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CDL DRIVER TIPS FOR SURVIVING A ROADSIDE INSPECTION

Roadside inspections are a critical part of the trucking industry. They help ensure that truck drivers are compliant with the laws and are operating safely on the road. It is important drivers are ready for the possibility of a roadside inspection every day. Failing a roadside inspection will result in civil penalties and possible out of service orders. The following tips for drivers stopped for a roadside inspection will help your company avoid unnecessary fines and out of service orders. Click [here](#) for more details.

ELECTRIC VEHICLE TAX CREDIT LEGISLATION INTRODUCED

This week, Senators Debbie Stabenow (D-MI), Lamar Alexander (R-TN), Gary Peters (D-MI), and Susan Collins (R-ME) along with Congressman Dan Kildee (D-MI) introduced the "Driving America Forward Act," which would expand the electric vehicle (EV) and hydrogen fuel cell tax credits. Specifically, the legislation would reduce the \$7,500 credit to \$7,000 and would lift the tax credit cap from 200,000 to 600,000. Under current law, the tax credit phases out on a per manufacturer basis once that company has sold 200,000 EVs total for use in the United States. Recently, Tesla and GM reached the 200,000 cap and are now no longer able to take advantage of the credit.

"Expanding the EV tax credit places the burden on the poor and middle class who are subsidizing the wealthy's luxury buying power which is unfair. On top of that, EVs currently have no skin in the game to fund highway infrastructure while utilities are unfairly expanding EV infrastructure on the backs of their rate payer base. Not to mention that the jury is still out on EV environmental gains," said PMAA President Rob Underwood.

The EV tax credit legislation now competes with Senate Environment and Public Works (EPW) Committee Chairman's John Barrasso (R-WY) bill known as the "Fairness for Every Driver Act" (S. 343). Barrasso's bill would repeal the \$7,500 EV tax credit and impose a federal highway user fee on alternative fuel vehicles. President Donald Trump has also called for ending the credit.

PMAA fully supports S. 343 which would ensure that all vehicle owners and operators, no matter what fuel type they choose, pay their fair share for road maintenance and repair.

FMCSA TO ADD NO-FAULT CRASH CATEGORY TO MOTOR CARRIER SAFETY RATING SCORES

The U.S. DOT's Federal Motor Carrier Safety Administration (FMCSA) is taking action to change the way no-fault accidents are recorded in its carrier safety rating program. The new regulatory action is important to petroleum marketers because it will remove a key data point that can significantly lower safety scores under the Compliance Safety Accountability (CSA) scores metric. Low safety scores can lead to loss of operating authority.

The CSA program, which monitors and records carrier safety data, replaced the former and less obtuse motor carrier safety rating system about 10 years ago. The single biggest complaint against the CSA program since its inception is its failure to take into account fault when scoring commercial motor vehicle crashes. No-fault crashes have been counted against motor carriers regardless of whether the carrier was to blame. This has led to artificially low CSA scores, which can affect everything from carriers' operating authority and enhanced safety monitoring to their legal defenses and insurance rates.

The FMCSA now says it will make permanent the current no-fault data demonstration project that allows truck crashes in which the driver was not at fault to be listed as "not preventable" in CSA program scores. The FMCSA first launched the Crash Preventability Demonstration Project in 2017 as a two-year pilot program. The program currently classifies a crash as "not preventable" on a CSA profile when the carrier is not at fault. However, before that determination can be made, a carrier must submit a request for data review through the agency's DataQs system, attaching documentation that establishes no fault. Currently, there are eight crash categories that can be challenged under the new program.

Prior to no-fault designation on CSA scores, fatal crashes listed on a carrier's safety profile did not contain information on whether the carrier was at fault in the crash. Under the new program, if a crash is found to be not preventable, a carrier's private Crash Indicator Behavioral Analysis Safety Improvement Category, or BASIC, score would be recalculated with the crash omitted. BASIC scores underpin carrier ratings in the CSA program. The FMCSA says that the new no-fault program can be implemented without a formal rulemaking.

EPA ADMINISTRATOR TESTIFIES BEFORE CONGRESS

This week, EPA Administrator Andrew Wheeler testified before the House Energy and Commerce Committee and Climate Change Subcommittee hearing on the FY2020 EPA Budget. The EPA Administrator was grilled on the recent small refinery exemptions (SREs) that has indirectly reduced the corn ethanol mandate and reduced RIN values. Under the RFS, refiners

must blend certain volumes of biofuels into their fuel each year or purchase credits from those that do. Small refineries with a capacity of less than 75,000 barrels per day can get waivers if they prove that compliance with RFS would cause them significant economic harm. The EPA has granted over 30 SREs for 2016 and 2017 compliance years and has indicated that it has received 39 petitions for SREs for 2018. Wheeler seemed to indicate that there could be fewer SREs granted for compliance year 2018 given that RIN values have dropped dramatically. Corn state Senators have criticized the Trump Administration for granting the refinery waivers and not reallocating them to other obligated parties.

The Administrator also indicated he needed guidance from Congress on how to handle the RFS after 2022, when mandated statutory volumes end. The Energy Independence and Security Act of 2007 (EISA) specifies RFS volumetric requirements through 2022 for total renewable fuels, advanced biofuels, cellulosic biofuels, and biomass-based diesel. After 2022, the law states that the EPA set required volumes of each renewable fuel in coordination with the Secretary of Energy and the Secretary of Agriculture. In other words, the law requires EPA to set RFS volumes post 2022 years taking into account the impact of the production and use of renewable fuels on the environment, energy security, the expected annual rate of future commercial production of renewable fuels, economic development, infrastructure and the overall costs to the public. When asked if the EPA is focusing on the future of the RFS post 2022, Wheeler indicated that the EPA's top priority is finalizing the proposed rule to allow E15 sales during the summer months, changing the RINs program to improve transparency, the RFS reset and setting the 2020 renewable volume obligation (RVOs) requirements.

Wheeler said that he would welcome Congressional insight on a post 2022 RFS world and said that he doesn't believe EPA has the authority to set a nationwide octane standard, only Congress has the authority.

URGE CONGRESS TO EXTEND THE BIODIESEL BLENDER'S TAX CREDIT

Rep. Abby Finkenauer (D-IA) recently introduced bipartisan legislation (H.R. 2089) known as the "Biodiesel Tax Credit Extension Act," which would extend the biodiesel blender's tax credit for 2018 and 2019. PMAA supports this important legislation.

Click [here](#) to urge your members of Congress to cosponsor H.R. 2089.

COALITION ADVISES FTC ON DATA PRIVACY LEGISLATION

This week, the Federal Trade Commission (FTC) held hearings on data privacy. PMAA and other members of the Main Street Associations Coalition submitted a comment [letter](#) outlining our required key principles for federal data privacy policy.

Any federal data privacy policy should apply to all industry sectors and not contain loopholes that leave consumers unprotected when their personal data is handled by a business. All of the companies involved in handling that chain of data should have legal obligations to properly guard it under privacy law and the law should not solely rely on private contracts to create those legal obligations. Protection of consumer data privacy is a priority policy issue and our associations collectively support federal privacy legislation that would establish a uniform, nationwide and consumer-centric data privacy law that does not pick regulatory winners and losers among differing business sectors.

WHITE HOUSE TO PROMOTE CARBON CAPTURE TECHNOLOGY

Senate Focuses on Carbon Capture Legislation

According to two senior Trump Administration officials who spoke to McClatchy's DC bureau last week, the White House is planning to promote carbon capture and storage technology in a move to combat carbon-dioxide emissions. Carbon capture technology is designed to gather carbon-dioxide emissions from large coal and fuel plants and prevent the gas from reaching Earth's atmosphere.

Just a few days later, on Tuesday, Senate Environment and Public Works (EPW) Committee advanced legislation known as the "Utilizing Significant Emissions with Innovative Technologies (USE IT) Act," by voice vote. The bill, S. 383, which is sponsored by EPW Committee Chairman John Barrasso (R-WY), aims to promote carbon capture technologies and to find productive uses for the gas once it has been captured. Additionally, the EPW Committee advanced a reauthorization of S. 747, known as the "Diesel Emissions Reduction (DERA) Act," by voice vote. DERA provides funding to replace older engines with cleaner engines to reduce air pollution and was reauthorized through fiscal year 2024 at current funding levels.

Lastly, on Wednesday, Democratic Sens. Sheldon Whitehouse (RI), Brian Schatz (HI), Martin Heinrich (NM) and Kirsten Gillibrand (NY) introduced a bill, known as the "American Opportunity Carbon Fee Act," which is intended to combat climate change by taxing carbon emissions at \$52 per metric ton beginning in 2020. The fee would then increase by six percent annually above inflation and be calculated where fossil fuels are mined, processed, refined or imported. The legislation, however, is unlikely to pass the GOP-led Senate.

PLAN TO ATTEND THE 2020 WPMAEXPO

WPMAEXPO

Mark your calendars for February 18-20, 2020. Make plans now to attend the 2020 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

May 2-3, 2019 – Nevada (NPM&CSA) – Big Dogs – Las Vegas, NV

June 4-6, 2019 – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Fairmont, MT

June 20, 2019 – Utah (UPMRA) Summer Golf Classic - South Mountain Golf Course, Draper, UT

June 17-20, 2019 – Washington (WOMA) Convention – Suncadia Resort, Cle Elum, WA

August 5-7, 2019 – Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, ID

August 19-21, 2019 – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

September 11-13, 2019 – Utah (UPMRA) – Convention – Zermatt Resort, Midway, UT

October 14, 2019 - Hawaii (HPMA) - Golf Tournament - Oahu Country Club, Honolulu, HI

February 18-20, 2020 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

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Petro Pete: “Blessed are the flexible, for they shall not be bent out of shape.”

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