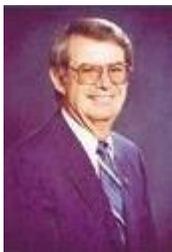


June 12, 2020

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WP-06-12-20



NM SAYS GOODBYE TO JAMES W SHEPHERD

James Weldon Shepherd age 83 of Albuquerque, NM passed away on Thursday, May 28, 2020. Jim was born in Owosso, Michigan, and moved to New Mexico when he was three. He was raised in Maxwell. He attended the University of New Mexico where he met his wife of 63 years, Jonell Grossetete. Survived by his children Martha Shepherd, Lora Davis and husband Kelly, Bart Shepherd and Kristi Grayson, granddaughter Talena Davis, grandsons Calvin Davis and wife Tracy, Konnor Davis and Lora Green, great granddaughter Blair, great-grandson Dylan, many nieces, nephews, cousins and friends. Jim was President of Ever Ready Oil Co. until the company was sold in 1998. He was a member of Toastmasters, Jaycees, EAGA, Rotary Club, Past Master of Masonic lodge #60 AFAM, and Shrine Patrol. Jim served on the Los Angeles Shrine Hospital for Children Board for nine years. Jim was proud to have served his country in the National Guard. Jim and Jonell enjoyed many wonderful years of travel. Jim will be remembered by all who knew him for his kindness, caring, compassion, generous and steadfast manner. He was very loved and will be greatly missed! Jim has been cremated. A private burial will be held. A celebration will be held at a later date when circumstances allow. Memorial contributions may be made to the Ballut Abyad Shriners General Fund., PO Box 8410 Albuquerque, N.M. 87196.

REMINDER: REGULATORY COMPLIANCE BULLETIN REMINDER: ANNUAL HAZMAT TRANSPORTATION REGISTRATION RENEWAL DEADLINE IS JULY 1, 2020

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) requires both hazardous material transporters and those who offer hazardous materials to common carriers for shipment to register and pay a fee each year in return for a certificate of authority to operate in both intrastate and interstate commerce. However, since multiyear registrations are allowed, not all certificates are up for renewal on July 1, 2020. Marketers should look at their registration certificate for the date of renewal or search registration status at PHMSA's online website (provided in the full regulatory report link below) to determine registration renewal year. All expiring registrations must be filed by the July 1, 2020 deadline to maintain operating authority to haul hazardous materials (petroleum products). Failure to do so will also result in a substantial fine. HAZMAT registration certificates are routinely checked by enforcement authorities at roadside inspections. Any vehicle without a current HAZMAT registration will be pulled out of service and the company will lose operating authority until registration is brought up to date.

Click here for the full regulatory report. (https://www.pmaa.org/pdfs/CB5-22-20_HAZMAT_Registration.pdf)

FMCSA ISSUES WAIVER EXPANDING DRUG TESTING EXCEPTION FOR FURLOUGHED DRIVERS

On Tuesday, the Federal Motor Carrier Safety Administration (FMCSA) announced a waiver extending from 30 days to 90 days, the period under which drivers qualify for pre-employment testing exception under FMCSA regulations. This is good news for petroleum marketers and heating fuel dealers who furloughed drivers due to the COVID-19 emergency because it will reduce or eliminate the number of pre-employment drug tests required for returning drivers.

Click here to view the full article. (https://www.pmaa.org/weeklyreview/attachments/PMAA_Today_6_9_20.pdf)

Senate Holds Hearing on Unemployment Insurance During the Health Pandemic

On Tuesday, the Senate Finance Committee held a hearing titled "Unemployment Insurance During COVID-19: The CARES Act and the Role of Unemployment Insurance During the Pandemic." The focus of the hearing was to discuss the current \$600 per week unemployment benefit that is currently being offered to the unemployed during the COVID-19 pandemic. Witnesses at the hearing included: Eugene Scalia (U.S. Secretary of Labor); Scott Sanders (Executive Director, National Association of State Workforce Agencies); Beth Townsend (Director, Iowa Workforce Development); José Javier Rodríguez (State Senator, Florida Senate); Michele Evermore (Senior Policy Analyst, National Employment Law Project) and Les Neilly (President, Neilly Canvas Goods Company).

In his opening statement, Senate Finance Committee Chairman Chuck Grassley (R-IA) highlighted his concerns regarding the \$600 "plus-up" payment that is provided to those who are unemployed as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Grassley said that the additional \$600 in unemployment benefits "have played an important role in helping those who lost a job or who couldn't work as a result of the pandemic." He added, "But now we're facing a much different situation than we were in mid-March. States are reopening, employment recently turned positive, and we need to shift our focus to helping people safely return to work, making sure businesses are able to come back quickly and put the country back on a path to economic growth." Grassley said that he has heard from many businesses

in Iowa who have complained that their workers are making more in unemployment benefits than they would be making employed at those businesses. In fact, during his opening testimony, Les Neilly stated, "The pandemic unemployment compensation alone pays our lowest-paid employee more than they make working a 40 hour work week, and all they had to do was sit at home and do nothing."

Many other Republicans on the committee expressed similar concerns with extending these additional unemployment benefits that are set to expire at the end of July. Sen. John Cornyn (R-TX) explained his stance on the issue saying that the federal government shouldn't be paying people not to work, and that the government should be helping those that are unemployed get back to work. At one point, Cornyn asked Secretary Scalia if there are better ways to incentivize workers to get back to work, to which Secretary Scalia replied that the single best thing for bringing workers back to work would be taking the necessary steps to ensure the economy is revived, even if that means creating a bonus for those who get back to work, an idea that is currently being discussed. Additionally, Sen. Pat Toomey (R-PA) expressed his concerns with the additional \$600 per week payout, citing a statistic in which 68% of people are making more money through unemployment benefits than they would be making at their job.

Treasury Secretary Reaffirms PPP Borrowers Names Will Remain Confidential

Treasury Secretary Steven Mnuchin said this week during a Senate Small Business Committee hearing that the administration does not plan to release the names of borrowers or the amounts received under the PPP because this information is "proprietary" and "confidential." Treasury has taken this position even though PPP loan applications state that this information will be released "automatically," and the Small Business Administration website calls it public records.

Meanwhile, Treasury Secretary Steven Mnuchin downplayed the likelihood of a capital gains tax cut any time soon, saying "it doesn't appear necessary in current efforts to revive the economy."

Federal Reserve Expands the Main Street Lending Program (MSLP)

This week, the Federal Reserve announced an expansion of the MSLP to allow more small and mid-sized businesses to be eligible for financial support. Specifically, the Federal Reserve lowered the minimum loan amount (\$250,000 down from \$500,000), raised the maximum loan limit for each of the three loan types, adjusted the principal repayment schedule to begin after two years instead of one and extended the loan term to five years up from four years.

Additionally, banks will now be required to hold 5% of the loans on their balance sheets for all three facilities; previously they were required to hold 15% of loans to riskier businesses. According to Federal Reserve Chairman Jerome Powell, "supporting small and mid-sized businesses so they are ready to reopen and rehire workers will help foster a broad-based economic recovery and I am confident the changes we are making will improve the ability of the Main Street Lending Program to support employment during this difficult period." The Federal Reserve continues to suggest the MSLP will be open for eligible lenders "soon."

Click here for more details. (<https://www.federalreserve.gov/newsevents/pressreleases/monetary20200608a.htm>)

GOP Senate Drafting Bill to Expand Business Liability Protections

Senate Majority Leader Mitch McConnell (R-KY) and Sen. John Cornyn (R-TX) are working on legislation to expand liability protections for businesses amid the COVID-19 pandemic. The bill is expected to be retroactive to 2019 and provide protection against COVID-19 lawsuits through 2024, and have new legal protections for businesses, nonprofits, government agencies and raise the liability threshold for medical malpractice lawsuits. Because there are conflicts among the safe-practices guidelines, businesses should be allowed to make their own determination about which guidelines they will follow, CDC guidelines, or a different federal, state or local governmental guide. Recently, the Centers for Disease Control (CDC) published detailed guidelines for reopening businesses that have been shut down during the COVID-19 pandemic. Click here to view the guidance. (<https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDC-Activities-Initiatives-for-COVID-19-Response.pdf#page=53>)

Democrats have some willingness to consider liability protections for employers if they meet CDC guidelines, but will not agree to immunity provision for businesses that is crafted too broadly.

The motor fuels, heating fuels and convenience store industries are at the forefront of COVID19 response efforts and should not have to worry about future lawsuits for providing needed products and services to American consumers. Please click here to urge your lawmakers for liability protection in a future COVID-19 response bill.

(<https://www.pmaa.org/advocacy/advocacy/#/30>)

General Motors CEO Says Full Switch to EVs Will Take Decades

General Motors (GM) CEO Mary Barra recently announced that she believes it will take several decades for electric vehicles (EVs) to replace traditional internal combustion engine vehicles. Speaking on a Bloomberg television show, when asked if she believed that all vehicles will be electric in the next 20 years, she said, "It will happen in a little bit longer

period, but it will happen.” However, Barra did say that she sees the use of autonomous vehicles happening within the next 5 years.

Click here to view the article from Bloomberg. (<https://www.bloomberg.com/news/articles/2020-06-08/gm-s-barra-sees-u-s-transition-to-electric-cars-taking-decades>)

House Transportation and Infrastructure Committee to Markup Highway Reauthorization Bill

The House Transportation and Infrastructure (T&I) Committee will markup the “Investing in a New Vision for the Environment and Surface Transportation in America Act,” or “INVEST in America Act” next Wednesday, with a House vote on the legislation July 1 or 2. The Committee released the five-year, \$494 billion surface transportation reauthorization bill last week. Please click here for some quick highlights of the \$494 billion surface transportation reauthorization bill important to fuel marketers.

House Holds Hearing on COVID-19 Impact on Transportation Workers

This week, the House Transportation and Infrastructure Committee held a hearing titled: On the Front Lines: The Impacts of COVID-19 on Transportation Workers.” The hearing examined the problems essential transportation workers are currently facing during the health pandemic and what Congress can do to alleviate those problems.

Many of the witnesses expressed concerns with the health risks that essential transportation workers are facing during the COVID-19 pandemic. Speaking on behalf of the American Trucking Associations (ATA), Randy Guillot stated that an “unanticipated safety concern was the availability of protective equipment. Like other critical infrastructure workers, ATA’s member companies have struggled to obtain non-medical grade personal protective equipment (PPE), so that their drivers can reduce their exposure to COVID-19 while ensuring the supply chain remains intact.” LaMont Byrd described the health risks transportation workers face while they ensure they complete their tasks, saying, “In many instances, they perform this critically important work without having been provided with the necessary PPE and safety supplies to protect themselves.”

Additionally, some witnesses focused some of their testimony on addressing the need for liability protection for businesses during the pandemic. In his testimony, Randy Guillot stated, “In order to ensure motor carriers are not punished for stepping up in the face of the national emergency, and are not dis-incentivized from doing so, Congress should impose reasonable limitations on the liability of motor carriers for these enhanced, crisis-related risks that they cannot fully mitigate.” PMAA has been working with Congress to ensure that the next COVID-19 relief bill will include a provision that protects businesses designated as part of the nation’s critical infrastructure from civil suits related to COVID-19, provided there is no gross negligence by those businesses.

Furthermore, some of the witnesses called for Congress to pass an infrastructure bill. They said that this is a top priority for transportation workers and will alleviate a lot of transportation issues. Larry Willis stated “that investing in infrastructure is one of the greatest investments the federal government can make, with a return of between \$1.50 and \$3 dollars for every dollar spent. Those investments directly create and sustain good jobs in construction, engineering, maintenance, and operations. What’s more, when we improve the quality and accessibility of our transportation network, the economic opportunity of those investments extends to every corner of the American economy.” Randy Guillot made a similar request, saying, “Investing in our nation’s crumbling infrastructure will both create jobs and provide a direct economic stimulus, while improving our crumbling roads and bridges.”

The Federal Motor Carrier Safety Administration’s (FMCSA) recent hours of service (HOS) final rule was discussed at the hearing as well. Randy Guillot stated that “ATA applauds FMCSA’s recent publication of a HOS Final Rule, which, in various ways, will give drivers the flexibility necessary to safely and efficiently manage operations.” Conversely, however, LaMont Byrd stated that the final rule revision “occurred while commercial drivers who are involved in the transportation of goods in response to the pandemic are operating under “suspended” hours of service regulations, which allows drivers to drive and work an unrestricted number of hours on a daily and weekly basis.” Byrd added that his organization sent comments opposing the rule change, claiming the rule “will not mitigate driver fatigue or improve transportation safety.”

Federated Insurance Employment Practices Network HR Question of the Month

Employee Temperature-taking Policy: When and How?

Federated Insurance’s HR Question of the Month focuses on employment-related practices liability issues. This month’s question is: Employee Temperature-taking Policy: When and How? What is the best way to implement an employee temperature-taking policy? Should it be required of everyone or should it be used only for employees who are returning to work after being sick, or other times? What type of thermometer is best? When, where and how should the temperature be taken? What are the actions an employer should take based on the resultant number? Please click here to read the response. (<https://www.federatedinsurance.com/posts/hr-question-of-the-month/employee-temperature-taking-policy>)

For additional information or to discuss this in further detail, please contact your Federated regional representative or PMAA's National Account Executive Jon Medo at 800.533.0472.

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.

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 adaption 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, or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Summer edition of WPMA News magazine are due before April 30th. Later submissions will be considered for the Fall issue.

WPMA EXPO

February 16-18, 2021. The Mirage Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

CANCELED July 19-21, 2020 - Oregon (OFA) Conference - Sunriver Resort - Sunriver, OR

NEW DATE July 29, 2020 - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT

August 5-7, 2020 - Idaho (IPM&CSA) Convention - Coeur d' Alene Resort - Coeur d' Alene, ID

CANCELED August 17-19, 2020 - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM

NEW DATE August 24-26, 2020 - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, WA

NEW DATE September 2-3, 2020 - Montana (MPMCSA) - Convention - Fairmont Hot Springs Resort - Fairmont, MT

September 9-10, 2020 - Utah (UPMRA) - Convention - Sheraton Park City Hotel - Park City, UT

NEW DATE October 1-2, 2020 - Nevada NPM&CSA - Big Dogs- Red Rock Hotel & Casino - Las Vegas, NV

November 2, 2020 - Hawaii (HPMA) Golf Tournament - Oahu Country Club - Honolulu, HI

February 16-18, 2021 - WPMA Convention & Expo - Mirage Hotel- Las Vegas, NV

WPMA MEMBER SERVICES



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: "When life gives you melons, you might be dyslexic."

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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. Thanks.