

November 25, 2015

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WP-11-25-15

**WPMA OFFICES CLOSED FOR THANKSGIVING**

The WPMA offices will be closed Thursday, November 26 and Friday, November 27, 2015 for the Thanksgiving holiday. We wish everyone a very happy and safe Thanksgiving.

MATT BJORNSON APPOINTED TO PEI RP1200 COMMITTEE

Former PMAA Chairman and current North Dakota Petroleum Marketers Association board member, Matt Bjornson, was recently appointed to serve on the Petroleum Equipment Institute's (PEI) Overfill, Release Detection and Release Prevention Equipment Testing (RP1200) Committee for 2016. Matt is co-owner of Bjornson Oil Company, a third generation petroleum distribution company, located in Cavalier, North Dakota.

Matt's extensive knowledge of UST equipment design, installation, operation, repair and maintenance makes him well qualified to serve on the PEI RP1200 Committee. PMAA congratulates Matt on this honor!

PMAA URGES PHMSA TO CHANGE PLACARDING INTERPRETATION

The U.S. DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) issued an interpretive letter in June 2015 that eliminated the long standing special exception for placarding to the lowest flash point when hauling alternating straight loads of diesel fuel and gasoline in a cargo tank truck. Under the new interpretation, placarding to the lowest flash point is now limited to split loads of gasoline and diesel fuel shipped in different compartments of the same cargo tank shipment. This change in interpretation is causing considerable confusion among marketers and state enforcement authorities as to when it is proper to display the UN1203 gasoline and the NA 1993 diesel fuel placards on cargo tank trucks. Marketers have for many years used the UN1203 placard for alternating shipments of diesel fuel and gasoline which is no longer allowed under the new interpretation. State enforcement authorities are split on whether to enforce the new interpretation, leading to uneven enforcement within states and between states. As a result, marketers are increasingly being cited for improper placarding.

PMAA has been making progress on both the legislative and regulatory fronts to correct the situation and force PHMSA to go back to placarding to the lowest flash point for both split loads and alternating straight loads of diesel fuel and gasoline. On Tuesday, PMAA signed a petition along with the American Trucking Associations (ATA) and the National Tank Truck Carriers (NTTC) urging PHMSA to reverse its interpretation. Click [here](#) (<http://www.pmaa.org/weeklyreview/attachments/Petroleum%20Distillates%20Petition112515.pdf>) to read the letter. Meanwhile, PMAA continues to work with House and Senate Highway bill conferees on a legislative fix.

PMAA will continue to monitor the situation and report when details become available.

PMAA OPPOSES GOVERNMENT INCREASES TO INSURANCE FINANCIAL REQUIREMENTS

Last week, PMAA joined other organizations in a Senate-wide letter opposing Senator Blumenthal's amendment #2826 to strike the provision in the FY 2016 Senate Department of Transportation, Housing and Urban Development and Related Agencies Appropriations bill that requires the DOT to conduct a report to Congress before proceeding to increase minimum insurance limits on truck and bus operators. Click [here](#) (http://www.pmaa.org/weeklyreview/attachments/Oppose%20Blumenthal%20Amendment_232826.pdf) to view the letter.

Section 135 of the bill requires the Secretary to provide a report to Congress concerning the impact of raising the minimum financial responsibility (FR) requirements for transporting passengers or property, including an assessment of catastrophic crashes in which damages exceeded the insurance limits, the impact of higher insurance limits on carriers and consumers, and the capacity of the insurance industry to underwrite any proposed increase in current minimum financial responsibility limits. The provision compels the DOT to review the ramifications of raising minimum financial responsibility limits on highway safety, industry, and consumers.

PMAA strongly supports section 135 to ensure FMCSA performs a diligent review of minimum financial limit requirements before moving forward with rulemaking.

REPUBLICANS CALLING FOR U.S. CRUDE EXPORTS BAN REPEAL DESPITE OBAMA VETO THREAT

Conservative Senators are eyeing upcoming legislation to force a measure on President Obama that would lift the U.S. export ban on crude oil. The measure to lift the ban has already passed in the House by a vote of 261-159.

"We have antiquated policies that were put in place in the 1970s that prohibit us from exporting our crude oil, yet we have allies around the globe asking the United States to provide them with a stable supply of energy," said Republican Sen. Cory Gardner (R-CO) at an energy forum hosted by The American Council for Capital Formation (ACCF). "We should change this policy in order for the U.S. to be a global leader and to support our allies by making them less dependent on energy from hostile nations."

Senate Democrats are almost certain to filibuster the upcoming legislation unless there is a compromise in which Democrats will receive passage of legislation they would like in return. President Obama has already stated that he would veto any legislation that would lift the ban on U.S. crude oil exports.

PMAA remains neutral on repealing the crude oil export ban.

URGE YOUR LAWMAKERS TO CO-SPONSOR THE "COMMON SENSE NUTRITION DISCLOSURE ACT"

Last week, the House Energy and Commerce committee passed the "Common Sense Nutrition Disclosure Act" introduced by Reps. Cathy McMorris Rogers (R-WA) and Loretta Sanchez (D-CA) by a vote of 36-12. This bipartisan legislation modifies the Menu-Labeling language in Obamacare to permit retailers to identify a single primary menu while not having to include nutrition labeling in other areas of the store. Furthermore, the bill clarifies that advertisements and posters do not need to be labeled and provides flexibility in disclosing the caloric content for variable menu items that come in different flavors or varieties, and for combination meals. Lastly, the bill ensures that retailers acting in good faith are not penalized for inadvertent errors in complying with the rule and stipulates that individual store locations are not required to have an employee "certify" that the establishment has taken reasonable steps to comply with the requirements.

The bill now moves to the House floor for a full vote. This legislation is important because it gives retailers the flexibility they need to comply with the menu-labeling regulations. PMAA is pleased that the bill was passed in Committee and is optimistic that it will be passed on the House floor. Companion legislation (S. 2217) was introduced in the Senate by Senators Roy Blunt (R-MO) and Angus King (I-ME).

Click [here](http://www.congressweb.com/PMAA/6) (<http://www.congressweb.com/PMAA/6>) to write Congress in support of H.R. 2017 and S. 2217.

PMAA URGES CONGRESS TO OPPOSE THE BIODIESEL PRODUCER CREDIT

PMAA continues to work with the Advanced Biofuels Association (AFBA), NATSO, SIGMA and NACS to oppose moving the biodiesel blender credit to the producer level. Last week, PMAA joined these groups in a letter outlining our concerns with the production tax credit to Senate Finance Committee Chairman Orrin Hatch (R-UT) and Ranking Member Ron Wyden (D-OR). Click [here](http://www.pmaa.org/weeklyreview/attachments/Hatch%20Wyden112515.pdf) (<http://www.pmaa.org/weeklyreview/attachments/Hatch%20Wyden112515.pdf>) to read the letter.

Meanwhile, PMAA also sent a letter to the Senate Finance and the House Ways and Means Committees expressing concerns with how a biodiesel production tax credit would impact the future availability of BioHeat®. Specifically, the letter outlined PMAA's concerns that it will raise costs for many small biodiesel producers and distributors of biodiesel, as well as increase costs to users of biodiesel for use in home heating. It is possible that such changes could increase biodiesel purchase prices to homeowners by \$.24 per gallon, or \$200 per year. Click [here](http://www.pmaa.org/weeklyreview/attachments/Hatch%20Wyden%20Brady%20Levin112515.pdf) (<http://www.pmaa.org/weeklyreview/attachments/Hatch%20Wyden%20Brady%20Levin112515.pdf>) to view the letter and click [here](http://www.congressweb.com/PMAA/8) (<http://www.congressweb.com/PMAA/8>) to write your member of Congress to oppose the production tax credit.

FEDERATED'S RISK MANAGEMENT CORNER

Take a Stand Against Distracted Driving

Imagine yourself standing alongside a busy road, watching the cars go by. Now pretend you have super powers and can see everything going on in each car, and you see this: A driver looks down at his phone to check GPS directions. At the same time, traffic ahead slows. That driver's quick glance at his phone is enough of a distraction for him to not be prepared for the traffic slowdown. He rear-ends the vehicle in front of him resulting in two deaths and serious injuries to himself.

The driver wasn't talking on his cell phone. He wasn't texting. But he was distracted by an electronic device.

Please click [here](http://www.pmaa.org/weeklyreview/attachments/Risk%20Management%20Corner112515.pdf) (<http://www.pmaa.org/weeklyreview/attachments/Risk%20Management%20Corner112515.pdf>) to read this article in its entirety. For additional information or to discuss this in further detail, please contact your Federated regional representative or PMAA's National Account Executive Jerry Leemkuil at 800.533.0472.

2016 WPMAEXPO - LAS VEGAS, NEVADA



Mark your calendars for February 16-18, 2016. Make plans now to attend the 2016 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

February 16 – 18, 2016 - WPMA Convention & Expo – Mirage Hotel, Las Vegas, Nevada
May 19-20, 2016 – Nevada (NPM&CSA) Big Dogs Shootout – Red Rock Resort & Casino – Las Vegas, Nevada
June 7-9, 2016 – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Butte, Montana
June 20-23, 2016 - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, Washington
August 3 – 5, 2016 - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort - Coeur d'Alene, Idaho
August 22-24, 2016 – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, New Mexico
September 14-16, 2016 - Utah (UPMRA) Convention - DoubleTree Hotel by Hilton - Park City, Utah
June 18-22, 2017 – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington
June 17-21, 2018 – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

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Register Now: <https://associations.mynpp.com/myNPP/memberSavings.xhtml?guid=RB3WUOFG>

WPMA MEMBER SERVICES



Petro Pete: "Shot my first turkey today. Scared the crap out of everyone in the frozen food section."

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Classified Ads

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