe environmental consequences."

The abandoned mine cleanup

bill he was talking about never made it out of committee.

Chris Wood, the president and CEO of Trout Unlimited, recently said TU has been working on trying to get a bill like this passed since he joined the organization, about 23 years ago.

"I thought would be a layup," he said with a laugh. "I truly thought it would be easy."

The bill which finally made it to President Biden's desk for his signature on Dec. 17, called the Good Samaritan Remediation of Abandoned Hardrock Mines Act,

has had very broad support, from Republicans and Democrats in the U.S. Senate and House, and from environmental groups and mining groups.

"It's hard to believe it actually happened," said Robert Ghiglieri, the administrator of the Nevada Division of Minerals, and the chair of the Hardrock Committee for the National Association of Abandoned Mine Land Programs. "I've been talking about it for 12 years, and it came fast this year, and it got a lot of momentum and bipartisan support."

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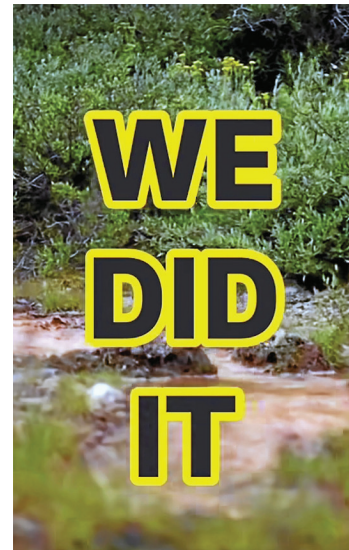
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Trout Unlimited has been working on cleaning abandoned mine sites in Montana's Ninemile Valley and getting Ninemile Creek back to its natural state. The new Good Samaritan Remediation of Abandoned Hardrock Mines Act can help TU expand the types of restoration projects it works on.



Trout Unlimited celebrated the signing of the Good Samaritan Remediation of Abandoned Hardrock Mines Act on Dec. 17.

The Good Samaritan Act makes a lot of sense. There are hundreds of thousands of abandoned mine sites across the U.S. – they are especially prevalent in the American West – and many of them still pour toxic chemicals into our

waters, and many are physical hazards. The Department of the Interior says it is estimated that abandoned hardrock mines have contributed to the contamination of 40% of rivers and 50% of all lakes in the United States. Trout Unlimited says

its analysis has found that more than 110,000 miles of streams in the lower 48 states are listed as impaired for heavy metals and/or acidity, and abandoned mines are a major source of these impairments due to acid mine drainage.

But when groups want to do some work on an abandoned mine site to protect the environment or keep people safe, often they steer clear of the project because of the serious liability issues they could face.

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Without the protections of this Good Samaritan law, there are all kinds of liability consequences which a group can face if they do a cleanup of an abandoned mine site.

Wood said, as an example, that a group might go to a site with seeping tailings and decide to spend a couple hundred thousand dollars on a relatively simple fix involving a French drain, which significantly improves the water quality in the area, bringing it up to about 90% of the Clean Water Act standards. But the group then has responsibility for the site, and someone could file a citizen's suit and compel the group to bring the water up to 100% of the Clean Water Act standards – and that could involve building a wastewater treatment system that costs millions of dollars.

“What this law does, it allows you to say, ‘We’re not going to let the perfect be the enemy of the good,’” Wood said. “That’s the gist behind it. As long as the Good Samaritan does what he or she said they would do, and they do make things better and they don’t make it worse, then they get to walk away.”

Rep. Susie Lee, D-Nev., was one of the sponsors of the bill in the House, and a press release from her office explained that “state and local agencies and non-profit organizations that have no legal or financial responsibility for these abandoned hardrock hazards—true Good Samaritans—actively want to volunteer to clean up some of these sites, but they currently risk incurring the same liability that would have applied to the original and often long-defunct polluters who can no longer be held to account. To date, this has deterred would-be Good Samaritans from moving ahead with cleanup efforts.”

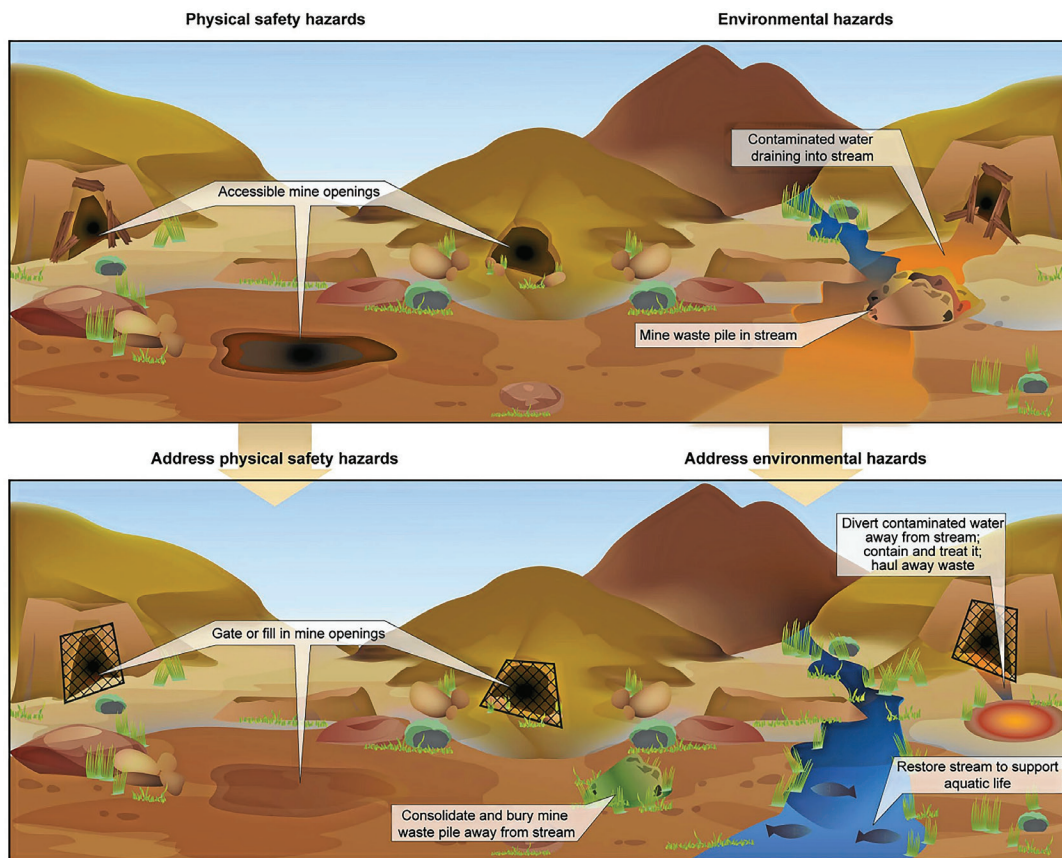
PRAISE FOR THE LAW

Many legislators and organizations issued statements in praise of the newly passed Good Samaritan law.

“After years of red tape and unnecessary barriers, Good



In 2018 the Nevada Division of Minerals, along with other agencies and contractors, worked on a project to close all 40 of the abandoned mine hazards in the Broken Hills historic mining district in west central Nevada. A report said that prior to the closure project, “during agency field visits to the mine, the public was consistently seen either driving by or interacting with the historic mining features, including a family with young children climbing out of the 350-foot-deep shaft.”



Examples of mine cleanup activities that could take place at abandoned hard rock mine sites.

Samaritans willing to clean up long-abandoned mine sites can finally move forward with meaningful remediation,” said Sen. Jim Risch, R-Idaho, one of the sponsors of the bill in the Senate.

“This victory belongs to every single person who rolled up their sleeves to fix this longstanding

roadblock,” said Sen. Martin Heinrich, D-New Mexico, the other sponsor in the Senate.

“The National Wildlife Federation appreciates the strong bipartisan leadership that delivered on this long-overdue initiative,” said Abby Tinsley, vice president for conservation policy for the NWF.

“This legislation will ensure significant progress in our efforts to clean up abandoned mines in Nevada and across the United States,” said Nevada Gov. Joe Lombardo.

“Too often, government red tape prevents good work from getting done—that’s why passing our



U.S. Rep. Celeste Maloy, R-Utah, spoke in the House about the importance of passing the Good Samaritan Remediation of Abandoned Hardrock Mines Act.

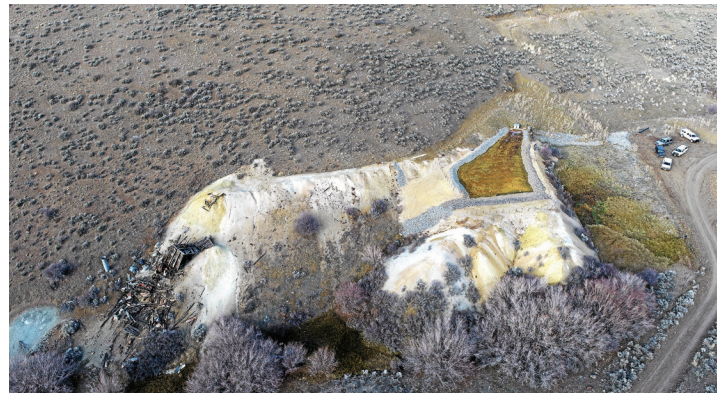
Good Samaritan bill is huge for mine cleanup throughout Alaska!” said Mary Peltola, D-Alaska.

“I’m grateful for the bipartisan support of my colleagues and the many stakeholders across the country who helped us achieve this milestone,” said Rep. Celeste Maloy, R-Utah.

“AEMA celebrates today’s passage of the bipartisan Good Samaritan Remediation of Abandoned Hard Rock Mines Act, the culmination of nearly three decades of

work by a broad range of stakeholders,” said Mark Compton, the executive director of the American Exploration & Mining Association. “Our members are proud to collaborate with the conservation community, states, and the federal government to address the cleanup of historic, pre-regulation sites.”

“This bill, which passed the Senate unanimously, has been more than a decade in the making and will encourage the involvement of mining companies, conservation



The Nevada Division of Environmental Protection and other agencies and contractors worked on a passive treatment project for acid mine drainage at the Birthday Mine in northern Nevada. The project was completed in 2019.


groups and local stakeholders in abandoned mine cleanup without fear of incurring additional legal liability,” said Rich Nolan, president and CEO of the National Mining Association.

“Western Governors have supported the creation of legal protections for Good Samaritans since at least 1995,” said Jack Waldorf, executive director of the Western Governors’ Association.

“This legislation will improve water quality and landscape health,

necessary for hunters and anglers to pursue our outdoor traditions in a natural setting,” said Kaden McArthur, government relations manager for Backcountry Hunters & Anglers.

“Clean water and healthy fish and wildlife habitat are values that unite us,” said Corey Fisher, the public policy director at Trout Unlimited. “This commonsense law will give us a critical tool to turn the tide, restoring clean water to watersheds across the



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West and beyond.”

“I’m proud to see my commonsense legislation to clean our abandoned mines signed into law by the President—this is huge for Montana communities,” Sen. Steve Daines, R-Montana, said in a statement to the Daily Montanan.

WHAT TOOK SO LONG?

If this kind of liability limitation for mine cleanup is such a great idea that is supported by such a wide range of people, how come it has taken so long to get a law like this passed?

Ghiglieri said that some environmental groups thought that a Good Samaritan mine cleanup act could be a way to get around mine permitting, “which is not true. You’re not allowed to come in and process any new material.”

Wood agreed that in the past there have been some people who worried that a bill like this would be a “camel’s nose under the tent,” that there would be “mining companies who say ‘Oh, no, really, we’re Good Samaritans, we just want to make things better,’ but it’s a stalking horse for going in and being able to mine.”

He said, however, that the new Good Samaritan law has been designed to make sure it is only for Good Samaritans, people who want to clean up a site but don’t have a profit motive.

“That’s why the legislation is called what it is,” he said.

Ghiglieri said some people also thought a law like this could be a way for companies to get a liability waiver from the Clean Water Act, which also is not true.

LEAVE IT TO THE EPA?

Ghiglieri commented that there also is a representative on the East Coast who feels that the Environmental Protection Agency should be the only ones doing this kind of abandoned mine cleanup work, and that the Superfund projects are sufficient to deal with the problem.

However, with multitudes

BIPARTISAN SUPPORT IN CONGRESS		
Led by Reps. Susie Lee (D-NV) , Celeste Maloy (R-UT) and Mary Peltola (D-AK) H.R. 7779 has 32 bipartisan cosponsors:		
Rep. John Curtis (R-UT)	Rep. Susie Lee (D-NV)	Rep. Russ Fulcher (R-ID)
Rep. Brittany Pettersen (D-CO)	Rep. Blake Moore (R-UT)	Rep. Jim Costa (D-CA)
Rep. Burgess Owens (R-UT)	Rep. Joe Neguse (D-CO)	Rep. Ryan Zinke (R-MT)
Rep. Steven Horsford (D-NV)	Rep. Lauren Boebert (R-CO) Rep.	Rep. Dusty Johnson (R-SD)
Rep. Mark Amodei (R-NV)	Rep. Dina Titus (D-NV)	Rep. Kim Schrier (D-WA)
Rep. Jason Crow (D-CO)	Rep. Rick Crawford (R-AR)	Rep. Troy Nehls (R-TX)
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Rep. Mike Simpson (R-ID)	Rep. Mike Thompson (D-CA)	Rep. Pete Stauber (R-MN)
Rep. Yadira Caraveo (D-CO)	Rep. Elijah Crane (R-AZ)	Rep. Reuben Gallego (D-AZ)
Rep. Jared Huffman (D-CA)	Rep. Teresa Leger Fernández (D-NM)	
Led by Senators Martin Heinrich (D-NM) and James Risch (R-ID) S. 2781 has 39 bipartisan cosponsors:		
Senator Mike Crapo (R-ID)	Senator John Thune (R-SD)	Senator Lisa Murkowski (R-AK) Senator
Senator John Hickenlooper (D-CO)	Senator Kyrsten Sinema (I-AZ)	Jeff Merkley (D-OR)
Senator Steve Daines (R-MT)	Senator Kevin Cramer (R-ND)	Senator Mike Braun (R-IN)
Senator Ben Ray Lujan (D-NM)	Senator Tina Smith (D-MN)	Senator Debbie Stabenow (D-MI)
Senator Mark Kelly (D-AZ)	Senator Ted Budd (R-NC)	Senator Mitt Romney (R-UT)
Senator Cynthia Lummis (R-WY)	Senator Jacky Rosen (D-NV)	Senator Ron Wyden (D-OR)
Senator Alex Padilla (D-CA)	Senator John Boozman (R-AR)	Senator Joni Ernst (R-IA)
Senator Mike Lee (R-UT)	Senator Michael Bennet (D-CO) Senator	Senator Jon Tester (D-MT)
Senator Catherine Cortez Masto (D-NV)	Dan Sullivan (R-AK)	Senator Mike Rounds (R-SD)
Senator Shelley Moore Capito (R-WV)	Senator Laphonza Butler (D-CA)	Senator Brain Schatz (D-HI)
Senator Sheldon Whitehouse (D-RI)	Senator John Barrasso (R-WY)	Senator Mullin (R-OK)
Senator John Hoeven (R-ND)	Senator Joe Manchin (D-WV)	Senator Peter Welch (D-VT)
Senator Jeanne Shaheen (D-NH)	Senator Thomas Tillis (R-NC)	Senator Cotton (R-AR)
BROAD STAKEHOLDER ENDORSEMENTS		
The <i>Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024</i> is endorsed by the following:		
Angler Action Foundation	Great Old Broads for Wilderness	Planning and Conservation League
American Fisheries Society	Houston Safari Club	Pope & Young Club
American Fly Fishing Trade Association	Interstate Mining Compact Commission	Property and Environment
American Exploration and Mining Association	Izaak Walton League of America	Research Center
American Rivers	Mule Deer Foundation	Public Lands Foundation
American Sportfishing Association	National Association of Forest Service Retirees	Quail Forever
Archery Trade Association	National Association of Abandoned Mine Land Programs	Rocky Mountain Elk Foundation
Arizona Dept. of Environmental Quality	National Congress of American Indians	Regeneration
Association of Fish and Wildlife Agencies	National Deer Association	Rivian
Backcountry Hunters & Anglers	National Mining Association	Securing America’s Future Energy
Bass Anglers Sportsman Society	National Shooting Sports Foundation	Sportsmen for the Boundary Waters
Bonefish & Tarpon Trust	National Wildlife Federation	The Nature Conservancy
Boone and Crockett Club	National Wild Turkey Federation	The Wildlife Society
California Outdoor Recreation Partnership	National Parks Conservation Association	Theodore Roosevelt Conservation Partnership
California Trout	New York State Conservation Council	Trout Unlimited
Campfire Club of America	North Carolina Outdoor Recreation Coalition	Western Governors Association
Congressional Sportsmen’s Foundation	Orion: The Hunter’s Institute	Western States Water Council
Council to Advance Hunting and the Shooting Sports	Outdoor Alliance	Whitetails Unlimited
Delta Waterfowl	Outdoor Recreation Roundtable	Wild Salmon Center
Ducks Unlimited	Pheasants Forever	Wild Sheep Foundation
Ecoflight		Wildlife Forever
Fly Fishers International		Wildlife Mississippi
Granite Outdoor Alliance		Wildlife Management Institute
		North American Grouse Partnership

A list from Trout Unlimited of the congressional cosponsors of the Good Samaritan Remediation of Abandoned Hardrock Mines Act, and the organizations which endorsed the bill.

of abandoned mines across the nation’s landscapes, with many of them presenting a wide range of different kinds of challenges with their pollution and hazards, government agencies are only working on a small percentage of the problem.

The Nevada Division of Minerals estimates that there are around 300,000 historic mining-related features and sites in Nevada alone. Ghiglieri said they estimate that

around 40,000 to 50,000 of these are physically dangerous. He said, however, that they do not have a good estimate of the number of sites with environmental issues, because there has never been dedicated funding to work on figuring that out. The EPA has a list of couple hundred abandoned mine sites in Nevada with environmental issues, Ghiglieri said, but he said the Nevada Division of Minerals is sure that the number of sites that

need environmental cleanup is actually in the thousands, or maybe in the tens of thousands.

In March 2020 the U.S. Government Accountability Office released a report on the government’s expenditures to address the hazards of abandoned hardrock mines. The report said that from 2008 through 2017 the EPA, BLM, Forest Service, Office of Surface Mining Reclamation and Enforcement, and the National Park

Service spent a total of \$2.9 billion to address abandoned hardrock mines throughout the country. The majority of that amount, \$2.3 billion, was spent by the EPA.

Montana was at the top of the list of states where the biggest amounts were spent during this time to deal with abandoned mines. During that decade the EPA and the other agencies spent about \$479 million to deal with issues involving abandoned mines in Montana – about 17% of the total amount spent throughout the country.

Still, the amount being spent by the agencies is just a small fraction of what it would take to clean up all the abandoned mines sites in the country.

LOOKING TOWARD THE FUTURE

Wood said one of the reasons that a Good Samaritan abandoned mine law finally got passed in December after many years of discussions is that the new law has been carefully designed to address concerns that people have had in the past.

The possibility of a profit motive was removed with the rule that if a Good Samaritan extracts and sells minerals from the tailings at a site they are cleaning up, they can only keep enough of these earnings to cover their cleanup expenses. Any profit has to go into an abandoned mine lands fund which will be used to fund future projects.

The current Good Samaritan law is also quite limited in scope. Those who have plans for Good Samaritan projects they would like to be part of the program will apply, and the EPA will select a total of 15 projects which are to be worked on within the next seven years. As these projects are completed successfully, that can be a proof of concept, which could make it possible for another, bigger Good Samaritan abandoned mine remediation law to get approved.

Many are hoping that it won't take another 20 years to get an additional bill approved.

"This pilot project program provides an opportunity to demonstrate that the process can work so we can progress to a broader Good Sam bill in the near future," said AEMA Executive Director Mark Compton.

Having a Good Samaritan law in place could open up a variety of possibilities for expanding the number of abandoned mines sites that get remediated. Nevada Gov. Joe Lombardo wrote in a letter to the U.S. Senate Committee on Environment and Public Works that "By providing liability protections for Good Samaritan projects, state agencies will be able to leverage IIJA (Infrastructure Investment and Jobs Act) funding to accomplish more remediation projects with Good Samaritan partners."

Wood said the Good Samaritan law could also help non-governmental organizations get funding for their abandoned mine remediation projects. Without liability protection, a donor who wants to pay for a cleanup project might decide not to make the donation out of fear that the people involved with the project might get sued and be required to do a much more expensive cleanup at the site.

"So I do think this will help," Wood said. "I think it will open doors that have otherwise been closed for funding."

Trout Unlimited has done a lot of abandoned mine cleanup projects through the years, but Wood said almost all of the work they have done has been on public land, because they can get the public land agencies to agree not to hold them liable.

"But that precludes us working on private lands," Wood said.

The Good Samaritan law can now open the possibility of working with private landowners, Wood said, "who had nothing to do with the creation of the pollution, but who want to make things better."

Trout Unlimited has also worked primarily with dry waste rock piles at abandoned mine sites rather than with draining mine

openings, since liability issues are much more likely at wet sites. The Good Samaritan law could now make it possible for more work to be done with abandoned mine drainage.

Some of the specifics of the new Good Samaritan law are not known yet – the EPA is working on the details, and will at some point announce information about the project application process.

Once the initial Good Samaritan abandoned mine remediation projects are selected, Wood said, some of the projects may not take that long to accomplish. Some mine cleanup projects are fairly straightforward, he said, and it can take just a few weeks to a couple of months to deal with an issue that has been damaging the environment for many years.

Wood commented that another hopeful sign he sees in the success of the Good Samaritan bill is that it shows it can be possible to open lines of communication between different groups.

He said it makes sense to him that hardrock mining should pay some kind of a royalty which would go into a fund to help pay for cleaning up some of the legacy issues of the mining of the past.

"My hope is that we can begin to have a reasonable conversation with the industry about coming up with a fair royalty that still provides the certainty that the industry needs, but also provides a funding source that state agencies, Trout Unlimited, and local communities can tap into to start to clean up some of these sites across the West."

"Frankly, I think the fact that the conservation community was able to work so well with the mining industry in getting this bill passed, it gives me hope that we can begin to have those conversations about, what is a sensible royalty, and are there other changes that we can make to help accelerate the mining of these critical minerals while also safeguarding really special places?" **M**

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“I am Mining”

Miners share their stories in video series

TIM BURMEISTER
MINING EDITOR

Many miners are getting involved in sharing their stories about life as a miner through a storytelling initiative that was launched by the American Exploration & Mining Association (AEMA) last summer. The “I am Mining” campaign is releasing a series of short videos spotlighting people in the mining industry sharing a little bit about their lives, their interests, and how they got into mining.

The first “I am Mining” video was released on July 8, introducing Wendy Stanfel, an underground electrician at Resolution Copper in Arizona. Wendy is a mom and a U.S. Navy veteran, and she shares how she ended up in mining.

A couple days later a second video was released featuring Sophie Dessart, a communications and public affairs manager at Florence Copper in Arizona. Sophie is a hiker and community volunteer.

A new video is now being released about every two weeks. To learn more and to watch the videos, go to miningamerica.org/IamMining.

McKinsey Lyon, who is the vice president of external affairs at Perpetua Resources and is on the board of trustees of AEMA, said the concept of the “I am Mining” initiative developed as the people involved with AEMA talked about how to help more people get a better understanding of today’s mining.

“Part of the genesis of the idea of “I am Mining” is that we can



The “I am Mining” video series that has been launched by the American Exploration & Mining Association will give people the opportunity to meet many miners from around the U.S. and learn a little bit about their life story, their hobbies and interests, and how they got into mining.



all recognize, I think, that in the last few years there’s been a door that’s opened on the question of bringing mining back to America, particularly for critical minerals, and there’s a growing awareness of the need to do so.”

But although a lot of people may be beginning to accept the idea that we are going to need more mining here in America, many people still know very little about mining. The “I am Mining” campaign aims to help people get a better understanding of mining by introducing them to some miners.



Sophie Dessart, second from right, a communications and public affairs manager at Florence Copper in Arizona, talks in her “I am Mining” video about being involved in her community in Florence.

“It’s really aiming at being an opportunity to start the conversation with *who* we are, not just *what* we are,” Lyon said.

“I know that in my own personal arc of joining a mining company, and now advocating for the people that I met, recognizing that we had shared interests,

shared values, and a shared desire to protect our backyard, while also providing the materials we need in a responsible way.”

“We are lucky that we have truly remarkable people leading this industry and working in the industry every single day,” Lyon said. “And we were recognizing that part of our ability to describe

who and what mining is today, really needs to start with the people in the industry.”

“Mining is on everyone’s minds these days,” said Mark Compton, the executive director of the AEMA. “And our social acceptance is critical in moving projects forward. And a big part of explaining to people what modern mining and the modern mining industry is all about really does start with our people.

“That’s why we wanted to focus on individuals in the industry, and the diverse individuals we have.”

While meeting the various people featured in the “I am Mining” videos, viewers will also learn more about the mining industry and today’s mining. In the third “I am Mining” video which was released, for example, environmental engineer Pete Kero says, “I wish people knew that mine land can have a full second life after mining is completed. That’s what I’m passionate about.”

Another possible positive impact of the videos is that they may inspire some people to consider a career in the mining industry.

Kenna O’Neill, the communications and outreach manager at AEMA, said the videos can “help us show to potential workforce candidates that this is a place where you belong, by showing a diversity of people and a diversity of types of work.

“I think when you can see, oh, these are people just like me who are doing this kind of work, that can help, as well.”

GETTING INVOLVED

There are a lot of ways to get involved in the “I am Mining” initiative.

“We try to make it as easy as possible,” O’Neill said. “The first thing we always ask is, like and share the content, to broaden our reach as much as possible so more people are seeing this.”

You can sign up to receive notifications when new videos are released. You can share the videos, or share messages or your own images to let people know about “I am Mining.”

Miners can also get involved by being featured in one of the videos. Some mining companies and businesses related to mining are working with their people to produce some “I am Mining” videos. Some are using material they have produced in the past and are repackaging it for “I am Mining,” and some are producing new videos.

AEMA does have some teams and resources to help with producing the videos.

Individuals who are interested in being featured in a video can contact their company or contact AEMA for more information.

“We’re finding that all of the participants so far are really excited to show off their people and show off the work that they’re

doing,” O’Neill said.

“I think overall as an industry we might be a little behind in showing off who we are and the good work that we’re doing. But there’s certainly a lot of interest now in being able to share that message with our broader communities.”

People can also get involved by joining the AEMA’s Public Outreach Committee. O’Neill said there are currently around 65 people on the committee from a wide range of mining companies and service providers, and they’ve all been working together to brainstorm ideas for the “I am Mining” campaign.

“We don’t have a ton of resources, so it’s great to see this start out as kind of a grassroots social media campaign,” Compton said. “We’ll see where it goes from here—if there is a phase two, or a phase three, or a phase ten that takes us in a different direction. I’m anxious to find out.” **M**

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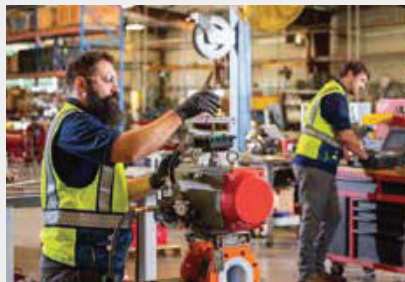
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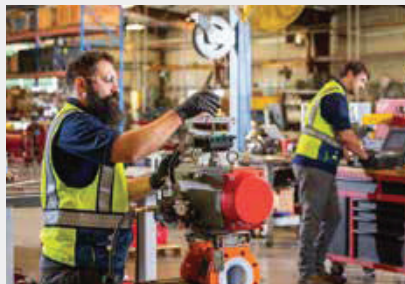
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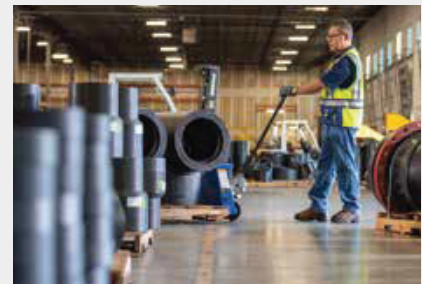
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Protecting miners' health and safety

MSHA Assistant Secretary Christopher Williamson looks back at the last two years

TIM BURMEISTER

Christopher Williamson, the assistant secretary of the Mine Safety and Health Administration, visited with Montana Mining near the end of 2024 for a look back at the past two years of MSHA's efforts to make mining safer.

Williamson, a native of West Virginia, was an advisor to the assistant secretary at MSHA during the Obama administration. He was appointed to be the MSHA assistant secretary by President Biden and began serving in that role in April 2022. Williamson will be leaving MSHA at the end of Biden's administration in January.

MSHA was originally formed 47 years ago. The Federal Mine Safety and Health Act of 1977 transferred the enforcement of mine safety regulations from the Department of the Interior to the Department of Labor and formed MSHA to work toward improving mine safety. The number of mining fatalities in the U.S. has been declining since then.

MSHA divides its statistics into metal/nonmetal mining and coal mining. In 1978, there were 136 fatalities in metal/nonmetal mining in the U.S., and the number of fatalities declined over the next four years, dropping below 100 for the first time in 1981. There have been fewer than 100 fatalities in metal/nonmetal mining every year since then.

In 2023 the long downward trend in the number of fatalities in metal/nonmetal mining took a turn in the wrong direction. In that year the total number of metal/nonmetal mining fatalities climbed to 31. That was the first time since 2007 that the number of fatalities was more than 30.

In an encouraging reversal, the number of metal/nonmetal mining fatalities in 2024 dropped



Water spray is an effective way to reduce silica dust in some industrial settings.

to 18, the lowest number since 2019. Only one fatality was at an underground mine, at a salt mine in Ohio. The rest were at facilities or surface mines which produce sand and gravel, stone, sandstone, limestone, quartzite, cement, alumina, shale, or phosphate rock. Only two of the fatalities were in the Western United States – there was one fatality in Colorado and one in California.

In coal mining, there were well over 1,000 fatalities every year in the early 1900s. There have been fewer than 1,000 fatalities per year since 1948, and fewer than 100 fatalities per year since 1985. There were 10 coal mining fatalities in the U.S. in 2024, and the annual number has been about the same for the past decade.

The number of coal miners in the U.S. is way down from past years. From 1900 through the 1940s there were around 400,000 to 860,000 coal miners in the country. In 2023 the total number of coal miners was down to 68,631, according to MSHA.

The number of metal/nonmetal miners, on the other hand, has stayed fairly consistent through the years, and in the past several years the number has been going up. Through much of the early 1900s there were fewer than 200,000 metal/nonmetal miners

in the U.S., but there have been around 200,000 to 300,000 metal/nonmetal miners since 1956. In 2023, according to MSHA's numbers, there were 255,702 metal/nonmetal miners in the country, the highest number since 1981, other than 2008, when there were 258,918 metal/nonmetal miners.

Williamson started out the conversation with Montana Mining talking about MSHA's focus on continuing to make mining safer and reducing the number of fatalities.

He also highlighted MSHA's new silica rule which went into effect on June 17, 2024. Coal mine operators have 12 months from that date to come into compliance with the rule, and metal/nonmetal mine operators have 24 months to come into compliance.

The rule lowers the permissible exposure limit of respirable crystalline silica for miners from 100 micrograms to 50 micrograms per cubic meter of air over an eight-hour shift. The rule also requires mine operators to use engineering controls to prevent miners' overexposures to silica dust, and requires the operators to provide periodic health examinations at no cost to miners.

While the new silica rule was being developed, some people involved with metal/nonmetal



Christopher Williamson

mining spoke out against it, saying that while it is important to protect coal miners from silica dust exposure, placing the same stringent requirements on metal/nonmetal mines will accomplish very little while greatly increasing costs and possibly putting some small mines out of business.

Dana Bennett, who was the interim president of the Nevada Mining Association in 2023, said the new silica rule "seeks to treat metal/nonmetal mines like coal mines without acknowledging the vast differences among these facilities. We are certainly concerned about this proposal ..."

DJ Schmutz, an industrial hygienist who is the director of operations for MSHA Safety Services, a company that provides safety training for miners, testified at hearings about the new rule in August 2023. He said he believed the large amount of money which would be spent by metal/nonmetal mining companies to comply with the new silica regulations would be better spent on safety measures and training to reduce the number of mining fatalities.

Schmutz said his research showed that over the previous 10 years there had been 1,160 documented cases of coal miners diagnosed with silicosis, but there had only been 20 metal/nonmetal

miners diagnosed with the disease.

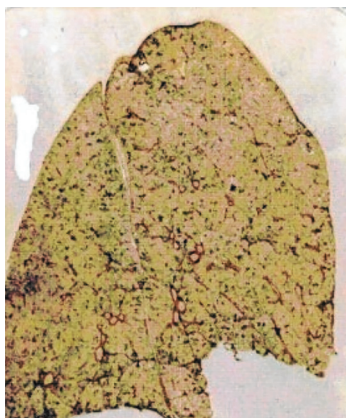
At MSHA's 2023 hearing in Denver on the silica rule, Dr. Jeremy Hua, a pulmonologist at National Jewish Health in Denver, said there was a low number of diagnosed cases of lung disease among metal/nonmetal miners because testing has not been required for them as it has been for coal miners.

During his conversation, Williamson defended applying the new silica rule to metal/nonmetal miners along with coal miners, saying it makes sense to provide the same protective measures for all miners.

The following interview with Williamson has been edited for length and clarity.

Montana Mining:

I think the last time we talked we were talking about the silica rule. Today we can look back at the past couple of years. I was just looking at the fatality numbers, and those are down for 2024 from



A normal lung

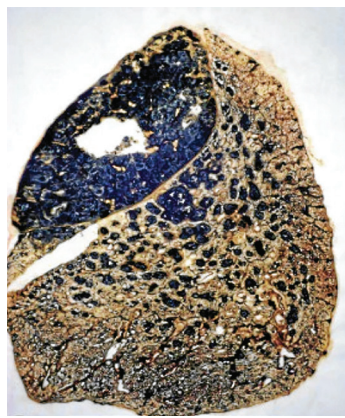
the previous year.

Christopher Williamson:

There are a few things that I've generally been talking about, but that is certainly one that I would underscore as a huge priority.

When 28 people have died, you hate to say it's a good story. Twenty-eight is still 28 too many, but it's certainly better than 40 (the previous year). And there's been a significant reduction on the metal/nonmetal side.

Last year there was a spike in fatalities. MSHA saw it coming on



A lung with silicosis

the earlier side of the of the year, and we immediately started using all our tools to try to do something about it. And that's been a focus of basically every talk that I've given to every group, in industry and labor.

Part of what I've been doing recently is saying thank you, since this year we were on a really good trajectory. In August and September, the numbers went up a little bit, but overall, for the year, there was about a 30% reduction from where we were at last year.

And we did use all our tools. I did a lot of engagement with the entire mining community, and asked everybody to focus on and make this a priority, since that is how we're going to be most effective in combating this increase. And my experience was that everybody did that. So that's why I was saying thank you to different groups.

But we can all still work harder at this, and try to continue to drive (the number of fatalities) down closer to zero. We can always make advancements in safety and health. We always want miners to be able to go back home to their community and go home to their family safe and healthy at the end of the day. There are always things we can do to try to make that happen.

MSHA employees feel very strongly about mining fatalities, and just generally safety and health. We're having a lot of conversations in the country these days about government employees



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and their value. I'm a little biased, but for my money, the MSHA employees are the best in the federal government. You won't find anybody more dedicated to their mission and to trying to do what Congress created their agency to do than MSHA employees and MSHA inspectors. Certainly that's been my experience, and it's been a privilege to work alongside them and to see that passion and dedication firsthand.

A sharp increase in fatalities doesn't sit well with MSHA employees, and everywhere I went, it was a big topic of conversation. At conferences we were all scratching our heads and trying to share information. The bottom line is, people really cared about that.

I think we were able to make a pretty big dent in it this year because of the collective efforts of everybody.

Also, you also mentioned silica. That's obviously another big thing we've spent a lot of time talking about and that I've prioritized as assistant secretary, and that this administration has prioritized.

The president was at the Department of Labor earlier this week, and he was talking about reflecting on his legacy and things he's done. He calls himself the most pro-worker, pro-union president in history. And certainly the silica rule is part of that legacy, and it was one of the handful of things he noted as part of the work his administration's done—he mentioned the silica rule. Which meant a lot to me. I didn't know he was going to do that, but I think it really tells you how important it is, especially in the mining communities all throughout this country.

So we're full steam ahead on trying to implement it. I'm not going to be around past January 20th, so it will be somebody else's responsibility to see the beginning of the continued implementation and enforcement of it.

But I think we've made a very strong case across the board of



how important it is to protect miners from this really toxic cancer-causing substance that can lead to deadly and debilitating diseases.

I've heard stories already from miners about different mine operators installing engineering controls and doing assessments and things that they didn't think would have ever happened if it wouldn't have been for us doing what we did with this rule. So it's already having very positive impacts out there.

We will have some things that the agency will need to work through on the implementation of it, but I think we've made a pretty strong argument of why it's needed and what value it brings and what it's going to do for the nation's miners.

The first priority and concern must always be the safety and health of its most precious resource, and that's the miner.

MM:

I was a little surprised seeing the number of metal/ nonmetal miners is up. This past year there were 255,702 metal/nonmetal miners, and that was the highest number since 2008.

CW:

And there may be even more in the future, right? Because all these infrastructure projects are coming on board. You got the CHIPS and Science Act, and critical minerals.

I think there's a general misconception that mining is kind of going away, or that it's just something we don't really do anymore. And the opposite is true.

I think there's going to be more and more of a need for it, which means there's going to be more and more of a need for making sure that MSHA has the resources that it needs and the appropriate staffing to be able to provide those safety and health protections to the miners, and also work with mine operators and everybody else on all the things that we know can be effective in protecting safety and health.

That's the third big thing that I'm very proud of – the fact that we're handing over to the incoming administration something that is in pretty good shape.

It still needs a little bit of work. But when I came on board and got confirmed, the staffing levels of the agency were at historic lows, and we had to basically rebuild an enforcement team. And we did that. We have a little over 100 new employees, just in enforcement at MSHA, since April of 2022.

It's critically important that you're constantly back-filling positions as people leave and retire, or otherwise you dig a huge hole for your staffing that's really hard to get out of.

I inherited a hole, no pun intended, and we've climbed out of it a fair bit, but there's still a little bit more to go. And I'm hoping what happens is that we don't get one of these things where the agency slides back down into it, and all those efforts are just slowly eroded.

It's really important for MSHA to be as effective as it can be, and that I think Congress intended

for it to be—that it's active, it's boots on the ground, not just for enforcement, but across the board, for compliance assistance.

It will be really important that appropriately staffing the agency continues to be a priority. We've done the best we can with the resources we've had. We have kind of hit the ceiling of what Congress gives us, but we're going to hire as many people as we can within that.

That's been a priority of this administration as well. We've asked Congress for more people to do more to reduce fatalities and to able to do inspections and all these other different things, and also implement our silica rule and enforce it.

So there will be those conversations moving forward. We've built back up the team, and we're handing it over to the incoming administration, and hopefully they continue those efforts. Because they really make a difference.

MM:

On the silica rule, there was some pushback from people saying it's good for coal miners, but it doesn't really apply to hard rock mining—that it will take time and money to comply, but it doesn't really accomplish that much.

CW:

Obviously there are people with those views, and as part of the process, we heard those things and addressed them.

There was already an existing rule and compliance requirements. But it was just at a 100-microgram standard, which has been in place for a long time, going all the way back to 50 years ago.

NIOSH (National Institute for Occupational Safety and Health), which is the government regulatory body that is the expert here—we're the enforcement, and they're the entity that does the research—they inform the things we do. And 50 years ago they recommended the 50-microgram level, which is what is in our new rule.

We've made a pretty strong

argument, I think, that the existing protections are just not protective enough. Even 50 years ago, we knew what silica could do to workers if they're exposed to it. We knew that then, and we only know more about it now. And we know the health effects that it can cause.

And we know how to control it—it's through engineering controls and other types of things. And there's already an ongoing responsibility in hard rock mines and on the metal/nonmetal side to do that.

We did reduce the permissible exposure limit, down from 100 to 50, but the ways that you control that exposure are not new things. It might require some investments. It may require some maintenance. It may require thinking about how people do their work, and how they may be potentially exposed.

But this is a substance that is well understood in the science and the literature, and the health

effects are well known. It's known that exposure either over time or at high levels or some combination can cause silicosis and lung diseases that there's no cure for. The more you're exposed to it, the worse you get. And every one of the diseases is entirely preventable. So that's why we thought MSHA needed a better, more protective standard that was well grounded in the science.

The other thing that I think is really important is that OSHA (Occupational Safety and Health Administration) enacted an updated silica standard at the 50-microgram level in 2016—eight years ago. So the idea that all these other workers in the country that fall under OSHA's jurisdiction get that level of protection while miners don't ...

Silica is common in the earth, and it's present in almost every mining environment. So the idea that the people who do the work of mining at the literal generation

site of the dust don't have at least the same level of protection of this well-established, well-known carcinogen that is toxic—to me that's just not right, and it's not fair. And we did something about it.

There is one thing that is new for metal nonmetal miners that's never existed before that I'm very proud of, and I think is really important, is the medical screening and the surveillance provisions. That's something that some of the industry folks have never had to think about or had to incorporate, although some of the bigger companies already do that on their own.


We've had experience on the coal side with that, and that's how we know that there's disease out there. That's how miners know that they've started to develop something, so they can make informed decisions about if they need to protect their health or get out of the dust or find another

place to work where they would be less exposed. It's empowering miners to have that information.

And it's incredibly important to have that, and for us to know what is actually out there. We've seen the benefits from it for decades on the coal side.



For me it's an equity issue. It doesn't matter whether you're working in a coal mine, at an aggregate site, or a gold mine, wherever you're mining, at the end of the day it all comes down to, you are a worker who's exposed to this substance that we know is toxic and we know what it can do, so we're putting things in place to protect you from exposure to it. And at the end of the day, that's what matters.


All the different components of the rule are sort of independent, but they also complement one another. It's like a puzzle. And this screening requirement—to me, I thought, metal/nonmetal miners deserve that just as much



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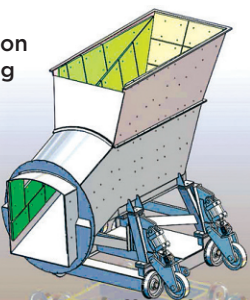
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as coal miners. And that's coming from a guy who grew up in the heart of coal country.

To me, the law says miner, it doesn't say coal miner. So the people who do that work, they deserve those protections.

MM:

The email I received from MSHA before this call had links to a variety of resources having to do with things MSHA has worked on in 2024, including the Electric Motor-Driven Equipment and Accessories Final Rule, the monthly impact inspections of mines, the new resource guide for the mining industry on preventing opioid use disorder, the MSHA Health Resource Locator Tool, recent grant funding given out by MSHA, and the Stand Down to Save Lives event in May. What would you like to highlight?

CW:

I'll mention that we did work with NIOSH here recently to put together an opioid resource guide, which is something that will be



really good for the benefit of everybody in the mining community. Because mining communities have been particularly hard hit on the opioid issue. The work that miners do puts them at potential risk of using opioids. So having these resources that we partnered on with NIOSH—it's available for everybody to use to try to help combat this issue and to be a support.

I go to mining conferences, and mental health continues to be a bigger and bigger topic of conversation. And just talking about these things is a way to reduce the stigma. MSHA has been trying to lead on that front, too.

If there are ways to get the word out so people know that these resources are out there, by all means, we welcome anybody that wants to help us with this.

So to sum things up, we've been very active. We think we've made a difference in a number of different ways.

My experience has shown me that having an MSHA that is active, that is forward leaning, that uses its resources in the best way, and has the staffing and the ability to do that, leads to good outcomes and is what is most effective for the nation's miners and their safety and health.

The law is pretty clear that

the operators have the ultimate responsibility for that, but having an MSHA that is active, not just in enforcement, but across the board, is how I think miners will be the most safe and healthy.

I can't tell you how many mine operators have told me that "MSHA regulations are our floor, we go above and beyond that" ... and hats off to them, because that's great.

To have mine operators who are taking their obligation seriously, and to have an MSHA that's out there, not only enforcing the laws and the standards, but there to offer compliance assistance, and able to update rules that are more protective for miners, whether it's silica or something else, and to really focus on reducing serious and fatal accidents, and partnering with the industry ... that to me is what we've tried to do and what we've tried to prioritize. And it's what I believe Congress intended, and I hope that's what continues on moving forward.

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