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2021 WPMAEXPO CANCELLED

WPMA regrets to inform you that the 2021 WPMAEXPO has been cancelled. This decision was not an easy one. Due to the latest mandated restrictions in Nevada limiting gatherings as well as concern for the safety of our participants, we are unable to go forward with the convention. We know this is very disappointing for our attendees, exhibitors, sponsors and industry partners.

No other interaction is as effective as face-to-face meetings to create relationships, share ideas, build loyalty, and communicate. Due to the limitations created by virtual interactions we have chosen to focus on bringing you an exceptional face-to-face show in 2022, and not hold the event virtually.

We will be reaching out to those participants already registered for the event to begin the refund process. If you booked your room through the WPMA room block at The Mirage, your room will automatically be cancelled and refunded.

Thank you for your patience and continued participation with WPMA. You are what makes us successful.

NEWS ABOUT THE WPMA SCHOLARSHIP PROGRAM!

In 2021, WPMA welcomes the Oregon Fuels Association as it joins the state associations of Hawaii, Idaho, Montana, Nevada, New Mexico, Utah and Washington to participate in the WPMA scholarship program. Annually in May, one scholarship with a benefit up to \$4,000 is awarded in each state to a child of a WPMA marketer member company employee. One scholarship is also available to children of Associate members.

An applicant for the WPMA scholarship must be a graduating high school senior, and the child of a full-time, permanent employee of a WPMA marketer member company, whose primary residence is located within the WPMA state where the membership resides. A graduating high school senior who is the son or daughter of an associate member or of a full-time, permanent employee may apply for the Associate-at-Large scholarship. High school seniors who currently work part-time for a WPMA member company may also apply for the WPMA Scholarship if they have worked for the company for at least three months.

A fillable copy of the WPMA Scholarship Application is available online at

<https://www.wpma.com/pdf/scholarship/Scholarship-Application-eForm06-2020.pdf>

Applications may be mailed or emailed to WPMA Scholarship Coordinator Kathy Michaelis at the WPMA office.

Applications must be emailed or postmarked on or before March 1, 2021. In recent years, WPMA has received less than 50 applications for the eight available scholarships. Occasionally, no applications have been submitted from a WPMA state, so no scholarship was awarded. **PLEASE** encourage your employees to have their children apply for the WPMA Scholarship!!

REVISED OSHA INJURY AND ILLNESS COMPLIANCE BULLETIN

The OSHA Injury and Illness Compliance Bulletin in last week's EMA Weekly Review has been revised to include updated requirements for COVID-19 recording. According to OSHA, COVID-19 can be a recordable illness for employers who must comply with Injury and Illness reporting if an employee is infected as a result of performing their work-related duties. Recording a COVID-19 illness does not, of itself, mean that the employer has violated any OSHA standard. Employers are only responsible for recording cases of COVID-19 if all of the following are true:

- The case is a confirmed case of COVID-19,
- The case is work-related, and
- The case involves one or more of the general recording criteria set forth in recordable injury and illness (e.g., medical treatment beyond first aid, days away from work, etc).

The revised Compliance Bulletin also reflects OSHA changes to NAICS industry categories that now exempt gasoline stations with convenience stores from OSHA Injury and Illness reporting. Prior to the change, most gasoline stations with convenience stores were already exempt from Injury and Illness requirements under the "primary activity" measurement. Now, all gasoline stations with convenience stores are exempt because they are classified under the general Gasoline Station NAICS category.

The updated Compliance Bulletin can be downloaded [here](#).

NEW EPA PROPOSED RULE DESIGNED TO MAKE E15 EASIER TO USE WITH EXISTING UST EQUIPMENT

The U.S. EPA is set to publish a proposed rule designed to make it easier to sell E15 from E10 certified equipment. The two prong rule addresses dispenser labeling and underground storage tank system compatibility. The first part of the rule seeks public comment on whether to modify, or eliminate altogether, the E15 dispenser warning label. The label warning label is required by the E15 misfueling mitigation rule. The label is designed to warn consumers against dispensing E15 into the fuel tanks of cars manufactured before 2001, boats and other gasoline powered equipment to prevent damage. The E15 warning label also helps protect gasoline retailers from liability for equipment damage due to consumer misfuelling. The second part of the proposed rule is designed to make it easier for UST system owners to demonstrate E15 compatibility for existing equipment. The EPA is proposing to change compatibility requirements so that existing double walled USTs and piping with interstitial monitoring qualify as E15 compatible. However, all other equipment in the UST system must still meet existing compatibility requirements including manufacturer and/or UL E15 certification. Moreover, the proposed rule would require all new UST system installations and or replacement parts be certified to 100 percent ethanol content.

The EMA Motor Fuels Committee and UST Task Force will convene to discuss the proposed rule and formulate a response.

FREE FMCSA DRUG AND ALCOHOL CLEARINGHOUSE HOW-TO WEBINAR AND PRESENTATION SLIDES NOW AVAILABLE

In December 2020, the Federal Motor Carrier Safety Administration (FMCSA) hosted a series of live informational webinars on how to use the agency's new online Drug and Alcohol Clearinghouse. The Clearinghouse is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about commercial CDL drivers' license and commercial learner's permit (CLP) holders' drug and alcohol program records. Energy marketers must use the Clearinghouse to perform CDL driver annual drug and alcohol record checks and to record driver drug and alcohol test results, test refusals, violations, return to duty and follow-up testing. The EMA Drug and Alcohol Clearinghouse Compliance Bulletin can be downloaded [here](#).

There are separate FMCSA webinars for employers and CDL drivers. The webinars provide detailed instruction on: Clearinghouse registration, using limited and full queries for record searches, uploading drug and alcohol violations and return to duty information, obtaining driver consent, purchasing query credits and common user issues and how to address them.

The webinars are valuable tools to help marketers to integrate mandatory Clearinghouse requirements into existing drug and alcohol programs.

The FMCSA webinar and presentation slides are now available for downloading:

- **Clearinghouse Webinar for Employers**
[Watch webinar recording](#) (Adobe Connect Download required)
[Download presentation slides](#)
- **Clearinghouse Webinar for Drivers**
[Watch webinar recording](#) (Adobe Connect Download required)
[Download presentation slides](#)

For more information: Contact Mark S. Morgan, EMA Regulatory Counsel at mmorgan@emamerica.org.

PRESIDENT-ELECT BIDEN ANNOUNCES \$1.9 TRILLION "AMERICA RESCUE PLAN"

On January 14, President-elect Biden announced a "\$1.9 trillion" American Rescue Plan" to combat COVID-19 and help American recover. President-elect Biden's ambitious plan would send \$1,400 stimulus checks to Americans; increase the federal minimum wage to \$15/hour; and leverage \$35 billion in government funds into an additional \$175 billion in low-interest loans to entrepreneurs, particularly those in the clean energy sector. The plan also includes \$5 billion to cover home energy and water costs and provides a competitive set-aside of funding for states that invest in clean energy and energy efficiency projects in an effort to reduce electricity costs for families in disadvantaged communities. The proposal is already facing pushback from Republicans and liberal Democrats. COVID-19 relief will be President-elect Biden's top priority when he assumes office on January 20th and this plan will test the strength of a slim Democrat majority in the House and Senate.

Congress is largely out of session through Inauguration, however, Senate Democrats are discussing combining a COVID-

relief package with an infrastructure package that, theoretically, could pass without Republican votes through budget reconciliation (50 vote threshold in the Senate so long as the legislation relates to spending). Incoming Budget Committee Chairman Sen. Bernie Sanders (I-VT) is said to be considering whether to use this tool to include President-elect Biden's \$2 trillion clean energy and infrastructure plan.

However, such plans to pass legislation without Republican support may not be possible. Incoming Senate Energy and Natural Resources Committee Chairman Joe Manchin (D-WV) said he will "stick with bipartisanship" and will prioritize investments for communities in his home state that have lost coal jobs to newer energy sources. In a recent Politico interview, Sen. Manchin said his "main goal is to make sure we maintain energy independence. That's an all-in energy policy and doing it in a cleanest fashion humanly possible through innovation and technology." Sen. Manchin has not yet scheduled confirmation hearings for Biden Energy Secretary nominee Jennifer Granholm.

SBA ANNOUNCES PAYCHECK PROTECTION PROGRAM REOPENING

The Small Business Administration (SBA) and the Treasury Department announced this week that the Paycheck Protection Program (PPP) reopened to new borrowers and qualifying second time borrowers.

Click [here](#) for more information on the Second Draw PPP loans.

EDC ALERT | EEOC PERMITS EMPLOYERS TO MANDATE COVID VACCINATIONS TO EMPLOYEES

EEOC Permits Employers to Mandate COVID Vaccinations to Employees: Now What? As we approach the end of this tumultuous and uncertain 2020, there are strong signs that in 2021, life as we once knew it, will once again return to some level of normalcy. This means employers can look forward to re-opening their doors to employees, clients, patients and customers.

The U.S. Food and Drug Administration ("FDA") has just granted Emergency Use Authorization for two COVID-19 vaccines. With the distribution of these vaccines, employers will now face a different set of challenges as they grapple with the decision of whether or not to require employee vaccination.

Click [here](#) for more information. Courtesy of Gordon Rees Scully Mansukhani Law Firm.

TRUMP ADMINISTRATION PUNTS DECISION ON APPLICATIONS FOR SMALL REFINERY WAIVERS

The EPA said Thursday that it is proposing to extend the compliance deadline for 2019 renewable volume obligations (RVOs) to November 30, 2021 as well as the 2020 deadlines to January 31, 2022, and June 1, 2022. However, the EPA is unlikely to act on pending applications for small refinery exemptions from RFS blending mandates before the end of the Trump Administration. The EPA is delaying action on granting small refinery exemptions for 2019 and 2020 biofuel-blending requirements due to ongoing litigation over the validity of such waivers. The EPA decision came shortly after the U.S. Supreme Court agreed to review an U.S. Circuit Court of Appeals ruling last year invalidating three small refinery exemptions. The court of appeals ruled that the EPA improperly issued the exemptions retroactively to small refineries whose earlier temporary exemptions had already lapsed. Since 2017, the retroactive small refinery exemptions have reduced renewable blending volumes by nearly 4 billion gallons, primarily corn ethanol. Review by the U.S. Supreme Court is likely to add volatility to the RINs market until a final ruling is handed down.

TRUMP DELAYS START OF AUTO INDUSTRY'S HIGHER PENALTIES FOR NOT MEETING FUEL REQUIREMENTS

The National Highway Traffic Safety Administration (NHTSA) announced it has delayed implementation of the higher penalty amounts for auto industries that do not meet fuel efficiency requirements. The delay will save the industry hundreds of millions of dollars.

The fines were set to increase \$14 from \$5.50 for every 0.1 mile per gallon new cars and trucks consume in excess of required standards. NHTSA granted a petition from the Alliance for Automotive Innovation to delay the increase to \$14 to the 2022 model year through an interim rule.

"Today's interim rule ensures that the increased CAFE civil penalty rate will not be applied retroactively to previous model years, or with design and manufacturing plans that cannot be changed to improve fuel economy," NHTSA said in its statement.

EMA URGES CONGRESS TO FULLY FUND LIHEAP

The National Energy & Utility Affordability Coalition (NEUAC) is circulating their annual associations letter in support of full FY22 funding for the Low Income Home Energy Assistance Program (LIHEAP). EMA has joined the [letter NEUAC Advocacy - NEUAC](#), but if states want to also sign on (in addition to being covered through EMA), the letter will be open briefly and then circulated to policymakers in time for upcoming budget discussions.

Support for increased LIHEAP funding is especially critical this year due to the millions of newly unemployed families who are now eligible for heating assistance this winter. According to leading economists, a one-percent increase in the

unemployment rate is associated with a 13 percent increase in the likelihood of experiencing bill hardship and a 16 percent increase in the probability of not having sufficient funds to pay for residential heating. Without robust LIHEAP funding levels this year, millions of Americans will risk losing the ability to heat their homes and potentially their lives as we approach the height of the winter heating season. NEUAC is urging Congress to maximize funding for LIHEAP for FY22 in order to prevent and address a catastrophic loss of energy access across the country.

Thank you to all the heating fuel dealers who contacted their elected representatives in Congress to urge them to support increased funding for LIHEAP during EMA's call to action last November.

WPMA COVID-19 - CRITICAL REFERENCES FOR MEMBERS

Please visit our web site for up-to-date information related to your business and the COVID-19 pandemic. You will find the link on our home page at www.wpma.com.

MEMBERS AND ASSOCIATES - YOU CAN CONTRIBUTE!

WPMA welcomes industry-related articles for publication in the WPMA News magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaption of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at janr@wpma.com, or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Winter edition of WPMA News magazine are due before November 1st. Later submissions will be considered for the Spring issue.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

CANCELLED February 16-18, 2021 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV
March 15, 2021 – Hawaii (HPMA) Golf Tournament – Oahu Country Club – Honolulu, HI
May 6-7, 2021 - Nevada (NPM&CSA) Big Dogs - Red Rock Hotel & Casino - Las Vegas, NV
June 1-2, 2021 - Montana (MPMCSA) Convention -Fairmont Hot Springs Resort - Fairmont, MT
June 21-24, 2021 - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, WA
June 24, 2021 - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT
July 17-19, 2021 - Oregon (OFA) Annual Conference - Sunriver Resort - Sunriver, OR
August 4-6, 2021 - Idaho (IPM&CSA) Convention - Sun Valley Resort - Sun Valley, ID
August 23-25, 2021 - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM
September 15-17, 2021 - 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: "When life gives you melons, you might be dyslexic."

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