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PLEASE TAKE THE TIME TO REGISTER NOW FOR PMAA'S WASHINGTON CONFERENCE AND DAY ON THE HILL

PMAA's annual Washington Conference and Day on the Hill will be held in our Nation's Capitol of Washington, DC from May 12-14. This forum unites marketers, state association executives and suppliers from across the country to openly discuss all the issues facing the petroleum marketing industry with their members of Congress and find solutions together. The meeting will begin with an issues briefing and issues groups on the afternoon of May 12 followed by a welcome reception including our PAC silent auction fundraiser. On the morning of May 13, marketers and association executives will then head to Capitol Hill for visits with their Congressional delegations. There will be a hospitality suite and a luncheon on Capitol Hill. On the evening of May 13, we will honor our new PMAA Chair, Gerry Ramm. The PMAA Board of Directors will meet on May 14 followed by our Distinguished Service Award luncheon.

For those who have hotel reservations or other arrangements, please be sure to complete a Registration Form at http://www.pmaa.org/userfiles/file/Washington_Conference/2010/PMAA_WashingtonConference_Registration_2010_2.pdf at your earliest convenience. Additional instructions for the form are on our Meetings page at <http://www.pmaa.org/pmaameetings/upcomingmeetings.asp>. A complete Conference Schedule (http://www.pmaa.org/userfiles/file/Washington_Conference/2010/Conference_Schedule.pdf) and Hotel Information (http://www.pmaa.org/userfiles/file/Washington_Conference/2010/Hotel_Information_Rev_3.pdf) is available to you. Please make your plans now to attend this important and productive forum to meet with your members of Congress!

FDA PUBLISHES FINAL RULE RESTRICTING TOBACCO SALES AND ADVERTISING

The FDA issued a final rule containing a broad set of federal requirements designed to significantly curb access to and the appeal of cigarettes and smokeless tobacco products to children and adolescents. The new rule restricts the sale, distribution, and promotion of these products to make them less accessible and less attractive to minors.

The new restrictions become effective June 22, 2010. In a bit of good news, the FDA adopted PMAA's position submitted during the comment process, to not require that behind the counter point of sale cigarette display racks be hidden from sight. The final FDA rule did not address outdoor advertising restrictions. Instead, the FDA issued a separate advanced notice of proposed rulemaking seeking comments on outdoor advertising restrictions. The key provisions in the final rule include:

New Requirements Relating to Sale and Distribution

- Prohibits the sale of cigarettes or smokeless tobacco to people younger than 18.
- Requires photographic ID check for persons 26 years old and younger.
- Prohibits the sale of cigarette packages with fewer than 20 cigarettes.
- Prohibits the sale of cigarettes and smokeless tobacco in vending machines, self-service displays or other impersonal modes of sales, except in adult only establishments.
- Prohibits free samples of cigarettes and limits distribution of free smokeless tobacco.
- **Does not** require behind the counter point of sale cigarette racks to be placed out of sight.
- **Does not** prohibit mail order sales of cigarettes.

New Requirements Relating to Marketing (Labeling, Advertising, and Promotion)

- Prohibits point of sale advertising and labeling with imagery and color. Only black lettering on a white background is allowed for point of sale advertising. Package labeling is exempted from the black and white restrictions on advertising.
- Prohibits tobacco brand name sponsorship of any athletic, musical or other social or cultural event or any team or entry in those events.
- Prohibits gifts or other items in exchange for buying cigarettes or smokeless tobacco products.
- Requires that audio ads use only words with no music or sound effects.
- Prohibits the sale or distribution of items, such as hats and tee shirts, with tobacco brands or logos.
- Does not ban outdoor advertising.

More detailed Regulatory Report on the new FDA rule to be published later.

FDA PROPOSES RESTRICTIONS ON OUTDOOR ADVERTISING OF TOBACCO PRODUCTS

The U.S. Food and Drug Administration (FDA) issued an advanced notice of proposed rulemaking (ANPR) this week seeking comments from stakeholders on new restrictions for outdoor advertising of tobacco products.

The FDA said it is considering several options including a regulation proposing to (1) prohibit or otherwise limit billboards located within 1,000 feet of any elementary or secondary school (k-12) and (2) prohibit or otherwise limit large signs or collections of advertisements greater than 14 square feet at retail establishments located in close proximity to any elementary or secondary school (e.g., within 350 feet or approximately one city block). The agency is considering whether the restrictions under consideration should be differentiated based on the size of the outdoor advertisement. For example, the FDA is proposing to adopt a distance requirement that keeps the current 1,000 foot restriction for the largest and most prominent advertisements (billboards) and narrowing the distance to 350 feet (approximately one city block) for smaller advertisements that are not as prominent. Under this approach, the restrictions would limit advertising near schools only rather than schools and playgrounds.

The FDA is seeking comment on, among other topics, the impact of outdoor advertising restrictions on tobacco manufacturers and retailers ability to communicate with adult smokers and the impact and/or effect(s) of outdoor advertising restrictions on youth smoking behavior. Written comments on the ANPR are due May 18, 2010.

PMAA will discuss the new proposals with the PMAA Tobacco Task Force and submit written comments.

SPECTER TO SEEK DEBIT CARD INTERCHANGE RELIEF

PMAA has been informed that Senator Arlen Specter (D-PA), in an effort to help retailers, plans to introduce a bill which could serve as an amendment to the Senate Financial Services bill which could restrict interchange/ swipe fees imposed on debit card transactions. In recent weeks, the Merchants Payment Coalition (MPC) has demonstrated that debit card transactions are very similar to electronic check clearing and that banks should treat the transactions similarly. Electronic check clearing transactions are not subject to interchange fees. Therefore, there is no justification for debit cards to be subject to unfair credit card swipe fees. The Specter amendment could be filed today.

"This is very good news for all PMAA members," said PMAA Chairman Gerry Ramm. "I have asked the PMAA staff to begin organizing a national grassroots effort to support the Specter amendment," he said.

The bill Specter wants to amend is the Restoring American Financial Stability Act of 2010 that was introduced on Monday. This is the same legislation that includes important futures market reform provisions PMAA has actively supported.

OBAMA SIGNS BILL CREATING TAX BREAKS FOR HIRING WORKERS

President Obama signed the HIRE Act into law yesterday creating tax breaks for businesses hiring new workers and extending higher expensing limits for small businesses that make capital investments.

Employers would receive an exemption from Social Security payroll taxes for every worker hired after February 3, 2010 and before January 1, 2011 if that worker has been unemployed for at least 60 days.

The bill also allows an additional income tax credit up to \$1,000 that is equal to 6.2 percent of paid wages for every new employee retained for 52 weeks.

Small businesses would be able to expense up to \$250,000 from their taxable income for another year—through the end of 2010—making it less expensive for them to invest in new equipment. Without the extension, small businesses would only be allowed to deduct up to \$125,000 and the rest of the costs would have to be recovered over time through depreciation.

HOUSE COULD VOTE ON HEALTHCARE BILL THIS WEEKEND

House Speaker Nancy Pelosi (D-CA) and Majority Leader Steny Hoyer (D-MD) intend to have members vote on the Senate-passed healthcare bill known as the "Patient Protection and Affordable Care Act," (H.R. 3590) over the weekend. Currently, members of Congress are waiting on a Congressional Budget Office (CBO) final score of H.R. 3590 in order to proceed to a final vote on the bill. The CBO score was released Thursday. The House leadership plan to use a procedural tactic to pass the bill without a recorded vote. This action will then structure debate for a separate reconciliation bill written to make changes to the Senate measure. The Senate-passed healthcare bill will likely raise small business costs.

PMAA urges you to voice your concerns on the healthcare bill by sending a letter or fax via PMAA's Legislative Action Center at www.capwiz.com/pmaa/issues/alert/?alertid=14826161. The House switchboard is under heavy call volume due to the healthcare debate so the best way to communicate is through PMAA's CapWiz site.

PMAA EXPRESSES CONCERNS WITH POTENTIAL E15 RULEMAKING

This week PMAA along with the National Petrochemical and Refiners Association (NPRA), NATSO, American Petroleum Institute (API) and other energy, environmental, health, and consumer trade groups sent a letter to EPA Administrator Lisa Jackson to express their concerns that EPA may decide to allow mid-level ethanol blends based on new information that was not made available for public comment when the proposed rule was initially introduced in December 2009.

PMAA urges EPA to open an additional comment period to allow concerned stakeholders to comment on new data, tests or studies EPA may take into consideration when determining to allow mid-level ethanol blends.

A copy of the letter is available at www.pmaa.org/pmaa_today/Joint%20Letter%20on%20Second%20Public%20Comment%20Period%20March%202010.pdf.

HOUSE APPROVES PACT ACT

Yesterday the House of Representatives approved S. 1147, the Prevent All Cigarette Trafficking (PACT) Act under suspension of the rules. This procedure allows the House to quickly approve legislation that has broad bipartisan support. The measure is designed to prevent tobacco smuggling and limit tobacco tax evasion tactics. The next step is for the bill to go to the President for his signature.

PMAA appreciates the calls and emails to Senators and Congressmen expressing support for the bill.

2011 WESTERN PETROLEUM MARKETERS CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA

Start planning now to attend the 2011 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for February 22-24, 2011.

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2010

June 8-10, 2010 – MPMCSA Convention – Billings Hotel and Convention Center – Billings, Montana

June 22-24, 2010 – WOMA Convention – Suncadia Lodge – Cle Elum, Washington

August 4-6, 2010 – IPM&CSA Convention – Schweitzer Mountain Resort – Sandpoint, Idaho

August 31-September 1, 2010 – NMPMA Convention – Embassy Suites, Albuquerque, New Mexico

September 8-10, 2010 – UPMRA Convention – Park City Marriott – Park City, Utah

Petro Pete: “The quickest way to double your money is to fold it in half and put it back in your pocket.”

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If you do not wish to receive information via fax or e-mail, please contact WPMA at: (801) 263-9762, Fax: (801) 262-9413, or e-mail: janr@wpma.com. Thanks.

Classified Ads

For Sale: Tank Equipment

- 4500 Gallon 3 Comp MC 306
- Petro Tank 1500 – 500 – 2500
- 3 in. Blackmere Pump 3" Pump off
- Meter Hosereel with 100' 1 ½ Hose
- B/L V/R Scully
- \$8500 – Nice Shape

Contact Marty – 360-520-3275 360-736-2821

For Sale:

- 2003 PETE W/PUMP
- 9500 GALLON SEMI
- 4 COMPARTMENTS

Call: 928-669-2617