

January 29, 2016

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WP-01-29-16

### PRE-REGISTRATION FOR THE WPMAEXPO ENDS TODAY!

Today is the last chance to pre-register for the WPMAEXPO.

Take the opportunity to register today!

To register or for information about the convention go to: [www.wpma.com/national-convention](http://www.wpma.com/national-convention)

### SCHOLARSHIP TIME APPROACHES!

The time is fast approaching when the WPMA scholarship recipients for 2016 will be selected. **March 1, 2016 is the cut-off date** for applications to be **postmarked** and mailed to the WPMA office. Usually, there are less than 20 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. Applicant qualification information and the scholarship applications are available to download at <http://www.wpma.com/pdf/scholarship/SF15-Application-032414efrm.pdf> Scholarship applications are also available from the WPMA office by e-mailing [kathym@wpma.com](mailto:kathym@wpma.com) and requesting an application. As a reminder, the WPMA scholarships pay \$500 per semester for up to eight semesters to the recipients, for a total of \$4,000. **Employers, please remind your employees to request or download an application right away, and give their students a chance for some extra financial help in college!**

### SENATE BEGINS DEBATE ON ENERGY LEGISLATION

On Wednesday, the Senate began debate on S.2012, the Energy Policy Modernization Act, which features numerous provisions aimed at streamlining the permitting process for liquefied natural gas (LNG) export projects, natural gas pipeline permits, boosting hydropower production and improving defense measures against cyber-attacks on the electric grid. In total, 88 amendments were filed on Wednesday, with eight being agreed to. The Senate continued debate on Thursday as additional amendments came to a vote.

One provision in the bill would require the Department of Energy to approve or deny the use and operation of an LNG export facility no later than 45 days after an environmental review conducted by the Federal Energy Regulatory Commission (FERC). It would also require the Department of Energy to gather and distribute data on the destinations of LNG exports. Meanwhile, Senator Barrasso (R-WY) introduced an amendment that would authorize the construction and use of natural gas pipelines in national parks. PMAA continues to support fuel neutral pipeline legislation and because the amendment does not include oil pipelines, PMAA cannot support the amendment. It remains unclear whether the amendment will actually be considered on the floor next week.

The Senate also passed an amendment introduced by Senator Ed Markey (D-MA) that would require the Government Accountability Office (GAO) to conduct a study on the effects that the lifting of the U.S. crude-oil export ban will have on consumers, independent refiners, shipbuilding and ship repair yards. Congress repealed the decades old ban on U.S. crude oil exports in the recent FY 2016 budget deal. Sen. Markey's amendment passed 62-29 with some Republican opposition.

Although the bill has broad bipartisan support, "poison pill" amendments could derail the chances of it passing, such as an amendment introduced by Senator Bill Cassidy (R-LA) that would repeal the RFS. Senator Barrasso's amendment could also derail the bill. Other controversial amendments, including some that attempt to solve the recent water crisis in Flint, Michigan, could also play a significant role in determining whether the bill passes or fails. Debate on amendments will continue late into next week when it is projected to come to a final vote. President Obama has stated that although he supports many of the provisions in the bill, he has serious concerns with others. He has yet to issue a veto threat which gives the bill some life.

PMAA will continue to closely monitor amendments that may affect our members. The House approved its own energy bill, H.R. 8, in early December by a vote of 249-174.

### ANNUAL OSHA WORKPLACE ILLNESS AND INJURY REPORTING

The 2015 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2016 and runs through April 30. The OSHA injury and illness recording and posting requirements apply to most establishments (workplaces) with more than 10 employees (full or part time). OSHA requires employers to record and post all work related injuries occurring during the previous calendar year. The following list identifies establishments within the petroleum marketing industry and indicates whether the establishment must comply with the OSHA Injury and Illness recording and posting requirements:

## I. MUST MY WORKPLACE COMPLY?

### Exempt Workplaces:

- **Gasoline Service Stations (without c-stores) (NAICS Code 447190)** are exempt from the OSHA injury and illness requirements regardless of the number of employees.

### Possibly Exempt Workplaces:

**Convenience Food Stores with Gasoline Stations (NAICS Code 447110).** Where a convenience store and gasoline station is combined, exemption from the OSHA injury and illness reporting rule will depend on the “primary activity” at the establishment. The primary activity of an establishment is determined by the value of receipts for each business activity. If the value of receipts for fuel sales is greater than c-store sales, then the establishment is classified as a Gasoline Service Station and is exempt from the injury and illness reporting rule. If the c-store gross receipts are greater than fuel sales, then the OSHA Injury and Illness requirements apply.

### Workplaces that Must Comply:

- **Petroleum Bulk Plants (NAICS Code 424710)** with more than 10 employees working at the bulk plant or company headquarters must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane bulk facilities.
- **Petroleum and Petroleum Products Merchant Wholesalers - No Bulk Facilities (NAICS 424720)** with more than 10 employees must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane non-bulk facilities.
- **Heating Oil Dealers (NAICS Code 454311)** with more than 10 employees must comply with the OSHA injury and illness requirements.

## II. HOW DO I COMPLY?

### Forms and Posting:

- **Form 300** - Employers are required to keep Form 300, Injury and Illness Log listing all injuries and illnesses that occur in the workplace throughout the reporting year.
- **Form 301** - Employers are required to use OSHA Form 301 to record each workplace injury and illness within seven days of occurrence.
- **Form 300A** - Employers are required to post Form 300A, the Summary of Work-Related Injuries and Illnesses, in a workplace every year from February 1 to April 30.
- OSHA Forms 300, 300A and 301 and Instructions: [click here](https://www.osha.gov/recordkeeping/RKforms.html) (https://www.osha.gov/recordkeeping/RKforms.html)

### Employee Access:

- Current and former employees, or their representatives, have the right to access injury and illness records. Employers must provide a copy of the relevant record(s) by the end of the next business day.

### Recordable Injuries and Illnesses:

OSHA's definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either cause or contributes to the condition. In addition, an event or exposure in the work environment significantly aggravates a pre-existing injury or illness is also considered work-related. Injuries include, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication). The following injury and illnesses must be recorded:

- All work-related fatalities must be recorded and reported to OSHA within 8 hours of occurrence.
- All in-patient hospitalizations must be recorded and reported to OSHA within 24 hours.
- All work-related injuries and illnesses that result in days away from work, restricted work or transfer to another job, loss of consciousness or medical treatment beyond first aid.
- All significant work-related injuries or illnesses diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

- Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication).

A guide to identifying recordable injury and illnesses can be found in the FORM 300, 300A and 301 instructions at: [click here](https://www.osha.gov/recordkeeping/RKforms.html). (https://www.osha.gov/recordkeeping/RKforms.html)

**CAUTION!** AK, AZ, CA, HA, IN, IA, KY, MD, MI, MN, NV, NM, NC, OR, SC, TN UT, VT, VA, WA and WY have their own state OSHA programs for private employees. These states follow federal rules but may vary slightly or be more stringent. To get contact information for state programs [click here](http://www.osha.gov/dcsp/osp/index.html). (http://www.osha.gov/dcsp/osp/index.html)

**III. WHERE CAN I GET MORE INFORMATION?**

- For more information [click here](https://www.osha.gov/recordkeeping/). (https://www.osha.gov/recordkeeping/)

Contact Mark S. Morgan, PMAA Regulatory Counsel at [mmorgan@pmaa.org](mailto:mmorgan@pmaa.org).

**Thank You WPMAEXPO Early Top Sponsors** *As of December 30, 2015*

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**2016 WPMAEXPO - LAS VEGAS, NEVADA**



Mark your calendars for February 16-18, 2016. Make plans now to attend the 2016 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

## **MARK YOUR CALENDARS FOR UPCOMING EVENTS**

**February 16 – 18, 2016** - WPMA Convention & Expo – Mirage Hotel, Las Vegas, Nevada

**May 19-20, 2016** – Nevada (NPM&CSA) Big Dogs Shootout – Red Rock Resort & Casino – Las Vegas, Nevada

**June 7-9, 2016** – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Butte, Montana

**June 20-23, 2016** - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, Washington

**June 29, 2016** – Idaho (IPM&CSA) Magic Valley PAC Golf Outing – Blue Lakes Country Club, Twin Falls, Idaho

**August 3 – 5, 2016** - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort - Coeur d'Alene, Idaho

**August 22-24, 2016** – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, New Mexico

**September 14-16, 2016** - Utah (UPMRA) Convention - DoubleTree Hotel by Hilton - Park City, Utah

**June 18-22, 2017** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

**August 2-4, 2017** - Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, Idaho

**June 17-21, 2018** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

**August 8-10, 2018** - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort - Coeur d'Alene, Idaho

## **NPP WPMA MEMBER SERVICE**

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Register Now: <https://associations.mynpp.com/myNPP/memberSavings.xhtml?guid=RB3WUOFG>

### **WPMA MEMBER SERVICES**



**Petro Pete: "I was addicted to the Hokey Pokey, but I turned myself around."**

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