

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. Scholarships may be used for either a college/university or vocational/technical school.

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!!

CONGRESSIONAL UPDATE: EMA URGES CONGRESS TO OPPOSE \$15 MINIMUM WAGE HIKE

This week, the Energy Marketers of America (EMA) joined 30 other associations in a [letter](#) opposing the *Raise the Wage Act of 2021* which would increase the federal minimum wage to \$15 per hour over five years and allow for annual automatic increases without the consent of Congress. Senate Majority Leader Chuck Schumer (D-NY) is pushing to include a \$15 minimum wage hike in what is known as "budget reconciliation," which allows a bill to pass with 51 Senate votes instead of the normal 60 votes. However, all 50 democratic Senators will need to support the effort leaving them no room for error. **Senator Joe Manchin (D-WV) has already indicated he opposes the \$15 minimum wage hike.**

During last night's budget reconciliation "vote a rama," the Senate unanimously adopted an amendment from Sen. Joni Ernst (R-IA) that would ban the \$15 minimum wage hike during the pandemic. Even Senator Bernie Sanders supported, however, he argued his plan would increase the minimum wage over five years, rather than an immediate \$15 increase during the pandemic. Senate Republicans said the \$15 minimum wage is a non-starter arguing that it will hurt small businesses and lead to job losses. They also argue that the states are in better position to increase the minimum wage.

According to the Congressional Budget Office (CBO), this legislation would result in 3.7 million job losses by 2025, with a median estimate of 1.3 million job losses. A \$15 per hour federal minimum wage would reduce business income and raise prices as higher labor costs were absorbed by business owners and then passed on to consumers. CBO estimates the legislation would represent a \$64 billion reduction in business income and a reduction in total real family income of \$9 billion by 2025.

Meanwhile, Senate Majority Leader Chuck Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) reached a power-sharing agreement to govern the 50-50 Senate. The agreement recognizes a Democratic Senate majority and resembles a previous agreement adopted by former Senate leaders Trent Lott (R-MS) and Tom Daschle (D-SD) the last time the Senate had a 50-50 split. Under the agreement, Majority Leader Schumer (D-NY) pledged not to limit amendments, except for those intended to delay action, and Minority Leader McConnell pledged to avoid lengthy debates on procedural votes, which will accelerate the process by which bipartisan legislation can receive a floor vote.

Senate Democrats have retaken control of committees, though each party has equal committee representation. The resolution also includes a process for discharging legislation and nominations that see a 50-50 tie, thus preserving the Democrats' narrow majority. While the power-sharing agreement allows the Senate to begin fully functioning, it underscores the precarious nature of a 50-50 split, as one Democratic defection could halt attempts at passing

progressive legislation.

To this end, negotiations continue on additional COVID relief as President Biden attempts to secure his first legislative priority. President Biden proposed a \$1.9 trillion package, which 10 Senate Republicans countered this week with a \$600 billion proposal. President Biden stated that the Republican approach is not enough, though the White House indicated a smaller package – in the \$1.3 trillion range – might be a better approach. Whether Democrats can leverage the reconciliation process to pass legislation is largely subject to securing every Senate Democratic vote.

Thus far, President Biden's cabinet nominees have received favorable, bipartisan support in the Senate. On February 2, the Senate overwhelmingly confirmed (86-13) Pete Buttigieg as Secretary of Transportation. A former mayor, Secretary Buttigieg will lead President Biden's key transportation priorities such as expiration of surface transportation authorization and increasing revenue for the Highway Trust Fund (HTF). The main federal HTF funding source, the gas tax, has not increased since 1993. Failure to identify additional revenue sources could exhaust all HTF funding.

Secretary Buttigieg has repeatedly floated a vehicle miles traveled (VMT) tax as the solution. While previous VMT proposals were rejected, increased EV investment, bipartisan VMT interest, and gas tax increase opposition may jump start VMT efforts. However, during his confirmation hearing, Buttigieg acknowledged that concerns, such as privacy and technology, must be addressed before a VMT approach is "ready for prime time."

DOL ENDS PROGRAM ALLOWING EMPLOYERS TO SELF-REPORT FEDERAL MINIMUM WAGE AND HOUR VIOLATIONS

The U.S. Department of Labor this week announced the immediate end of its Payroll Audit Independent Determination (PAID) program launched by the department's Wage and Hour Division in 2018. The program was terminated effective January 29, 2021. The PAID program allowed employers to self-report federal minimum wage and overtime violations under the Fair Labor Standards Act. Once reported, employees were barred from suing for back wages and damages owed to them due to the violations. Instead, employers were able to work directly with the DOL Wage and Hour Division to correct violations and deliver any back wages to employees.

The DOL said the PAID program is no longer needed because the department provides significant outreach and educational resources for employers seeking assistance to understand their responsibilities to comply with wage and hour laws. In addition, the department said its resources are sufficient for helping employers comply without relieving them of their legal obligations and ensure that employees understand their rights. The end of the PAID program means that employers can only obtain a release of FLSA claims through a court-approved settlement or as a result of an investigation initiated by the DOL. Even though the PAID program is over, employers should continue to self-audit their pay records and correct any potential wage and hour violations that are identified to reduce liability.

OSHA ISSUES STRONGER WORKPLACE SAFETY GUIDANCE TO PROTECT EMPLOYEES FROM COVID-19 VIRUS

The Occupational Safety and Health Administration (OSHA) has issued stronger worker safety guidance to help employers and workers to implement a coronavirus prevention program and identify risks which could lead to exposure and contraction. The guidance, [*Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace*](#) provides updated guidance and recommendations, and outlines existing safety and health standards. OSHA is providing the recommendations to assist employers in providing a safe and healthful workplace. The guidance is not a standard or regulation and creates no new legal obligations for employers. Instead, it contains recommendations and descriptions of existing mandatory safety and health standards.

The updated guidance recommends that employers adopt the following elements for their workplace COVID-19 prevention program:

- Conduct a hazard assessment.
- Identify control measures to limit the spread of the virus.
- Adopt policies for employee absences who do not punish workers to encourage potentially infected workers to remain home.
- Ensure that coronavirus policies and procedures are communicated to both English and non-English speaking workers.
- Implement protections from retaliation for workers who raise coronavirus-related concerns.

The guidance also details key measures for limiting coronavirus's spread, including keeping infected or potentially infected people out of the workplace; implementing and following physical distancing protocols; and using surgical masks or cloth face coverings. The guidance also offers advice on use of personal protective equipment, improving ventilation, good hygiene and routine cleaning.

FMCSA REVEALS 56,000 DRIVER VIOLATIONS REPORTED TO DRUG AND ALCOHOL CLEARINGHOUSE IN 2020

The Federal Motor Carrier Safety Administration (FMCSA) announced that more than 56,000 CDL driver drug and alcohol violations were recorded last year in the agency's Drug and Alcohol Clearinghouse database which began operation on January 6, 2020. The Clearinghouse is an online database that tracks all CDL drivers' drug and alcohol compliance history. The purpose of the Clearinghouse is to prevent job-hopping by drivers in the event of failed drug tests.

Employers of CDL drivers are required to use the Clearinghouse to upload driver drug and alcohol testing records and conduct searches for pre-employment drug and alcohol violations. Employers must also use the Clearinghouse to conduct annual drug and alcohol reviews for all CDL drivers employed by them. According to the FMCSA, only 1,203 of the 56,000 driver violations reported in the Clearinghouse database last year were alcohol related. Marijuana use accounted for 29,500 of all drug test failures reported in 2020. In addition, the Clearinghouse contained more than 7,940 failed tests for cocaine use, and 4,953 for amphetamine use. Also included in the total were about 1,120 tests described as reasonable suspicion of attempts to cheat on a drug test. The FMCSA reported more than 45,000 drivers lost their jobs in 2020 due to drug and alcohol violations. However, approximately 34,000 of those drivers have not yet completed the return-to-work program, suggesting they left their jobs for good.

According to the U.S. DOT, there are 5,174,170 truck drivers under FMCSA authority. While using the Drug and Alcohol Clearinghouse is mandatory for all employers of CDL drivers, the 56,000 violations recorded in 2020 represents just 1.1 percent of the available driver pool nationwide. Marketers who have not signed up with the Clearinghouse should do so immediately.

Please click [here](#) to review the EMA Drug and Alcohol Clearinghouse Compliance Bulletin sign-up instructions.

MORE AUTOMAKERS DROP OUT OF TRUMP LAWSUIT SEEKING TO ROLL BACK AUTO EMISSION RULES

Toyota, Fiat Chrysler and several other automakers announced this week that they are abandoning a legal battle between the Trump Administration and California over the state's right to set its own standards for greenhouse gas emissions and fuel economy rules.

Last year, GM, Fiat Chrysler, Toyota and 10 other automakers sided with the Trump Administration in a lawsuit filed by environmental groups challenging the Administration's plans to roll back emissions and gas mileage standards and strip California's authority to set its own emission standards. Ford, Honda, BMW and Volkswagen sided with California and cut a separate deal with the state to meet a 50-mpg fleetwide standard by 2026 for all vehicles sold nationwide.

Now that Biden is President, the automakers realized that continuing support for the Trump roll-back is no longer a viable way forward and have pledged to work with the Biden Administration to come up with a single nationwide corporate average fuel economy (CAFE) standard. The automakers will likely find common ground between the Obama and Trump Administration's fuel economy standards. In a statement, the automakers, under the banner of the Coalition for Sustainable Automotive Regulation (CSAR), said "We are aligned with the Biden Administration's goals to achieve year-over-year improvements in fuel economy standards that provide meaningful climate and national energy security benefits, reduce GHG emissions and promote advanced technologies," the group said. "In a gesture of good faith and to find a constructive path forward, the CSAR has decided to withdraw from this lawsuit in order to unify the auto industry behind a single national program, with ambitious, achievable standards."

EMA GETS OUT FRONT AGAINST MINIMUM LIABILITY INSURANCE COVERAGE

On Monday, EMA joined other organizations in a [letter](#) to members of the House Committee on Transportation & Infrastructure of opposition to any increase in the minimum liability coverage for motor carriers in the next surface transportation reauthorization bill.

Although marketers are not included in the current proposed language, EMA continues to oppose any efforts to unnecessarily raise requirements on other industries since changes there might lead to changes for other trucking industries.

Today's minimum insurance level adequately covers damages in all but 0.6 percent of crashes, and other insurance and assets can cover those. Further, there is no reputable research indicating an increase of any amount would help reduce crash rates.

EMLI (PMLI) REGISTRATION IS OPEN NOW

We are excited to announce that registration is open for the Energy Marketers Leadership Institute (EMLI)!

EMLI is new and improved and is designed to make it easier and more affordable for WPMA members to attend. The EMLI programs will be delivered online via Zoom video conference and will include breakout rooms so that the leaders who are attending can interact and learn together.

Special thanks to Lea McCullough for her leadership in working with Meridian to design and deliver the EMLI programs. For more information on how to register go to: <https://emamasters.com/energy-marketers-leadership-institute/>

WPMA MEMBERS DISCOUNT!

We want to share information about a special promotion for WPMA members - **EMV4WPMA** – from our associate member Sound Payments and its Sound Easy Pump solution. As you may know, the EMV mandate deadline is April 2021, which means if there is a chargeback and the station does not support EMV at the pump, the station owner will take on the liability and be financially responsible. We know how this has been a concern for many due to the high cost to replace your pumps.

The great news is that there are cost-effective options that can easily upgrade your pumps while also providing you with updated features like contactless capabilities. Sound Payments is providing a special discount of 10 percent off hardware between now and April 1, 2021. Sound Payments Sound Easy Pump™ is a semi-integrated, retrofit solution that can easily and cost-effectively enable EMV at the pump in a matter of a couple of hours or even less. It supports contactless via card tap or NFC, QR code scanning, PIN-on-glass, MSR, and EMV chip and PIN. Sound Easy Pump™ is easy to install with only one power cord and eliminates the need to purchase new pumps and close stations for installation. The platform is flexible so it can also easily support future innovations.

Reach out to Sound Payments at petrosales@soundpayments.com or call 844-319-5635 and provide them **EMV4WPMA** for the 10 percent discount. You can also learn more about Sound Easy Pump™ at soundpayments.com and join them for a webinar on Feb. 25 at 2 p.m. ET. [Register here.](#)

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.

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: *“I haven’t slept for 3 days, because that would be too long.”*

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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: janr@wpma.com. Thanks.