

March 24, 2023

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WP-03-24-23



TIME IS RUNNING OUT TO REGISTER 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.

Room block ends when room block is full or on March 27, whichever comes first.

Hope to see you there!

[CLICK HERE TO REGISTER](#)



Just a friendly reminder that your GHG and CAR Emissions Reporting to Department of Ecology are due to them by **March 31, 2023**. They have been very clear that they will not be enforcing any penalties on CAR reporting as long as you are still reporting your numbers.

In Washington, businesses that emit more than 10,000 metric tons of carbon dioxide equivalent per year are required to report their emissions to Ecology's [Greenhouse Gas \(GHG\) Reporting Program](#). The Climate Commitment Act (CCA) builds off of this existing reporting framework, but also has specific emissions reporting requirements unique to the cap-and-invest program.

[CLICK HERE FOR EMISSIONS REPORTING TRAINING](#)

[CLICK HERE FOR SUPPLIER REPORTING TOOL](#)

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



US COURT OF APPEALS UPHOLDS APPROVAL OF SWIPE FEE SETTLEMENT

The United States Court of Appeals for the Second Circuit upheld the lower court's approval of the \$5.6 billion settlement in the Visa/Mastercard swipe fee litigation. The approval of the settlement was challenged by the Energy Marketers of America (EMA) and other associations, as well as scores of branded wholesalers and retailers of gasoline and diesel fuel. EMA and the other challengers argued that the settlement should not have been approved until a decision was made as to whether the tens of thousands of branded motor fuel wholesalers and retailers were eligible to receive settlement funds.

EMA argued that the US District Court should have decided whether branded marketers would be entitled to receive any settlement funds before marketers had to choose whether to remain in the settlement class or to opt out of the class to challenge the settlement. Many branded marketers chose to remain in the settlement class, thus giving up their right to challenge the settlement, even though their ability to share in the settlement proceeds has not yet been decided. The decision

on this issue will be decided by a special master appointed by the court, who will decide whether major oil companies or their branded wholesalers and retailers will be the ones entitled to funds based on sales of gasoline at branded sites. EMA also asked the Court of Appeals to preempt a decision by the court-appointed master by deciding now that branded marketers are eligible to receive the funds. The Court of Appeals declined, however, to make that determination, and its decision contributed to the uncertainty that now exists as to the fate of branded marketer claims against the settlement fund.

As matters now stand, the lower court will appoint a special master to determine whether branded jobbers and retailers will be eligible. Visa and Mastercard contend that only branded refiners (i.e., those who process the credit card transactions made at branded sites) are eligible, that the branded suppliers have already been paid in separate settlements, and that their wholesaler and retailer franchisees are ineligible as indirect payers of credit card fees. Branded marketers, on the other hand, contend that they are the only entities that accepted the cards and, thus, the only eligible recipients of settlement funds based on transactions at their sites. Now that the case has been remanded back to the lower court, EMA expects the court to appoint a master in due course. EMA General Counsel will advise marketers of the masters' appointment when it occurs. EMA will also continue to press the issue on behalf of branded marketers by seeking permission to weigh in on this extremely important matter. And, of course, EMA will keep its members abreast of the progress of the proceedings before the special master and all other major developments in the case.

ANNUAL NATIONWIDE ROADSIDE INSPECTION AND ENFORCEMENT BLITZ SCHEDULED FOR MAY 16-18

Energy marketers are reminded to be prepared for the annual three-day RoadCheck enhanced roadside inspection and enforcement blitz scheduled for May 16-18. RoadCheck is an annual 72-hour event where inspectors fan out nationwide to conduct enhanced roadside inspections of commercial motor vehicle drivers and their vehicles. The annual inspection and enforcement blitz is organized by the Commercial Vehicle Safety Alliance (CVSA), a nationwide organization of federal, state, and local law enforcement and commercial vehicle safety personnel. This year inspectors will focus on compliance with antilock braking systems requirements. ABS violations will not result in an out-of-service violation. However, ABS plays a critical role in reducing the risk of collisions by preventing wheels from locking up or skidding, allowing a driver to maintain control of the vehicle while braking.

Roadside inspections will also be inspected for compliance with driver safety and vehicle maintenance requirements mandated by state and federal motor carrier regulations. During the three-day RoadCheck event, roadside inspectors will primarily conduct [North American Standard Level I inspections](#). Level I inspection is a 37-step procedure that includes examination of both the mechanical fitness of the vehicle and driver operating requirements. Vehicle inspection includes; checking brake systems, cargo securement, coupling devices, driveline/driveshaft components, exhaust systems, frames, fuel systems, lighting devices, steering mechanisms, suspensions, tires, wheels, rims and hubs, and windshield wipers. Inspectors will also check for driver safety compliance including operating credentials, hours-of-service documentation, status in the drug and alcohol clearinghouse, seat belt usage, and alcohol and/or drug impairment. Violations of these requirements may result in monetary penalties and possible out of service orders.

Click [here](#) for additional information on the 2023 CVSA roadside inspection and enforcement blitz.

LEGISLATIVE UPDATE

The sun is out, the cherry blossoms are blooming, and Congress is rounding into mid-season form, hearing from leaders of federal agencies as they seek to justify their budget requests for FY 2024. This includes testimony from EPA Administrator Michael Regan before the Senate Environment and Public Works (EPW) Committee. This was not just an opportunity for Mr. Regan to justify his proposed \$12.08 billion budget request, which is almost a 20 percent bump from FY 2023. As part of the hearing, Ranking Member Capito (R-WV) took time to raise concern "about the way the EPA is prioritizing certain regulatory actions." She noted WOTUS changes, changed rules around forever chemicals – like PFAS and PFOA – and noted her prior hearing with Joseph Goffman, Principal Deputy Assistant Administrator for Air and Radiation at EPA, which was the hearing that led her to ask a follow-up question regarding EMA's small gasoline bulk plant proposed rule concerns. She effectively said that EPA had wasted a lot of time on regulations that hurt small business and consumers. At the same time, though, EPW Chair Tom Carper (D-DE) said that he supports EPW's "efforts to advance environmental justice," applauding the agencies work to regulate clean air and water.

In the House, the Rules committee will be meeting early next week on Speaker Kevin McCarthy's (R-CA) first major piece of legislation, H.R. 1, the Lower Energy Costs Act. At this point, we're learning that they intend to send the bill to the floor under a structured rule that would gatekeep some amendments before the bill's eventual passage in the House. While this is the Speaker's first major piece of legislation this Congress, and will surely pass the House, it will have a difficult (read: impossible) path to passage in the Senate. Instead, this bill should largely be seen as a messaging piece for House Republicans.

A new national coalition known as the Clean Freight Coalition (CFC) was formed this week by the American Trucking Associations, Truckload Carriers Association, American Truck Dealers, National Tank Truck Carriers and the Truck and Engine Manufacturers Association to promote the work underway to reduce greenhouse gas emissions from freight transportation and advocate for sound policies that transition toward a zero-emission future in a manner that assures affordable and reliable freight transportation and protects the nation's supply chain. [Click here](#) to read more about the progress the trucking industry has made in reducing emissions and protecting the environment.

Outside of Washington, Chubb, one of the top-10 largest insurers in the oil and gas market, is changing its policies for insuring oil and gas companies, requiring lower methane emissions. Chubb CEO Evan Greenberg said that this had nothing to do with activist pressure around ESG investing, but that they want to help with carbon reduction, and that if companies don't comply,

they “won’t underwrite them.” He added that 85 percent of Chubb’s oil and gas clients are already in compliance, and that the company would provide a grace period for others to get on board.

IRS ISSUES WARNING ABOUT MOTOR FUEL EXCISE TAX CREDIT SCAM

The IRS has seen an increase in the promotion of filing certain refundable credits using [Form 4136, Credit for Federal Tax Paid on Fuels](#). In this scam, a third party convinces a taxpayer to fraudulently claim the credit with promises of a windfall refund. However, the promoters of this scam are focused on their own gain, taking advantage of the taxpayer with inflated fees, refund fraud and identity theft.

Improper credits continue to be an important area of focus for the IRS. The fuel tax credit is meant for off-highway business and farming use and, as such, is not available to most taxpayers. However, unscrupulous tax return preparers and promoters are enticing taxpayers to inflate their refunds by erroneously claiming the credit. Taxpayers contemplating participating in any questionable tax scheme such as this should be aware the IRS has increased its compliance efforts related to falsely claiming these credits. IRS processing systems, including new identity theft screening filters, are now stopping a significant number of suspicious fuel tax credit refund claims. Before taking the bait on a dubious credit claim, taxpayers should seek advice from a legitimate source. Returns filed by individuals and tax preparers who knowingly claim a credit to which they are not entitled may face fines and even be subject to [federal criminal prosecution and imprisonment](#).

TREASURY DEPARTMENT TO ISSUE GUIDANCE ON CLEAN ENERGY TAX CREDITS PROVIDED UNDER THE INFLATION REDUCTION ACT

The U.S. Treasury Department announced that it is set to release the guidance next week on the remaining energy tax credits included under the Inflation Reduction Act of 2022. The department will release proposed guidance on the tax credit for electric vehicles next week. The guidance will mark the end of the first phase of the implementation of the nearly \$277 billion in Treasury Department clean energy credits.

Additional guidance on the bonus provisions for clean energy projects in communities whose economies are dependent on fossil fuel production is set for release before summer. The bonus provisions are designed to incentivize clean energy investment in these communities. The Treasury is awarding a 10 percent credit in addition to existing federal energy credits for projects in designated communities or designed and built with products made in the United States. The guidance will explain how to qualify for bonus credits and provide additional guidelines that define the domestic content incentive.

The Treasury Department will also issue additional guidance in the coming months on prevailing wage requirements for qualified projects. The Inflation Reduction Act set base production and investment tax credits that can be increased fivefold for projects that pay workers prevailing wages and meet apprenticeship requirements. Finally, the Treasury Department will establish IRS guardrails to ensure the credit application process for clean energy products is streamlined for rapid disbursement.

WEEKEND READS

[**Biden’s latest fuel proposal promises to drive gasoline prices higher**](#)

[**U.S. Gasoline Demand Soars to Highest in Months**](#)

[**4 energy takeaways from the House Republican retreat**](#)

[**Sen. Thune speaks out against ‘damaging’ EPA rule on trucks**](#)

[**U.S. energy secretary says it could take years to refill oil reserve**](#)

[**Big Oil Prepares for Upheaval at the Gas Station |Wall Street Journal \(subscription required\)**](#)

[**Goldman Sees Biden’s Clean-Energy Law Costing US \\$1.2 Trillion**](#)

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 INSURANCE: RISK MANAGEMENT CORNER

Could Employee Turnover Impact Your Business in 2023?

In today's competitive labor market, retaining quality employees is essential. Failing to keep talent at your business can have serious, and costly, consequences. When someone with specialized knowledge, relationships or leadership potential leaves your business, the fallout could include:

- Expense and time related to recruiting, hiring, and training a replacement
- Weakened or lost relationships with customers, suppliers, and creditors
- Costly mistakes due to inexperience
- Lower morale among the remaining team members
- Decreased sales and profits

Two increasingly popular ways to help prevent employee turnover are workplace safety and private bonus plans.

1. Workplace safety. Employees want to feel safe at work and know that you are committed to preventing an on-the-job injury that could forever change their lives. Making safety a priority sends a clear message to your team: you care about them.
2. Private bonus plans. With a private bonus plan, businesses pay select employees set bonuses at specific milestone years of employment. For example, an individual deemed particularly valuable to your operation may be offered a \$10,000 bonus after 5 years of service, \$12,000 after 10 years, and \$15,000 after 15 years, etc. Private bonus plans can be funded with a cash value life insurance policy. In this situation, the business applies for, owns, and pays the premiums on a cash value life insurance policy insuring the key employee. The business can then withdraw policy cash values as needed, and in accordance with policy terms to pay the scheduled bonuses.

Don't let employee turnover derail your 2023 goals. To learn more about promoting workplace safety or private bonus plans, please always feel free to contact your **Federated** regional representative or EMA's National Account Executive **Jon Medo** at 800.533.0472 for any additional information or risk management questions.

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

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 - Hilton Graden Inn - St. George, UT

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: I don't suffer from insanity—I enjoy every minute of it.

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