

January 6, 2023

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PLEASE SUPPORT THE 2023 SCHOLARSHIP SILENT AUCTION!

In May 2023, the WPMA Scholarship Foundation will award \$32,000 in scholarships to graduating high school seniors. The Foundation receives a large portion of its funding from the annual Scholarship Silent Auction held at the WPMAEXPO in February. Please support the Scholarship Foundation by donating an item with a value of \$100 or more to the 2023 Scholarship Silent Auction.

Past Silent Auction donations have included tickets to sporting events, vacation packages, decorator items, electronics, sports equipment, logo clothing, jewelry, tools, and accessories. If you would like to donate an item, please fill out the Silent Auction Donation Form available under the Scholarship tab on the WPMA website

<https://www.wpma.com/pdf/scholarship/SA19Generic-DonationFrm0701w.pdf>

or e-mail Kathy Michaelis at kathym@wpma.com.

The value of items donated to the auction is tax-deductible.

The following information provided by:
EMA-Energy Marketers of America



CAPITOL HILL UPDATE

The start of the 118th Congress has yet to happen. On Tuesday, House members returned to DC to vote on the Speaker of the House and officially kickoff the new Congress. However, a group of 18-20 House Republicans have continued to vote against Congressman Kevin McCarthy (R-CA), stating a desire for more aggressive fiscal and oversight policies. The House convenes again at noon Friday to hold a twelfth vote for Speaker. Until a Speaker is elected, the House cannot officially convene and no new business can occur.

Once the 118th Congress officially begins, lawmakers must reintroduce legislation that did not advance during the 117th Congress. For example, the Credit Card Competition Act and the Consumer and Fuel Retailer Choice Act (E15 Waiver legislation) did not pass last Congress and must be reintroduced. The timeline for introduction of new legislation will be delayed as Committee rosters are not yet final. In the Senate, new legislation cannot be introduced before January 23 and a similar timeline may follow in the House.

House Republicans are eager to kick off the new Congress and begin Oversight and Investigation hearings regarding the Biden Administration and Hunter Biden. Further, House Republicans are expected to review the use of COVID funding and Infrastructure bill funding. Given the delay on Speaker elections, oversight hearings will likely not begin until February at the earliest.

REMINDER: EMPLOYERS MUST SWITCH TO ALL ELECTRONIC INQUIRIES FOR DRIVER PREEMPLOYMENT DRUG AND ALCOHOL VIOLATION INVESTIGATIONS BEGINNING JANUARY 6, 2023

The Federal Motor Carrier Safety Administration (FMCSA) requires prospective employers of CDL drivers to conduct background investigations before hiring a CDL driver. This process includes determining if the driver has violated U.S. Department of Transportation drug and alcohol regulations within the past three years. Currently, this inquiry requires prospective employers to conduct both **electronic queries** in the [FMCSA Clearinghouse](#) and **manual inquiries** with previous employers to satisfy federal preemployment driver drug and alcohol investigation requirements. Both manual and electronic inquiries are required because the Clearinghouse currently contains less than three years of electronic data on driver drug and alcohol history.

However, beginning **January 6, 2023**, the Clearinghouse will have accumulated three years of data on driver history. This means prospective employers must begin conducting **electronic pre-employment queries** of the Clearinghouse to comply with the FMCSA drug and alcohol violation investigation requirement. Manual preemployment inquiries will no longer satisfy FMCSA drug and alcohol inquiry requirements. Additional Information can be found in the [EMA Drug and Alcohol Clearinghouse Compliance Bulletin](#).

REMINDER: FEDERAL OIL SPILL LIABILITY TAX AND FEDERAL SUPERFUND TAX ARE PAID BY REFINERS

EMA has received numerous inquiries from marketers concerning the Federal Oil Spill Liability Tax (OSLT) and the Federal Superfund Tax (SFT). Many suppliers break out the two taxes on product transfer documents (PTDs) resulting in confusion on

how the taxes impact energy marketers below the terminal rack. The confusion is compounded when suppliers use different nomenclature for the OSLT and the SFT including: "Superfund tax or fee," "Oil Spill tax or fee," "environmental remediation tax or fee," "petroleum spill fee," etc.

Two Separate Taxes: The OSLT and SFT are two separate federal environmental taxes imposed on crude oil. The OSLT was enacted by Congress in response to the 1989 Exxon Valdez crude oil spill in Prince William Sound, Alaska. The \$0.09 per barrel tax on crude oil from the OSLT funds the Oil Spill Liability Trust Fund which pays for the removal costs and damages from oil spills, or substantial threats of oil spills into the navigable waters of the United States. The SFT was created by Congress in 1980 in response to the discovery of a leaking hazardous waste dump under the Love Canal, a residential neighborhood in Niagara Falls, NY. The SFT was recently reinstated by Congress effective January 1, 2023. The \$0.164 per barrel tax on crude oil collected under the SFT funds the Hazardous Substance Response Trust Fund which pays for clean-up of abandoned hazardous waste sites. Many of these sites contain petroleum contamination that was intentionally dumped rather than accidentally released.

Only Refiners and Crude Oil Importers are Liable for the OSLT and SFT: Both the OSLT and the SFT are levied on crude oil. Therefore, only refiners and crude importers are liable to pay the tax. Some terminal operators, particularly those with refinery facilities, break out the tax on PTDs passed down below the terminal rack. The line-item breakout generally identifies the added cost per gallon of the tax for each product, minus the volume percent of any non-crude feedstocks blended with the fuels including ethanol and biodiesel. Some terminals do not break out the OSLT and the SFT separately but instead, pass it down as a cost included in the wholesale rack price of fuels derived from crude oil. Neither energy marketers or their customers are liable for the taxes. There is no federal provision requiring downstream energy marketers to include the line-item breakouts of either tax on PTDs, invoices, supply agreements, or contract bids passed on to their customers. Tax exempt customers may question the payment of a "tax" when receiving documents, including contract bids and invoices that break out the OSLT and SFT as separate line items. All liability for both the OSLT and SFT tax ends once it is paid by refiners or crude oil importers.

2023 FEDERAL MOTOR FUEL EXCISE TAX RATES AND CREDITS

[Click here to read the full Compliance Bulletin.](#)

DOL PROVIDES UPDATED LIST OF STATE MINIMUM WAGE INCREASES EFFECTIVE DURING 2023

According to the U.S. Department of Labor (DOL), 23 states have raised the minimum wage as of January 1, 2023. Four more states, plus the District of Columbia and Puerto Rico, will raise their state minimum wage at a later date in 2023. The DOL is providing an interactive map which identifies: states with a higher minimum wage than the federal rate; states with the same minimum wage as the federal rate; states with lower minimum wage (federal rate applies); states with no minimum wage (federal rate applies); and states with a special minimum wage. The DOL also identifies the minimum wage rate of each state, effective date of 2023 increase if later than January 1, and hourly over time rates for each state. [DOL List of 2023 State Minimum Wage Rates.](#)

IRS ISSUES STANDARD MILEAGE RATES FOR 2023

The Internal Revenue Service (IRS) issued the 2023 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning on January 1, 2023, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 65.5 cents per mile driven for business use, up three cents from the midyear increase setting the rate for the second half of 2022.
- 22 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces, consistent with the increased midyear rate set for the second half of 2022.
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2022.

These rates apply to electric and hybrid-electric automobiles, as well as gasoline and diesel-powered vehicles. [Notice 2023-03](#) contains the optional 2023 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2023 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.

WEEKEND READS

[Merchants Welcome FTC Order That Mastercard Can't Block Routing Competition for Ecommerce Debit Transactions](#)

[Biden's Back Door Tesla Subsidy | WSJ \(Subscription Required\)](#)

[More U.S. consumers want EVs but prices are a concern - Deloitte survey | Reuters](#)

[Joe Biden's Happy New Year In Federal Regulation | Forbes](#)

[Keystone XL Pipeline Back in Service](#)

[Energy cases to watch in 2023 | E&E News](#) (Subscription Required)

[Meet the renewable energy source poised for growth with the help of the oil industry | Politico](#)

[Electric vehicles and hybrids surpass 10% of U.S. light-duty vehicle sales | USEIA](#)

[Electric Vehicles Are Bringing Out the Worst in Us | The Atlantic](#) (Subscription required)

[Tesla deliveries miss estimates due to logistical issues, slowing demand | Reuters](#)

[Treasury omits leased EVs from made-in-America mandate | E&E News](#)

[Why the U.S. is enlisting a spy agency during hurricanes | The Washington Post](#)



COMPLIMENTARY WEBINAR

OSHA Top 10 Violations — Is Your Business Prepared?

Tuesday, January 17, 2023 (1:00 PM CST)

60 minutes | Complimentary | Advance registration required

Each year, OSHA releases a list of the Top 10 workplace safety violations. This webinar will provide an overview of the top 10 violations that OSHA plans to focus on in 2023. In addition, we will focus on risk management policies, procedures, and training resources that you can implement to help reduce employee accidents and injuries.

WHO SHOULD ATTEND

- Operations Managers
- Owners/Operators
- Risk Managers
- HR Professionals



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[Register Now](#) to attend the 2023 WPMAEXPO
Held at The Mirage in Las Vegas, Nevada.

PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

February 21-23, 2023 - WPMA Convention & EXPO - Mirage Hotel- Las Vegas, NV

April 27-28, 2023 – Nevada Big Dogs – Red Rock Hotel/Sienna Golf Course – Las Vegas, NV

June 6-7, 2023 – MPMCSA Montana Convention – Fairmont Hot Springs – Fairmont, MT

June 19-21, 2023 – WIED Washington Convention – Suncadia Lodge, Cle Elum, WA

July 16-18, 2023 – OFA Oregon Conference – Sunriver Resort – Sunriver, OR

August 2-4, 2023 – IPM&CSA Idaho Convention – Sun Valley Resort – Sun Valley, ID

		
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SCHOLARSHIP APPLICANTS NEEDED!!!

The time is fast approaching when the 2023 WPMA scholarship recipients will be selected. **MARCH 1, 2023 IS THE CUT-OFF DATE** for applications to be **submitted online at wpma.com/scholarship**. Usually, there are less than 10 applicants for each WPMA state scholarship and the associate member scholarship, which makes the chances of receiving a scholarship very good. Applicants must be graduating high school seniors, and the son or daughter of a full-time employee of a WPMA member or associate member company. High School seniors who are currently working part-time for a WPMA member company, and have been employed for at least 90 days, may also apply for the scholarship.

The WPMA Scholarship Application and applicant qualification requirements are available on the Scholarship Foundation home page, www.wpma.com/scholarship.

The WPMA scholarships pay \$500 per semester for up to eight semesters, for a maximum award of \$4,000. **Employers, please remind your full-time employees or part-time senior student employees about the WPMA Scholarship, and give our students a chance for some extra financial help with college or vocational training!**

Petro Pete: The problem isn't that obesity runs in your family. It's that no one runs in your family.

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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: kimw@wpma.com Thanks.

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