

January 13, 2023

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WP-01-13-23



### FRED JONES OF WESTECH PASSED

1952 ~ 2023

Fred W. Jones was born September 26, 1952 in Murray, Utah and passed away on January 4, 2023 doing what he loved.

Fred was a member of the Petroleum Equipment Institute, where he served on many boards and committees over the last 50 years. Fred was an icon in the Petroleum Equipment industry and well recognized by his peers.

[Click here for full Obituary](#)

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## NEWS FROM WASHINGTON INDEPENDENT ENERGY MARKETERS



**WASHINGTON INDEPENDENT ENERGY DISTRIBUTORS**

### McMorris Rodgers Leads Passage of H.R. 22 to Prevent the Sale of SPR Oil to China-Washington, D.C.

Eastern Washington Congresswoman Cathy McMorris Rodgers (WA-05) released the following statement after the House of Representatives passed her legislation, the *Protecting America's Strategic Petroleum Reserve from China Act (H.R. 22)*:

"To cover up his failed policies driving our energy and inflation crisis, President Biden is draining our nation's Strategic Petroleum Reserves at an alarming rate. America's SPR – once the world's largest stockpile – have been depleted to the lowest levels since 1983. To date, President Biden has released more from the SPR than all U.S. presidents in history combined. Millions of barrels of that oil have gone to China, which now has the world's largest government-controlled stockpile of oil. Draining our strategic reserves for political purposes and selling it to China is a significant threat to our national and energy security. This must be stopped, which is why I'm proud to join my Republican colleagues in passing H.R. 22, one of the most bipartisan votes on an energy bill in many years and multiple congresses. There's more to come. This is just the beginning."

**NOTE:** H.R. 22 passed with bipartisan support by a final vote of 331-97. Cathy spoke in support of the legislation on the House Floor prior to its passage. Click [here](#) to watch her remarks.

[CLICK HERE](#) to read the bill.

### 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](mailto:kathym@wpma.com).

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

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



### **CAPITOL HILL UPDATE**

After an eventful first week of the 118th Congress, House Republicans elected Kevin McCarthy (R-CA) as the next Speaker of the House. As part of the negotiations, Speaker McCarthy agreed to certain concessions to secure the votes of more conservative members – including an agreement to place more of the conservative block on key committees. This week, House Republicans announced new additions to committees of importance to EMA's priorities. Rep. Cathy McMorris Rogers (R-WA) will chair the Energy & Commerce Committee and new members include Reps. Randy Weber (R-TX), Rick Allen (R-GA), Troy Balderson (R-OH), Russ Fulcher (R-IN), August Pfluger (R-TX), Diana Harshbarger (R-TN), Mariannette Miller-Meeks (R-IA), Kat Cammack (R-FL), and Jay Obernolte (R-CA). The E&C Committee has primary jurisdiction over several important issues such as the RFS, bulk plants, NORA reauthorization, and more.

New members on the House Transportation & Infrastructure Committee have yet to be announced, though Congressman Sam Graves (R-MO) will chair the Committee. Congressman Jason Smith (R-MO) will chair the Ways & Means Committee, which has jurisdiction over tax policy reform. Congressman Patrick McHenry (R-NC) will chair the Financial Services Committee, which will oversee fiscal policy changes such as credit card swipe fee reform.

The House wasted little time advancing priority legislation. On Thursday, the House passed bipartisan legislation that would bar sales of crude oil from the Strategic Petroleum Reserve to entities affiliated with the Chinese government. 113 Democrats joined 218 Republicans to overwhelmingly pass the measure. Congress must continue to act quickly to address several needed reforms and critical legislation. For example, the 2022 year-end omnibus bill failed to address several expiring tax provisions. Notably among these is the deduction for research and development (R&D) investment. Under the Tax Cuts and Jobs Act (TCJA), the ability of business to immediately deduct R&D cost expired on December 31, 2021. Until the deduction is extended or made permanent, companies must amortize the costs of these investments over five years. Many are hopeful that a deal can be made to extend the R&D deduction in exchange for an extension of the expanded child tax credit.

On January 10, AFPM Senior Director of Fuels and Vehicle Policy, Patrick Kelly, testified during the Environmental Protection Agency's (EPA's) public hearing on the proposed Renewable Fuel Standard (RFS) "Set" Rule covering years 2023-2025. Mr. Kelly argued that the EPA's proposed Rule is contrary to Congressional direction that EPA focus the RFS on second generation, lower carbon biofuels after 2022. He emphasized that EPA's proposal would stifle advanced biofuels, promote first generation biofuels beyond the market's ability to absorb them and shift overall RFS growth away from liquid biofuels and into the power electricity sector. In summarizing AFPM's recommendations, Mr. Kelly stated, (1) the RFS implied conventional biofuel mandate should be based on a realistic projection of market consumption & below 15 billion gallons. (2) The total advanced biofuel volume should be based on a reasonable projection of annual consumption, which EPA has undercounted. (3) The focus of RFS should remain on liquid biofuels and not create a new program called "eRINS" will discourage investment in the biofuel sector & inappropriately charge refiners and American drivers with the cost of reducing power sector emissions. Making automakers RIN generators is a clear attempt to siphon capital away from liquid biofuels to electric vehicles.

EMA shares similar concerns and plans to submit written comments and meet with the EPA before the comment period closes next month.

### **EMA COMPLIANCE BULLETIN: RANDOM DRUG AND ALCOHOL TESTING RATES FOR 2023**

The Federal Motor Carrier Safety Administration (FMCSA) has released the annual minimum employee random drug and alcohol testing rates for 2023. The test rates are the minimum percentage of employees subject to U.S. DOT drug and alcohol requirements who must undergo a random test during the 2023 calendar year. The number of random drug tests conducted by employers for 2023 must equal at least 50% of applicable employees. This is the same rate for random testing as 2022. The random alcohol test rate for 2023 is set at 10, also unchanged from 2022.

[CLICK HERE](#) to read the full report.

### **NCWM ANNUAL MEETING UPDATE**

The National Conference of Weights and Measures ((NCWM) interim meeting in Savannah, Georgia discussed issues related to hydrogen fueling, biodiesel and renewal diesel definitions and labeling, and gasoline product transfer documentation. For hydrogen fueling, a proposal is being considered that would require gaseous hydrogen dispensers have a 5-micron or smaller nominal pore-sized filter to protect the vehicle from particulate contamination and a filter to protect the vehicle from liquid contamination. In addition, the NCWM is considering adding ISO 14687 "Hydrogen fuel quality — Product specification as an alternative to the SAE J2719, "Hydrogen Fuel Quality for Fuel Cell Vehicles." The hydrogen fueling industry uses both standards.

A proposal is also being considered to revise the definition of a biodiesel blend as a blend that contains greater than 20 percent by volume biodiesel. This will affect the application of the EPA and FTC dispenser labeling requirements. It deletes the exemption from the labeling requirements for fuels containing 5 percent or less biodiesel but adds a requirement for diesel fuel containing more than 5 percent biodiesel or more than 5 percent renewable diesel to meet both EPA and FTC requirements. Other proposed changes include adding to the definition of fuel oil that fuel oil may be refined from petroleum or biomass and may contain biodiesel and fuel additives, adding a definition for renewable diesel as a middle distillate hydrocarbon produced from biomass suitable for use as a fuel in diesel engine, and adding diesel fuel containing 6 percent or more renewable diesel fuel to the diesel fuel automotive fuel rating labeling requirements. Edits are also being considered to the requirements for product transfer documentation to align with the revised text updating EPA regulation citations approved at the 2022 annual meeting.

### **IRS REDUCES CLAIM BACKLOG BY TWO THIRDS: RECOMMENDS ELECTRONIC FILLING TO AVOID FUTURE DELAYS**

According to the Internal Revenue Service (IRS) National Taxpayer Advocate, the massive backlog of unprocessed tax returns has been reduced by two thirds over the past year. This is good news for the marketers who waited up to a year or more for their IRS 8849 refund claims and biodiesel blenders credit payments worth tens of millions of dollars. The IRS started the 2022 tax season with a backlog of 11.5 million individual and business returns from previous years. The processing backlog has been reduced to four million returns by the end of 2022, all of which are paper returns. The backlog grew due to pandemic workplace restrictions, dozens of new tax credits passed by Congress to offset COVID related losses by small businesses and outdated technology that requires all paper claims to be processed manually.

The IRS must pay interest on unprocessed paper returns after 45 days of receipt. Returns filed electronically did not suffer a significant delay during 2022, according to the IRS and were processed within the 20-day window after which the IRS must pay interest. Marketers are strongly urged to eliminate the use of paper returns in favor of filing claims electronically to avoid processing delays.

### **EMA SUPPORTS HOUSE PASSAGE OF THE FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION ACT**

On Monday, the House passed H.R. 23, the "Family and Small Business Taxpayer Protection Act," Rep. Michelle Steel (R-CA) and Rep. Adrian Smith's (R-NE) bill to prevent the Internal Revenue Service (IRS) from using its massive, \$80 billion infusion of taxpayer dollars to squeeze more revenue out of American taxpayers.

The "Family and Small Business Taxpayer Protection Act" would rescind the funding for the Biden Administration's plan to hire 87,000 new IRS agents and block efforts to drastically increase audits on middle class families, while preserving funding for customer service and IT modernization.

See the following [letter](#) that EMA sent as part of a coalition in support of the bill.

### **WEEKEND READS**

[Climate Startup Removes Carbon From Open Air in Industry First](#)

[Transportation electrification and EVs: Who pays for grid upgrades?](#)

[Mercedes-Benz Plans to Install Its Own Network of EV Chargers | WSJ](#) (Subscription Required)

[U.S. EPA tightens soot standards for first time in decade | Reuters](#)

[Republican chaos threatens congressional to-do list | E&E News](#)

[What's It All About, Alky?, Part 2 - Could a Proposed EPA Rule Spur More Refinery Closures? | RBN Energy](#)

[Could 2023 be a turning point for U.S. offshore oil? | E&E News](#)

[New York City Wants More EVs but Needs to Find Space for Chargers | WSJ](#) (Subscription Required)

[California to limit power company ownership of EV charging stations](#) (pdf document)

### **FEDERATED INSURANCE EMPLOYMENT PRACTICES NETWORK HR QUESTION OF THE MONTH**

Federated Insurance's HR Question of the Month focuses on employment-related practices liability issues. This month's question is: Holiday Parties? We are planning to host a holiday party for our employees. Are there any general considerations we should be aware of, particularly if we serve alcohol? Please click [here](#) to read the response.

For additional information or to discuss this in further detail, please 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.

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**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



**THANK YOU WPMA EXPO 2023 TOP SPONSORS**

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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

<p>Application Due March 1st <b>2023</b> HAPPY NEW YEAR!</p>	<p><b>\$4,000</b> <b>SCHOLARSHIP</b> <b>OPPORTUNITY!</b> WPMA SCHOLARSHIP FOUNDATION</p>	<p><b>CLICK HERE</b> for <b>WPMA</b> <b>SCHOLARSHIP</b> Information and to <b>Apply Online!</b></p>
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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](http://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](http://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!**

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***Petro Pete:*** The easiest time to add insult to injury is when you're signing someone's cast.

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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](mailto:kimw@wpma.com) Thanks.

## **CLASSIFIED ADS**

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