

February 3, 2023

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WP-02-03-23

SILENT AUCTION DONATIONS NEEDED!

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.

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

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



POSITIVE DRUG TESTS FOR MARIJUANA AMONG CDL DRIVERS INCREASE 32% IN 2022

The Federal Motor Carrier Safety Administration (FMCSA) issued a new [report](#) this week finding marijuana at the top of the list of drugs most frequently detected during driver drug and alcohol testing over the past year. Nearly 41,000 truck drivers tested positive for marijuana in 2022. This represents an increase of 32% over positive marijuana tests in 2021, according to year end data compiled from the FMCSA's Drug & Alcohol Clearinghouse. Cocaine, methamphetamines and amphetamines placed second, third and fourth, respectively, among substances accounting for the most frequent driver drug-test failures data revealed. These top four drugs account for 90% of all positive test results over the last three years. The jump in positive tests for marijuana is likely due to legalization in many states and localities along with misinformation among drivers whether its use is permitted under the FMCSA drug and alcohol testing regulations. Use of CBD oil is another factor driving the increase in positive marijuana drug tests among CDL drivers.

Increased marijuana use is also contributing to the loss of qualified CDL drivers. Marijuana can be detected up to 30 days in bodily fluids and up to 60 days in hair samples. Approximately 91,000 of the more than 166,000 drivers who failed at least one drug test have yet to enroll in the return-to-work process according to the FMCSA. Only about 46,000 drivers have completed the return-to-work process and eligible to drive again, raising concerns over whether these drivers will permanently drop out of shrinking pool of qualified drivers. Experts say a field sobriety test for marijuana is needed to detect real time driver impairment rather than detection of past use in order to stem the loss of qualified drivers who test positive and never return to work. That is why EMA is supporting a proposed rule that would allow oral fluid drug testing for CDL drivers and other HAZMAT employees. The oral fluid testing window of detection for marijuana use is up to 24 hours. The introduction of oral fluid testing will keep unsafe drivers off the road, provide employers with flexibility in test method selection, lower test costs and reduce the ability of employees to subvert testing.

EMA ASKS FMCSA TO EXTEND COMMENT PERIOD FOR PROPOSED RULE THAT WOULD RESTRICT DURATION AND SCOPE OF STATE HOS WAIVERS

This week, EMA sent a [letter](#) to the administrator of the Federal Motor Carrier Safety Administration (FMCSA) requesting an extension of the public comment period deadline for a [proposed rule](#) that would severely limit the authority of state governors to waive federal motor carrier safety regulations during a declared emergency. The proposed rule would limit both the scope of FMCSA regulations subject to a state issued waiver and the duration of the waiver itself. Under current federal regulations, when a president, governor, or the FMCSA issues a declaration of emergency, a 30-day exemption from FMCSA regulations in parts [49 CFR 390-399](#) is automatically created for drivers providing direct assistance to state and local emergency relief efforts. Those sections include driver: hours of service; medical qualifications including medical exams; CDL licensure and renewal; vehicle inspections, repair and maintenance and training. Under the proposed rule, the FMCSA is seeking to narrow the automatic applicability of emergency exemptions to driver hours-of-service only. Moreover, the FMCSA is proposing to reduce the duration of emergency waivers issued by state governors from 30 days to just 5 days. The scope and duration of emergency waivers issued by the President or FMCSA would remain unchanged under the proposal.

EMA is asking for the extension after learning that many state emergency planners were unaware of the FMCSA proposal that could significantly restrict their waiver authority during declared emergencies. The comment period for the proposed rule closes February 6, 2023. EMA wants the deadline extended to March 9, 2023 so that all stakeholders have a chance to comment.

CONGRESSIONAL UPDATE

Now that House and Senate Committee assignments largely completed (more on this later), Congressional hearing activity formally kicked off this week. In the House, the Transportation and Infrastructure Committee held its first hearing on “the State of Transportation Infrastructure and Supply Chain Challenges.” Rep. Tim Burchett (R-TN) voiced concern about the public deployment of charging for “the mom and pops who built ... truck stops and gas stations and invested their hard-earned dollars....”

In the Senate, Joe Manchin (D-WV), Ted Cruz (R-TX), and many others, introduced the [Protecting America’s Strategic Petroleum Reserve from China Act](#) which would block any Strategic Petroleum Reserve Sales to China. A similar bill recently passed the House by a 331-97 margin. Sens. Manchin and Cruz also announced bipartisan legislation to protect the use of gas stoves. Their legislation, the [Gas Stove Protection and Freedom Act](#), would prohibit federal funds from being used to regulate “an existing or new gas stove as a banned hazardous product.” Sen. Manchin also sent a joint letter with Sen. James Lankford (R-OK) to the Consumer Product Safety Commission urging them not to take any further action with gas stoves.

Many House committee assignments are complete. Transportation, Housing and Urban Development (THUD) appropriations subcommittee will be led by Rep. Chuck Fleischmann (R-TN) Chairing THUD, and Marcy Kaptur (D-OH) serving as Ranking Member. House Energy and Commerce Subcommittee on Energy, Climate, and Grid Security will be Chaired by Rep. Jeff Duncan (R-SC), with Rep. Dianna DeGette (D-CO) serving as Ranking Member. House Transportation & Infrastructure Committee Railroads, Pipelines and Hazardous Materials Subcommittee will be led by Rep. Troy Nehls (R-TX), with Rep. Jake Auchincloss (D-MA) serving as Ranking Member. Despite several leaks, we are still waiting for final committee assignments in the Senate to be made official.

Lastly, yesterday, Rep. Lori Chavez-DeRemer (OR-05) joined Committee on Transportation and Infrastructure Chairman Sam Graves (MO-06), Water Resources and Environment Subcommittee Chairman David Rouzer (NC-07), and over 150 of her colleagues in introducing [a joint resolution of disapproval](#) under the Congressional Review Act (CRA) on the Biden administration’s burdensome “Waters of the United States” (WOTUS) rule. The rule, published last month by the EPA, would lead to sweeping changes to the federal government’s authority to regulate what is considered navigable water, having an enormous impact on small businesses, manufacturers, farmers, home and infrastructure builders, local communities, water districts, and private property owners.

If enacted, the new resolution would terminate the administration’s WOTUS rulemaking utilizing the CRA. The CRA can be used by Congress to overturn certain final agency actions. An identical measure was also introduced in the U.S. Senate today by 49 senators, led by Environment and Public Works Ranking Member Shelley Moore Capito (R-W.Va.). The full text of the resolution is available [HERE](#).

EMA'S WASHINGTON CONFERENCE AND DAY ON THE HILL 2023 HOTEL RESERVATIONS AND REGISTRATION OPEN FEBRUARY 6!

May 10-12 – Please note date change!

EMA’s annual Washington Conference and Day on the Hill will be held in Washington, DC from May 10-12 at [The Mayflower Hotel](#). Our industry continues to have dozens of important legislative and regulatory issues to discuss and the Day on the Hill remains the primary focus of this conference.

The meeting will begin with an Opening Session / Issues Briefing and Region meetings in the afternoon of May 10. Our welcome reception, exclusively sponsored by [EMA’s Board of Directors Council Partner](#) Federated Insurance, will include our fun and popular PAC “live” silent auction fundraiser (bidding and virtual viewing through download of the C2Auction App on your mobile phone), concludes the day! On the morning of May 11, marketers will head to Capitol Hill for their first in-person visits in three years with their Congressional delegations, after a buffet breakfast and issues briefing for those who were not able to attend the opening session. There will be a luncheon exclusively sponsored by [EMA’s Board of Directors Council Partner](#) Altria Group Distribution Company at their Corporate Offices on the Hill. On the evening of May 11, we will feature our 2023 EMA Chair Jason Mirabito along with honoring our other Past Chairs in attendance. Our conference will conclude after the EMA Board of Directors meet on May 12 following a buffet breakfast and committee meetings.

Once our event opens, invitations will be sent out at 11:30am Eastern Time to state association members, their members who have attended EMA conferences in the past, and Corporate Partners. You will find all available details, including hotel reservations and meeting registration, for Washington Conference and Day on the Hill [here](#). Please make your room reservations now to attend this important and productive forum to meet with your members of Congress and network with other marketers from across the country! See you in DC in the Spring!

WEEKEND READS

[DOJ probing Visa on U.S. debit card practices, competition](#)

[Competition heats up for U.S. direct air capture program | E&E News](#)

[The untimely death of America's 'most equitable' EV rebate | E&E News](#)

[Congress' 'biggest fight' over climate? It's the farm bill. | E&E News](#)

[Exclusive: Tesla's Musk meets top Biden officials on EVs in Washington | Reuters](#)

[TravelCenters of America to Add EV Fast-Charger Stations | Wall Street Journal](#)

[US Utility Shutoffs Climbed Last Year on Higher Energy Costs | Bloomberg](#)

[Carmakers face a crossroads as they work to fit auto dealers into their EV plans |CNBC](#)

[North Dakota landowners at odds in carbon pipeline plans | AP News](#)

[BP cuts long-term forecast for oil and gas demand | Financial Times](#)

[Biden Faces Climate Litmus Test on ConocoPhillips's Alaska Oil Project | Bloomberg](#)

[This group is sharpening the GOP attack on 'woke' Wall Street | The Washington Post](#)

[Pricey SUVs Emerge as Hot Point in Debate Over EV Tax Credits | Bloomberg](#)

[New York Gasoline Shortage Brews on EU's Russia Ban Fallout | Bloomberg](#)

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: References? We terminated an employee a few months ago for poor performance and misconduct. We recently received a phone call from another company that is considering hiring this individual. The company is asking for a reference. What should we tell them? Are we allowed to say why the employee was fired? If we tell the truth and the employee does not get the new job, can he sue us? 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.

THANK YOU **WPMAEXPO 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

August 21-23, 2023 - NMPMA New Mexico Convention - Sandia Resort - Albuquerque, NM

October 25-27, 2023 - UPMRA Utah Convention - TBD - St. George, UT

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

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!**

Petro Pete: I told my girlfriend she drew her eyebrows too high. She seemed surprised.

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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 Thanks.

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