

March 10, 2023

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WP-03-10-23

DON'T FORGET TO CHANGE YOUR CLOCKS THIS WEEKEND!



DAYLIGHT
SAVING
TIME
Spring
FORWARD

MARCH 12, 2023

JOIN US AT ALL THE STATE SHOWS THIS YEAR **SAVE THESE DATES TO YOUR CALENDAR**

April 27-28 Nevada Big Dogs – Red Rock Hotel/Sienna Golf Course – Las Vegas, NV

June 6-7 MPMCSA Montana Convention – Fairmont Hot Springs – Fairmont, MT

June 19-21 WIED Washington Convention – Suncadia Lodge, Cle Elum, WA

July 16-18 OFA Oregon Conference – Sunriver Resort – Sunriver, OR

August 2-4 IPM&CSA Idaho Convention – Sun Valley Resort – Sun Valley, ID

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

October 25-27 UPMRA Utah Convention - Hilton Garden Inn - St. George, UT



REGISTER NOW FOR NEVADA BIG DOGS

Join us April 27 for BOWLING at Red Rock Casino Resort and Spa followed by a Golf Tournament at Sienna Golf Club on April 28.

Hope to see you there!

[CLICK HERE TO REGISTER ONLINE](#)

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



LAWMAKERS INTRODUCE BILL TO DENY THE "CALIFORNIA CAR MANDATE"

Reps. Bob Latta (R-OH), John Joyce (R-PA), Gus Bilirakis (R-FL), and Jay Obernolte (R-CA) introduced legislation – the Preserving Choice in Vehicle Purchases Act – to protect Americans' freedom of choice when purchasing vehicles. The legislation would reject California's request for a Clean Air Act (CAA) waiver to require 35 percent of all new light-duty vehicle sales to be electrified by 2026, followed by a 100 percent requirement by 2035 in the state. This means that by 2035, automakers would be prohibited from selling new vehicles that contain conventional internal combustion engines (ICEs).

"The Energy Marketers of America (EMA) is concerned with California's CAA waiver request because it would limit consumer choice on cleaner greener ICEs, increase Americans' utility bills to subsidize a massive expansion of the electric grid for EV charging and threaten the viability and jobs of small business energy marketers around the country, whether they deliver gasoline and diesel or renewable fuels like ethanol, biodiesel and renewable diesel," said EMA President Rob Underwood.

Every American will be impacted by this ban, whether they are in one of the 17 states that copies California vehicle laws or whether they are a consumer looking to buy an affordable new pickup truck in the next few years. This would constitute 40 percent of the entire nation's new car sales. The Preserving Choice in Vehicles Purchases Act would restrict the EPA from issuing any waiver for new regulations that would ban the sale or use of new motor vehicles with internal combustion engines. Preserving consumer choice is critical to maintaining competition in the automotive markets and ensuring all Americans have access to reliable, clean and affordable vehicles. Check out the story at <https://fuelmatters.org>.

FORMER NATIONAL OIL JOBBERS COUNCIL CHAIRMAN AND DISTINGUISHED SERVICE AWARD WINNER, TOM LOVE, PASSES AT 85

Tom Love, who, along with his beloved wife and business partner, Judy, founded a family-owned and -operated network of more than 600 Love's Travel Stops & Country Stores, passed away at 85 in his hometown of Oklahoma City on Tuesday. Tom is well known for his outstanding services to the Energy Marketers of America (EMA), known then as the National Oil Jobbers Council (NOJC), when Tom was Chairman of the Board in 1975. He received NOJC's highest honor in 1977 as the Distinguished Services Award (DSA) recipient. "Over the course of my lifetime, Tom was one of the best friends I ever had. Knowing he has passed leaves me with a real sense of loss. The world will not be quite as right without him," said former EMA General Counsel Doug Mitchell.

"I've often said that hiring me was one of the only mistakes Tom ever made. He came to DC every week in the 1970s. It was critical because of the many issues that confronted the price and allocation controls to "Dealer Day in Court" legislation (later PMPA to EPA's unleaded fuels mandate and vapor recovery). Tom stayed very much on top of things and was a fun guy too. One time he used my office when I was away. When I got back to my messy office, I found a note from him hidden under a pile of papers saying, "I bet you won't find this until Thanksgiving." No doubt a critique of my poor housekeeping... Somehow, I found it my first day back and he couldn't believe it! Tom will be missed," said EMA General Counsel Bob Bassman.

[Click here](#) for the full obituary and [click here](#) for the Tom Love Legacy page.

EMPLOYERS REQUIRED TO CHECK DRIVER DRUG AND ALCOHOL CLEARINGHOUSE RECORD UPON NOTIFICATION FROM FMCSA OF NEW INFORMATION

The Federal Motor Carrier Safety Administration (FMCSA) announced changes in the way employers are notified of driver drug and alcohol violations uploaded to the agency's Drug and Alcohol Clearinghouse. Previously, the Clearinghouse would only notify an employer (by email) of new information uploaded to a driver's drug and alcohol file for 30 days following an employer's pre-employment query. The 30-day notification period was meant to capture any recent driver drug or alcohol violations that had not yet been uploaded to the Clearinghouse database at the time of the pre-employment query. Without the 30-day notification period, an employer would not learn of a driver's drug or alcohol violation until it was time for the driver's annual Clearinghouse query after 12 months of employment.

However, as of March 8, 2023, an employer will be notified via email when a driver they have queried has new information recorded in their Clearinghouse record within 12 months of a pre-employment or annual query. The new information in the Clearinghouse record may include changes such as an update in return-to-duty status, a removed violation, or a new violation. The Employer is required to conduct a full follow-on query to determine if the new information results in the driver having a "prohibited" Clearinghouse status. The Query History will also be updated to reflect when new information is available, as illustrated in the simulated screenshot below:

Joe Driver (US-CA-1234567)

Employer Conducting Query: Joe Employer

Query Result: Result Not Available

Query Status: Specific Consent Required

Query Conducted By: Joe Employer Query Type: Limited Query Submitted: Manually

There is new information in this driver's clearinghouse record. To determine if this information result in the driver having a "Prohibited" Clearinghouse status you will need to conduct a follow-on query which involves sending the driver a new consent request.

If you click on "Send Consent Request" below, this will send a consent request to the driver. There is no charge for this follow-on query.

SEND CONSENT REQUEST CLOSE QUERY

The employer is required to complete a full follow-on query within 24 hours of receipt of FMCSA notification to determine if the new information results in the driver having a "prohibited" Clearinghouse status. Employers using the "Send Consent Request" prompt on the Query History screen will not be charged for the follow-on query. For more information click on the links below.

[How is an employer notified of changes to a driver's Clearinghouse record?](#)

[What actions should an employer take if notified of a change to a driver's Clearinghouse record?](#)

[Which Clearinghouse users are notified when there is a change to a driver's Clearinghouse record?](#)

[What is the annual requirement for employee queries and how is it tracked?](#)

CONGRESSIONAL UPDATE

This week, President Biden released his annual budget. This document, while largely dismissed by Congress, is very indicative of the policies that the Administration will focus on for the next year and, with a divided Congress, where they may focus regulatory actions. The White House is requesting a \$1.9 billion, or 19 percent, increase in funding for the EPA and a \$6.2 billion, or 13.6 percent, increase in funding for the Department of Energy. In both cases, the Administration has emphasized programs focused on advancing “critical climate goals” and “clean energy infrastructure” while reducing “industrial emissions.” While the President’s Budget is largely a messaging document that will not have a major impact on federal spending, its release is also the first official step in the annual appropriations process, and House Budget Committee Chairman Jodey Arrington (R-TX) has said House Republicans will release their own budget in May.

While House Republicans will largely ignore the President’s Budget, Speaker McCarthy has announced his first major priority for the 118th Congress, H.R. 1, the Lower Energy Costs Act. The bill, which will be introduced by Majority Leader Steve Scalise (R-LA) will focus on two main priorities – “increasing the production and export of American energy and reducing the regulatory burdens that make it harder to build American infrastructure and grow our economy.” In a statement issued with the announcement, Speaker McCarthy noted “The Biden administration has kneecapped American energy production, and endlessly delayed critical infrastructure projects. Democrats’ misguided policies increased costs for every American and jeopardized our national security – and they’ve made the rest of the world more reliant on dirtier energy from Russia and China. To lower costs for Americans and grow our economy, we need to get the federal government out of the way. The Lower Energy Costs Act will fast-track American energy production and includes comprehensive permitting reforms that will speed construction for everything from pipelines to transmission to water infrastructure. And it ensures that the critical minerals needed for advanced technologies come from America – not China. This bill will be critical to growing our economy, lifting communities out of energy poverty, and ensuring American leadership long into the future.”

In addition, following last week’s action in the Transportation and Infrastructure Committee, the House has now voted to overturn 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. As we noted in our previous coverage, a rulemaking that is rolled back under CRA cannot be reintroduced in a similar form. Still, while it has now passed the House, a path forward in the Senate remains less clear.

On the other side of the Capitol, Sen. Cynthia Lummis (R-WY) and nine Senate colleagues drafted a letter to the Secretary of Energy asking for clarity regarding small refinery exemptions as a follow up to a Government Accountability Office (GAO) Report titled “Renewable Fuel Standard: Actions Needed to Improve Decision-Making in the Small Refinery Exemption Program.” The GAO found that many of the Department of Energy’s metrics for determining small refinery exemption petitions were incomplete and required a significant regulatory burden for small refiners to overcome to receive the exemption. The Senators have asked why this is so burdensome and have urged Energy to clarify what steps must be taken to help small refineries receive exemptions to the Department’s renewable fuel standard.

Also, as another follow up to last week’s report, Iowa and Nebraska’s Attorneys General have warned that they may file a lawsuit against the EPA if it doesn’t take action to allow E15 sales over the summer in eight Midwest states. This follows an EPA decision proposing year-round sale of E15 in eight states, but not until 2024.

Finally, several U.S. Senators reintroduced legislation to pressure the OPEC oil production group to stop making output cuts. The so-called No Oil Producing and Exporting Cartels, or NOPEC, bill was reintroduced by senators Chuck Grassley, a Republican, and Amy Klobuchar, a Democrat, and others on the Judiciary Committee.

ILLEGAL TOBACCO SEIZURES HAVE RISEN FOLLOWING BAN ON MENTHOL AND OTHER FLAVORED FORMS OF TOBACCO

Following a June 2020 ban on menthol cigarettes and other flavored forms of tobacco, illegal tobacco seizures have skyrocketed in Massachusetts according to a state task force report. Massachusetts was the first state to implement a full ban on the sale of menthol and flavored tobacco products and vaping devices. And the result has been a jump in tobacco product seizures, up from 5,377 in 2021 to 18,483 in 2022. Yet, since the ban on menthol smoking went into full effect, rates of cigarette smoking in the commonwealth among adults have fallen just 0.5 points, from 11.1% in 2021 to 10.6% in 2022, according to the Task Force report. Go here to read the [report](#).

WEEKEND READS

[CERAWEEK-Future US strategic oil reserve releases restricted to emergencies -Granholm](#)

[End the Discrimination Against Small Business \(wsj.com\)](#)

[US preparing to start SPR refill purchases | Argus Media](#)

[RRC Commissioners vote to challenge validity of Biden administration's air emissions actions \(worldoil.com\)](#)

[CERAWEEKChevron, Talos Energy triple size of proposed Texas carbon hub-](#)

[SEC Chair Gensler says 'Scope 3' emissions disclosures aren't 'well developed,' hinting they could be scaled back in climate rule \(cnbc.com\)](#)

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.

FEDERATED WEBINAR

Cannabis in the Workplace

Tuesday, March 21, 2023 (11:00 AM CST)

60 minutes | Complimentary | Advance registration required

This webinar will provide attendees with practical knowledge about managing employee behavior and performance relating to the use of marijuana or cannabis products in and out of the workplace.

Baseline issues such as what to do about impairment at work; how to navigate both legal and illegal use by employees; and the status of drug testing will be discussed.

Employees' expectations around these issues has transformed, and employers face complex and often conflicting rules and laws when grappling with these issues, and the presenter will provide practical solutions for dealing with them.

Real life examples will be provided and there will be a live Q&A session at the end.

Who Should Attend:

- Managers
- Supervisors
- Risk Managers
- HR Professionals

Register [here](https://go.zywave.com/CannabisintheWorkplace-Registration.html?_cldee=66H_q5yX-nlwT6cwnAOblax-PvIUBWLBLuIPRIf3GHmbFbYCOFJPYq4KIKESSIcM&recipientid=contact-722a023f6e0fed11813d00505690ade8-1138fb562b1340889a2966017a6d7187&esid=0d28a53e-81be-ed11-8147-00505690ade8): https://go.zywave.com/CannabisintheWorkplace-Registration.html?_cldee=66H_q5yX-nlwT6cwnAOblax-PvIUBWLBLuIPRIf3GHmbFbYCOFJPYq4KIKESSIcM&recipientid=contact-722a023f6e0fed11813d00505690ade8-1138fb562b1340889a2966017a6d7187&esid=0d28a53e-81be-ed11-8147-00505690ade8

JOIN A 2 1/2 DAY RISK MANAGEMENT ACADEMY SESSION TO LEARN 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.

PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

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

\$4,000

2023 **SCHOLARSHIP** **RECIPIENTS!**

WPMA
SCHOLARSHIP FOUNDATION

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

Petro Pete: Always borrow money from a pessimist. They'll never expect it back.

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