

July 16, 2021

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LEGISLATIVE UPDATE

Senators continue negotiating the details of the bipartisan infrastructure deal that was agreed to in principle a few weeks ago. The framework will likely incorporate the highway and surface transportation bill that already has strong bipartisan support. While the bipartisan group had planned to turn the framework into formal legislative text this week, the group has been unable to finalize certain provisions, including how the plan will be paid for.

To speed up the process, Senate Majority Leader Chuck Schumer (D-NY) would like senators to begin considering the bill next week. Some Republican senators have pushed back against this accelerated timeline, threatening to vote against proceeding until they see formal legislative text and budget scoring. Despite some uncertainty over the bill's details and timing, however, senators remain optimistic that an agreement will be reached soon. The bipartisan group of senators met with senior White House officials Thursday afternoon who echoed this sentiment.

Also this week, Senate Democrats and the White House announced a \$3.5 trillion spending target for a budget reconciliation package, which would require the support of all fifty Senate Democrats. While text of the package has not been released, the package will include a variety of climate and clean energy provisions, including a clean energy standard, funding for a Civilian Climate Corps and climate bank, weatherization programs, and tax incentives and credits for electric vehicles and renewable energy sources. The package also includes tax increases not included in the bipartisan infrastructure package. While many Democrats praised the package, Senator Joe Manchin (D-WV) said he was "very, very disturbed" about the package's climate change provisions. The package will not be able to pass without his vote.

Viewing the bipartisan infrastructure framework and reconciliation package as two separate tracks, Leader Schumer will plan to address the bipartisan package first, with the hopes of passing it before turning to the partisan reconciliation package. Speaker Nancy Pelosi (D-CA) has not determined the House's timeline, but House Democrats similarly face a tightrope of balancing interests from progressive and moderate Members. Senate Republicans also face a challenging decision over whether to still support the bipartisan package given a looming partisan reconciliation package. The Senate's number two Republican, Sen. John Thune (R-SD), said this week: "I want to try and look at the infrastructure bill on its own. But it's awfully hard, when they continue to link them publicly, not to view them through that lens. That complicates passage of the infrastructure bill for a lot of Republicans."

BIPARTISAN BILLS TO PERMIT YEAR-ROUND E-15 SALES INTRODUCED IN SENATE AND HOUSE

A bipartisan group of lawmakers introduced bills this week to permit the sale of E15 blends throughout the year. The bills, introduced by Senators Deb Fischer (R-NE) and Amy Klobuchar (D-MN), along with Representatives Angie Craig (D-MN) and Adrian Smith (R-NE), are designed to counteract a recent federal court ruling that blocked EPA from allowing year-round E15 sales. The bills would change language in the Clean Air Act to extend the 1-psi Reid Vapor Pressure (RVP) waiver to E15 blends year-round.

The recent D.C. Circuit Court ruling denying the EPA authority to extend the waiver was a major blow to farmers and ethanol producers because it slammed the door shut on any further regulatory attempts to push through year-round sales of E15. Expanding the RVP waiver through legislation is much more difficult because lawmakers generally want to avoid opening-up major pieces of legislation like the Clean Air Act to prevent additional language changes that may be unplanned or controversial. The legislation was also co-sponsored by U.S. Senators Chuck Grassley (R-IA), John Thune (R-SD), Joni Ernst (R-IA), Mike Rounds (R-SD), Jerry Moran (R-KS), Roger Marshall (R-KS), Tina Smith (D-MN) and Tammy Baldwin (D-WI).

FMCSA PUBLISHES LIST OF UPCOMING RULES AFFECTING ENERGY MARKETERS

The U.S. DOT has published its latest Regulatory Agenda update showing where rules stand in the regulatory process and which rules will be proposed in the coming months. The Regulatory Agenda is important to energy marketers because it provides a "heads up" on rules and regulations that will have an impact on their businesses. EMA monitors the Regulatory Agendas of all agencies and submits comments on those impacting energy marketers. Here is what the Federal Motor Carrier Safety Administration has in store for energy marketers thus far in 2021.

Hazardous Material Vehicles and Railroad Grade Crossings

This rule would amend 49 CFR 392 to allow hazardous material vehicles to obey active traffic signals and signage at

active railroad crossings rather than stopping at every instance. The FMCSA said the stop at all crossing rule is outdated because most crossings are now gated eliminating the need to stop and look both ways for oncoming trains. **Proposed rule due out in August 2021.**

Controlled Substances and Alcohol Testing: State Licensing Agency Downgrade of Commercial Driver's License
FMCSA is proposing to prohibit state licensing agencies from issuing, renewing, upgrading or transferring a CDL or commercial learners permit for individuals prohibited under current regulations from driving a commercial motor vehicle due to drug and alcohol program violations. The driving ban is intended to keep these drivers off the road until they comply with their return to duty requirements under the U.S. DOT drug and alcohol testing program. **Final was due out June 2021.**

CDL Driver Record of Violations

This rulemaking would propose changes to eliminate a requirement that drivers operating commercial motor vehicles prepare and submit a list of their convictions for traffic violations to their employers annually. This requirement is largely duplicative of a provision requiring employers to make an annual inquiry to obtain the motor vehicle record for each driver it employs from every state in which the driver holds or has held a CDL in the previous year. FMCSA says this change will reduce paperwork burdens on drivers and employers. **Final rule expected in December 2021.**

Rear Impact Guards and Rear Impact Accessories; Certification Labeling and Annual Inspection Requirements

FMCSA would amend its parts and accessories regulations to update its current certification and labeling requirements for rear impact guards and include rear impact guards on the list of items that must be examined as part of the annual inspection of commercial motor vehicles. **Final rule due out November 2021.**

Commercial Driver's License Standards, Requirements and Penalties; Exclusive Electronic Exchange of Driver History Record Information

Require states to implement a system for the exclusive electronic exchange of CDL driver history record information, including the posting of convictions, violations and disqualifications. This will allow enforcement authorities to instantly access all driver history records during roadside enforcement actions. **Final rule was due out May of 2021.**

Passenger Car and Light Truck CAFE Standards

This rulemaking would reconsider Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks that were established in the agency's April 30, 2020 final rule. This rulemaking would respond to requirements of the *Energy Independence and Security Act of 2007*. The statute requires that corporate average fuel economy standards be prescribed separately for passenger automobiles and non-passenger automobiles. For model years 2021 to 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles shall be the maximum feasible for each model year. The law requires the standards be set at least 18 months prior to the start of the model year. **Proposed rule due out July 2021.**

SENATE ENERGY COMMITTEE PASSES SENATOR MANCHIN'S INFRASTRUCTURE ACT

On Wednesday, the Senate Energy and Natural Resources Committee passed 13-7 Senator Joe Manchin's (D-WV) 500-page Energy Infrastructure Act which will serve as the legislative text for key portions of the final \$1 trillion Bipartisan Infrastructure Framework.

Along with the Committee's democrats, three republican Senators also voted in favor of the bill, Senators Murkowski (AK), Daines (MT) and Cassidy (LA).

Ranking member Sen. Barrasso (R-WY) said he could not support the legislation and, "I'm concerned that this bill paves the way for the Biden administration to take over America's electric system," he said. "

The bill focuses on energy innovation by boosting new and developing technologies including ways to make cars and trucks more fuel efficient and manufacturing processes less CO2 heavy. The bill contains provisions that would improve electric reliability and energy efficiency; promote the development of hydropower, geothermal, weatherize homes, and methane hydrates; enhance cyber security efforts; bolster mineral security; and repeals a range of obsolete authorities currently within the U.S. Code.

There were some major republican changes accepted to Manchin's \$100 billion bill. One approved amendment by Barrasso would require the DOE to certify that political influence did not play a role in the selection of projects to receive loans and loan guarantees. Another approved amendment by Senator Risch (R-ID) would direct the DOE to conduct a study on the economic impact of President Joe Biden's cancellation of the permit for the Keystone XL pipeline project.

Democratic Senators Heinrich (D-NM), Manchin, and King joined Republicans to pass an amendment from Senator Marshall (R-KS) that would direct the DOE to study the lifetime environmental impacts of electric vehicles. Marshall believes the study would show the environmental, geopolitical and financial cost of EVs would outweigh their benefits.

INDIANA AND PURDUE TO DEVELOP FIRST CONCRETE CHARGING HIGHWAY SEGMENT

On the first of June, the Indiana Department of Transportation and Purdue University announced plans to develop the world's first contactless wireless-charging concrete pavement highway segment. The project will use magnetizable concrete – developed by German startup Magment GmbH – enabling wireless charging of electric vehicles as they drive.

The project is part of the Advancing Sustainability through Power Infrastructure for Road Electrification (ASPIRE) Initiative, an Engineering Research Center funded by NSF, the National Science Foundation, and involves the collaboration of universities, government laboratories, businesses, and other stakeholders developing next-generation charging technologies for the electrification of Transportation vehicles of all classes.

Phases 1 and 2 of the project will feature pavement testing, analysis, and optimization research conducted by the Joint Transportation Research Program (JTRP) at Purdue's West Lafayette campus. In phase 3, INDOT will construct a quarter-mile-long testbed at a location yet to be determined, where engineers will test the innovative concrete's capacity to charge heavy trucks operation at high power (200 kilowatts and above). Upon successful completion of testing of all three phases, INDOT will use the new technology to electrify a yet to be determined segment of interstate highway within Indiana.

The project will include three phases and is expected to begin later this summer.

FEDERATED INSURANCE Risk Management ACADEMY

WEBINAR

Evreything is Encrytped — Now Waht!?
Five Things to Help Prevent Ransomware Impacting Your Business

Tuesday, July 20, 2021, at 1:00 p.m. (CST)

Ransomware is impacting over 51 percent of organizations all around the globe. While it appeared ransomware cases might be decreasing for a brief time, these incidents rose dramatically in 2019 and show no signs of slowing down. This increase in malicious activity has serious business ramifications, from increasing downtime to causing revenue loss to damage to your brand and reputation. Being held hostage by ransomware is a scary event to deal with in your organization. It's essential to understand the emerging trends in ransomware, and the recent highly targeted attack vectors, what actions you can take to help prepare before an attack.

REGISTER NOW!

After registering, you will receive a confirmation email and calendar appointment. We help make life so easy for you!

WHO SHOULD ATTEND

- Operations/IT
- Operations Management
- Risk Managers
- HR Professionals

WHAT YOU WILL LEARN

- The new ways offenders are using ransomware to take control of your network.
- Five best practices for helping to defend against and recover from ransomware attacks.
- Actionable steps to take if your organization does become a victim and how to engage your employees to help them make the right cybersecurity decisions aka, be a "human firewall".

FEDERATED INSURANCE RISK MANAGEMENT ACADEMY: "EVREYHTIHING IS ENCRYPED — NOW WAHT!? FIVE THINGS TO HELP PREVENT RANSOMWARE IMPACTING YOUR BUSINESS"

Tuesday, July 20, 2021 1:00 pm

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The new ways offenders are using ransomware to take control of your network. Five best practices for helping to defend against and recover from ransomware attacks. Actionable steps to take if your organization does become a victim and

to how to engage your employees to help them make the right cybersecurity decisions aka, be a "human firewall".

Register [here](#).

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 Winter edition of WPMA News magazine are due before November 1st. Later submissions will be considered for the Spring issue.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

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 2, 2021 - Idaho (IPM&CSA) Teton Valley PAC Fund Golf - Teton Reserve GC - Victor, ID

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

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Petro Pete: "I am only one step away from being rich. All I need is money."

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