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**PAYCHECK FAIRNESS ACT FAILS**

An effective national grassroots campaign supported by PMAA and other business associations helped defeat the "Paycheck Fairness Act," (S. 3772) on Wednesday in the Senate. The measure failed to garner the 60 votes necessary to override a GOP-led filibuster by a vote of 58 – 41. Senate Majority Leader Harry Reid (D-NV) had filed a cloture motion to consider the Paycheck Fairness Act so it could be considered this week. The measure is likely dead for the year given the additional GOP Senate seat gain, Senator-elect Mark Steven Kirk (R-IL), which will reduce Reid's current majority from 59 — including the two independents who caucus with Democrats — to 58. Senator-elect Kirk is expected to be sworn-in after Thanksgiving.

S. 3772 would expand the Equal Pay Act of 1963 allowing workers who claim they are victims of gender-based wage discrimination to sue for unlimited compensatory and punitive damages. While PMAA strongly supports the existing statute that outlaws gender-based wage discrimination, PMAA opposes this expansion because it will clog the courts with thousands of new and often frivolous lawsuits against employers. In most cases the only persons who will benefit from this law are the plaintiff's lawyers who are lobbying hard for its adoption. The legislation would give trial lawyers expanded opportunities to sue retailers if employee wage differentials exist because of market rates, revenue production, education, work experience, profitability and prior salary history.

**PMAA AND NEFI FILE COMMENTS TO CFTC ON PROPOSED RULEMAKINGS REGULATING CLEARINGHOUSES**

On Wednesday, PMAA and NEFI filed comments to the Commodity Futures Trading Commission (CFTC) regarding its proposed rules limiting conflicts of interest in the ownership and control over derivatives clearing organizations (DCOs), designated contract markets (DCMs), and swap execution facilities (SEFs). The comments relate to Rep. Stephen Lynch's (D-MA) amendment to the Dodd-Frank Wall Street Reform Act which was aimed at promoting competition in the ownership of the financial clearinghouses. Although, Congressman Lynch's amendment was not adopted in the final bill, language in two sections of the bill require the SEC and CFTC to adopt rules eliminating the conflicts of interest arising from the control of clearing and trading facilities.

Currently, the largest five banks own and control up to 95 percent of the money that flows in and out of clearinghouses which can lead to conflicts of interest and limited market transparency and fairness for end-users such as petroleum marketers, airlines and farmers. PMAA supports mandatory clearing of over-the-counter (OTC) energy commodity derivatives through transparent and regulated clearinghouses because they will help limit excessive speculation and volatility. Clearinghouses are responsible for settling contracts, collecting margin to limit excessive speculation, reporting data and are responsible to all market participants for the execution of derivatives contracts.

PMAA would like to thank Independent Connecticut Petroleum Association (ICPA) President, Gene Guilford, and PMAA Vice Chairman, Sean Cota, for crafting the letter.

**PMAA OUTLINES MARKETER CONCERNS AT EPA E15 HEARING**

On Tuesday at a hearing in Chicago, PMAA along with representatives from several trade organizations and companies testified before the EPA on its proposed E15 misfueling and mitigation program.

In testimony for PMAA, Brandon Wright, Manager of Regulatory Affairs and Communications, told the EPA that while PMAA supports expanded use of ethanol and renewable fuels, it remains concerned about retailer liability for misfilling and believes an effective misfueling mitigation program is necessary.

As part of its E15 misfueling mitigation, the EPA is proposing new dispenser labels for E15, E10 and E85 product transfer documents and blender pumps to inform and warn consumers about the dangers of misfueling in non-compatible vehicles.

PMAA called on the EPA to strike a balance between providing sufficient information and warning consumers without discouraging use by consumers with compatible vehicles as it designs its labels.

PMAA will also provide EPA with written comments pursuant to the NPRM and looks forward to working with the agency during the rule making process to develop a smart misfueling mitigation program.

## **U.S. EPA TO ESTABLISH RENEWABLE FUEL COMPATIBILITY GUIDELINES FOR UST COMPONENTS**

On Wednesday, The EPA's Office of Underground Storage Tanks announced it is set to issue a proposed rulemaking that would establish guidance clarifying compatibility requirements for UST system components that handle mid level ethanol and biodiesel blends. The proposed compatibility guidance will apply to ethanol blends greater than E-10 and most likely to biodiesel blends over B-5, though the final blend concentration for biodiesel is not yet determined and will be left open to comment.

The proposed guidance will focus on UST components and not tanks. The EPA said the guidance is necessary because many components of UST systems, including leak detection devices, seals, gaskets, internal tank linings, submersible pumps, release detection floats, flexible connectors, fill pipes, sensors, probes and containment sumps, have not been certified by a third party materials testing organization, such as Underwriters Laboratories, for compatibility with renewable fuel blends. According to the EPA, the lack of third party certification calls into question the suitability of these and other UST components for use with ethanol and biodiesel blends.

The EPA is soliciting comments on: the type of UST components that may be affected by renewable fuel blends; possible methods to demonstrate compatibility of UST components; criteria for equipment manufacturer approval as a compatibility method; applicability of compatibility requirement to biodiesel blends; ability of UST owners/operators to demonstrate compatibility of existing equipment; and alternative methods for owners/operators to demonstrate compatibility.

PMAA has been working closely with the EPA on compatibility issues over the past two years. While the agency has thus far been primarily engaged in information collection with respect to compatibility issues, the proposed rule could mark the beginning of a new round of federal UST requirements.

The PMAA UST Task Force will discuss the proposed rule and form the basis for PMAA's written comments.

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## **MIRAGE HOTEL EARLY BIRD RATE CUTOFF DATE HAS BEEN EXTENDED**

The cutoff date for the early bird room rate for the Mirage hotel has been extended until December 17, 2010. Take advantage of the early bird rate of \$145 now.

**Petro Pete: "Advice is what we ask for when we already know the answer but wish we didn't."**

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