

July 24, 2020

Visit us online at www.wpma.com

WP-07-24-20

PMAA REGULATORY ALERT: TSA ISSUES 90-DAY EXTENSION OF EXEMPTION THAT ALLOWS STATES TO EXTEND VALIDITY OF EXPIRING HAZARDOUS MATERIAL ENDORSEMENTS

Department of Homeland Security's Transportation Security Administration (TSA) issued an extension of an exemption that allows states to recognize the validity of expired hazardous materials endorsements (HME) through October 29, 2020. PMAA worked closely with the TSA to obtain the extension because many drivers are still unable to renew their hazardous material endorsements due to COVID-19 related closures and operational delays experience by state motor vehicle licensing agencies nationwide.

The TSA exemption only applies in states that adopt the extension and only for HMEs expiring between March 1, 2020 and October 29, 2020.

Click [here](#) to read the full PMAA Regulatory Alert.

NEGOTIATIONS OVER THE NEXT COVID-19 RELIEF PACKAGE REMAIN IN LIMBO FOR NOW

This week, Senate Republicans and the White House continued to negotiate their next COVID-19 relief package to counter the House Democrats' \$3.5 trillion COVID-19 response bill aka "the HEROS Act" which passed in May. Senate Majority Leader Mitch McConnell (R-KY) is now expected to release a set of bills next Monday known as CARES II which is likely to cost approximately \$1 trillion. GOP intraparty division over how to tackle the current federal unemployment benefits, set to expire in eight days, is one of the last remaining hurdles to overcome.

As reported previously by PMAA, the next COVID-19 Relief Package is expected to include reasonable COVID-19 liability coverage, state and local government funding, direct payments to middle/low income households, PPP modifications and a reduced amount of an expanded federal weekly unemployment benefit.

COVID-19 Liability Coverage:

Senate Majority Leader Mitch McConnell (R-KY) has conditioned any further COVID-19 relief package must include reasonable liability protections which would provide safe harbor provisions for businesses that meet safety guidelines as well as making it easier to force lawsuits into federal courts, and imposing caps on the damages that can be awarded.

State and Local Funding:

State and local governments received around \$150 billion through the CARES Act to pay for unbudgeted expenses tied to COVID-19. There is a big push from state and local governments for hundreds of billions more, along with the ability to make up for lost revenue. Republicans argue there are still billions of dollars left in the pipeline from the original CARES Act that states and local governments have been unable to access due to rigid guidelines. The McConnell CARES II approach is likely to provide flexibility to allow state and local governments to now access those funds, along with robust new money for K-12 schools and colleges, tied to plans for reopening educational institutions this autumn – but no significant new infusion of cash for state and local governments.

Direct Payments to Taxpayers:

It is expected that an additional round of direct payments to individuals and households will be included in the next COVID-19 response package while omitting the payroll tax reduction favored by President Trump. The Senate Republican package is also likely to include "pro-growth" provisions to support the resurgence of the US economy, with an emphasis on domestic manufacturing and research and development.

Unemployment Benefits:

The most controversial part of the next COVID-19 response package revolves around whether to extend the additional \$600 weekly federal unemployment benefit payments established under The CARES Act law. The House Democrats "Heroes Act" bill would extend the additional \$600 per week payment through Jan. 31, 2021. McConnell has made it clear that the additional \$600 weekly payment is a non-starter. It is likely that federal unemployment benefit will be extended but not at the \$600 figure.

Paycheck Protection Program (PPP) Modifications:

It is expected that some PPP modifications will be included in the next COVID-19 relief package such as streamlined loan forgiveness for small PPP loans under \$150k. Additionally, a second round of PPP loans for businesses under 300 workers or within the SBA size threshold for their industry who can demonstrate 50 percent lost revenue compared with a reference period could also be included.

Bottom Line:

It is safe to say that there will likely be another COVID-19 relief package by early August. Stay tuned.

PMAA REQUESTS GUIDANCE ON ENFORCING MASK MANDATES

More than half of U.S. states have implemented mask requirements in response to the COVID-19 pandemic, and some require businesses to enforce the policies, or face penalties. These mandates can present problems for business owners and employees, especially when dealing with aggressive people who refuse to wear a mask or to leave the business. Further, some states list exemptions to the mask mandate, but how are employees to know if a person is legitimately exempt? At PMAA's request, DOE (the lead department for all energy government and industry disaster response) in coordination with DHS and FEMA, is seeking guidance or recommendations for areas that must comply with enforcing mask mandates. The guidance should help states, businesses and employees to know what to do under different scenarios in order to be safe and in compliance with state and federal laws.

URGE HOUSE LAWMAKERS TO COSPONSOR THE "GET AMERICA BACK TO WORK ACT"

Reps. Henry Cuellar (D-TX) and Garrett Graves (R-LA) recently introduced important bipartisan legislation known as the "Get America Back to Work Act" (H.R. 7528) which provides reasonable liability protection to businesses from COVID-19 claims provided they made good faith efforts to comply with federal, state and local guidance or appropriate industry standards. The bill does not provide liability protection in cases where there is willful or criminal misconduct or gross negligence to the safety of an individual. The covered period under the bill runs from January 1, 2020 to 18 months after the end of the emergency period and would apply to claims made before enactment.

PMAA fully supports this bill. PMAA urges you to reach out to House lawmakers by clicking [here](#).

CONGRESS LIKELY TO PUNT SURFACE TRANSPORTATION REAUTHORIZATION INTO NEXT YEAR

It is all but certain that Congressional action on the next comprehensive surface transportation bill will have to wait until next year. Current surface transportation authorization is set to expire September 30 and there are several reasons why a transportation bill is not likely to be agreed to this year.

To begin, lawmakers are more concerned about the upcoming elections. Many Democrats are hesitant to compromise on a bill with Republicans before the elections because many of them believe there will be a "blue wave" and Democrats will regain control of the Senate and the White House, therefore allowing them to pass their own bill without having to compromise with Republicans. Further, lawmakers are more focused on COVID-19 related legislation and securing relief funding.

House Democrats recently approved a comprehensive infrastructure bill known as the "Moving Forward Act" (H.R. 2) totaling \$1.5 trillion which includes the bill originally passed by the House Transportation and Infrastructure Committee, and it adds sections on water and energy infrastructure, broadband, housing and schools, healthcare and aviation. Click [here](#) for a complete breakdown of provisions important to fuel marketers in H.R. 2 that was passed mainly along party lines.

Although the House passed the bill, the Senate is not expected to bring it up for a vote anytime soon due to strong GOP opposition. Senate Majority Leader Mitch McConnell (R-KY) called the bill "a multi-thousand-page cousin of the Green New Deal masquerading as a highway bill" and said the package had no chance in the Senate. H.R. 2 currently lacks a full "pay for" meaning it is unlikely that a transportation bill will be signed into law this year.

The Senate Environment and Public Works (EPW) Committee also marked up its own surface transportation bill, S. 2302, nearly a year ago but the other three Senate committees with jurisdiction over the issue have yet to work on the bill. It is unclear when the Senate will move forward with their bill, making it increasingly likely that Congress will pass a CR to extend the surface transportation authorization into 2021.

HOUSE LAWMAKERS CALL FOR TEMPORARY SUSPENSION OF 12 PERCENT EXCISE TAX ON NEW TRUCKS AND TRAILERS

A group of lawmakers in Congress led by Rep. Chris Pappas (D-NH) are proposing to suspend a World War I era excise tax on the purchase of new Class 8 trucks and trailers. The group is seeking to temporarily suspend the 12 percent federal excise tax purchasers are levied on new truck units through 2021. The temporary suspension of the truck tax is important to equipment manufacturers because it could reduce the price of new trucks and trailers by as much as \$21,000 per power unit.

Lawmakers argue that rolling back the tax is not only beneficial to fleet owners, manufacturers and the 1.3 million workers they employ, but also creates a powerful incentive for upgrade to new, safer, more fuel-efficient and cleaner equipment. The increase in safer and more fuel-efficient equipment on the road off-sets the temporary reduction in Highway Trust Fund receipts caused by suspension of the tax lawmakers argue. Supporters of the tax suspension are urging House Speaker Pelosi to include a temporary repeal provision in an upcoming COVID-19 relief package.

DEPT. OF LABOR ISSUES ADDITIONAL COVID-19 GUIDANCE FOR WORKERS, EMPLOYERS

This week, the Department of Labor's (DOL's) Wage and Hour Division (WHD) announced additional guidance for workers and employers on how the protections and requirements of the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), and the Families First Coronavirus Response Act (FFCRA) affect the workplace as workplaces reopen amid the coronavirus pandemic. Click [here](#) for more information.

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

POSTPONED TBD - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT

CANCELED 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

CANCELED 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: "Never trust atoms; they make up everything."

© 2020 Western Petroleum Marketers Association - All rights reserved. No part of this work may be reproduced or copied in any form or by any means - graphic, electronic, or mechanical, including photocopying, recording, or otherwise. The information herein is also intended for the sole purpose of members of the Western Petroleum Marketers Association (WPMA). Any other use is strictly prohibited without the express written consent of the WPMA.

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.