

March 3, 2023

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WP-03-03-23

WPMAEXPO 2023 WAS A GREAT SUCCESS!

Thank you to all that attended, exhibited and sponsored this event. It is because of **YOU** this event is so successful!

THANK YOU **WPMA EXPO 2023** TOP SPONSORS

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WPMA 2023 SCHOLARSHIP APPLICATIONS ARE ALL IN!

We are excited with the new WPMA Scholarship online application portal that has streamlined the application process for our high school seniors. The WPMA 2023 Scholarship application portal has now closed.

Our thanks to all those members who got the word out to their employees concerning the scholarships available. The applications will be going to the graders soon, and we should have the 2023 WPMA Scholarship recipients selected by April. Watch for the announcement of the 2023 Scholarship recipients in a future *WPMA UPDATE!*

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



BIDEN ADMINISTRATION DELAYS SUMMERTIME E15 SALES UNTIL 2024

This week, the Biden Administration delayed a decision on allowing the year-round sale of E15 in certain Midwest states until the 2024 summer season. The decision stems from a petition by a group of Midwest governors to permit the summertime sale of E15 in their states. The petition is authorized under a provision in the Clean Air Act allowing an exclusion from the 1 psi waiver for E10 upon notification by a governor that the higher Reid vapor pressure (RVP) limit will increase air emissions in that state. The Clean Air Act requires the EPA to grant the petition and promulgate regulations to revert to a 9 psi RVP for that area no later than 90 days after the date of receipt of the notification. However, the EPA determined the request would result in a shortage of gasoline in the petitioning states for summer 2023, therefore, deciding to delay implementation until summer 2024 for Illinois, Iowa, Minnesota, Missouri, Nebraska, Ohio, South Dakota and Wisconsin. The American Fuel and Petrochemical Manufacturers (AFPM) said in a statement that granting the petition for summer 2023 would be "completely infeasible" given that summertime gasoline production is already underway and that EPA "did the right thing" by taking 2023 off the table. However, summertime 2024 implementation "remains a problem." EPA proposed an effective date of April 28, 2024, and will accept public comment on the proposal to delay E15 until summer 2024 for 45 days once published in the Federal Register.

The Energy Marketers of America (EMA) urged the EPA to delay the approval of an exclusion from the 1 psi waiver because it would require the creation of a boutique fuel exclusive to the petitioning states, thus limiting gasoline supply to the region. Last December, EMA sent a [letter to Congressional leadership](#) regarding legislation that would allow E15 to be sold throughout the year. While there is no guarantee Congress can pass the E15 bill legislatively before the summer 2024, EMA urges Congress to appropriate sufficient funding so that small businesses can participate in the E15 market.

CAPITOL HILL UPDATE

This week, Washington was back in action following last week's President's Day recess. In the Senate, the Environment and Public Works (EPW) Committee held a hearing on the nomination of Joseph Goffman to serve as Assistant Administrator for the Office of Air and Radiation at the EPA. In this hearing, Mr. Goffman was noncommittal regarding allowing E15 fuel to be sold in Illinois, Iowa, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin next summer. The EPA had allowed the sale of E15 last year following the spike in gas prices resulting from the war in Ukraine. With the EPA intending to make E15 legal in 2024 for certain Midwest states, questions had been proposed as to whether the Biden Administration would find a reason to allow the year-round sale of E15 for the country, similar to last summer. Mr. Goffman said doing so would be a "game time decision."

In the same hearing, Mr. Goffman was asked about EPA's proposed rulemaking to revise requirements for gasoline bulk plants. Seeking more information, Sen. Shelley Moore Capito (R-WV), the Ranking Member of the EPW Committee, has agreed to submit a question for the record as a follow-up for Mr. Goffman. The question impresses that EPA "significantly underestimated the economic impact of the proposed rule on small businesses and on the availability of gasoline in rural areas" and asks how he would address these impacts if confirmed.

Additionally, the Senate passed a resolution to reverse a Department of Labor rule allowing environmental social governance (ESG) to be considered in retirement plans. This is in response to a Biden Administration rule allowing retirement plan managers to consider ESG in its investments in addition to its fiduciary duties. The requirements for retirement plan managers would revert to mandating decisions in the interest of securing the best possible returns under the bill. President Biden is expected to veto the legislation.

On the House side, members of the Transportation and Infrastructure committee voted to reverse the Biden Administration's Waters of the United States (WOTUS) rule under the Congressional Review Act (CRA), a law that allows Congress to roll back certain regulatory action. Further, a rulemaking that is rolled back under CRA cannot be reintroduced in a similar form. T&I Republicans posit that the rules negatively impact "farmers, businesses, builders, states, local governments, and all private citizens" from a "significant expansion of the federal government's regulatory power." Now that the resolution has been discharged from the committee, the rest of the House will vote on whether to send it to the Senate. The resolution has 150 cosponsors and will likely pass the House, though its path forward in the Senate is less clear.

Another regulation drawing some attention this week is the Federal Trade Commission's (FTC) proposed rulemaking that would ban noncompete agreements. EMA joined over 200 trade associations to call for Congress to take action to prevent the action stating that FTC "lacks the constitutional or statutory authority to issue such a rule and, in attempting to do so, the agency is improperly usurping the role of Congress" (see article below)

Finally, EPA staffers recommended maintaining the current primary ozone levels of 70 parts per billion, although, Administrator Michael Regan could still require stricter standards in 2024.

EMA JOINS CHAMBER IN OPPOSING BAN ON NON-COMPETE CLAUSES

This week, EMA joined other members of the Chamber of Commerce in sending a letter to all Members of Congress. The letter is in opposition to the Federal Trade Commission's (FTC) proposed rule to impose a nationwide ban on almost all noncompete clauses. The FTC lacks the constitutional or statutory authority to issue such a rule and, in attempting to do so, the agency is improperly usurping the role of Congress. Moreover, this sweeping rule would invalidate millions of contracts around the country that courts, scholars, and economists have found entirely reasonable and beneficial for both businesses and employees. Therefore, we asked Members of Congress to exercise their oversight and appropriations authority to closely examine the FTC's proposed rulemaking.

Congress never granted the FTC the statutory authority to issue rules regulating competition, such as the contractual relationship between employers and employees. Rather, Congress granted targeted statutory authority to FTC to issue rules to protect consumers, such as to prevent fraud and false advertising. In the past, Congress curbed FTC's excesses with appropriations riders, and we encouraged Congress to revisit such tools today. The Supreme Court recently recognized the important Constitutional limitations on the ability of executive agencies to issue major rules such as that proposed here without clear guidance from Congress.

[Click here](#) to read the letter.

MSPC SENDS DATA PRIVACY LETTER IN ADVANCE OF HEARING

In advance of the House Financial Services Committee's markup this week of H.R. 1165, the "Data Privacy Act of 2023," the Main Street Privacy Coalition (MSPC) urged Congress to make privacy legislation work for consumers and businesses. [Click here](#) to read the letter.

WEEKEND READS

[Electric vehicle drivers get candid about charging: 'Logistical nightmare](#)

[EV charging infrastructure is 'inadequate and plagued with non-functioning stations': J.D. Power |Utility Dive](#)

[Parkland nixes planned renewable diesel project, citing U.S. law](#)

[The Undiminished Pleasures of Driving a Stick Shift | WSJ](#)

[Congress torpedoes Biden ESG rule](#)

[Bank finance for cleaner energy grows, but still lags fossil fuels – report | MSN/Reuters](#)

EMA NEWS

Washington Conference and Day on the Hill May 10-12

Please Make Your Hotel Reservation and Register

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 for you to meet with your members of Congress and network with other marketers from across the country!

You can find all conference details by [CLICKING HERE](#) from how to make your hotel reservations, to viewing the conference schedule and registering with secure event payment processing. **Registrations must be received by April 28 to be included in our hotel guarantee.**

JOIN A 2 1/2 DAY RISK MANAGEMENT ACADEMY SESSION TO ELARN ABOUT REDUCING RISK AT YOUR PETROLEUM MARKETERS BUSINESS

Risk, in its many forms, is an ever-present part of our lives. When it comes to your business, you know that mitigating risk is an important factor in keeping your employees safe, your claims costs low, and your business standing strong. Federated Insurance® has the resources to help, and would like to offer you an exclusive invitation to our complimentary 2 ½-Day Risk Management AcademySM (RMA) session for petroleum marketers.

This informative session will be held on May 16-18, 2023. It will be hosted by Federated Insurance in Owatonna, Minnesota. Business owners are encouraged to attend — this session will equip you and a representative from your organization with industry-specific tools and knowledge designed to help prevent losses and protect profits. During the session, you will:

- Address losses impacting your industry
- Connect with industry peers facing similar challenges
- Apply risk management best practices at your business

The registration deadline is Friday, April 14, 2023. There is no charge to attend this valuable seminar. Attendees are responsible only for air and/or ground transportation to and from the seminar location, lodging, and incidental meals. Class size is limited to 40 people.

You can learn more by viewing a brief [video](#) about the Risk Management Academy. To reserve your spot in the upcoming session, or for more information, please contact FederatedRMA@fedins.com. Or, visit www.federatedinsurance.com and click on [Risk Management Academy](#) to register online.

THANK YOU to all who participated in the WPMAEXPO! Please take our short survey to tell us how we did. [Click here](#) for the survey.

PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

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

Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington
and Associate scholarship applications are NOW in process ...



\$4,000

SCHOLARSHIP

RECIPIENTS!



WPMA
SCHOLARSHIP FOUNDATION

Look for recipients to be featured in the WPMA News Scholarship Magazine coming this AUGUST

Petro Pete: Just burned 2,000 calories. That's the last time I leave brownies in the oven while I nap.

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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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