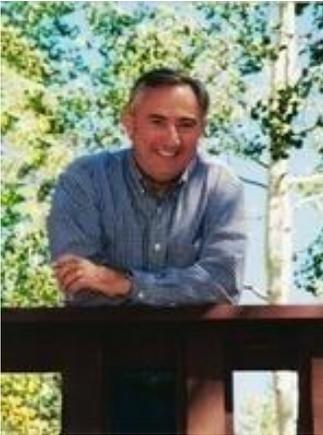


January 21, 2022

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WP-01-21-22



PASSING OF JERALD WAGSTAFF, UTAH

WPMA is saddened to announce the passing of Jerald Lynn Wagstaff, a UPMRA and WPMA member for over 50 years. Jerry was born in Salt Lake City on March 23, 1942. He grew up in Sugarhouse and graduated from Highland High School. Following high school, he served as a representative of Jesus Christ in the Scotland Edinburgh mission. Upon his return, Jerry married his sweetheart of 58 years, Laura Floy Seeley. Together they created a family. Work, service to his church and community, and devotion to his family were the hallmark of Jerry's life.

Jerry and Floy made their first home in Granger, Utah, where Jerry established Holiday Oil. He worked many years to grow Holiday Oil into a fixture of the community. Jerry was a founding father of West Valley City and served as a commissioner in the early years of the city. His lifelong church service included a multitude of callings with a special love for working with the youth.

Jerry is survived by his wife Floy, six children, 23 grandchildren and 3 great grandchildren. Funeral services for Jerry were held on Monday January 17, 2022 in Murray, Utah.

CONGRESSIONAL UPDATE

Lawmakers departed Washington today with a recess scheduled for next week and Democrats reeling from a lack of progress on voting rights and filibuster reform.

As for the latest on the stalled Build Back Better (BBB) Act – Democrats' \$1.75 trillion climate change, tax, health care, and education package – President Biden said that Congress “can break the package up, get as much as we can now and come back and fight for the rest later.” President Biden pointed to the climate and clean energy provisions in particular as a starting point. In the past, Sen. Joe Manchin (D-WV) has shown an openness to engage on climate provisions, which generally include expanded clean energy tax credits for wind, solar, nuclear, hydropower, and carbon capture. That said, Sen. Manchin has set a very high bar for passing even pieces of the BBB, noting that he wants to see inflation, COVID, and the national debt dealt with first, adding that any future negotiations on BBB-lite will be “starting from scratch.” After recess, much of February will focus on Senate Democratic leadership trying to find compromise with Sens. Manchin and Kyrsten Sinema (D-AZ) and working to pass some version of a climate/social safety net bill before the President's March 1 State of the Union address. Keep in mind, however, that March 1 is more of an aspirational goal rather than an actual deadline (i.e., there is no government shutdown-type situation that would force action by March 1).

Democrats remain divided over a myriad of tax issues, including the child tax credit, the State and Local Tax (SALT) deduction, and – importantly – how to pay for any climate-focused package. The climate provisions in the House-passed BBB cost approximately \$550 billion. Democrats will likely continue to seek a deficit-neutral bill, which necessitates offsets. As such, though Sen. Manchin has said negotiations would be starting from scratch, the current pay-fors in the House-passed BBB comprise the most likely pay-fors in a revised bill, but no decisions have been made.

From a political standpoint, the White House and Democratic Congressional leaders will continue searching for compromise with razor-thin majorities and pushing for a legislative win ahead of the State of the Union and looming November midterms. Bottom line: Even a slimmed down version of BBB faces an uphill climb.

FMCSA'S NEW ALTERNATIVE VISION STANDARD REPLACES CURRENT CDL DRIVER VISION EXEMPTION PROGRAM

The FMCSA issued a final rule that allows certain CDL drivers with otherwise disqualifying visual acuity and field of vision conditions the chance to maintain their CDL medical qualification under a new alternative vision standard. Currently, drivers with visual acuity and field of vision deficiencies are prohibited from driving CMVs in interstate commerce unless they obtain an **exemption** from FMCSA.

The new rule is good news for energy marketers because it provides drivers with vision deficiencies additional avenues to obtain a medical certificate required for operating a commercial motor vehicle. The new alternative vision standard

replaces the current vision exemption program as the basis for determining the physical qualification of these drivers. The new standard requires drivers with disqualifying vision conditions to obtain a Vision Evaluation Report (Form MCSA-5871) from a specialist, such as an ophthalmologist or optometrist, in addition to undergoing the current physical qualification exam conducted by a DOT certified medical examiner (ME). The ophthalmologist or optometrist records the findings of the vision evaluation and provides specific medical opinions on the new Vision Evaluation Report. The ME is not required to follow the vision specialist's recommendation as to the individual's visual qualifications but only take it under consideration.

Individuals physically qualified for the first time under the alternative vision standard must satisfactorily complete a road test before operating in interstate commerce. The employing motor carrier conducts the road test in accordance with road test standards already required under [49 CFR § 391.31](#). CDL drivers are exempted from the road test requirement if they have 3 years of **intrastate** or specific excepted **interstate** CMV driving experience with the vision deficiency, hold a valid Federal vision exemption, or are medically certified under the previously administered vision waiver study program in [49 CFR § 391.64\(b\)](#). Exemption holders have 1 year after the effective date of the final rule to comply with the alternative vision standard, at which time all exemptions issued under [49 U.S.C. 31315\(b\)](#) become void. Medical certificates issued to drivers using the alternative vision standards are valid for up to 12 months. The FMCSA has not yet released Form MCSA-5871 but will do so soon. The FMCSA rule only applies to interstate drivers. However, many states adopt the FMCSA regulations for intrastate drivers.

ANNUAL EPCRA TIER II REPORTS DUE MARCH 1

The Emergency Preparedness and Community Right to Know Act (EPCRA) of 1986 was created to help communities plan for chemical emergencies. EPCRA requires facilities to report each year on the storage, use and release of hazardous chemicals (including petroleum products) during the previous calendar year. Typically, Tier II reports are filed with the state or local Fire Marshall (see state compliance section below). The information on the EPCRA Tier II report is used by state and local governments for emergency response to risks associated with stored hazardous chemicals.

Facilities that store over 10,000 pounds of hazardous chemicals (petroleum products) onsite at any point during the previous calendar year must file an EPCRA Tier II. The 10,000 pounds compliance trigger is calculated by combining the volume of all petroleum on site in every storage container including above ground and underground bulk storage tanks, portable skid tanks, and heating fuel or propane tanks used to heat facility buildings (see gallon to pound conversion chart below).

Retail gasoline facilities with 75,000 gallons or less of gasoline storage capacity and 100,000 gallons or less of diesel fuel storage capacity **are exempt** from EPCRA reporting requirements. Card lock fueling facilities are also subject to the retail fueling facilities exemption, with the same storage capacity limits above.

Tier II reports for 2021 must be filed with state emergency response authorities by March 1, 2022.

SWIPE FEES STILL ON SCHEDULE TO RISE IN APRIL **MPC Urges Congress to Address Increasing Swipe Fees**

On January 13, 2022 Visa and Mastercard reminded retailers that the plan that was originally set for 2020 but delayed because of the pandemic, will take place this April – an increase of 0.5 percent in retailer fees. Bloomberg estimates that when Visa and Mastercard increase their fees by 0.5 percent, expect the merchant fees you pay processors and point of sale systems to impact profits by 15-25 percent.

Meanwhile, the Merchants Payment Coalition (MPC) sent a [letter](#) to Members of the Senate Banking and House Finance Committees. The letter was spurred by the moves by Amazon to stop accepting Visa in the U.K. due to high fees. Amazon has since stopped the freeze of Visa while in negotiation with the company. Members of the coalition wanted to bring Amazon's efforts to the attention of the committees and to also remind Members that the problem is far worse here in the United States. Specifically, "As bad as the situation is in the United Kingdom, the pain for merchants is far worse in the United States, which has the highest swipe fees in the industrialized world. Visa's rates here are four times what they are in the UK, and the total amount collected is more than 100 times as much. We believe U.S. authorities should look closely at what Amazon has done in the UK and need to be aware that many retailers here feel the same. It's time to bring about competition that will require the U.S. card industry to play under the same rules as any other business."

ORDER YOUR FREE COVID TESTS

Remember to order your household's 4 free COVID tests by going to:

[COVIDtests.gov - Free at-home COVID-19 tests](#)

Tests will start shipping the week of January 24. To place an order, all you need is your name and residential address. No ID, credit card, or health insurance information is required. You may also share your email address to get updates on your order. For those who have difficulty accessing the internet or need additional support placing an order, you can call 1-800-232-0233 (TTY 1-888-720-7489). The tests can be taken anywhere, and they give results within 30 minutes (no lab drop-

off required). The site also entails information about insurance reimbursement for up to 8 tests a month for each person on your insurance plan.

BILL INTRODUCED TO ELECTRIFY LIHEAP FUNDING

This week, Senator Ed Markey (D-MA) and Rep. Jammal Bowman (D-NY) introduced the “Heating and Cooling Relief Act,” which would increase LIHEAP funding to \$40 billion per year through 2031 and expand eligibility from 150 percent of the poverty level to 250 percent. Unfortunately, the bill would allow states to use approximately one-third of LIHEAP funds to incentivize replacement of home heating fuel systems to electric heat pumps that run on coal and natural gas. The bill would also require utilities and fuel dealers to turn over lists of all customers who have outstanding payment to state energy assistance coordinators.

The “Heating and Cooling Relief Act” is more of a messaging bill and has little chance of becoming law.

EXXONMOBIL PLEDGES TO MEET NET-ZERO CARBON EMISSIONS BY 2050

On Tuesday, ExxonMobil announced its “ambition” to achieve net zero greenhouse gas emissions for operated assets by 2050, backed by a comprehensive approach to develop detailed emission-reduction roadmaps for major facilities and assets. [Click here](#) to read the Reuters article.

FEDERATED INSURANCE: IT'S YOUR LIFE

Year-end Tax Planning

Now that we have lived under the Tax Cuts and Jobs Act (TCJA) for several years, let's look at what we've learned about how to take full advantage of its provisions. Please read the article [here](#) for some moves to consider.

With all the other things on your plate as a business owner, individual tax planning can be overlooked. There is still time to do some year-end planning that can have a significant impact on the taxes you pay this year and in the future. When considering any of the strategies above, you should consult with your tax specialist. They know your situation best and may have a better read on what the future of taxation holds.

Please always feel free to contact your Federated regional representative or EMA's National Account Executive Jon Medo at 800.533.0472 for any additional information or risk management questions. Federated is a Partner in EMA's Board of Directors Council.

SOUND PAYMENTS ANNOUNCES NEW PROMOTION TO HELP STATIONS EASILY UPGRADE FOR EMV

Sound Payments announced a new promotion last week to help encourage independent stations to upgrade their pumps to accept EMV/chip cards and prevent fraudulent activity. The promotion also works in conjunction with station marketers, servicers and resellers and provides 50 percent off installation costs.

Sound Easy Pump™ is a semi-integrated secure solution that can easily and cost-effectively enable EMV at the pump in a couple of hours or less. It supports contactless via card tap or NFC, QR code scanning, PIN-on-glass, remote key injection, MSR, and EMV chip and PIN. Sound Payments solution is one third of the cost of comparable options in the market and also does not have requirements such as replacing an in-store POS system or merchant processing partner.

[Register now](#) to attend the 2022 WPMAEXPO.
It will be held once again at the Mirage in Las Vegas, Nevada.

THANK YOU *WPMA* EXPO 2022 TOP SPONSORS

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MARK YOUR CALENDARS FOR UPCOMING EVENTS

February 22-24, 2022 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

April 25, 2022 – Hawaii (HPMA) Golf Tournament – Ko Olina Golf Club – Kapolei, HI

May 5-6, 2022 – Nevada (NPM&CSA) Big Dogs – Las Vegas, NV

June 7-8, 2022 – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Fairmont, MT

June 20-22, 2022 – Washington (WIED) Convention – Suncadia Resort – Cle Elum, WA

June 23, 2022 - Utah (UPMRA) Summer Golf Classic - Stonebridge GC - West Valley City, UT

July 17-19, 2022 – Oregon (OFA) Annual Convention – Sunriver Resort – Sunriver, OR

August 3-5, 2022 – Idaho (IPM&CSA) Convention – Coeur d’Alene Resort – Coeur d’Alene, ID

August 22-24, 2022 – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, NM

September 14-16, 2022 – Utah (UPMRA) Convention – Sheraton Park City Hotel – Park City, UT

Be sure to subscribe to all of our social channels for great tips, industry trends, and insider information about association activities and upcoming events!



Petro Pete: "Knowledge is knowing a tomato is a fruit; Wisdom is not putting it in a fruit salad."

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