

## **SCHOLARSHIP DEADLINE IS APPROACHING!**

The time is fast approaching when the WPMA scholarship recipients for 2021 will be selected. **MARCH 1, 2021 IS THE CUT-OFF DATE** for applications to be **E-MAILED IN OR POSTMARKED AND MAILED** to the WPMA office. 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.

Applicant qualification information and submission options are listed on the scholarship application, available at <https://www.wpma.com/pdf/scholarship/Scholarship-Application-eForm06-2020.pdf>. Scholarship applications are also available from the WPMA office by e-mailing [kathym@wpma.com](mailto: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 all of your full-time employees or part-time senior student employees to request or download an application right away, and give our students a chance for some extra financial help with college or vocational training!**

## **WOMA ANNOUNCES NAME CHANGE**

Oil is bad, Energy is good. That has been the theme of the decade, and it has finally caught up with the Washington Oil Marketers Association by blocking productive discussions, forward-thinking, and preventing meetings with anyone with a greener focus. Securing appointments with Congressmen and Senators in DC has been a struggle for many years. Even State Representatives feel like aligning with an organization with the word 'oil' in it is unpopular, even dangerous. Censorship cannot be ignored any longer.

To this end, the Washington Board of Directors spent the last several months creatively brainstorming how a new brand and identity would more clearly represent the Association. This change is necessary to help gain access to meetings and conversations needed for accomplishing industry goals, particularly in the State Legislature.

Therefore, Washington Oil Marketers Association (WOMA) has adopted:

**“Washington Independent Energy Distributors (WIED)–Assuring Fueling Mobility in the Pacific Northwest”**

Watch for a new logo and branding package that reflects the association's needs. While the current local and national administrations are solidly putting Oil and Gas Industries in the cross hairs, this will go a long way to bolster effectiveness and relativity in the industry.

## **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](mailto: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](http://soundpayments.com) and join them for a webinar on Feb. 25 at 2 p.m. ET.

### **CONGRESSIONAL UPDATE**

Congressional Democrats are pressing forward for a vote next week or next weekend, on President Biden's \$1.9 trillion COVID relief package. House Committees finalized their portions of the package, setting the stage for passage via budget reconciliation - a complex legislative tool that could allow Democrats to pass the package with a simple majority vote. Some notable provisions important to energy marketers include extending the employee retention tax credit through December 31, 2021, tax credits for employer-provided paid sick and family leave through September 30 and providing an additional \$4.5 billion to LIHEAP.

The legislation is expected to pass the House but will face hurdles in the Senate for two notable reasons. First, 50 Senate votes are required for passage, meaning a defection from a single Senate Democrat could cause the vote to fail. Second, the Senate has more strict rules on which types of provisions and policy decisions can be included in a reconciliation bill (known as the "Byrd Rule"). The Senate Parliamentarian could remove certain provisions, such as a \$15 minimum wage, proposed in the House package. EMA will provide a full detailed report in next week's Weekly Review.

President Biden urged Congress to pass COVID relief by mid-March, before pandemic-related unemployment benefits expire, while he continues to press for additional policy priorities. To this end, President Biden sees a vast, multi-trillion-dollar infrastructure / clean energy package as the second part of his Build Back Better plan (the first being a COVID-relief package) to rebuild the American economy. The Biden Administration initially signaled it would immediately turn to infrastructure in the spring, however, his Administration would not commit to a timeline. Further, in a meeting with Senate leaders, President Biden did not mention a topline infrastructure funding amount despite campaigning on a \$2 trillion infrastructure package. Recognizing a possible delay in a large infrastructure package, Congress must prepare to extend key infrastructure funding such as surface transportation reauthorization. The Senate Environment and Public Works Committee scheduled its first surface transportation reauthorization hearing for later in the month.

### **REMINDER: ANNUAL EPCRA TIER II REPORTS MUST BE FILED BY MARCH 1, 2021**

It's that time of year again for energy marketers to start preparing EPCRA Tier II reports for any facility storing petroleum during the 2020 calendar year. The Emergency Preparedness and Community Right to Know Act (EPCRA) of 1986 was created to help communities plan for and respond to chemical emergencies by requiring facilities to report the type and amount of hazardous chemicals they store on-site.

EPCRA Tier II reports **must be** filed with local and/or state emergency response authorities (typically the Fire Marshal) no later than March 1, 2021. Bulk plant facilities that stored over 10,000 pounds of petroleum products onsite on any given day during calendar year 2020 must file EPCRA Tier II. The 10,000 pounds compliance trigger is calculated by combining the volume of all petroleum on site in every storage container including: above ground and underground bulk storage tanks, portable skid tanks, 55-gallon drums and even heating fuel or propane tanks used to heat facility buildings. However, retail gasoline facilities with 75,000 gallons or less of gasoline storage capacity and 100,000 gallons or less of diesel fuel storage capacity **are exempt** from EPCRA reporting requirements. Retail fueling sites with storage capacity over these thresholds are not exempt and must file an EPCRA Tier II report.

Instructions on how to file EPCRA Tier II reports can be found in the EMA Compliance Bulletin at: [https://www.energymarketersofamerica.org/weeklyreview/attachments/EMA\\_CB\\_01\\_29\\_21.pdf](https://www.energymarketersofamerica.org/weeklyreview/attachments/EMA_CB_01_29_21.pdf)

The Compliance bulletin contains: EPCRA Tier II forms; instructions on electronic filing; gallons to pounds conversion charts for the most common fuels; NAICS identification numbers for the petroleum industry; health and physical harm reporting characteristics for petroleum products; and links to Dun and Bradstreet number locator; where to file EPCRA Tier II reports links; EPCRA tutorial links; links to all state EPCRA authorities, as well as to the U.S. EPA EPCRA website.

### **FORMER PMAA CHAIRMAN THOMAS H. "TOM" POTTER, SR. PASSES AWAY**

We are saddened to hear of the loss of former EMA Chairman Thomas H. "Tom" Potter, Sr. 92, of Morehead City, North Carolina, who passed away this week.

Tom was born on October 3, 1928, to Thomas and Alma Potter in Winston-Salem, NC, and later moved to Beaufort, NC. Tom graduated from Edwards Military Academy and then attended North Carolina State University. Most people will remember Tom as owner and operator of Potter Oil Company and as an active participant in state and community activities. He served as chairman of PMAA in 1986 and the North Carolina Petroleum Marketers and Convenience Store Association (NCPCA). He also served as Mayor of Beaufort and Chairman of the Carteret County School Board. Tom was a member of the Franklin Masonic Lodge and served as president of the Beaufort Hogs Golf Group and the Morehead City Country Club as well as the Beaufort Rotary Club and the Beaufort Jaycees.

Tom leaves behind a family who loves him and friends who will miss him. He is survived by his daughter, Ann Potter Stanley and husband Wayne of Morehead City, NC; son, Thomas H. Potter, Jr. and wife Jan of White Lake, NC; wife, Dorris Gillespie Potter of the home; grandchildren, Kimberly Davis and husband Scott of Semora, NC; James "Chip" Langdale and wife Yasi of Cary, NC; Emily Potter Garner of Chapel Hill, NC; and Thomas H. Potter, III of Conway, SC; great-grandchildren, Robert, Layla, Zoe, and Meredith. He was preceded in death by his first wife of 58 years, Elizabeth "Lib" Davis Potter; and his parents, Thomas and Alma Potter.

Flowers are welcome or memorial donations may be made to Alzheimer's Association, 225 North Michigan Avenue, Floor 17, Chicago, IL 60601 or Continuum Home Care and Hospice of Craven County, 1505 South Glenburnie Road, Suite M, New Bern, NC 28562. Family and friends are welcome to submit online condolences at [www.mundenfuneralhome.net](http://www.mundenfuneralhome.net).

### **FDA UPDATES PUBLIC ON PMTA APPLICATION PROGRESS**

This week, the FDA Center for Tobacco Products (CTP) released new information regarding the number of premarket tobacco product applications (PMTA) it received by the September 9, 2020 deadline. Unfortunately, the FDA has yet to publish a list of all products for which PMTAs were received by the September deadline. According to the FDA, it has processed PMTAs for more than 4.8 million products from 230 companies and processing is still ongoing given the size, complexity and diversity of applications it received. Meanwhile, the FDA completed the processing step for all exemptions from substantial equivalence requests (EX REQ) and substantial equivalence (SE) reports. Go to:

<https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/deemed-new-tobacco-product-applications-list> for the deemed new tobacco product applications list that were on the market as of August 8, 2016, are currently marketed and submitted via the SE or EX REQ pathways by the September deadline.

Go to:

<https://www.cspdailynews.com/tobacco/fda-provides-update-pmta-list> to read the story from CSP Daily News.

Under a court order from the District Court of Maryland, e-cigarette products that were on the market prior to August 8, 2016, were required to submit PMTA's for the FDA to review and approve by the September 9, 2020 deadline. PMTA's require a product to meet a regulatory hurdle that can be complex and costly. E-cigarette products will be permitted to stay on the market for one year while the agency reviews the applications, or until the agency rejects them. By the FDA providing a public list of e-cigarette products that meet the proper requirements, retailers of these products will be informed as to which they can sell legally in their stores.

The Energy Marketers of America, the National Association of Convenience Stores (NACS), the National Association of Truckstop Operators (NATSO), the Society of Independent Gasoline Marketers of America (SIGMA) and the Food Industry Association (FMI) submitted a letter to the FDA urging it to release a list of approved e-cigarette products.

### **MULTI-STATE HOURS OF SERVICE WAIVER GRANTED DUE TO WINTER STORMS**

On Wednesday, the Federal Motor Carrier Safety Administration (FMCSA) granted an immediate regional Hours of Service waiver for the following states due to winter storms: ARKANSAS, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, ILLINOIS, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MARYLAND, MASSACHUSETTS, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH DAKOTA, TENNESSEE, TEXAS, VIRGINIA, WEST VIRGINIA, WISCONSIN AND WYOMING.

The emergency declaration applies to all states and jurisdictions listed in the letter. This waiver covers all fuel deliveries (heating fuels, including propane, natural gas, and heating oil, and other fuel products, including gasoline) in the states and jurisdictions listed because they support the "emergency" which in this case is maintaining adequate fuel distribution in those areas.

Important: The FMCSA waiver covers interstate shipment of fuel in and out of the states and jurisdictions listed in the waiver letter. The FMCSA waiver does not cover intrastate only shipments (deliveries that stay within the boundaries of a single state). State governors must issue waivers for intrastate shipments within their boundaries. State Governors typically issue such waivers as part of their Emergency Declaration, or when FMCSA waivers are put into effect. Most of these states have already issued intrastate HOS waivers. Go to:

<https://www.fmcsa.dot.gov/emergency/regional-emergency-declaration-under-49-cfr-ss-39023-no-2021-001> to read the notice.

The Energy Marketers of America will continue to work closely with the FMCSA, DOE, DHS/FEMA and other federal agencies to ensure emergency preparedness and response waivers and solutions to problems that arise in response to the recent winter storms.

### **REMINDER: CAN A COMPANY REQUIRE EMPLOYEES TO GET A COVID-19 VACCINE?**

Employers need to understand the rules on mandating the COVID-19 vaccine for its workforce. While an employer can require its employees to get the vaccine before returning to work, several exceptions exist. The two major exceptions are for employees with ADA disabilities and employees with sincere religious beliefs. Employees represented by unions may also have additional protections.

Go to:

<https://www.paleyrothman.com/legal-blog/can-a-company-require-its-employees-to-get-a-covid-19-vaccine>

for more information from Paley Rothman, counsel to the Small Business Legislative Counsel (SBLC).

### **FED RESERVE GOVERNOR BRAINARD FAVORS MANDATORY CORPORATE CLIMATE CHANGE RISK DISCLOSURES**

In a recent speech, Federal Reserve Governor Lael Brainard stated that the Fed is working to improve its understanding of climate risk while also “taking steps to mitigate the risks.” While not speaking for the entire Fed Board of Governors, Brainard said that she wants mandatory disclosures on corporate climate risks.

“The long-time horizon associated with climate change, the lack of historical data, the potential for sudden shifts in asset valuations, and the paucity of information on the climate-sensitivity of exposures complicate the translation of climate-related risks into measures of credit, market, liquidity, reputational, and operational risks,” Brainard said.

Go to:

<https://www.federalreserve.gov/newsevents/speech/brainard20210218a.htm> for more information.

A CFTC report that was released last year identified climate change “... as the biggest long-running risk to the financial system.” In 2017 there was an international best practices climate risks assessments meeting of the Central banks. Brainard seeks to pull together the rules and goals of “our fragmented response” to overseeing the markets and the regulatory agencies, which include the Treasury, Securities and Exchange Commission, the Office of the Comptroller of the Currency and the Financial Stability Oversight Council.

Former Fed Reserve Governor Daniel Tarullo and current republican members of congress have pushed back on previous suggestions like Brainard’s to use “scenario analysis” to assess risks to banks instead of including climate change in the Fed’s annual bank stress tests. Tarullo pointed out that the Fed can learn from the climate stress test The Bank of England is about to launch.

Recently, nearly 50 House Republicans sent a letter to the Federal Reserve Board (Fed) expressing concern over the Fed’s consideration of including climate change in the “stress test” for regulated banks.

Big Banks and Asset Management firms like Blackrock are directing more money to exchange traded funds (ETFs) that tout environmental, social and corporate governance (ESG) practices. Last month, the Fed, for the first time, include climate among the risks outlined in its Financial Stability Report.

In the final days of his Administration, President Trump, with the support of Congressional Republicans, attempted to limit how big banks and fund managers can use ESG factors as a sole investment determiner. The U.S. Department of Labor finalized a rule to limit private retirement plan manager’s leeway to invest based on ESG factors.

### **FEDERATED INSURANCE: IT'S YOUR LIFE**

#### **Resolutions for the New Year**

In normal times, the beginning of a new year brings excitement and anticipation about all the things you want to accomplish over the next twelve months. But 2020 was anything but a normal year. Businesses everywhere faced challenges that no one could have anticipated, and for many business owners, excitement and anticipation have been replaced by a sense of relief that they managed to make it through the year. A fresh start, with goals for the upcoming year, may be just what you need to reset your outlook and help get your business off on the right foot in 2021.

Go to:

[https://www.federatedinsurance.com/posts/its-your-life/2021-01-resolutions-for-new-year?\\_cldee=c2lzYXJkQGvtYW1lcmljYS5vcmc%3d&recipientid=contact-d4e5a8c01c0be71180d300505690fa2f-867ad92a9c5f41cfba496db80585d39c&esid=bd10d43c-6a5a-eb11-8124-00505690fa2f](https://www.federatedinsurance.com/posts/its-your-life/2021-01-resolutions-for-new-year?_cldee=c2lzYXJkQGvtYW1lcmljYS5vcmc%3d&recipientid=contact-d4e5a8c01c0be71180d300505690fa2f-867ad92a9c5f41cfba496db80585d39c&esid=bd10d43c-6a5a-eb11-8124-00505690fa2f)

for a few ideas to consider to help protect and strengthen your business in the coming year.

Please always feel free to contact your Federated regional representative or Jon Medo at 800.533.0472 for any additional information or risk management questions.

This article is for general information and risk prevention only and should not be considered legal or other expert advice. The recommendations herein may help reduce, but are not guaranteed to eliminate, any or all risk of loss. The information herein may be subject to, and is not a substitute for, any laws or regulations that may apply. Qualified counsel should be sought with questions specific to your circumstances. © 2020 Federated Mutual Insurance Company.

### **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](http://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 adaptation 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](mailto: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 1<sup>st</sup>. Later submissions will be considered for the Spring issue.

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

**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 (WIED) 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  
**February 22-24, 2022** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

**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: “A perfectionist walked into a bar...apparently, the bar wasn’t set high enough.”**

© 2021 Western Petroleum Marketers Association - All rights reserved. No part of this work may be reproduced or copied in any form or by any means - graphic, electronic, or mechanical, including photocopying, recording, or otherwise. The information herein is also intended for the sole purpose of members of the Western Petroleum Marketers Association (WPMA). Any other use is strictly prohibited without the express written consent of the WPMA.

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](mailto:janr@wpma.com). Thanks.