

April 30, 2021

Visit us online at [www.wpma.com](http://www.wpma.com)

WP-04-30-21

**EMA COMPLIANCE BULLETIN: RENEWABLE RENEWAL OF EXPIRING ANNUAL HAZMAT REGISTRATION CERTIFICATES DUES BY JULY 1, 2021**

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) online portal for annual HAZMAT registration opens May 1, 2021. Registration renewals must be completed by July 1, 2021. However, due to COVID-19 workplace restrictions and processing delays, marketers should register **online** this year and do so **early**.

**Important! Due to COVID-19 workplace restrictions, processing of paper HAZMAT registration forms is likely to be significantly delayed this year. It is highly recommended that registration be conducted online to avoid interruption of operating authority. HAZMAT registration renewals made on paper forms and mailed to PHMSA will very likely not be processed in time for the July 1, 2021 registration deadline. Please do not risk interruption of operating authority. Renew online by clicking [here](#).**

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 by July 1, 2021. Marketers should look at their registration certificate for the date of renewal or search registration status at PHMSA's online portal at [registration look-up](#) to determine whether registration is due for renewal.

Click [here](#) to read the full EMA Regulatory Compliance Bulletin for more information.

**EMA URGES DOE, DHS AND FMCSA TO ADDRESS PROBLEMS RELATED TO WINTER STORM AND DRIVER SHORTAGE**

Over the past two months, EMA has been in frequent communication with DOE, DOT and DHS regarding lingering distribution problems in some parts of the South primarily caused by the dramatic winter storm in Texas. Since then, EMA has also been communicating that in the South there are already problems with keeping stations filled due to the need to "catch-up" from the delays caused by the January Texas winter storm, by subsequent flooding and a nationwide driver shortage that has been exacerbated by driver illness and further by the latest stimulus checks and increased unemployment benefits. EMA members are concerned that given that some states are already in a deficit, an early hurricane (NOAA moved Hurricane Season up to May 15 beginning this year) would mean more serious deficits and shortages, and we are particularly concerned about what might occur in an evacuation under these circumstances.

In a follow-up to the previous communications, EMA VP Sherri Stone reported that EMA and Steve Ferren, Arkansas Oil Marketers Association, Inc.; Ned Bowman, Florida Petroleum Marketers Association; and Emily LeRoy, Tennessee Fuel & Convenience Store Association, had a detailed situational awareness discussion yesterday with 10 DOE and Energy Information Administration (EIA) leaders and that all potential solutions (federal regional Hours-of-Service (HOS) waiver, state weight waivers, and an awareness of the need for a particularly quick response time to any waiver requests should a hurricane occur before the states are back to full capacity, and the need for long-term solutions to the driver shortage) are being considered.

In addition, this week, EMA, along with NATSO, NACS and SIGMA, also sent a letter to the Federal Motor Carrier Safety Administration (FMCSA) arguing for an expansion of the nationwide HOS waiver to include the transportation of fuel to alleviate the current driver shortage. Allowing truck drivers to work more hours will reduce the number of trucks and drivers it takes to move the same amount of fuel. Click [here](#) to read the letter.

**BIDEN ADMINISTRATION TO ISSUE PROPOSAL TO BAN MENTHOL CIGARETTES**

The U.S. Food and Drug Administration (FDA) announced yesterday that the agency plans to propose new rules to adopt product standards to remove menthol from cigarettes and remove characterizing flavor additives from cigars. The proposed ban does not apply to e-cigarettes. In its announcement, the FDA states that the new proposed rules will be issued "within the next year." Click [here](#) for more information.

In order to ban menthol cigarettes, the FDA would need to submit a proposed rule and seek public comment. Tobacco companies could also file lawsuits to stop the ban which will likely lead to a protracted court battle for many years to come. The Biden Administration had until yesterday, under a federal district judge order in Northern California, to respond to a citizens' petition to ban menthols by indicating whether the agency plans to pursue a ban.

The Energy Marketers of America is concerned that such drastic measures could detrimentally impact small business retail fuel outlets who depend on the sale of tobacco products. Menthol cigarettes make up some 35 percent of overall cigarette sales, and in some regions or parts of communities, much more. Cigarette customers often end up purchasing other products which spurs economic activity, provides much-needed jobs, and supports local communities.

Further compounding this economic challenge is the near certainty that menthol cigarette bans would further the already intense competition small businesses face from the illicit marketing of tobacco products. The National Academies of Science, Engineering and Medicine have estimated that illicit marketing already accounts for up to 1 in 5 cigarettes sold in the United States. Research has also found that a substantial percentage and perhaps the bulk of menthol cigarette sales would simply move to this black market in the event of a ban, further increasing competition with legitimate sources. The bottom line is that small business retail fuel outlets undertake significant efforts to train their employees how to not sell tobacco products to underage youth, efforts that contraband sellers will not make.

### **U.S. SUPREME COURT HEARS ARGUMENTS ON VALIDITY OF SMALL REFINERY EXEMPTIONS FROM THE RFS**

The U.S. Supreme Court heard arguments this week to determine whether small refineries can claim they are exempt from ethanol and biodiesel blending mandates under the Renewable Fuels Standard (RFS). The case involves an appeal by small refiners of a lower federal court ruling last year that invalidated 3 small refinery exemptions (SREs) issued by the Trump administration. In that case, the 10th Circuit U.S. Court of Appeals ruled the SREs were improperly issued because the EPA lacked the authority to “extend” exemptions to any small refineries whose earlier, temporary exemptions had expired. SREs could only be extended if they were held continually without lapsing since originally issued. All but a handful of the Trump era waivers would pass the court’s continuity test.

The issue is important to energy marketers because if the Supreme Court upholds the lower court ruling, most small refiner exemptions will end permanently. If that happens small refiners will be forced to buy blending credits on the RINS market to comply with EPA’s annual blending mandates under the RFS. The resulting increased demand for blending credits which could cause RIN market chaos. The Supreme Court ruling will also likely influence how the RFS is “reset” after 2022 when the annual statutory blending volumes set by Congress end and the EPA takes over establishing mandatory blending volumes in 2023. Until now, the EPA used small refiner exemptions to reduce the overly optimistic annual blending mandates set by Congress back in 2007 to reflect current, real world demand for gasoline. It is not clear how the EPA will balance blending volume mandates moving forward if the Supreme Court rules against refiners. However, the EPA is required to issue a rule in 2021 establishing a framework for determining volumetric blending mandates after 2022. The Supreme Court is expected to issue a ruling on the SRE issue by July.

Meanwhile, according to Reuters, the American Fuel & Petrochemical Manufacturers said it wants the EPA to establish a methodology to ensure blending volumes are in line with market conditions for that year — meaning they would be lower in periods of weak demand and higher when demand ticks up, while also encouraging the increased use of advanced and cellulosic biofuels, instead of conventional biofuels such as ethanol. Click [here](#) to read the story.

### **REPORT: CONSUMERS DITCHING EVS FOR INTERNAL COMBUSTION ENGINES**

In a report this week released by Nature Energy, shows that roughly one-fifth of EV owners in California are switching back to internal combustion vehicles. The report shows that EV dissatisfaction is related to an inconvenient charging network, having other vehicles in the household that are less efficient, not having level 2 (240-volt) charging at home, having fewer household vehicles and not being male. Click [here](#) for the story.

### **CONGRESSIONAL UPDATE**

In his first address to the Joint Session of Congress Wednesday, April 28, President Biden announced the second of his two-part infrastructure proposal, the American Families Plan, which is being touted as a social and human infrastructure package. The 10-year, \$1.8 trillion proposal includes investments and tax credits for American families and children in education, nutrition, and childcare, paid for in part by an increase in the individual tax rate by the wealthiest Americans.

Congress continues to draft legislative text to implement President Biden’s American Jobs Plan. President Biden said the plan represented a “blue-collar blueprint to build America” by investing in clean energy.

While no clear consensus has emerged, one option that has gained traction is for Congress to pass a smaller, bipartisan measure before summer focusing on roads, bridges, transit, water, and broadband. Sen. Shelley Moore Capito (R-WV), who has led the GOP’s negotiations with Senate Democrats and the White House, said recently that talks are making progress and that “it’s all moving forward.” While the GOP’s \$600 billion counteroffer was far lower than what the Administration proposed, the White House and Senate Majority Leader Schumer (D-NY) believe the offer is serious and that progress can be made.

The Senate Finance Committee held a hearing to consider the role the U.S. tax code can play in addressing climate change and creating clean energy jobs. Committee Chairman Ron Wyden (D-OR) promoted his [Clean Energy for America Act](#), which would eliminate tax breaks for the fossil fuel industry and preserve them for clean energy, clean transportation, and energy efficiency. Earlier this week, Ranking Member Mike Crapo (R-ID) and Committee member Senator Sheldon Whitehouse (D-RI) released a discussion draft of their competing proposal, the [Energy Sector Innovation Credit \(ESIC\) Act](#), which would encourage innovation in the clean energy sector.

### **DEMOCRATS INTRODUCE BILL TO INCREASE TOBACCO TAXES**

Senate Majority Whip Dick Durbin (D-IL) and Senate Finance Committee Chair Ron Wyden (D-OR), along with Rep. Raja Krishnamoorthi (D-IL) and several other lawmakers, introduced the Tobacco Tax Equity Act of 2021 which would increase the federal tax rate on cigarettes, pegging it to inflation and setting the federal tax rate for all other tobacco products at this same level. The bill would also tax e-cigarettes. EMA will have more details in next week's Weekly Review.

### **EMLI (PMLI) REGISTRATION IS OPEN NOW**

We are excited to announce that registration is open for the Energy Marketers Leadership Institute (EMLI)!

EMLI is new and improved and is designed to make it easier and more affordable for WPMA members to attend. The EMLI programs will be delivered online via Zoom video conference and will include breakout rooms so that the leaders who are attending can interact and learn together.

Special thanks to Lea McCullough for her leadership in working with Meridian to design and deliver the EMLI programs. For more information on how to register go to: <https://emamasters.com/energy-marketers-leadership-institute/>

### **WPMA COVID-19 - CRITICAL REFERENCES FOR MEMBERS**

Please visit our web site for up-to-date information related to your business and the COVID-19 pandemic. You will find the link on our home page at [www.wpma.com](http://www.wpma.com).

### **MEMBERS AND ASSOCIATES - YOU CAN CONTRIBUTE!**

WPMA welcomes industry-related articles for publication in the WPMA News magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaptation of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at [janr@wpma.com](mailto:janr@wpma.com), or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Winter edition of WPMA News magazine are due before November 1<sup>st</sup>. Later submissions will be considered for the Spring issue.

### **MARK YOUR CALENDARS FOR UPCOMING EVENTS**

**May 6-7, 2021** - Nevada (NPM&CSA) Big Dogs - Red Rock Hotel & Casino - Las Vegas, NV  
**June 7-9, 2021** - Montana (MPMCSA) Convention -Fairmont Hot Springs Resort - Fairmont, MT  
**June 21-24, 2021** - Washington (WIED) Convention - Suncadia Resort - Cle Elum, WA  
**June 24, 2021** - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT  
**July 25-27, 2021** - Oregon (OFA) Annual Conference - Sunriver Resort - Sunriver, OR  
**August 4-6, 2021** - Idaho (IPM&CSA) Convention - Sun Valley Resort - Sun Valley, ID  
**August 23-25, 2021** - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM  
**September 15-17, 2021** - Utah (UPMRA) Convention - Sheraton Park City Hotel - Park City, UT  
**February 22-24, 2022** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

**Be sure to subscribe to all of our social channels for great tips, industry trends, and insider information about association activities and upcoming events!**



**Petro Pete: “Die with memories, not dreams.”**

© 2021 Western Petroleum Marketers Association - All rights reserved. No part of this work may be reproduced or copied in any form or by any means - graphic, electronic, or mechanical, including photocopying, recording, or otherwise. The information herein is also intended for the sole purpose of members of the Western Petroleum Marketers Association (WPMA). Any other use is strictly prohibited without the express written consent of the WPMA.

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: [janr@wpma.com](mailto:janr@wpma.com). Thanks.

## Classified Ads

### **EMPLOYMENT OPPORTUNITY**

#### **Controller / Accounting Manager, Burley, ID**

Lynch Energy is looking for a driven, strategic leader to oversee general accounting operations and processes to ensure timely financial reporting. The Controller performs a critical function for our company, reconciling account balances and bank statements, processing payroll, maintaining general ledger, and preparing month-end close procedures, and reports directly to the CFO. A successful Controller combines excellent analytical skills with a thorough knowledge of accounting principles to analyze financial reports and forecasts, collaborating closely with senior management and office staff to accomplish company objectives.

Must Have Bachelor's Degree or higher in Accounting, Finance, or other relevant field, and 5+ years of experience in a position of leadership in Accounting. Salary \$75k-\$100k, commensurate with experience.

Contact Paul Cundick, HR Director for more information ([Paul@lynchoilinc.com](mailto:Paul@lynchoilinc.com)) or apply directly at [LynchEnergyInc.com](http://LynchEnergyInc.com)

### **EMPLOYMENT OPPORTUNITY**

#### **Independent Agent, California / Arizona / Nevada**

Wilson/Rogers & Associates ([www.WilsonRogers.com](http://www.WilsonRogers.com)) is seeking an entrepreneurial-minded **Independent Agent / Manufacturers Representative** to join our team! Agent will be responsible to promote and support contractual manufacturers within the Petroleum Equipment Industry in the Southwestern US. Primary territory includes California, Arizona and Nevada. Agent will be responsible to maintain existing and develop new relationships with key Distributors, Contractors, Engineers and End Users of equipment used for the safe storage, transfer, monitoring and dispensing of petroleum products and related fluids, as well as lighting solutions for such applications.

Ability to work independently out of a home-based office is required, as is the ability to travel approximately 50% of the time. Ideal candidate would be located in the Southern part of the territory, such as within the triangle of Las Vegas, Phoenix and Los Angeles.

#### Compensation:

Agent will be a 1099 contract worker with Bonus opportunities.  
Weekly advance provided and reconciled quarterly vs. commission income.  
Approved business and travel expenses covered by Wilson/Rogers.  
Computer, Printer and Cell Phone provided by Wilson/Rogers.

If you are an aggressive entrepreneur with a positive attitude and excellent social skills, consider joining our team today!

Please contact or submit resume to:

Steve Latimer  
President  
Wilson/Rogers & Associates  
(206) 743-4592  
[Steve@WilsonRogers.com](mailto:Steve@WilsonRogers.com)