



**Happy Mother's Day - May 10**

This Mother's Day, take a minute to recognize the women who keep everything running.

Mothers wear a lot of hats and somehow manage to hold families together through busy schedules, tough days, and all the little moments in between. Their impact is felt every day, even when it is not always said out loud.

Whether it is your wife, mother, grandmother, or another woman who helped shape your life, we hope you take the opportunity this weekend to let them know they are appreciated.

We also recognize that Mother's Day can be difficult for some, especially those who have lost their mothers or loved ones. Our thoughts are with you as well.

Happy Mother's Day to all the incredible moms out there. Thank you for all you do.

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



**Inside the Beltway Update**

Barring any surprise procedural snag (House Rules Committee), the House is on track to vote on year-round E15, May 13. Passage odds in the House look decent, but the Senate would be the bigger hurdle later. Please reach out to your U.S. Representatives today and ask them to vote YES on H.R. 1346, the Nationwide Consumer and Fuel Retailer Choice Act.

The bill would prevent the emergence of fragmented "boutique" gasoline markets in Midwestern states that have opted out of the E10 waiver. Such boutique markets could disrupt gasoline supplies, raise costs, reduce fuel fungibility, and ultimately drive-up prices at the pump for consumers.

As a reminder, the EMA Board of Directors voted in favor of supporting a 1-pound waiver for E15 to enable year-round sales via a permanent legislative fix at our Fall Meeting in Chicago last October.

[Click here](#) to urge your House lawmaker to vote yes on H.R. 1346.

Meanwhile, nineteen members of the House, led by Rep. Richard Hudson (R-NC), have sent a letter to FDA Commissioner Dr. Martin Makary urging them to take aggressive action against the proliferation of illicit vapor and nicotine pouch products. The legislators highlight a crisis in which the U.S. market is currently overwhelmed by unregulated products, primarily originating from China, while the FDA's own approval process remains significantly delayed. Despite receiving over 26 million applications for review, the FDA has authorized only about 60 products to date. This regulatory bottleneck has resulted in a market where an estimated 85% of products are currently illicit.

To combat this issue, the congressional letter outlines three specific strategies: improving regulatory clarity, addressing the massive backlog of premarket applications, and strengthening enforcement efforts. The members of Congress argue that the lack of clear information regarding product denials makes it difficult for retailers and consumers to make informed decisions, while the slow pace of authorizations, which includes only 39 vapor and 26 pouch products, fails to meet demand and drives illegal behavior. Furthermore, the letter recommends that the FDA collaborate with the Department of Justice's multi-agency task force to utilize every available tool to remove illegal products from the marketplace. This push for swifter action is supported by groups like NACS, which noted that the influx of illicit products has grown out of control.

The House Transportation and Infrastructure Committee has reached a bipartisan agreement on a topline funding figure for the upcoming surface transportation reauthorization bill, setting the amount between \$550 and \$600 billion. This consensus brings the committee closer to finalizing the legislative text and moving toward a markup, which is tentatively scheduled for the week of May 18. Committee Chair Sam Graves (R-MO), despite his upcoming retirement, remains committed to seeing the reauthorization signed into law before current programs expire.

However, significant challenges remain as lawmakers work toward the September 30 deadline to avoid a simple clean extension of existing programs. Even if the committee successfully advances the legislation this month, there is limited floor time available for debate. Furthermore, the bill must still navigate input from several other key bodies, including the House Ways and Means Committee and various Senate panels, many of which have not yet scheduled markups or released their own legislative.

### **Trump Administration Withdraws Appeal of Biden-Era Overtime Rule, Delivering Relief to Energy Marketers**

In a swift and decisive move welcomed by business advocates, the U.S. Department of Labor (DOL) under the Trump administration has formally withdrawn its appeal of the Biden-era 2024 overtime rule. The action, taken via a joint stipulation filed yesterday in *Flint Avenue LLC v. DOL* before the U.S. Court of Appeals for the Fifth Circuit, ends all litigation over the rule and confirms that the more stringent salary thresholds will never take effect. The Biden-era rule is dead, not enjoined.

The Biden administration's April 2024 final rule would have dramatically raised the minimum salary level required for executive, administrative, and professional (EAP) employees to qualify for exemption from overtime pay under the Fair Labor Standards Act (FLSA). It set the weekly threshold at \$844 (\$43,888 annually) effective July 1, 2024, with a further increase to \$1,128 (\$58,656 annually) scheduled for January 1, 2025. The highly compensated employee (HCE) threshold would also have risen. Federal district courts in Texas had already vacated the rule, determining that the DOL exceeded its statutory authority by relying too heavily on salary levels rather than job duties.

With the appeal now withdrawn, the salary thresholds established by the 2019 rule remain firmly in place: \$684 per week (\$35,568 annually) for standard EAP exemptions and \$107,432 in total annual compensation for HCE exemptions. Employers must continue to meet the applicable duties tests for each exemption category.

### ***Why This Matters for EMA Members***

Energy Marketers of America represents family-owned and independent businesses that keep America's fuel supply chain moving—from wholesale distribution and heating oil delivery to propane marketing and convenience store operations. Many of our members employ salaried managers, dispatchers, sales professionals, and administrative staff who routinely work variable and often extended hours to meet customer needs, especially during severe weather events, supply disruptions, or peak demand periods.

The withdrawn rule would have forced many marketers to either raise salaries for exempt employees, reclassify them as non-exempt and pay overtime, or absorb significant new labor costs. In an industry already operating on thin margins amid volatile fuel prices and rising operational expenses, those changes would have been particularly burdensome. By preserving the current, more flexible thresholds, the Trump administration's action provides immediate regulatory certainty and helps control payroll costs for small and mid-sized energy businesses nationwide.

This outcome aligns with EMA's long-standing advocacy for practical, business-friendly labor policies that recognize the unique demands of energy marketing and distribution. We will continue to monitor any future DOL rulemaking on overtime exemptions and stand ready to provide member input.

### ***Next Steps for Members***

While the Biden-era expansion is now permanently off the table, employers should:

- Review current employee classifications to ensure they satisfy both the salary and duties tests under the 2019 rule.
- Stay alert for any new DOL proposals that could adjust thresholds in the future.
- Consult with legal counsel or HR professionals regarding compliance with both federal FLSA requirements and any applicable state overtime laws. For example, California, New York, Washington, Colorado, Alaska, and Maine all have state salary thresholds that exceed \$35,568, and several index annually. EMA members operating in those states must comply with the higher state floor regardless of federal law.

This development underscores the value of proactive engagement with policymakers to protect the operational flexibility our industry needs to deliver reliable, affordable energy to American consumers and businesses.

### **FDA Issues PMTA Authorizations for Glas Vapor Products**

#### ***\*First PMTA MGOs for Flavored Vapor Products\****

The FDA issued PMTA Marketing Granted Orders (MGOs) for four Glas vapor pods, Classic Menthol, Fresh Menthol, Gold (Mango), and Sapphire (Blueberry) – all with 5% nicotine content. These authorizations are the first for flavored vapor products. The FDA also recognized the Glas G<sup>2</sup> technology, which includes Bluetooth-enabled device-level age verification and access controls.

In March, FDA issued MGOs to the Glas G<sup>2</sup> device and a Blonde Tobacco 5% pod. With these recent authorizations, the FDA has now issued MGOs for 45 vapor products:

**[Vapor Products Authorized by the FDA](#)**

## **SEC Moves to Rescind Biden-Era Climate Disclosure Rule**

The Trump administration is taking formal steps to permanently eliminate the Securities and Exchange Commission's (SEC) climate disclosure rule — a regulation that, had it been implemented, could have imposed compliance burdens on energy marketers throughout the fuel distribution supply chain. The White House Office of Management and Budget (OMB) received a formal SEC proposal to rescind the rule on May 4, 2026, marking the most concrete administrative action toward permanent elimination since the rule was adopted in March 2024.

### ***Background: Why Energy Marketers Were Concerned***

The Biden-era rule would have required publicly traded companies to disclose material climate-related risks and, critically, greenhouse gas emissions from their entire value chain — including Scope 3 emissions generated by downstream customers and business partners. For fuel marketers, the “knock on” implications were that oil majors and other public company suppliers would have been required to track and report data from their downstream customers' day-to-day operations — data that most energy marketers, as small and family-owned businesses, neither collect nor can afford to compile.

EMA raised these concerns directly with the SEC in comments submitted in June 2022, noting that energy marketers lack the compliance infrastructure of large public companies, and that the reporting burden would effectively be passed down the supply chain to businesses that are not even subject to SEC jurisdiction. EMA also flagged significant privacy concerns — including the exposure of competitively sensitive sales volumes — and warned that marketers unable to provide Scope 3 data to their suppliers could lose business entirely, threatening the viability of smaller operations.

### ***A Tortured Legal and Regulatory History***

The rule never took effect. Within days of adoption, a myriad of legal petitions were filed challenging the rule, including a lawsuit by 25 Republican state attorneys general and the U.S. Chamber of Commerce. Even environmental groups filed challenges, arguing that the final rule was not as protective to investors as initially proposed. The challenges were consolidated in the U.S. Court of Appeals for the Eighth Circuit. The SEC voluntarily stayed implementation in February 2025 due to the pending litigation; thus, the rule never took effect.

In March 2025, the SEC voted to withdraw its defense of the rule entirely, with Acting Chairman Uyeda stating the goal was to “cease the Commission's involvement in the defense of the costly and unnecessarily intrusive climate change disclosure rules.” The Eighth Circuit, however, declined the SEC's subsequent request to simply rule on the merits, instead holding the case in abeyance and directing the Commission to either formally rescind the rule through notice-and-comment rulemaking or renew its defense in court.

The OMB submission represents the SEC's response to that directive — initiating the formal rulemaking process needed to permanently rescind the rule.

### ***What Happens Next***

Once OMB completes its review, the proposal returns to the SEC for a commissioner vote before public release. A standard notice-and-comment period will follow before a final rescission rule can be adopted — a process that typically takes several months. EMA will monitor these developments and engage in the public comment process as appropriate.

This is a significant development in a long-running battle that EMA has been part of from the beginning. While formal rescission is not yet final, the regulatory trajectory is clear. EMA will continue to advocate for energy marketers' interests throughout the rulemaking process.

## **Securing Automatic Tank Gauge Systems -- Courtesy of Federated Insurance**

Federated Insurance's Association Risk Management Services team is actively monitoring the recent cybersecurity activity targeting Automatic Tank Gauge (ATG) systems, and we want to ensure your members have timely, practical guidance to reduce risk and prevent disruption.

As part of Federated's ongoing commitment to your association and its members, and in response to this emerging threat, Federated partnered with our cyber expert, Hartford Steam Boiler (HSB), to quickly develop practical, best-practice risk management guidance tailored specifically to ATG systems.

### ***Why this matters to your members***

- ATG systems are increasingly network-connected and are being actively targeted
- Many incidents stem from default passwords, lack of network isolation, and exposed internet access
- Organizations with ATG deficiencies often have broader vulnerabilities across other operational systems

### ***Federated's value to your association***

Federated is not simply forwarding an alert—we are helping associations translate risk intelligence into action.

**[Click Here](#)** to read the resource guidance which provides:

- Clear, step-by-step actions operators can take immediately
- A concise verification checklist to support compliance and consistency
- Access to complimentary cyber risk resources included with Federated policies

This guidance is applicable across major ATG platforms and reflects the same safeguards DOE and CISA are urging in response to these attacks.

In addition to cyber risk resources like the above, Federated is proud to offer members complimentary access to our [Risk Management Academy](#) SM (RMA). The key to a successful business is implementing and leading a strong risk management culture.

- **Designed for business owners**, Federated's Risk Management Academy provides a unique opportunity for businesses to learn best practices and network with industry peers through 2.5- and One-Day risk management academies.
- **Academy topics** target specific risk management exposures for the petroleum industry.

As your risk management partner, Federated remains closely engaged in supporting associations with credible expertise, timely intelligence, and actionable solutions.

### **Announcing EMA Washington Conference Speakers!**

EMA is thrilled to announce multiple speakers who will address energy marketers attending EMA's Washington Conference and Day on the Hill.

The Opening Session will feature **Andrea Pavon of National Propane Gas Association (NPGA)** followed by the Northeast Region will feature **Larry W. Minor of U.S. Department of Transportation (FMCSA)** and the Southern Region Committee will feature **Phil Squair of Colonial Pipeline** and Wednesday evening **Chris Elliott of BP AMOCO Marketers Association (BPAMA)** will give brief remarks during the Washington Salute to EMA Chairman Glenn Hasken.

All EMA Operational Committee Meetings will take place on Friday, May 15 from 8:30 am - 10:45 am at The Mayflower Hotel in Washington, DC. The Heating Fuels Committee will feature **Chris Brennan of Sprague Energy** and **Michael Devine of the National Oilheat Research Alliance (NORA)**. The Motor Fuels Committee will feature **Holly Alfano of Independent Lubricant Manufacturers Association (ILMA)** and **Chris Laux of BP Products North America**. The Convenience Store Committee will feature **Jim Duke of PMI US** and **Chris Semrau of Worldpay**. The Board of Directors Meeting will feature **Jon Medo and Dave Syzmanski of Federated Insurance**, **Amber Moore of Altria Group Distribution Company**, and **Chris Jones of Main Street Competition Coalition (MSCC)**.

Further speaker information is located [here](#).

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### **Weekend Reads**

[Defenders of the Jones Act Have Lost | Bloomberg](#)

[Officials Say Shoring Up California's Oil Supply Will Come 'At a Price' | KQED](#)

[OPEC+ Decides to Boost Output | Rigzone](#)

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### **Federated Insurance Risk Management Academy Complimentary Webinar** **Understanding Artificial Intelligence [AI] in the Workplace**

**Thursday, May 21, 2026 2:00 PM Eastern Time**

This webinar will cover the rise of AI and its growing role in workplace tools and technology. Employers can benefit from this session by gaining an understanding of AI to help manage it in their workplaces. Topics that will be covered include opportunities and risks AI brings, how employees might use it, and the guidelines for using it responsibly.



#### **WHAT YOU WILL LEARN**

- What are the types of AI and why does that matter?
- Which laws govern the use of AI by employers and what are the limitations?
- What are the main benefits and risks of using AI in the workplace?
- What elements are essential for workplace AI policies?

#### **WHO SHOULD ATTEND**

- Business Owners/Operators
- Risk Managers
- Operations Managers
- HR Professionals

[Click here to Register Today!](#)

For additional information or to discuss this in further detail, please contact your [Federated](#) regional representative or EMA's National Account Executive [Jack West](#) at [262.719.7750](tel:262.719.7750) for any additional information or risk management questions

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NMPMA Convention [Registration](#)

**PLEASE NOTE UPCOMING DATES FOR EVENTS**

May 18, 2026 - HEMA (Hawaii) Golf Tournament, Oahu Country Club, Honolulu, HI  
June 2-3, 2026 MPMCSA (Montana) Convention, Fairmont Resort, Fairmont, MT  
June 15-17, 2026 WOMA (Washington) Convention, Suncadia Resort, Cle Elum, WA  
June 17, 2026 UPMRA (Utah) GOLF Tournament, Bountiful Ridge Course, Bountiful, UT  
July 12-14, 2026 OFA (Oregon) Conference, Sunriver Resort, Sunriver, OR  
Aug 5-7, 2026 IPM&CSA (Idaho) Convention, Coeur d'Alene Resort, Coeur d'Alene, ID  
Aug 18-19, 2026 NMPMA (New Mexico) Convention, Sandia Resort, Albuquerque, NM  
October 27-29, 2026 UPMRA (Utah) Convention, Hilton Garden Inn, St. George, UT  
February 16-18, 2027 WPMAEXPO, MGM Grand, Las Vegas, NV

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## Member Services

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**Petro Pete:** Why don't they play poker in the jungle? Too many cheetahs.

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