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EMA-Energy Marketers of America



Inside the Beltway Update

Permanent Year-Round Waiver for E15 Not Included in House passed Spending Package

Current government funding runs through Jan. 30. The package of bills ([H.R.7148](#)) the House has passed this week would fund Defense, Labor-HHS-Education, Transportation-HUD, and Homeland Security programs through the remainder of fiscal 2026. Currently the Senate is on recess, but they will need to pass this package when they return to Washington next week. House Appropriators have recommended more than \$4 billion in the fiscal 2026 for the Low-Income Energy Assistance Program, a \$20 million boost over the current enacted level. This increase is a direct rebuke to the Trump administration's efforts, which called for the elimination of the program last spring. Many Americans have experienced spikes in utility costs over the past year, prompting Democrats to add rising energy expenses to its election-year messaging on everyday affordability issues.

Notably, the spending bill excluded a deal for year-round E15 gasoline sales, opting instead to create a study council. The creation of the E15 Rural Domestic Energy Council in place of immediate year-round E15 legislation has sparked intense frustration among corn growers and biofuel groups, who view the move as a "disgrace" and a delay tactic. The newly formed council, co-chaired by Reps. Randy Feenstra (R-IA) and Stephanie Bice (R-OK), is tasked with investigating E15, refinery capacity, and RFS regulations to submit legislative proposals by February 15, with House consideration expected shortly thereafter. Despite bipartisan support for the E15 bill, the decision to "kick the can down the road" highlights a significant policy divide between supporters of rural energy independence and those concerned about the structural disadvantages facing small refiners.

Last October, EMA's Board of Directors voted to endorse legislation establishing a permanent year-round waiver for E15 sales across the nation. Passing a permanent E15 waiver—via the bipartisan Nationwide Consumer and Fuel Retailer Choice Act ([S.593/H.R.1346](#))—would prevent the emergence of a separate fuel market in Midwestern states that have opted out of the RVP waiver for E10. EMA has voiced concerns that such a "boutique fuel" could disrupt gasoline supplies, drive up costs, and diminish fuel fungibility, ultimately leading to higher prices for consumers.

Small oil refiners primarily oppose year-round sales of E15, arguing that such policies are often tied to broader legislative deals that restrict or eliminate small refinery exemptions (SREs) under the Renewable Fuel Standard (RFS). These exemptions allow refiners processing less than 75,000 barrels per day to avoid costly biofuel blending mandates if they demonstrate economic hardship, and small refiners argue that losing access to them would disproportionately harm their operations compared to larger oil companies, which small refiners argue can more easily comply or even profit from the RFS system by generating and selling excess renewable identification numbers (RINs).

EMA has maintained a neutral stance on issuing future Small Refinery Exemptions (SREs). That said, EMA opposes the reallocation of previously waived SREs, as it would inject added market volatility that adversely affects energy marketers. When non-exempt refiners adapt to fulfill Renewable Volume Obligation (RVO) requirements, prices for renewable identification numbers (RINs) are prone to unpredictable spikes, further challenging EMA marketers' efforts to offer competitive pricing. With their constrained flexibility and dependence on branded and unbranded supplies, it's essential that any SRE reallocation

accounts for the outsized effects below the terminal rack to prevent interruptions in local fuel distribution and threats to their economic sustainability.

In addition, the House passed spending bill allocates \$102.9 billion for transportation initiatives, but it also includes a significant provision that rescinds about \$879 million from prior appropriations for the National Electric Vehicle Infrastructure (NEVI) program. This move focuses on unobligated funds originating from the 2021 Bipartisan Infrastructure Law, which would essentially wipe out most federal NEVI support for fiscal year 2026. Instead, these resources would be repurposed to support alternative priorities, such as Tribal transportation infrastructure and expanded truck parking facilities. Republican leaders are advancing the legislation via the standard congressional appropriations process, following court rulings that previously halted executive branch efforts to withhold the funds.

Finally, the recently enacted Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026 signed into law November 2025 took decisive action on the so-called "hemp loophole" established by the 2018 Farm Bill. The legislation effectively closes the gap by redefining legal hemp to exclude most intoxicating hemp-derived products, such as those containing delta-8 THC, delta-10 THC, or other psychoactive cannabinoids that exceed stringent new THC limits. The legislation caps total THC, including all isomers, at no more than 0.3% by dry weight and prohibits synthetic cannabinoids. While the changes aim to curb safety concerns, they include a one-year grace period, with enforcement set to begin on November 13, 2026.

In response to push back from the hemp industry, bipartisan legislation was introduced in January 2026 to mitigate the impact of these restrictions. The Hemp Planting Predictability Act (H.R. 7024 in the House and S. 3686 in the Senate) proposes extending the grace period by an additional two years, delaying full implementation until November 2028. This would allow farmers, businesses, and policymakers more time to adapt or formulate alternative regulations. However, as of now, these delay bills remain stalled in committee and have not advanced to a vote, leaving the original closure timeline intact amid ongoing debates over the future of the hemp sector.

House Energy and Commerce Committee Aims to Rewrite Portions of the Clean Air Act

The House Energy and Commerce Committee passed a series of bills along party lines to rewrite key portions of the Clean Air Act, despite the legislation being unlikely to join a broader bipartisan permitting package. Republicans advocate for the changes as necessary "modernization" to protect over a million jobs and \$200 billion in economic activity, arguing that economic stability is vital for public health and healthcare access. In contrast, Democrats criticize the bills for weakening air quality standards and creating loopholes.

Highlights from this series of bills:

- The Clean Air and Economic Advancement Reform (CLEAR) Act ([H.R. 4218](#)) seeks to modify the regulatory framework of the EPA by extending the review cycle for National Ambient Air Quality Standards from five to ten years, acknowledging that the agency often misses the current shorter deadline. This legislative reform introduces more flexibility into the process by allowing the EPA to consider "likely attainability" when selecting new standards and granting states the authority to factor in "technological achievability and economic feasibility" when developing implementation plans. Additionally, the bill, which passed with a 27-23 vote, ensures states have at least one year to correct rejected plans before a federal implementation plan is mandated.
- The Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) Act ([H.R. 6409](#)), is a legislative measure designed to assist states in managing national air quality compliance by accounting for external factors. Specifically, the bill simplifies the process for states to argue that pollution originating from foreign sources, including both natural phenomena and human-induced activities, should be excluded from compliance assessments. This legislation, which aims to provide economic stability by clarifying how foreign emissions impact domestic standards, successfully passed with a 25-22 vote.
- The Fire Improvement and Reforming Exceptional Events (FIRE) Act ([H.R. 6387](#)) is legislation designed to limit how emissions from wildfires and prescribed burns influence whether an area is considered in compliance with air quality requirements. The act requires the EPA and states to improve coordination when deciding if emissions from "exceptional events" should be excluded from air quality data. The bill passed with a vote of 27-23.

EMA Participates in Disaster Response Summit Focused on Recommendations for Policymakers

This week EMA participated in a summit bringing together private industry professionals with state government emergency response leaders. EMA participated in the opening panel consisting of Chris Eisenbrey, Edison Electric Institute (EEI), Carmela Hinderacker, C&S Wholesale Grocers, Sherri Stone, Energy Marketers of America (EMA), Kent Kildow, Verizon, Bob Crow, Cencora and Lee Siler, Walmart.

EMA continues working with federal and state emergency response officials to increase our industry efficiencies before and after disasters and to increase knowledge around what governments do that also get in the way of marketers ability to fully fuel stations, airports and homes before a known emergency and to refuel the country post disasters.

Much of the discussions and exercises throughout the summit centered around the policy recommendations that are included in the Voices from the Front Lines, "What Seasoned Industry Leaders Urge Federal Policymakers to Consider as They Rethink

Disaster Survivor Support” [document](#) that was shared with the White House and is now used for all policymakers considering the evolution of disaster response. One of the recommendations from the group is to sustain FEMA’s role as a coordination hub for federal agency support.

EMA outlined the many government entities that we coordinate with during disasters and addressed the process for obtaining hours-of-service waivers. We also addressed the limited access to TWIC escorts at terminals during disasters, and the need for multi-state coordination during response efforts. EMA also provided numerous recommendations concerning streamlining the process for obtaining any waiver, terminal access and security, support for EMA’s Disaster Fuel Response Program, and removal of logistical roadblocks.

The guide was created in response to the proposed changes for FEMA and what should be considered when restructuring government disaster response. For now, states have not received specific information on how the disaster response process will change. The White House Council recommendations have not been officially reported, leaving states not knowing what will be expected of them during disasters and wondering how disaster response will be funded.

Energy Marketers of America President Rob Underwood Addresses Key Industry Challenges at Clean Fuels Conference

On Wednesday, Energy Marketers of America (EMA) President Rob Underwood participated in a high-profile panel discussion at the Clean Fuels Conference 2026, held in Orlando, Florida. The event, organized by Clean Fuels Alliance America, brought together leaders in biodiesel, renewable diesel, and sustainable aviation fuel to explore advancements in clean energy.

Underwood joined Clean Fuels supply chain liaison Paul Nazzaro, Michael Devine of the National Oilheat Research Alliance (NORA), and Jim Collura of the National Energy & Fuels Institute (NEFI) for the session titled "Fueling the Transition: Aligning with the Liquid Fuels Supply Chain." The discussion focused on infrastructure, blending practices, customer perceptions, policy impacts like the 45Z tax credit and Renewable Fuel Standard (RFS) changes, and the role of clean fuels in today's energy landscape.

During the panel, EMA highlighted its concerns over implementation of the 45Z clean fuels production tax credit and reallocation of small refinery exemptions while reminding participants that EMA opposed electrification mandates to maintain a healthy liquid fuels market.

"Aligning our supply chains is essential for advancing clean fuels and meeting the evolving needs of our industry," said Underwood. "Events like this foster critical conversations that drive real progress toward a sustainable clean liquid fuels future." EMA continues to advocate for policies that support energy marketers and promote accessible, reliable fuel options for American consumers.

Weekend Reads

[Oil slides as Trump tones down threats against Greenland and Iran | Reuters](#)

[Where Will the WTI Oil Price Land in 2026 and 2027? | Rigzone](#)

[Benchmark diesel price rises after eight weeks of declines - FreightWaves](#)

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: **State and Local Paid Sick Leave Laws**. With the cold weather, we have had a lot of employees getting sick and using paid sick leave (PSL). We operate in multiple locations and are confused by all the state and local PSL laws. Exactly which law(s) are we required to follow?

With the proliferation of state and local PSL laws across the country, employers may find compliance challenging, particularly when employees are covered by both state and local laws. Oftentimes, the state and local laws of the location where an employee is physically working—and not necessarily where the employer is located or where the employee resides—will apply. Employers should review the definitions and/or applicability sections of any laws at issue to determine which laws cover their employees.

In situations in which more than one law applies (for example, both a state and a local law), but the laws differ with respect to their provisions, employers should generally apply the most generous employee standard. That is, employers should follow the provision that provides the greatest benefit to employees. For example, if a state PSL law allows employees to accrue up to 40 hours of PSL but a local PSL law allows employees to accrue up to 72 hours, the employer should allow employees to accrue up to 72 hours—the greater benefit.



- When employers are subject to both state and local PSL laws, they must compare the laws and decide which provisions to follow. It is always best to consult with local counsel for specific legal advice and ensure compliance with all applicable laws. Failure to provide employees with all rights to which they are entitled can result in costly consequences for employers.

For additional information or to discuss this in further detail, please contact your [Federated](#) regional representative or EMA's National Account Executive [Jack West](#) at [262.719.7750](tel:262.719.7750) for any additional information or risk management questions. **Federated is a Partner in EMA's Board of Directors Council.**

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PLEASE NOTE UPCOMING DATES FOR EVENTS

- February 17-19, 2026 WPMAEXPO - MGM Grand - Las Vegas, NV
- April 23-24, 2026 ECAN (Nevada) Big Dogs, Red Rock Resort, Las Vegas, NV
- June 2-3, 2026 MPMCSA (Montana) Convention, Fairmont Resort, Fairmont, MT
- June 15-17, 2026 WOMA (Washington) Convention, Suncadia Resort, Cle Elum, WA
- July 12-14, 2026 OFA (Oregon) Conference, Sunriver Resort, Sunriver, OR
- Aug 5-7, 2026 IPM&CSA (Idaho) Convention, Coeur d'Alene Resort, Coeur d'Alene, ID



2026 WPMAEXPO KEYNOTE SPEAKER

TIM TEBOW

Tim Tebow knows what it takes to lead with purpose under pressure. From championship locker rooms to the boardroom, he challenges leaders and teams to rethink success—not by what they achieve, but by the impact they create.



Thursday Educational Session

ROBERT BRYCE

Author, Journalist, Film Producer, and Podcaster

A Question of Power: Electricity and the Wealth of Nations

Bryce will discuss the fastest-growing sources of new electricity demand – Big Tech and Big Cannabis – and explain the factors that are needed to supply reliable and affordable electricity. He will also spotlight the fuels that will power the electric grids of the future and explain why, in the 21st century, power equals power.



2026 WPMAEXPO Ladies Luncheon Speaker

JULIA LANDAUER

Julia Landauer is a two-time champion racecar driver, motivational speaker, and entrepreneur. From breaking records on the track to inspiring audiences worldwide, Julia harnesses lessons from the high-speed world of motorsports to deliver actionable strategies for leadership, resilience, and innovation.

**This is a separate ticketed event.
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