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



FMCSA Final Rule on Non-Domiciled CDLs Significantly Narrows Eligibility

The U.S. Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), published a final rule revising the standards governing issuance of non-domiciled Commercial Learner's Permits (CLPs) and Commercial Driver's Licenses (CDLs). The rule largely reaffirms the Interim Final Rule (IFR) issued on September 29, 2025. The final rule will take effect 30 days after the official date of publication in the Federal Register.

The final rule limits eligibility for non-domiciled CDLs to certain employment-based nonimmigrant visa holders who undergo enhanced consular vetting and interagency screening. Specifically, eligibility is now limited to individuals in H-2A (temporary agricultural workers), H-2B (temporary non-agricultural workers), and E-2 (treaty investor) status. FMCSA describes this screening as a "functional proxy" for the driver-history vetting that State Driver Licensing Agencies (SDLAs) cannot independently perform with respect to foreign driving records.

As a result, DACA recipients and other Employment Authorization Document (EAD) holders are no longer eligible for non-domiciled CDLs. The rule rescinds prior guidance that permitted certain DACA recipients (notably Mexican and Canadian nationals) to qualify. Going forward, applicants must present an unexpired foreign passport and a valid I-94 reflecting one of the specified nonimmigrant classifications. FMCSA emphasized that this bright-line standard eliminates SDLA confusion over EAD category codes and lawful presence determinations.

FMCSA justified the rule as necessary to close what it characterized as a "bifurcated" vetting system. While domestic CDL applicants are subject to robust checks through CDLIS and the Problem Driver Pointer System (PDPS), non-domiciled applicants were previously processed without equivalent access to foreign driving histories. The rule also responds to widespread SDLA noncompliance identified through Annual Program Reviews. According to FMCSA, more than 30 states issued tens of thousands of non-domiciled CDLs contrary to federal requirements.

While litigation over FMCSA's authority is expected to continue, the agency's policy posture is clear. Accordingly, energy marketers should assess potential workforce impacts and compliance exposure. Conducting internal audits, evaluating the risk of revocation based on existing records, and reviewing contractual provisions related to licensing compliance may help mitigate or anticipate operational disruptions.

Importantly, it would be prudent to confirm that credential expiration dates strictly align with documentation of lawful presence.

EMA will continue monitoring legal developments and stands ready to assist members in evaluating operational and compliance implications.

EPA Announces Repeal of the 2009 GHG Endangerment Finding

The Environmental Protection Agency (EPA) has formally rescinded its 2009 greenhouse gas (GHG) “Endangerment Finding,” the legal and scientific foundation for federal regulation of greenhouse gas emissions from motor vehicles and other sources under the Clean Air Act. The Administration characterized the action as one of the most significant deregulatory steps in recent history, eliminating EPA’s authority to regulate GHG emissions from cars and trucks under Section 202(a).

As previously noted, rescinding the legal predicate for mobile-source GHG regulation would significantly reshape the regulatory framework affecting liquid fuels and the downstream transportation sector. The final action reflects the Administration’s broader effort to narrow federal climate regulatory authority and recalibrate the role of the Clean Air Act in addressing globally mixed pollutants. However, it remains unclear whether this action will withstand the inevitable litigation.

Key Regulatory and Legal Implications

- **Immediate Litigation, Prolonged Regulatory Uncertainty Expected:** Multiple states, environmental organizations, and public health groups have indicated they will challenge the repeal in federal court. Opponents argue that the action conflicts with the Supreme Court’s holding in *Massachusetts v. EPA* and decades of Clean Air Act implementation. As a result, legal uncertainty could persist for years. Additionally, a recent decision by a U.S. District Court held that the Trump Administration violated federal law in establishing the technical working group that developed the analytical basis for repealing greenhouse gas tailpipe standards. That ruling could present a significant procedural hurdle for EPA as it seeks to defend its repeal-related actions.
- **State-Federal Tension Over Preemption: EPA maintains that Clean Air Act preemption continues to bar state regulation of new motor vehicle emissions. However, states such as California are expected to contest this interpretation, raising the possibility of renewed conflict over state vehicle standards and waiver authority.**

Implications for Energy Marketers

For fuel marketers, the repeal presents both opportunity and uncertainty. Eliminating federal vehicle GHG standards could moderate regulatory pressure accelerating electrification and sustain long-term demand projections for liquid fuels relative to prior policy trajectories. At the same time, prolonged judicial review and potential state regulatory responses could generate market fragmentation and compliance complexity.

EMA will continue monitoring litigation developments and state responses closely. We remain committed to ensuring that any regulatory shifts protect consumer choice and support stable and predictable fuel markets. Read EPA’s announcement [here](#).

Inside the Beltway Update

The current partial government shutdown is confined to the Department of Homeland Security (DHS) after Congress let its funding lapse in a dispute over immigration enforcement conditions. Roughly 97 percent of the rest of the federal government has already been funded through the end of fiscal 2026, so other major departments remain fully open. Within DHS, most frontline personnel in components like TSA, Border Patrol, ICE, the Coast Guard, Secret Service, CBP ports of entry, and FEMA disaster response continue working as “essential,” but many are doing so without pay until a new funding bill passes. Non-essential administrative, training, planning, grant management, and modernization activities are curtailed or paused, which can slow services and create backlogs even though the most visible security and safety functions keep operating.

The Transportation Worker Identification Credential (TWIC) and the Hazardous Materials Endorsement (HME) background-check programs are self-funded and fee-based and therefore not impacted by government appropriations. Driver background checks will continue as usual. Also, TWIC and HME enrollment centers remain open during normal hours of operation. The Coast Guard will continue to enforce the TWIC program and secure ports without interruption.

Lawmakers renewed efforts to mandate side-override guards on commercial motor vehicles. The Stop Overrides Act 2.0 (S.3775) is a legislative proposal aimed at mandating side-override guards on commercial motor vehicles and relaunching the DOT’s Advisory Committee on Override Protections. Opponents, including EMA, argue the mandate is financially unfeasible, citing NHTSA data that suggests high costs for relatively few lives saved. Beyond the equipment mandate, the act seeks to improve road safety data by requiring new studies, correcting crash databases, and providing specialized training for law enforcement. The legislation is dead on arrival in the Senate as it’s unlikely that the bill would receive 60 votes to move forward.

Rep. Kevin Kiley (R-CA) is drafting a federal bill that would reduce highway funding by 8% for states with gas taxes exceeding 50 cents per gallon. The legislation specifically targets the five states with the highest rates, California, Illinois, Washington, Pennsylvania, and Indiana, as a penalty for what Kiley describes as overtaxing citizens to cover inefficient spending. This move follows intense Republican criticism of California’s efforts to study mileage-based fees as an alternative to declining gas tax revenue caused by the popularity of electric vehicles. While the bill focuses on penalizing high-tax states, the inclusion of Republican-led Indiana could potentially cause friction within his own party.

The Trump administration has introduced a \$12 billion economic aid package to support farmers struggling with high input costs, low crop prices, and trade volatility resulting from economic headwinds and recent tariff policies. Of this total, \$11 billion is dedicated to row crop producers, specifically those growing commodities like corn, soybeans, and wheat, with payments scheduled to begin landing in bank accounts in late February. The remaining \$1 billion is reserved for specialty crops such as fruits and vegetables, though Agriculture Secretary Brooke Rollins has indicated that these payments will be delayed, leaving those producers without a clear timeline for relief. The current allocation has sparked frustration among specialty crop growers, highlighting regional disparities. States like Texas and Iowa are projected to receive the highest payouts, while California will

receive a disproportionately low amount due to its focus on specialty crops. Agricultural groups and lawmakers are already pushing for a second tranche of aid totaling between \$15 billion and \$17 billion. Senate Republicans are working on a supplemental bill that would include disaster aid, and House Democrats have proposed a larger counterproposal that also seeks to reverse recent changes to the SNAP program.

EMA Regulatory Alert: EMA Supports Federal Preemption to Protect Uniform Fuel Transportation Standards
EMA Regulatory Counsel Contacts: [Jeff Leiter](#) and [Jorge Romann](#)

Tuesday, the Energy Marketers of America (EMA) submitted comments to the U.S. Department of Transportation (DOT) supporting Exxon Mobil Corporation's request for a federal preemption determination under the Hazardous Materials Transportation Act (HMTA). The request seeks confirmation that state common law tort claims related to gasoline marking, employee training, loading, and unloading operations, and hazardous materials classification are preempted by federal law. On Tuesday, the Energy Marketers of America (EMA) submitted comments to the U.S. Department of Transportation (DOT) supporting Exxon Mobil Corporation's request for a federal preemption determination under the Hazardous Materials Transportation Act (HMTA). The request seeks confirmation that state common law tort claims related to gasoline marking, employee training, loading, and unloading operations, and hazardous materials classification are preempted by federal law. EMA emphasized that fuel marketers operate within a highly regulated, interstate fuel distribution system that depends on the uniformity of the Hazardous Materials Regulations (HMR) to ensure safety, efficiency, and reliability. Allowing state tort claims to impose additional or conflicting requirements would create a patchwork of state-specific obligations, increasing compliance costs, operational complexity, and safety risks—particularly for small and mid-sized fuel distributors.

In its comments, EMA highlighted that:

- Divergent state requirements could force fuel marketers to manage multiple labeling schemes, training programs, and operational protocols for the same gasoline shipment.
- Such inconsistencies would undermine interstate commerce, disrupt disaster response, compromise fuel resiliency, and add cost at the pump.
- State tort claims effectively impose regulatory duties without notice-and-comment rulemaking, bypassing procedural safeguards that ensure transparency, feasibility, and stakeholder input.

EMA urged DOT to issue a determination confirming that the HMTA preempts state common law tort claims in this area, preserving uniform federal standards critical to the safe, efficient, and reliable transportation of gasoline nationwide. EMA will continue to monitor developments and keep members informed.

EMA's Washington Conference and Day on the Hill 2026 Hotel Reservations and Registration Open!

EMA's annual Washington Conference and Day on the Hill will be held in Washington, DC from **May 13-15** at The Mayflower Hotel. Our industry continues to have many 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 / New Attendee Orientation and Region meetings in the afternoon of May 13. On the evening of May 13, we will feature our 2026 EMA Chair Glenn Hasken with honoring our other Past Chairs in attendance.

On the morning of May 14, marketers will head to Capitol Hill 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 14, our welcome reception, exclusively sponsored by **EMA's Board of Directors Council Partner** Federated Insurance, will include EMA's popular PAC "live" silent auction fundraiser (bidding and virtual viewing through download of the C2Auction App on your mobile phone), concludes the day! Our conference will conclude after the EMA Board of Directors meet on May 15 following a buffet breakfast and committee meetings.

EMA's Washington DC Conference and Day on the Hill is also sponsored by **EMA's Board of Directors Council Corporate sponsors** including Altria, Marathon, Reynolds, Phillip Morris International as well as **Executive Committee Council Corporate sponsors** Valero, Shell, Chevron, CITGO, ExxonMobil, HF Sinclair, and BP.

[Click here to Register and Book your Hotel Room for EMA's DC Conference and Day on the Hill](#)

Weekend Reads

[EV drivers face massive charger funding cuts in blue states | USA Today](#)

[Trump's EPA is revoking the "endangerment finding." Here's what to know. | yahoo!news](#)

Federated Insurance Risk Management Academy Complimentary Webinar
Protect Your Future with Estate and Business Succession Planning:



Thursday, February 19, 2026, 2:00 P.M. Eastern Time

Have you planned for the future of your business? Planning ahead can help to reduce risks to keep operations running smoothly if you are no longer able to make decisions on behalf of your business. This webinar will explore top legal issues that individuals and business owners may face, and discuss the following:

- How personal estate plans can shape future generations.
- Employee retention strategies.
- Business entity structure.
- Corporate document upkeep.
- Liability and asset protection ability and asset protection.

WHAT YOU WILL LEARN

- Why personal estate planning is important.
- The importance of business succession planning for your family and business.
- Planning strategies now and for the future.
- **Advanced registration** is required for this 30-minute webinar.

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** for any additional information or risk management questions. **Federated is a Partner in EMA's Board of Directors Council.**

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The **WPMA NEWS** currently serves EIGHT independent petroleum and convenience store associations.

WPMA NEWS MAGAZINE CURRENT ISSUE

Click [HERE](#) for a previous *WPMA News* issue



EMA JOURNAL - The Official Publication of the Energy Marketers of America

EMA JOURNAL CURRENT ISSUE

REGISTRATION OPEN

Click on the event below to register



IPM&CSA [Golf Registration](#)

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
April 28, 2026 - IPM&CSA (Idaho) Ridgcrest PAC Golf Tournament, Nampa, ID
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.



**2026 WPMAEXPO Thursday Educational Session
ROBERT BRYCE**

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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