

April 26, 2024

Visit us online at wpma.com

WP-04-26-24

IN OUR BACKYARD 5K EVENT

Step forward against human trafficking. There are two ways to join the fun:

In Person: Bend, OR:

This family-friendly 5k allows participants of all ages to run or walk along a marked trail. Join us on Saturday, May 4, 2024, at 10:00 AM at Seventh Mountain. After the race, you'll also get FREE entry to the Bend Women's Expo! We even have a fun Duck Trail Fun Hunt for families and children, where you can collect rubber duckies along the trail. **Click [HERE](#)** to register now!

Virtual:

You can still join us virtually. Complete the 5k at any time between May 4 and May 11, 2024. Walk, run, jog, or roll wherever you prefer. Invite your friends to join you in speaking up against human trafficking. **Click [HERE](#)** to register now!



THE WPMA EXPO IS MOVING FOR 2025!

Whether you're a seasoned convention-goer or a first-time attendee, get ready for an event unlike any other. Stay tuned for more updates in the coming months, including details on the convention schedule, programming, and special events.

We can't wait to welcome you to the **MGM Grand Resort** in Las Vegas for an excellent convention **February 18-20, 2025!**



MEMBER SERVICE SPOTLIGHT:

Eligible business members who join NPP can get great discounts on Verizon Wireless and Verizon 5G Business internet.

[CLICK HERE TO APPLY TODAY!](#)



Verizon Wireless

- **22% off Verizon monthly access fees on Corporate liable lines. \$34.99 or higher, two corporate lines required.***
- For a limited time, **save \$5/month for a year on two UNLIMITED plans** by Verizon Wireless: Business Unlimited Pro 5G and Business Unlimited Plus 5G.*

Verizon 5G Business Internet

- 10-year price guarantee, one month free, and prices as low as \$69/month. *

*Restrictions apply.

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



Annual U.S. DOT HAZMAT Registration Period Begins May 1st

The U.S. Department of Transportation's Pipeline and Hazardous Material Safety Administration (PHMSA) HAZMAT registration for the 2024-2025 registration period begins May 1, 2024. *Registration must be completed by July 1, 2024 for all expiring HAZMAT certificates.*

PHMSA requires both hazardous material transporters and those who ship hazardous materials through common carriers to register and pay a fee each year in return for a certificate of authority to operate in intrastate and/or interstate commerce. *Since PHMSA allows multiyear registration, not all registration certificates are up for renewal in 2024.* Current registration and expiration status may be checked on line by clicking here: [HAZMAT Registration Look-up](#).

[CLICK HERE TO READ THE EMA COMPLIANCE REPORT](#)

Inside the Beltway

Perhaps the most impactful activity in Washington this week were major decisions coming out of the Federal Trade Commission (FTC) and U.S. Department of Labor (DOL). On Capitol Hill, the House and Senate were scheduled to be in the states campaigning, however, the Senate remained in Washington to pass a \$95 billion supplemental spending measure. The legislation, which passed the House over the weekend, provides aid to Ukraine, Israel, Taiwan, and bolsters U.S. operations in the Middle East.

When the House and Senate return to Washington next week, we can expect increased pressure on Biden Administration policies. For example, domestic battery companies and a bipartisan group of lawmakers are calling on the Biden Administration to close loopholes in the electric vehicle (EV) tax credit rules. The foreign entity of concern rules are designed to prevent Chinese suppliers from accessing the lucrative EV tax credits, but the companies argue the rules don't go far enough to cut out Chinese battery suppliers. Frank Fannon, who served as Trump's assistant secretary of State for energy resources, said cracking down on Chinese battery suppliers could be a top target for Donald Trump if he wins a second term — and he likely wouldn't have any qualms about the impacts on EV adoption. "I think it will be politically very challenging [for Trump] to allow for this kind of loophole to continue."

The National Petroleum Council (NPC), an advisory committee within the Department of Energy comprised of roughly 200 industry representatives, delivered a hydrogen report to Energy Secretary Granholm. The report finds that low-carbon intensity hydrogen could reduce U.S. carbon emissions by 8 percent by 2050 if the government pursues policies that help make it cost competitive. The NPC recommended pursuing hydrogen production using natural gas with carbon capture in the short term and scaling up production with renewables in the long term.

FTC Announces Rule Banning Non-competes

This week, the Federal Trade Commission (FTC) voted 3-2 along party lines to approve its new rule on non-competes. The new rule, which will take effect in 120 days, essentially bans non-competes for all workers, finding them "an unfair method of competition – and therefore a violation of Section 5 of the FTC Act."

Notably, a non-compete clause is broadly defined by the new rule as a "contractual term or workplace policy that prohibits a worker from, penalizes a worker for, or functions to prevent a worker from seeking or accepting work in the United States with a different person where such work would begin after the conclusion of the employment or operating a business in the United States after the conclusion of the employment."

The new rule applies retroactively to prior agreements, other than those for senior executives earning more than \$151,164 a year in a "policy-making position." Employers must provide notice to other workers subject to non-compete agreements that they are no longer enforceable.

Not limited to employees, the non-compete ban extends to independent contractors, externs, interns, volunteers, apprentices, and sole proprietors who provide a service to a person. It does not include non-competes entered into pursuant to a bona fide sale of a business entity or in a franchisor-franchisee relationship.

While the rule is final, expect legal challenges to follow. For example, the U.S. Chamber of Commerce, the nation's largest business lobby, told reporters it plans to sue over the rule, claiming the FTC is not authorized to make this rule, that non-competes are not categorically unfair, and the rule is arbitrary. The Chamber's thoughts were echoed by the opposing Republican FTC Commissioners, who cited concerns about the FTC's authority. While employers' protectable interests are often a concern, it is important to note that this rule does not ban non-disclosure and confidentiality agreements.

Stay tuned for more information on the developing regulations for non-competes and the legal challenges that will follow.

U.S. Department of Labor Releases Final Rule on Increased Salary Requirements for "White Collar Overtime Exemptions"

The U.S. Department of Labor (DOL) announced on Wednesday the release of a final rule raising the minimum annual salary threshold for overtime pay eligibility. This primarily applies to executive, administrative, and professional employees, commonly referred to as the "White Collar Overtime Exemptions."

The Fair Labor Standards Act ("FLSA") is a federal law that regulates when employees must be paid minimum wage and overtime. Under the FLSA, overtime pay, which is due to all employees who do not fall within a specified exemption, is one and one-half times an employee's regular pay rate for every hour that is worked beyond 40 hours in a work week. While hourly workers are generally entitled to overtime pay, salaried workers are not if they earn above a certain pay level and supervise other workers, use professional expertise or judgment, or hire and fire workers.

Currently, salaried workers making less than \$35,568 annually qualify for overtime pay when they work more than 40 hours in a week. Starting July 1, 2024, the threshold will increase from \$35,568 to \$43,888 per year. It will then increase again to \$58,656 on January 1, 2025.

The change will be most critical for employers which are now claiming an overtime exemption for employees earning more than \$35,568 annually, but less than \$58,656 annually. Upon enactment, these employees, occupying this \$23,088 band, would lose their current status as overtime exempt. Please note that the DOL did not change how bonuses are treated. Consistent with the current regulations, employers can still satisfy up to 10 percent of the new salary levels through the payment of nondiscretionary bonuses and incentive payments (including commissions) paid annually or more frequently.

The new standard will likely be challenged in court by affected industry groups including EMA that have argued that excessively raising the standard exceeds the Labor Department's authority. Unless and until there is court intervention, employers should prepare as follows:

- Review salaried employee classifications to confirm compliance with new salary thresholds to remain exempt.
- Review salaried employee classifications to determine whether employees should be reclassified as nonexempt.
- For employees reclassified as nonexempt, ensure all hours worked are properly recorded.
- For employees reclassified as nonexempt, review budgets, set hours expectations, and development policies for approval of overtime.

Barnes & Thornburg LLP, who represents the Small Business Legislative Council (SBLC) in which EMA is a member, will keep marketers apprised of industry challenges to the Final Rule. For additional information, please contact: Matt Morgan at mmorgan@btlaw.com.

FDA Enforcement Actions Against Tobacco Retailers

This week, FDA issued a new round of civil money penalties (CMPs) to 22 brick and mortar and online retailers for the sale of allegedly violative vapor products. Since May 2023, there has been a significant increase in warning letters and CMPs, with more than 550 warning letters and 170 CMPs issued to retailers for selling allegedly violative flavored disposable products popular with youth. These actions have focused on major brands including Breeze, Elf Bar/EB Design/EB Create, Lost Mary, Funky Republic/Funky Lands, Esco Bars, Lava Plus, Cali Bars, Hyde, and Kangvape.

[Click here](#) to read the National Association of Tobacco Outlets report.

WEEKEND READS

[Electric vehicles are 'direct wealth transfer' from owners of gas-powered vehicles to EV owners, experts say | Fox Business \(Video\)](#)

[Hyundai Motor to Spend More on Hybrids as EV Demand Weakens](#)

[Biden administration to release low-carbon aviation fuel tax credit model on Tuesday - sources](#)

[Biden's damaging war against American energy production | The Hill](#)

[Election-year politics cuts into small-trucker priorities | FreightWaves](#)

[California grid will require major upgrade to meet EV demands: Study](#)



Risk Management Academy Opportunity From Federated

You're Invited!
**ONE-DAY RISK
MANAGEMENT ACADEMY**

**TUESDAY, MAY 14, 2024
9:00 A.M. – 2:00 P.M.**

**Marriott University Park
480 Wakara Way
Salt Lake City, UT 84108**

As a business owner, you know that risk is something to constantly be watching for — risk knows no calendar, sets no appointments, and is always present. As a benefit from your association, Federated Insurance® has the resources to help, and would like to offer you an exclusive invitation to join other business owners at our complimentary, one-day Risk Management Academy.

KEY AGENDA ITEMS:

- ▶ Developing a risk management culture
- ▶ Fire prevention
- ▶ Advantages of using Federated DriveSAFE Telematics
- ▶ Peer-to-peer discussion
- ▶ Business succession
- ▶ Employee retention

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MAGAZINE**

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Click [HERE](#).



EMA JOURNAL - The Official Publication of the Energy Marketers of America

Check out the EMA Journal anytime online by clicking [here](#).

The EMA Journal **SPRING** issue is now available.

**Feature article, "Meet the New EMA
Chair, Brad Bell"**

SIGN UP NOW FOR THESE STATE EVENTS!



Montana Convention

June 4-5, 2024

Fairmont Hot Springs - Fairmont, MT

[REGISTER HERE!](#)



Washington Convention

June 17-19, 2024

Suncadia Lodge - Cle Elum, WA

[REGISTER HERE!](#)



Oregon Conference

July 14-16, 2024

Sun River Resort - Sun River, OR

[REGISTER HERE!](#)

PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

April 30, 2024 - Idaho (IPM&CSA) Boise PAC Golf Tournament- Ridgecrest Golf Course-Nampa, ID

June 4-5, 2024 - Montana (MPMCSA) Convention - Fairmont Hot Springs Resort - Fairmont, MT

June 17-19, 2024 - Washington Energy Convention (WIDE) - Suncadia Lodge - Cle Elum, WA

June 20, 2024 - Utah (UPMRA) PAC Golf Tournament - Thanksgiving Point Golf Course-Lehi, UT

July 14-16, 2024 - Oregon (OFA) Conference - Sunriver Resort - Sunriver, OR

August 7-9, 2024 - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort, Coeur d'Alene, ID

August 20-22, 2024 - New Mexico (MMPMA) Convention - Sandia Resort - Albuquerque, NM

October 1-3, 2024 - Utah (UPMRA) Convention - Hilton Garden Inn - St. George, UT

February 18-20, 2025 - WPMAEXPO, MGM Grand Resort, Las Vegas, NV

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

\$4,000

SCHOLARSHIP

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



WPMA
SCHOLARSHIP FOUNDATION

Member Services

FEDERATED INSURANCE



Federated has helped business owners in a variety of industries get the right insurance coverage to protect their business and employees.

Federated's direct sales approach is also unique in the insurance industry. You are guaranteed the personal touch from Federated's knowledgeable marketing representatives, starting even before you become a client.

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TransForce is the leading provider of CDL driver solutions. For over 30 years, the company has offered motor carriers the ability to effectively source, recruit and staff new and experienced driver talent.

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NPP PARTNERS



NPP provides discount pricing for businesses of all sizes. Through the buying power of more than 300,000 NPP members, you can save on brands you use every day. Membership is free.

NPP gives you access to discounts on Verizon products and services as well as savings on services and supplies from Staples.

[CLICK HERE](#) for more info.

WE CARD



The Coalition for Responsible Tobacco Retailing offers training and education programs for retailers.

[CLICK HERE](#) for more info.

HERTZ CAR RENTAL



Unlock exclusive savings when you utilize our member service through Hertz! Enjoy a fantastic 20% discount off the base rate of your rental car simply by using your Hertz Business Rewards CDP number during booking. Whether for business or leisure, elevate your travel experience while saving on your rental with us. Drive with confidence and convenience, all at an unbeatable value.

[CLICK HERE](#) for more info.

IN OUR BACKYARD



Convenience Stores Against Trafficking (CSAT), CSAT provides training, victim outreach, and public awareness of human trafficking to convenience store partners. As the eyes and ears of our nation's communities, convenience store employees can learn to spot human trafficking, safely report traffickers, and save lives. To learn more, register your stores, or support our work with a donation,

[CLICK HERE](#) for more info.

Petro Pete: A new study shows that one-third of people don't floss, while the other two-thirds couldn't answer with all the local anesthetic in their mouths.

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