

May 3, 2024

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WP-05-03-24



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NACS - Gas Price Resources - Take the Mystery Out of Fill-ups Why Gas Prices Vary Station to Station

Gas prices in the US vary significantly by state, with factors such as taxes, fuel blends, and profit margins contributing to the disparities. Taxes, including federal and state excise taxes, differ across states, with California having some of the highest taxes. Fuel blends required by certain states, like California, can lead to supply disruptions and increased prices. Profit margins on gas sales can also vary based on location, competition, and brand. Additional factors influencing price discrepancies include wholesale costs, business strategies, and seasonal variations in demand.

[Click here](#) for the full article by NACS.



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



Urge Congress to Support the Credit Card Competition Act!

Senator Marshall (R-KS) has filed the "The Credit Card Competition Act" (CCCA) as an amendment to the Federal Aviation administration (FAA) reauthorization legislation currently pending on the Senate floor. While it is still unclear which amendments will ultimately be considered, the credit cards companies and big banks are unleashing their grassroots on the Hill to oppose it. The amendment's passage would ensure retailer choice in payment routing by requiring at least two unaffiliated processors on credit cards-- the same process that is currently used for debit card transactions. Swipe fees are the second highest operating cost for convenience store retailers and while these fees continue to rise because of inflation, Congress can help now by approving the CCCA!

EMA urges all jobbers and retailers to reach out to their Senators and ask them to VOTE YES on the Credit Card Competition Act amendment. This amendment would reduce swipe fees and allow retailers a choice of network to handle the transaction through competition which would save Americans and businesses around \$16.4 billion in swipe fees per year.

[CLICK HERE TO URGE SENATORS TO SUPPORT THE CREDIT CARD COMPETITION ACT](#)

Nationwide CMV Roadside Inspection Blitz Scheduled for May 14-16

A three-day nationwide commercial motor vehicle roadside inspection blitz will take place May 14 -16. The annual RoadCheck inspection blitz is being conducted by the Commercial Vehicle Safety Alliance (CVSA), a national organization of local, state and federal law commercial motor vehicle enforcement agencies. During the three-day period, law enforcement personnel will inspect commercial motor vehicles and drivers at weigh/inspection stations, temporary sites and mobile patrols to verify compliance with state and federal regulations. Inspectors will conduct a [North American Standard Level I Inspection](#), a thorough 37 step inspection procedure focusing on vehicle components and driver documentation requirements. If out-of-service violations, as outlined in the [North American Standard Out of Service Criteria](#) are found during an inspection, the vehicle will be restricted from operating until all out-of-service violations have been properly addressed.

During the [driver portion](#) of an inspection, law enforcement personnel will check the driver's operating credentials, hours-of-service documentation, FMCSA Drug and Alcohol Clearinghouse status, seat belt usage, and for alcohol and/or drug impairment. If an inspector identifies driver out-of-service violations, such as not possessing a valid or necessary operating license or exhibiting signs of impairment, the inspector will restrict that driver from operating their vehicle.

Each year, in addition to the North American Standard Level I Inspection, CVSA places special emphasis on a category of specific violations. This year, CVSA will have two focus areas: air brakes and alcohol and controlled substance possession. To assist drivers and motor carriers in the proactive assessment and maintenance of those components, CVSA has provided an [Inspection Bulletin](#) outlining the steps to properly check tractor protection systems.

Data from the 72 hours of RoadCheck will be collected and the results will be released this summer. Additional Information can be found at the [CVSA Website](#).

Washington, DC Update

The biggest news this week was that Congress finally released its long-awaited Federal Aviation Administration (FAA) Reauthorization bill, which is critical as FAA funding is set to expire on May 10 barring Congressional action. The bill will provide five more years of funding for the FAA and will make tweaks to a broad range of aviation-related policies. While the FAA bill is the next piece of must-pass legislation Congress will consider - and perhaps its last for a while - House and Senate stakeholders also released draft text of the Farm Bill, which is also a five-year reauthorization and is set to expire September 30, 2024. Both the FAA and Farm Bill include provisions related to Sustainable Aviation Fuel (SAF) tax credits. Relatedly, the White House also announced guidance this week that would enable ethanol and other feedstock to qualify for the Inflation Reduction Act-established SAF tax credit. Suffice to say, with all these actions impacting SAF, we expect this to be a more complicated legislative effort as the White House guidance and Farm Bill move further towards finalization. In addition to SAF, Sens. Durbin (D-IL) and Marshall (R-KS) are pressing forward with a plan to try to include the Credit Card Competition Act in the FAA bill, making it part of a must-pass effort. Unfortunately, given the bill has already been pre-conferenced by House and Senate leaders, it is unlikely amendments will be considered on the floor as Senate leaders fear any amendments could jeopardize the must-pass FAA bill. However, stranger things have happened so there remains an opportunity!

In other news, more than two dozen House Republicans, led by Rep. Andrew Clyde (R-GA), introduced a resolution to overturn the EPA's Light Duty Vehicle Tailpipe Emissions Standards under the Congressional Review Act. In the coming weeks, it is expected that Sen. Pete Ricketts (R-NE) will introduce a companion bill in the Senate. At some point, we also expect similar action to attempt to overturn the EPA's Heavy Duty Vehicle Tailpipe Emissions Standards in the same manner. Similarly, Rep. Warren Davidson (R-OH) and Sen. Tommy Tuberville (R-AL) will be leading legislation to repeal the Corporate Transparency Act, which requires private businesses to report beneficial ownership information - whoever owns them - to the Financial Crimes Enforcement Network. Despite this action, we do not expect a lot of impact. With a Democratic President and Senate, we expect these efforts will fail. But it is still a good indicator of the priorities of the Republican Party if it can grow its majority in the 2024 election. To that end, while we do not expect much legislation to pass between now and the election, we do expect a lot of messaging bills indicating each party's priorities ahead in November. Anything unaccounted for by then, including FY 2025 appropriations, will likely be completed after the election.

Separately, the White House took several other actions this week. First, it was announced they would reclassify Marijuana from a Schedule I to a Schedule III narcotic. Rescheduling has little effect on the ability to purchase marijuana in states where it is illegal. However, the announcement created excitement in the marijuana industry as it would allow state-legal business to qualify for business tax deductions. Importantly, if finalized, rescheduling would not do anything to existing U.S. Department of Transportation drug and alcohol driver rules at this time. The White House also announced this week that it would allow car manufacturers time to convert existing battery supply chains to those fully compliant with the EV tax credit. In other words, companies will still be able to purchase graphite and other battery components from China for the time being and still qualify for the EV tax credit, much to the chagrin of U.S. graphite producers. Unfortunately, it was determined that the current supply of North American graphite is insufficient at this time, so the purge of Chinese graphite will be delayed until 2027.

U.S. EPA Withdraws Proposal to Sunset Energy Star Certification for Oil-fired and Gas Furnaces

The EPA this week announced that it is withdrawing its previous proposal to sunset the Energy Star specification for oil and gas fired furnaces. Instead, the agency is moving forward with an updated oil fired and gas Energy Star specifications in a [new proposal](#). Energy Star certification is important because it promotes high efficiency appliances that consumers often favor due to lower operational costs. The EPA proposed to remove the Energy Star certification from oil and gas fired furnaces last year

as part of the Biden Administration's move away from fossil fuels in favor of carbon neutral renewable fuels. EMA submitted comments to the EPA opposing the sunset of oil-fired furnaces and asked for a new Energy Star specification for dual fuel heat pump and oil-fired furnace systems that customers prefer in colder regions in the Northeast.

Key parts of the EPA's new proposal include:

- An increase in stringency for the oil furnace requirement to 87 AFUE. While more stringent than the eligibility requirements for federal tax credits, this level offers a consumer pay back of less than two years.
- An increase in stringency for the gas furnace requirement to 97 AFUE.
- A proposal to eliminate the regional distinction for Energy Star furnaces, to align with current minimum efficiency standards and simplify program administration and participation. Sales data reported to the EPA indicates that consumers are generally not taking advantage of the U.S. South performance level.
- Finalize a test procedure, evaluate performance data and develop a proposed specification for heat pump/oil furnace dual fuel heating systems. Since the furnaces in these systems will run on a limited basis, the EPA is considering a lower furnace efficiency in the interest of overall cost.

According to the EPA, increasing the gas furnace efficiency requirement will align the Energy Star specification with eligibility requirements for Section 25C tax credits established under the Inflation Reduction Act. Energy Star certified oil furnaces will remain eligible for 25C tax credits. EMA will file comments in support of the updated EPA proposal. The EPA has posted a [new webinar](#) detailing the new Energy Star specifications for oil-fired and gas furnaces.

White House Halts Efforts to Ban Menthol Cigarettes

On Monday, the Biden Administration announced it delayed its plan to ban menthol cigarettes. In 2021, the Biden Administration began pursuing a ban on menthol cigarettes, but the plan was delayed as the White House mulled its political repercussions especially among the Black community. Health and Human Services Secretary Xavier Becerra did not say when or if the administration would revisit the issue, nor did he mention the fate of a related proposal to ban flavored cigars. "This rule has garnered historic attention, and the public comment period has yielded an immense amount of feedback, including from various elements of the civil rights and criminal justice movement," he said. "It's clear that there are still more conversations to have, and that will take significantly more time."

Late last year, EMA President Rob Underwood, along with EMA Convenience Store Committee members Jonathan Tang (Ira Philips, Inc., Gadsden, Alabama) and Brian Lohman (ASAP Energy; Weatherford, Oklahoma), met with the White House Office of Management and Budget to call on the Biden Administration to abandon the proposed menthol ban. EMA highlighted FDA's failure to enforce its ban on flavored vapes which has led to a flood of illegal, disposable vapes manufactured in China and marketed to children. A menthol prohibition will drive legitimate transactions out of stores and into the illicit market, hurting small businesses and funding violent crime. There is no scientific evidence to support a nationwide public health policy that would treat menthol cigarettes differently than other cigarettes. EMA also highlighted the proposed menthol ban's impact on small businesses across the country. Banning the use of menthol in cigarettes could also have a cascading effect on companies who supply fuel to independently owned and operated small business gas stations. Retailers may be unable to pay for their next load of fuel and pay for EV charging equipment unless they raise prices on in-store items and/or fuel due to the potential major revenue loss from a menthol flavor ban.

EMA Supports Legislation to Repeal the Corporate Transparency Act

This week, EMA joined over 100 organizations, representing millions of small businesses, in a [letter](#) of support of legislation sponsored by Senator Tommy Tuberville (R-AL) and Rep. Warren Davidson (R-OH) to repeal the Corporate Transparency Act (CTA). "The Repealing Big Brother Overreach Act" would put an end to the poorly constructed and onerous CTA reporting regime. As a reminder, under the CTA, companies must disclose the identities and other information about anyone who owns a stake of at least 25 percent or exercises significant control over the company. Existing companies have until the start of 2025 to file their disclosures.

The CTA was designed to help law enforcement prevent money laundering by requiring shell companies to report information regarding their beneficial owners (BOI) to the Department of the Treasury. The law, however, defines a shell company as any legal entity with 20 or fewer employees or \$5 million or less in revenues - in other words, every small business in the United States. The concept of beneficial owner is broadly defined as well, and includes owners, senior management, members of the board and any employee or outside consultant exerting significant control over the businesses' operations.

Covered entities must report and regularly update the personal information of their "beneficial owners" to the Treasury Department's Financial Crimes Enforcement Network (FinCEN) or face significant fines and jail time. As a result of this broad sweep, FinCEN expects to collect over 32 million submissions just this year, with an additional five million annual submissions thereafter. Multiply 32 million by the number of beneficial owners per entity, and it becomes apparent that the CTA reporting regime is likely the biggest data collection regime in the history of the federal government outside of the tax code.

Last month, the District Court for the Northern District of Alabama ruled the CTA exceeded the Constitution's enumerated powers and was therefore unconstitutional, but the resulting injunction applies to the plaintiffs only - members of the National Small Business Association. As a subsequent notice from FinCEN made clear, all other covered entities are still required to file

their BOI reports by the end of the year. This decision will not be the end of the matter. EMA expects the U.S. government will appeal the decision to the Court of Appeals for the Eleventh Circuit. Marketers should understand that court cases can be lengthy and uncertain processes, and this could easily be overturned by the Eleventh Circuit. Full legislative repeal of the Act would provide a complete solution; therefore, EMA is urging congress to pass "The Repealing Big Brother Overreach Act."

WEEKEND READS

[Tesla cuts Supercharger Employees](#)

[30 House Republicans take action to overturn Biden's gas car crackdown | Fox News](#)

[FDA, DOJ Seize Over \\$700,000 Worth of Unauthorized E-Cigarettes](#)

[Trump, Biden spar over US energy independence | E&E News](#)

[Biden Administration Bans Fossil Fuel Usage In Federal Buildings | Forbes](#)



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- Business succession
- Employee retention

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MAGAZINE**

See the website for previous issues.



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

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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

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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

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WE CARD



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

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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: I wanted to make a joke about leeches, but it sucked.

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