

February 3, 2017

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LAST CHANCE TO DONATE TO THE SCHOLARSHIP SILENT AUCTION!

In May, the WPMA Scholarship Foundation will award \$32,000 in scholarships to graduating high school seniors. The Foundation receives a large portion of its working capital through income from the annual Scholarship Silent Auction held at the WPMAEXPO in February. Please support the Scholarship Foundation by donating an item to the 2017 Scholarship Silent Auction.

To donate an item to the 2017 Scholarship Silent Auction, download a form at www.wpma.com/scholarship and return it to kathym@wpma.com, fax to 801-262-9413, or contact Kathy at 801-263-9762, no later than Monday, February 6th.

New in 2017, you can bid on silent auction items from your phone!

With any type of mobile phone, you can browse auction items, place bids, and pay for your items with the tap of a finger.

We hope to have your support in this worthwhile endeavor!

TRUMP'S EPA PICK APPROVED IN SPITE OF MINORITY PARTY'S BOYCOTT

Yesterday, Senate Environment and Public Works (EPW) Committee Chairman John Barrasso (R-WY) suspended committee rules to bypass a minority party's boycott and vote in favor of Scott Pruitt to lead the Environmental Protection Agency (EPA). The confirmation vote now moves to the Senate floor for a full vote.

If confirmed, Pruitt will be able to rewrite or rescind environmental regulations including the RFS. In 2013, Pruitt filed a "friend of the court" brief in an RFS lawsuit challenging the corn ethanol mandate. "The evidence is clear that the current ethanol fuel mandate is unworkable," Pruitt said in a press statement in 2013. Supporters, including Senate EPW Chairman John Barrasso of Wyoming, say he would rein in overzealous Obama-era rules and restore balance to environmental regulation, making good on Trump's promise to focus the EPA on its core mission of protecting the air and water.

Meanwhile, uncertainty on how the Trump Administration will tackle the RFS has significantly reduced the value of Renewable Identification Numbers (RINs). Responsibility for complying with the RFS currently falls to refiners who must buy RINs to prove their fuel has been blended with biofuel. Companies, including Valero and CVR Energy, have said they are being pressed by the annual government mandates that require that they use increasing amounts of ethanol in motor fuels. These companies are spending hundreds of millions of dollars to comply with the RFS and have petitioned EPA last June to shift this responsibility downstream to "position holders" at the terminal rack.

PMAA continues to urge Congress and the Administration to lower the corn ethanol mandate which will resolve UST compatibility concerns with E10 plus blends. Additionally, reducing the ethanol mandate will reduce RIN values which will level the playing field in the retail motor fuels marketplace.

MCCAIN REINTRODUces BILL TO REPEAL JONES ACT

Last week, Sen. John McCain (R-AZ) reintroduced language that would repeal the nearly 40-year-old Jones Act, which restricts shipping between U.S. ports to ships built and owned by Americans and manned by U.S. workers. Sen. McCain stated, the "antiquated law has for too long hindered free trade, made U.S. industry less competitive and raised prices for American consumers."

PMAA supports efforts to reform the Jones Act to alleviate the Gulf Coast supply glut which will bring cheaper motor fuels and heating oil prices to consumers.

LAWMAKER REINTRODUces RFS REFORM BILLS

On Tuesday, Rep. Jim Sensenbrenner (R-WI) introduced two bills aimed at reforming the RFS. The bills call for the additional study and evaluation of the ethanol mandate and to ensure that the EPA volume obligations for biofuels are based in reality.

The first bill, the comprehensive mid-level ethanol assessment legislation, would require the National Academy of Sciences to provide a comprehensive assessment of research on the implications of the use of mid-level ethanol blends, fuel containing more than 10 percent ethanol by volume, compared to gasoline blends containing ten percent or zero percent ethanol. The study will evaluate the performance, safety and environmental impact of mid-level ethanol blended fuels.

The second bill focuses on cellulosic biofuel assessment. This legislation would relax the EPA's volume requirements for cellulosic biofuel under the RFS to what is commercially available until the National Academy of Sciences submits to

Congress a report on the environmental and economic impacts of cellulosic biofuel, and the feasibility of large scale commercial production.

COMMON SENSE NUTRITION DISCLOSURE ACT REINTRODUCED

This week, the “Common Sense Nutrition Disclosure Act” (H.R. 772) was reintroduced by Reps. Cathy McMorris Rodgers (R-WA) and Tony Cardenas (D-CA) and Senators Roy Blunt (R-MO) and Angus King (I-ME) companion legislation in the Senate, (S. 261). It would give retailers the flexibility they need to comply with the menu labeling regulations. Currently, the effective date is May 5, 2017; one year after FDA finalized its guidance document.

The legislation would modify the menu-labeling regulation by permitting retailers to identify a single primary menu while not having to include nutrition labeling in other areas of the store. Furthermore, the bill clarifies that advertisements and posters do not need to be labeled and provides flexibility in disclosing the caloric content for variable menu items that come in different flavors or varieties, and for combination meals. Lastly, the bill ensures that retailers acting in good faith are not penalized for inadvertent errors in complying with the rule and stipulates that individual store locations are not required to have an employee “certify” that the establishment has taken reasonable steps to comply with the requirements.

PMAA urges Congress to act on the “Common Sense Nutrition Disclosure Act” as quickly as possible.

PRESIDENT TRUMP’S NEW REGULATORY POLICIES WILL TAKE TIME

President Trump signed several orders aimed at making significant across the board reductions in federal regulations. The first order came in the form of a memo to all federal agencies imposing a freeze and regulatory review of all pending rules for a period of 60 days. The President then issued an Executive Order requiring federal agencies to eliminate two existing rules for every new rule issued. While both are aimed at stemming the flow of federal regulations that affect businesses both large and small, there are legal and practical hurdles that will limit the orders effectiveness. The freeze and review order is temporary and applies only to rulemakings in process as of January 20, 2017 and those that have been issued but have not reached their effective date. Rules that are in the process can simply be withdrawn with no further action. Rules that have been published in the Federal Register but have not reached their effective date are frozen for 60 days but can’t be withdrawn without lengthy public notice and comment periods, essentially a new rulemaking. Finally, no rulemaking can be started or issued until March 20, 2017.

The order requiring elimination of two existing rules for every new rule is more problematic from a legal and practical standpoint. The order requires that the cost of any new rule issued be offset by the cost of the two current rules to be eliminated. This will be a lengthy process because the Office of Management and Budget (OMB), which has the final say on all rulemakings, must conduct detailed cost benefit analysis on the existing rules to determine if they meet the cost offset requirement to issue the new rule. For the agencies, picking the two regulations up front to meet offset requirements before a cost estimate is conducted by the OMB will be difficult to determine. Even when the equivalency is established the two current rules picked for elimination must go through a formal rulemaking process including public notice and comment period required under the Administrative Procedure Act. In addition, lawsuits by advocacy groups aimed to stop rule eliminations will further slowdown the regulatory process. Finally, the last tool available to eliminate federal regulations, The Congressional Review Act, only gives Congress the ability to override a federal regulation within 60 days after it is issued. This means that any existing rule older than 60 days is not subject to the act.

Taken together, the new Trump regulatory policies will likely be very effective in slowing down new regulations but have a limited impact eliminating existing regulations. In other words, regulatory change is not going to happen quickly other than a reduction in the number of new regulations. The new regulatory initiatives have caused a lot of confusion and uncertainty in both the agencies and regulated community. Within the next few months the new regulatory process will likely be implemented and the steps to achieve regulatory relief clearer.

Bottom line: Once the dust settles at the federal agencies and the new regulatory policy fully implemented, PMAA will take every opportunity to relieve marketers of costly federal regulations. PMAA, with the assistance of Association Executives and marketers, is preparing for the new regulatory process by putting together a target list of regulations to offer up for regulatory adjustment or elimination once the Trump policies are fully implemented.

AMERICANS WITH DISABILITIES ACT REFORM LEGISLATION REINTRODUCED

Representative Ted Poe (R-TX) has reintroduced the bipartisan ADA Education and Reform Act of 2017, H.R. 620, which aims to put an end to “drive-by” lawsuits where attorneys look for minor, easily correctable Americans with Disabilities Act (ADA) infractions so they can file a lawsuit and make some cash. This bill would prohibit sending demand letters or other pre-suit notifications alleging a violation of ADA public accommodation requirements if the notification does not specify the circumstances under which an individual was actually denied access. The notification must specify: the property address, the specific ADA sections alleged to have been violated, whether a request for assistance in removing an architectural barrier was made, and whether the barrier was permanent or temporary.

The bill would also prohibit commencement of civil action based on the failure to remove an architectural barrier to access an existing public accommodation unless: the aggrieved person has provided to the owners or operators a written notice specific enough to identify the barrier, and the owners or operators fail to provide the person with a written description

outlining improvements that will be made to improve the barrier or they fail to remove the barrier or make substantial progress after providing such a description.

In recent years, convenience store owners have fallen victim to predatory lawsuits that serve the interests of trial lawyers while doing little to help the individuals that the ADA was designed to protect.

The vast majority of retail station owners strive to serve their customers to the best of their ability and rely on the ADA to help ensure that customers with disabilities can use their services. Many small to medium sized businesses cannot afford a court case and are forced to settle and pay fees for a violation that they did not commit.

PMAA supports this legislation that would minimize the ability of predatory attorneys to harm petroleum marketers.

COALITION URGES CONGRESS NOT TO TOLL EXISTING INTERSTATES

This week, the American Trucking Associations and the Owner-Operator Independent Drivers Association and other members of the Alliance for Toll-Free Interstates sent a [letter](#) to the House Transportation Committee urging the panel not to use tolling of existing interstates as a financing method in the infrastructure package policymakers will develop later this year. Also this week House Transportation Chairman Bill Shuster (R-PA) reported that the committee will not toll existing interstates in order to fund infrastructure development.

REGISTRATION IS OPEN FOR PMAA'S WASHINGTON CONFERENCE AND DAY ON THE HILL SCHEDULED FOR MAY

PMAA's 2017 annual Washington Conference and Day on the Hill will be held in Washington, DC from May 17-19. With the new Congress and Administration in place, it is important that our industry concerns are heard!

The meeting will begin with an Opening Session / Issues Briefing and Region meetings in the afternoon of May 17. Our welcome reception, including our fun and popular PAC silent auction fundraiser, will conclude the day! On the morning of May 18, marketers will head to Capitol Hill for visits with their Congressional delegations after a buffet breakfast and issues briefing for those who were not able to attend the opening session. Please be sure to make these appointments at your earliest convenience. There will be a hospitality suite and luncheon on the Hill. On the evening of May 18, we will honor our new PMAA Chair Mark Whitehead. Our conference will conclude after the PMAA Board of Directors meet on May 19 following a buffet breakfast and committee meetings.

Please click [here](http://www.cvent.com/d/svqfns) (<http://www.cvent.com/d/svqfns>) for our event website for all details and registration with secure event payment processing through Cvent.

If you plan on attending PMAA's annual Washington Conference and Day on the Hill, now is the time to make your room reservation as we have had an excellent response to the room block. See you in DC this spring!

WOMA CONTRIBUTES FIRST 2017 SILENT AUCTION ITEM AGAIN THIS YEAR

The first contribution for PMAA's Small Business Committee (SBC) PAC Silent Auction has arrived! The Auction will take place in conjunction with PMAA's Washington Conference on May 17 during the welcome reception. Last year there was tremendous support in contributions for the auction and PMAA SBC PAC Co-Chairs Brad Bell and Tim Keigher urge your participation this year as well! Brad and Tim wish to remind you that donations can include use of personal vacation properties.

We again thank Lea Wilson, Brad Bell, and the Washington Oil Marketers Association (WOMA) for providing this year's first PMAA Small Business Committee (SBC) PAC Silent Auction item. This is the fourth year in a row that WOMA has been the first contributor to the Silent Auction!

Women, you are going to love the WOMA auction item, and Gentlemen, you are going to want to bid on it for the special woman in your life! WOMA contributed a stunning Fred Meyer Jewelers Kallati white and cocoa diamond® fashion ring in 10K white gold. This fashion ring features a quarter carat total weight round white and cocoa diamonds set in a white gold crossover style design.

The Auction will take place in conjunction with PMAA's Washington Conference on May 17 during the welcome reception. If you have items that you would like to contribute for the Silent Auction, please contact [Sabrina Pitcher](#) or 703-351-8000.

SCHOLARSHIP DEADLINE IS APPROACHING!

The time is fast approaching when the WPMA scholarship recipients for 2017 will be selected. **March 1, 2017 is the cut-off date** for applications to be postmarked and mailed to the WPMA office. Usually, there are less than 15 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 and are available to download at <http://www.wpma.com/pdf/scholarship/Scholarship-Application102016-e.pdf> Scholarship applications are also available from the WPMA office by e-mailing kathym@wpma.com and requesting an application. The WPMA scholarships pay \$500 per semester for up to eight semesters, for a maximum award 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!**

2017 WPMAEXPO - LAS VEGAS, NEVADA


Mark your calendars for February 21-23, 2017. Make plans now to attend the 2017 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

Thank You WPMAEXPO 2017 TOP SPONSORS



MARK YOUR CALENDARS FOR UPCOMING EVENTS

- February 21-23, 2017** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, Nevada
- March 1, 2017** – Utah (UPMRA) Day on Capitol Hill – Salt Lake City, Utah
- May 4-5, 2017**– Nevada (NPM&CSA) Big Dogs Shootout – TBD, Nevada
- June 6-8, 2017** – Montana (MPMCSA) Convention – Northern Hotel – Billings, Montana
- June 19-22, 2017** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington
- June 22, 2017** – Utah (UPMRA) Summer Classic PAC Golf Outing – TBD, Utah
- August 2-4, 2017** – Idaho (IPM&CSA) Convention – Sun Valley Resort – Sun Valley, Idaho
- August 21-23, 2017** – New Mexico (NMPMA) Convention – Sandia Resort – Albuquerque, New Mexico
- September 13-15, 2017** – Utah (UPMRA) Convention – Zermatt Resort – Midway, Utah

- June 18-21, 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

WPMA has partnered with NPP to provide members discounts on many products and services. NPP negotiates the rates, and makes them available to WPMA members. Membership with NPP is free, and there is no obligation to purchase. Discounts through Verizon, Expedia, Fastenal, Cradlepoint, and more.

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

WPMA MEMBER SERVICES



Petro Pete: “The best secrets are the ones you’re let in on.”

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