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LAWMAKERS WEIGH IN ON HIGHWAY TRUST FUND SHORTFALL

On Tuesday, the House Transportation and Infrastructure (T&I) Committee held a hearing over the dwindling Highway Trust Fund (HTF) as well as discussed the reauthorization of federal transportation programs provided by the "Moving Ahead for Progress in the 21st Century Act" (MAP-21) which expires in September 2014. Testifying before the Committee were Mary Fallin, Governor, State of Oklahoma, on behalf of the National Governors Association; Stuart Levenick, Group President, Caterpillar Inc.; Kasim Reed, Mayor, City of Atlanta, on behalf of the U.S. Conference of Mayors; and Lawrence Hanley, International President, Amalgamated Transit Union.

Oklahoma Governor Mary Fallin advocated for the reauthorization of MAP-21 and said that the National Governors Association supports the current "user fee" principles and federal appropriations for highway programs although she did not give any specifics. Caterpillar's President Stuart Levenick said that the outdated infrastructure network has negatively impacted global economic competitiveness for all U.S. companies. All witnesses urged the Committee to pass a long-term highway reauthorization bill which would provide the certainty and confidence they need to innovate and invest for the future. Furthermore, House T&I Committee Chairman Bill Shuster (R-PA) intends to have a highway bill ready for House floor consideration before Congress leaves for August recess. He noted that the bill will follow four principles: fiscal responsibility, the reforms in MAP-21, reduction of regulatory burdens, and flexibility for federal partners.

Currently, the HTF is spending \$15 billion more annually than the revenues it receives. Earlier this year, Congressman Earl Blumenauer (D-OR) introduced legislation to phase in a 15 cent-per-gallon motor fuels excise tax increase over the next three years. Given the lack of consensus on how best to raise money for the HTF as well as being an election year, a long-term funding solution for the HTF is unlikely to pass Congress anytime soon. However, after the 2014 elections, a lame duck session of Congress might try and salvage the HTF.

CONGRESS PASSES FY 2014 SPENDING BILL

This week Congress passed a \$1.1 trillion spending plan that would fund the government through September 30. The House passed the bill Wednesday 359-67. Sixty-four Republicans and three Democrats voted against the bill. The Senate followed suit Thursday with a vote of 72-26. The President is expected to sign the bill into law before the short funding bill expires on January 18.

The compromise bill is a refreshing break from the past several years of stopgap funding measures and down-to-the-deadline negotiating, such as the one that forced the 16-day government shutdown in October.

Following communications to the Hill from the PMAA-NEFI led COMC, the CFTC funding was not cut as was proposed, but

was raised \$20 million over last year for a total of \$215 million. The spending bill will also increase LIHEAP funding by \$169 million for a total of \$3.425 billion for FY 2014.

The Leaking Underground Storage Tanks program (LUST) fund did not recover from the sequestration cuts as appropriators only approved 46 million (five million dollars less than requested). This funding level is far less than the \$100 million plus amounts of past years. The Northeast Home Heating Oil Reserve allotment would be eight million dollars, \$2,119,000 below fiscal year 2013 and the same as the budget request.

The measure would set a \$40.3 billion obligation limit from the Highway Trust Fund for the Federal Highway Administration (FHA). The amount is the same as requested by the Administration and consistent with the 2012 surface transportation authorization. Another \$739 million would be available for expenses that are exempt from the cap and a separate limit of \$416 million would apply to administrative expenses of the FHA.

BP SAYS U.S. WILL BE ENERGY INDEPENDENT BY 2035

Earlier this week, BP issued its long term energy outlook predicting the United States will become energy self-sufficient by 2035. BP also predicts North America will achieve energy independence by 2018.

U.S. oil imports peaked in 2005 at over 12 million barrels per day and 60 percent of demand, and they will decline to less than one million bpd, less than 10 percent of U.S. demand, during the forecast period.

This is the fourth year that BP, a publisher of benchmark energy statistics for over 60 years, has issued its long-term energy outlook. This year's report looks to 2035, five years longer than previous forecasts. The survey marked the first time that BP predicted exactly when the United States would be energy self-sufficient. Last year's report said it would "nearly" happen by 2030.

Fossil fuels remain dominant in the energy mix to 2035. Gas and coal will account for 54 percent of global demand while the share of renewables grows to seven percent from two percent.

WOMA ANNOUNCED AS HIGHEST DOLLAR AND PERCENTAGE WINNER

Gerry Ramm and Michael Fields, co-chairs of the PMAA SBC PAC, proudly announce that for the first time in over a decade, a single state won both the "highest dollar contributed" and the "highest percentage raised" awards. The winner of both awards for 2013 is the Washington Oil Marketers Association (WOMA)!

Until 2013, Gary Harris and Doug Howey and the North Carolina Petroleum & Convenience Marketers Association (NCPKM) consistently won the award for the highest contributing state since 2005. In 2013, Brad Bell and Lea Wilson set a goal to have the highest dollar contributed in 2013 and with their hard work, they secured the top spot for WOMA.

In recent years WOMA has consistently won the award for highest percentage contributor. In 2013 WOMA raised \$15,140 or 669 percent of their state goal to continue their winning streak.

PMAA Small Business Committee PAC co-chairs Gerry Ramm and Michael Fields would also like to thank the following states for meeting or exceeding their 2013 PAC fundraising goal: Arizona, Arkansas, Colorado, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, IOMA, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Utah, Virginia, Washington, and Wyoming.

2013 OSHA WORKPLACE INJURY AND ILLNESS POSTING REQUIRED BY FEBRUARY 1, 2014

The 2013 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2014 and runs through April 30. The OSHA injury and illness recording and posting requirements apply to most establishments (workplaces) with more than 10 employees. OSHA requires employers to record and post all work related injuries occurring during the previous calendar year.

The following list identifies establishments within the petroleum marketing industry and indicates whether the establishment must comply with the OSHA Injury and Illness recording and posting requirements:

I. MUST MY WORKPLACE COMPLY?

Exempt Workplaces:

- ***Gasoline Service Stations (without c-stores) (NAICS Code 447190)*** are exempt from the OSHA injury and illness requirements regardless of the number of employees.

Possibly Exempt Workplaces:

- ***Convenience Food Stores with Gasoline Stations (NAICS Code 447110)***. Where a convenience store and gasoline station is combined, exemption from the OSHA injury and illness reporting rule will depend on the

“primary activity” at the establishment. The primary activity of an establishment is determined by the value of receipts for each business activity. If the value of receipts for fuel sales is greater than c-store sales, then the establishment is classified as a Gasoline Service Station and is exempt from the injury and illness reporting rule. If the c-store gross receipts are greater than fuel sales, then the OSHA Injury and Illness requirements apply.

Workplaces that Must Comply:

- **Petroleum Bulk Plants (NAICS Code 424710)** with more than 10 employees working at the bulk plant or company headquarters must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane bulk facilities.
- **Petroleum and Petroleum Products Merchant Wholesalers - No Bulk Facilities (NAICS 424720)** with more than 10 employees must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane non-bulk facilities. **Heating Oil Dealers (NAICS Code 454311)** with more than 10 employees must comply with the OSHA injury and illness requirements.

II. HOW DO I COMPLY?

Forms and Posting

- **Form 300** - Employers are required to keep Form 300, Injury and Illness Log listing all injuries and illnesses that occur in the workplace throughout the reporting year.
- **Form 301** - Employers are required to use OSHA Form 301 to record each workplace injury and illness within seven days of occurrence.
- **Form 300A** - Employers are required to post Form 300A, the Summary of Work-Related Injuries and Illnesses, in a workplace every year from February 1 to April 30.
- OSHA Forms 300, 300A and 301 and Instructions are available at: <https://www.osha.gov/recordkeeping/RKforms.html>

Employee Access:

- Current and former employees, or their representatives, have the right to access injury and illness records. Employers must provide a copy of the relevant record(s) by the end of the next business day.

Recordable Injuries and Illnesses:

OSHA's definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either cause or contributes to the condition. In addition, an event or exposure in the work environment significantly aggravates a pre-existing injury or illness is also considered work-related. Injuries include, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication). The following injury and illnesses must be recorded

- All work-related fatalities.
- All work-related injuries and illnesses that result in days away from work, restricted work or transfer to another job, loss of consciousness or medical treatment beyond first aid.
- All significant work-related injuries or illnesses diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication).

A guide to identifying recordable injury and illnesses can be found in the FORM 300, 300A and 301 instructions at: <https://www.osha.gov/recordkeeping/RKforms.html>.

CAUTION! AK, AZ, CA, HI, IN, IA, KY, MD, MI, MN, NV, NM, NC, OR, SC, TN UT, VT, VA, WA and WY have their own

state OSHA programs for private employees. These states follow federal rules but may vary slightly. Go to: <http://www.osha.gov/dcsp/osp/index.html> to find contact information for state programs.

III. WHERE CAN I GET MORE INFORMATION?

For more information [click here](https://www.osha.gov/recordkeeping) (https://www.osha.gov/recordkeeping) or contact Mark S. Morgan, PMAA Regulatory Counsel at mmorgan@pmaa.org.

ALL CDL DRIVERS MUST REPORT DRIVING STATUS TO STATE LICENSING AUTHORITY BY JANUARY 30, 2014

The U.S DOT is requiring both intrastate and interstate CDL drivers to "self certify" to their state driver licensing authority (SDLA) the type of commercial vehicle operation they drive in or expect to drive. Based on the type of commerce selected, drivers may also be required to submit proof of medical qualification certification to the SDLA. Self certification and submission of medical certificate by qualified drivers must occur no later than January 30, 2014.

IMPORTANT! Some CDL drivers may have already self certified and supplied a medical qualification certificate to their SDLA during the CDL initial application, transfer or renewal process. The FMCSA required SDLA's to phase in the new requirement beginning January 2012. However, some states have been very slow to implement the FMCSA rule or fully notify drivers of the new requirement. CDL drivers should check with their SDLA to inquire whether they are already compliant with the FMCSA requirement

I. DETERMINING INTRASTATE OR INTERSTATE STATUS:

Intrastate commerce drivers operate commercial vehicles within state boundaries only.

Interstate commerce drivers operate commercial vehicles across state boundary lines.

IMPORTANT! Drivers operating in both intrastate commerce and interstate commerce must self certify as operating in interstate commerce.

II. DETERMINING EXCEPTED OR NON-EXCEPTED STATUS:

Drivers must self certify to their SDLA they that operate a commercial motor vehicle in one of the following four types of commerce:

1. **Interstate non-excepted:** You are an interstate driver and must meet the **Federal** DOT medical card requirements. Go [here](http://www.fmcsa.dot.gov/registration-licensing/cdl/faqs.aspx#question1) (http://www.fmcsa.dot.gov/registration-licensing/cdl/faqs.aspx#question1).
2. **Interstate excepted:** You are an interstate driver and are excepted from meeting the **Federal** DOT medical card requirements.
 - Go to: <http://www.fmcsa.dot.gov/registration-licensing/cdl/faqs.aspx#question3> to see list of excepted interstate driving categories.
1. **Intrastate non-excepted:** You are an intrastate driver and are required to meet the medical requirements for your **State**.
2. **Intrastate excepted:** You are an intrastate driver and not required to meet medical requirements for your **State**.
 - Check with your state SDLA to see a list of excepted intrastate driving categories.

Most CDL drivers hauling petroleum will fall under the **interstate** non-excepted or **intrastate** non-excepted categories. In other words, the driver is required to carry a CDL medical qualification certificate under state or federal regulations. Drivers who fall into either of these categories and do not qualify under an established exception must file their current medical qualification certificate with the appropriate SDLA By January 30, 2014.

III. REVOCATION OF CDL PRIVILEGES:

Drivers are responsible for contacting their SDLA to self certify operating status by January 30, 2014. If required, drivers must also provide to their SDLA their current medical qualification certificate by January 30, 2014. Drivers who do not have an electronic version of their medical certificate in a state drivers licensing agency electronic database by **January 30, 2015** will be notified that their medical qualification to operate a commercial motor vehicle in non-excepted Interstate commerce is revoked. The SDLA will then remove all CDL privileges from the driver's license.

IV. MEDICAL QUALIFICATION CERTIFICATES:

SDLA's will maintain electronic versions of driver medical qualification certificates as part of the driver's CDL driving record. Drivers who self certify and submit their medical qualification cards will no longer be required to carry their certificate after **January 30, 2015**.

V. STATE BY STATE COMPLIANCE INSTRUCTIONS:

For state by state compliance instructions [click here](http://www.aamva.org/CDL-Program) (http://www.aamva.org/CDL-Program) then click on "Medical Certificate" tab.

IMPORTANT! This program is administered by state driver licensing authorities. The process to self certify and submit medical certificates may vary from state to state. Drivers should contact their state driving license authority to determine whether they are already compliant through initial application, transfer or renewal of their CDL licenses. Drivers should contact their SDLA for further instructions and process information.

BOTTOM LINE: CDL drivers must report to state licensing agencies their intrastate/interstate status and provide a paper copy of their most recent medical examiner's certificate.

For specific State by State requirements for drivers and information related to how a State is handling the Medical Certification requirements, and to determine who to contact for additional information, [click here](http://www.fmcsa.dot.gov/redirect.aspx?page=http://www.aamva.org/CDL-Program/) (http://www.fmcsa.dot.gov/redirect.aspx?page=http://www.aamva.org/CDL-Program/).

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2014

May 8-9, 2014 – NPM&CSA Big Dog event – Red Rock Hotel & Casino Las Vegas, Nevada

June 3-5, 2014 – MPMCSA Convention – Hilton Garden Inn – Missoula, Montana

June 16-19, 2014 - WOMA Convention – Suncadia Lodge – Cle Elum, Washington

August 6-8, 2014 – IPM&CSA Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

August 19-20, 2014 – NMPMA Convention – Marriott Pyramid North – Albuquerque, New Mexico

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WPMA MEMBER SERVICES



Petro Pete: "If you had to specify, in one word, why the human race has not, and will never achieve its full potential, that word would be 'meetings'."

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A self-starter, energetic individual that can meet company deadlines and multi task through the day. Able to work in a warehouse environment. Knowledge of excel and ability to sit and work on a computer. Medical, Dental Insurance, 401 K when eligible and Personal Time Off benefits included.

If interested, please fax a resume or email to:

FAX: 801-392-9589 Attention Ryan Murdock/Delinda Huffaker

Email: rmurdock@kellerstrassoil.com