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ANNOUNCING THE 2022 WPMA SCHOLARSHIP RECIPIENTS!

WPMA is pleased to announce the WPMA Scholarship recipients for 2022. Following is a list of the students, with their state, hometown, and the WPMA member company through which they applied for the scholarship.

State	Recipient's Name	Hometown	WPMA Company
Hawaii	Rylie Goo	Pearl City	Par Pacific
Idaho	Lizzie Nelson	Salmon	Berry Oil
Montana	Jonathan Tonjum	Kalispell	CityServiceValcon
Nevada	No applicants this year		
New Mexico	Allen Michalski	Albuquerque	Brewer Oil
Oregon	Alisabeth Clark	Astoria	Wilcox and Flegel
Utah	Zoe Blair	La Verkin	Offen Petroleum
Washington	Rylee Johnston	Snohomish	PetroCard
Associate	Alexandra Bloom	Boerne, Texas	Marathon Petroleum
Member-at-Large	Isabel Martinez	Kahului	Hawaii Petroleum

Read the summer issue of WPMA News magazine for a full report on each of these students.

Please remind your full-time employees of the WPMA Scholarship program, so their children can apply. Applicants must be high school seniors this fall in order to be eligible for the 2023 scholarships. The scholarship application is available for downloading on the WPMA website: www.wpma.com/scholarship Applications for 2023 scholarships must be postmarked by March 1, 2023. **Start thinking about it now!**

EMA FILES COMMENTS IN SUPPORT OF ORAL FLUID DRUG TESTING FOR CDL DRIVERS

EMA filed comments in support of a proposed rulemaking by the Department of Transportation's Office of Drug and Alcohol Policy and Compliance that would introduce an oral fluid drug test as an alternative to the current urine specimen test for CDL drivers. The oral fluid test would not replace the urine specimen test but only provide an alternative test to be used at an employer's discretion. EMA expressed concern that urine specimen drug testing is far too easy to beat since drivers are not under direct observation for privacy reasons except under a few narrow exceptions. As a result, drug test cheating is widespread.

EMA cited a recent study finding the three most common methods of drug test cheating were dilution, substitution, and adulteration. Of those providing urine samples in the study, 58m percent who used dilution achieved a 71 percent success rate. The same study found that 25 percent of urine donors used substitution, with a 100 percent success rate. Finally, approximately 17 percent of participants in the study used adulteration to defeat urine testing, with a 75 percent success rate.

Moreover, EMA noted that the U.S. DOT protocols currently in place to prevent drivers from defeating drug tests are not adequate given that cheating is so widespread. The inherent weakness with urine specimen testing is it cannot be directly observed at all times due to privacy concerns. Without direct observation and full custody of the specimen by the test giver, the risk for cheating by dilution, substitution or adulteration will remain high.

EMA commented it supports oral fluid testing because it is inexpensive and administered by a simple oral swab. Specimens can detect drug use over the preceding 24 hours which is uniquely suited for reasonable suspicion and post-accident testing. Oral fluid specimens can be collected in less than five minutes, anywhere, at any time, including in the workplace or at an accident site. A special collection facility or extensive collection site preparation is not required. Tampering with the specimen is virtually impossible since the oral swab never leaves the custody and control of the tester.

Additionally, there is no time lost to rescheduling from attempts by drivers to evade urine testing by claiming shy bladder. All these benefits reduce the amount of time an employee is away from the job for drug testing which offers significant cost savings for the employer. EMA said that the introduction of oral fluid testing keeps unsafe drivers off the road, provide employers with flexibility in test method selection, lower test costs and reduces the ability of employees to subvert testing. EMA comments on the oral fluid test can be found [here](#).

SENATE JUDICIARY COMMITTEE HOLDS HEARING ON EXCESSIVE SWIPE FEES

On Wednesday, the Senate Judiciary Committee held a hearing entitled, "Excessive Swipe Fees and Barriers to Competition in the Credit and Debit Card Systems." Both Senate Judiciary Committee Chairman Dick Durbin (D-IL) and Ranking member Chuck Grassley (R-IA) questioned the excessively high swipe fees that continue to wreak havoc on

small businesses across the country including convenience store owners. "The credit and debit card systems are not competitive marketplaces. It's a sweetheart deal for the dominant networks, for the biggest banks and for certain cardholders who have ritzy rewards programs, but the average small business and the consumer, they pay the price," Durbin said.

Swipe fees are the second highest operating cost for convenience store retailers. In 2019, the industry's pre-tax profit was \$11.9 billion and card fees paid by the industry were \$11.8 billion. For small business energy marketers, swipe fees are the highest expense other than payroll. The swipe fees set by Visa and Mastercard vary according to type of card, type of transaction and size of merchant, with hundreds of combinations possible. It is difficult to understand swipe fee costs, even for payments experts, and retailers do not know how much revenue is derived from a particular transaction at the time of purchase.

Doug Kantor, with the National Association of Convenience Stores (NACS), spoke on behalf of the Merchant Payments Coalition (MPC) in which EMA is a contributing member, noted that swipe fees jumped by enormous amounts on motor fuel purchases during the past year. "Swipe fees are often near ten cents per gallon on a fill-up today. That is simply too much for local retailers or their customers to bear," Kantor said. Further, Kantor noted, "One of two things is happening when the credit card industry argues that consumer prices and retailer costs don't flow through-either they don't believe competitive markets work, or they've been living so long with centrally setting the fees that they've forgotten how competitive markets actually work."

Senator Lee (R-UT) commented that consumers are struggling from inflation and suggested credit card companies are not doing enough to lower rates and that it's like "cartel behavior." Laura Shapira Karet, Giant Eagle, Inc.; Bill Sheedy, Visa Inc.; Linda Kirkpatrick, Mastercard; and Charles Kim, Commerce Bancshares, Inc. also testified before the committee.

There are nearly a dozen of independent networks that are equipped to route transactions, but a handful of dominant networks have prevented them from competing in the credit space. Nearly ten years ago, Congress acted to open the debit card market to competition, and businesses and consumers have all benefited. But today, retailers have limited choice of network when it comes to credit card transactions. Credit cards only have one network enabled on a card and lack any back up options if there is an outage. This results in higher costs for the consumer, less security, and less innovation.

EMA will be urging Congress to introduce credit card routing competition legislation to give small business energy marketers at least two choices to route transactions, similar to today's debit cards, during its DC Conference and "Day on the Hill," May 18.

INSIDE THE BELTWAY UPDATE

This week, the Senate Judiciary Committee approved bipartisan legislation led by Senators Chuck Grassley (R-IA) and Amy Klobuchar (D-MN) that would allow the US to sue the Organization of Petroleum Exporting Countries (OPEC) for manipulating energy markets. The legislation – referred to as "NOPEC" – has also been approved by the House Judiciary Committee. The White House expressed caution, however, referencing unintended consequences in international energy supply chains. Many believe the bill could subject the US to retaliatory action and could lead to further price disruptions. The NOPEC initiative has been tried many times in the past, getting the furthest in 2007, when it passed Congress, only to be vetoed by President George Bush.

Senate Energy and Natural Resources Committee Chairman Joe Manchin (D-WV) has continued discussions over a bipartisan energy package that were first reported last week. Senator Manchin says he wants to try to get a bipartisan package that includes clean energy tax incentives without harming traditional forms of energy. Other members of the Senate group include Senators Kevin Cramer (R-ND), Lisa Murkowski (R-AK), Mitt Romney (R-UT), Tom Carper (D-DE), Bill Cassidy (R-LA), and Mike Warner (D-VA). They have reportedly discussed the following ideas:

- Clean energy tax incentives (likely including nuclear, offshore wind, and carbon capture, but likely not increased EV credits)
- Methane fees, but only for pipelines that have the technology to remove methane
- Permitting reforms
- Carbon import tax that would impose a fee on carbon-intensive goods imported from countries with weaker climate policies

Democratic Senators have emphasized that these negotiations should not be a substitute for Build Back Better (BBB) discussions. Senator Tom Carper (D-DE) said that Democrats should try to get as much as they can on the energy side through bipartisan discussions, and then try to accomplish other goals (tax reform, drug pricing, etc.) through reconciliation. It still remains unknown what type of reconciliation package could be supported by both Senators Manchin and Kyrsten Sinema (D-AZ). Moreover, the legislative calendar does not work in Democrats' favor, given a multitude of priorities before the August recess (China competition legislation, government funding, and the National Defense Authorization Act).

Democratic lawmakers continue looking for ways to reduce gas prices. Though many lawmakers have acknowledged that there is virtually no chance of Congress passing a “wind fall profit tax” on energy companies, Majority Leader Chuck Schumer (D-NY) said he was still focused on increasing Federal Trade Commission enforcement of anticompetitive behavior in the oil and gas industry. Senate Republicans continued blaming the Biden Administration for high energy prices this week, though Secretary of Energy Jennifer Granholm reiterated that the Biden Administration supports increased oil and gas production and has also authorized new LNG terminals.

FDA PROPOSES MENTHOL CIGARETTE BAN

The Food and Drug Administration (FDA) on April 28 released two proposed tobacco product standards that would ban menthol as a characterizing flavor in cigarettes and ban all characterizing flavors, including menthol, in cigars. Menthol cigarette sales make up approximately one-third of the cigarette market. NATSO is concerned that banning the sale of a product that has such a sizeable market share could lead to an increase in illicit markets for the product. NATSO plans to file public comments on the proposals by the July 5 deadline.

<http://natso.informz.net/z/cjUucD9taT0zNjl1NjA1JnA9MSZ1PTEzODk2NzM1MCZsaT0zNTAyNzE0Nw/index.html>

PILOT CO. TESTIFIES TO DEF RAIL MOVEMENTS CONCERNS

Pilot Company CEO Shameek Konar told members of the U.S. Surface Transportation Board that Union Pacific railroad ordered Pilot to reduce shipments of diesel exhaust fluid (DEF) by 50 percent. Konar said the "restrictions will prevent Pilot from keeping many markets adequately supplied with DEF, likely causing shortages that will sideline trucks and reduce trucking capacity."

<http://natso.informz.net/z/cjUucD9taT0zNjl1NjA1JnA9MSZ1PTEzODk2NzM1MCZsaT0zNTAyNzE0OA/index.html>

EPA SENDS BIOFUEL BLENDING MANDATE RULE TO WHITE HOUSE FOR FINAL REVIEW

The U.S. Environmental Protection Agency has sent a rule on U.S. biofuel blending mandates to the White House for final review, according to a notice posted by the Office of Management and Budget.

<http://natso.informz.net/z/cjUucD9taT0zNjl1NjA1JnA9MSZ1PTEzODk2NzM1MCZsaT0zNTAyNzE0OQ/index.html>

BIOFUEL GROUP SUES EPA OVER DELAY IN RENEWABLE FUEL STANDARDS

The EPA is failing to timely issue standards for the amount of renewable fuels mixed in gasoline for 2023, according to biofuel producers who told a Washington, D.C., federal court that the delay is affecting their bottom line.

<http://natso.informz.net/z/cjUucD9taT0zNjl1NjA1JnA9MSZ1PTEzODk2NzM1MCZsaT0zNTAyNzE1MA/index.html>

300,000 TRUCK DRIVERS LEAVE INDUSTRY ANNUALLY ACCORDING TO BUTTIGIEG

U.S. Transportation Secretary Pete Buttigieg estimates that 300,000 truck drivers leave their careers every year. Buttigieg made the claim during a U.S. Senate subcommittee hearing last week. The cabinet official also commented on freight demand, “There are supply chains and then there’s just supply. With shutdowns in China, it creates another issue. Because you can’t ship something that hasn’t been produced.”

<http://natso.informz.net/z/cjUucD9taT0zNjl1NjA1JnA9MSZ1PTEzODk2NzM1MCZsaT0zNTAyNzE1NQ/index.html>



LOOK FOR ...

Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington, Member-at-Large, and Associate scholarship winner announcements in **MAY!**



MARK YOUR CALENDARS FOR UPCOMING EVENTS

May 5-6, 2022 – Nevada (NPM&CSA) Big Dogs – Las Vegas, NV

June 7-8, 2022 – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Fairmont, MT

June 20-22, 2022 – Washington (WI/ED) Convention – Suncadia Resort – Cle Elum, WA

June 23, 2022 - Utah (UPMRA) Summer Golf Classic - Stonebridge GC - West Valley City, UT

July 17-19, 2022 – Oregon (OFA) Annual Convention – Sunriver Resort – Sunriver, OR

August 3-5, 2022 – Idaho (IPM&CSA) Convention – Coeur d’Alene Resort – Coeur d’Alene, ID

August 22-24, 2022 – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, NM

September 14-16, 2022 – Utah (UPMRA) Convention – Sheraton Park City Hotel – Park City, UT

February 21-23, 2023 – 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: “If I say, “Don’t worry, I’m on it,” there’s a 98% chance I’m referring to my couch.”

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