

July 31, 2020

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WP-07-31-20

## **WASHINGTON CONVENTION**

Due to the ongoing complications arising from the COVID-19 pandemic WOMA has chosen to cancel its annual 2020 convention scheduled for August 24-26 at the Suncadia Resort. The health and safety of our participants, sponsors, speakers, staff, and volunteers led all parties to conclude that canceling our 2020 Convention was the safe and responsible decision.

We look forward to seeing you all in 2021! We will be reaching out to those participants that had already registered for the event. We appreciate your patience and support during this unprecedented time.

## **THE PMAA EXECUTIVE COMMITTEE WILL BE DISCUSSING NEXT STEPS SOON ABOUT POSSIBLY GOING VIRTUAL FOR THE FALL MEETING. STAY TUNED.**

## **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](http://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](mailto:janr@wpma.com), or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Fall edition of WPMA News magazine are due before August 1<sup>st</sup>. Later submissions will be considered for the Winter issue.

## **2020 NACS SHOW CANCELED**

NACS has been notified by the Las Vegas Convention and Visitors Authority (LVCVA) that the 2020 NACS Show, scheduled for October 11-14, cannot be held due to the ongoing pandemic. Therefore, the PMAA Fall Meeting at the NACS show, scheduled for October 10-11 at The Mirage, will not take place.

NACS Housing is issuing hotel cancellation confirmation emails. Registration refunds will be issued in the near future.

## **EPA GENERAL ENFORCEMENT DISCRETION POLICY ENDS ON AUGUST 31, 2020**

The EPA will not extend its current enforcement discretion waiver beyond August 31, 2020, the agency announced this week. The EPA issued the open-ended general enforcement discretion policy on March 26, 2020 due to movement and work limitations imposed by the COVID-19 pandemic. The enforcement discretion policy was open ended with no termination date when first issued. The EPA set the August 31 deadline this week due to the loosening of stay at home orders in many states nationwide. The enforcement discretion was designed to address difficulties regulated parties may have maintaining certain routine compliance requirements during the COVID-19 pandemic including routine monitoring and reporting; integrity testing; sampling; lab analysis; training; and certification.

The EPA enforcement discretion policy is beneficial to fuel marketers because it provided compliance relief and flexibility from UST regulations, SPCC regulations, fuel quality attest engagements sampling and testing, among many other EPA program requirements except spill and release cleanup related activities. The EPA said that as state and local restrictions are relaxed or lifted, the need for regulatory compliance flexibility has been significantly reduced. However, the EPA said it would continue to monitor COVID-19 developments and provide enforcement discretion on a case by case basis if necessary.

The EPA COVID-19 enforcement policy can be found here: EPA COVID-19 Enforcement Discretion Policy. (<https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>)

The PMAA Regulatory Alert explaining the EPA policy can be found here: Regulatory Alert ([https://www.pmaa.org/regulatoryreport/attachments/PMAA\\_RR\\_EPA\\_RVP\\_RFG\\_Waiver.pdf](https://www.pmaa.org/regulatoryreport/attachments/PMAA_RR_EPA_RVP_RFG_Waiver.pdf))

## **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. Without the TSA exemption, drivers with an expired HME could not drive after July 31, 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 experienced 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.

The TSA expiring hazardous materials endorsement exemption can be downloaded here.

(<https://www.federalregister.gov/documents/2020/07/31/2020-16359/notice-to-extend-exemption-from-renewal-of-the-hazardous-materials-endorsement-security-threat>)

The PMAA Regulatory Alert describing the TSA exemption in detail may be downloaded here.

([https://www.pmaa.org/pdfs/PMAA\\_RA\\_HME\\_Waiver\\_Extension\\_072420.pdf](https://www.pmaa.org/pdfs/PMAA_RA_HME_Waiver_Extension_072420.pdf))

## **URGE LAWMAKERS TO COSPONSOR THE SAFE TO WORK ACT**

Senator John Cornyn (R-TX) recently introduced important legislation to expand liability protections for businesses amid the COVID-19 pandemic known as the "Safe to Work Act" (S. 4317). The bill is retroactive to December 2019 and provides reasonable liability protection against COVID-19 lawsuits through October 2024 for businesses who have made good faith efforts to comply with government guidance. The legislation does not protect bad actors in cases where there is willful misconduct or gross negligence to the safety of an individual. The legislation provides preemption from state laws unless state laws provide greater liability protection. Click here for the full summary.

(<https://www.cornyn.senate.gov/content/news/cornyn-measure-will-protect-health-care-providers-schools-charities-and-small>)

Meanwhile, PMAA joined a coalition in sending a letter to Senate leadership in support of the bill. Specifically, the letter states, "The Safe to Work Act would ensure that businesses that made reasonable, good faith efforts to protect customers and employees from the spread of COVID-19 are protected from frivolous legal claims arising from events occurring at any point during this national emergency. Moreover, it would put important procedural protections in place that will ensure that America's businesses are not inundated with and pressured to settle meritless lawsuits." Click here to read the letter.

([https://www.pmaa.org/weeklyreview/attachments/Coalition\\_Support\\_Letter\\_Safe\\_to\\_Work\\_Act.pdf](https://www.pmaa.org/weeklyreview/attachments/Coalition_Support_Letter_Safe_to_Work_Act.pdf))

It is important for everyone to reach out to their lawmakers in support of the bill. Click here to do so.

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

## **SENATOR ERNST CLASHES WITH EPA ON E15 INFRASTRUCTURE COMPATIBILITY**

This week, Senator Joni Ernst (R-IA) sent a letter to EPA Administrator Andrew Wheeler urging the Administration to green light E15 to be sold in existing infrastructure and remove the E15 warning label from dispensers through a rulemaking by October 4th. PMAA has been a proponent of not only retaining the label but requiring advertising and branding for ethanol blends greater than E10 to include the ethanol content in the product name and advertisements. This approach is not intended to discourage the purchase of E15, but rather to identify the product to be purchased so consumers can make an informed decision. Generic branding and advertising are like selling 1%, 2%, and whole milk as milk and burying the fat content in the nutrition facts label on the container.

Senator Ernst is facing a tough reelection battle as her opponent, businesswoman Theresa Greenfield, has criticized Ernst for her vote to confirm Wheeler. Earlier this summer, Senator Ernst blocked the nomination for EPA deputy administrator until the agency gives further details on how it plans to handle the dozens of new requests from refineries for exemptions from their biofuel blending requirements.

PMAA plans to submit comments on a future rulemaking and will highlight the EPA's Office of Underground Storage Tanks (OUST) concerns with E15 compatibility and existing infrastructure. Click here to read Senator Ernst's letter to the EPA. ([https://www.pmaa.org/weeklyreview/attachments/Ernst\\_ltr\\_EPA\\_July2020.pdf](https://www.pmaa.org/weeklyreview/attachments/Ernst_ltr_EPA_July2020.pdf))

## **CONGRESS AT A STANDSTILL ON COVID-19 RELIEF PACKAGE**

Talks among party leaders in Washington about a future COVID-19 relief package are at an impasse, with Democrats still adamant about enacting legislation that injects trillions of additional dollars into the American economy, and Republicans seemingly trying to run out the clock in hopes Democrats will consent to passing a "skinny" deal that temporarily addresses expiring relief programs. One of those programs is the expanded unemployment benefits for jobless workers

created on a bipartisan basis through the CARES Act in March as the US economy was put in lockdown. The expanded benefits will expire today, the same day the latest national jobs report is released by the US Bureau of Labor Statistics, potentially creating new pressure for lawmakers to act.

Click here for the full Squire Patton Boggs analysis.

[https://www.pmaa.org/weeklyreview/attachments/Public\\_Policy\\_Group\\_Report\\_073020\\_.pdf](https://www.pmaa.org/weeklyreview/attachments/Public_Policy_Group_Report_073020_.pdf)

### **U.S. HOMES AND BUSINESSES RECEIVE NATURAL GAS PRIMARILY FROM LOCAL DISTRIBUTION COMPANIES**

According to the U.S. Energy Information Administration's (EIA) Natural Gas Annual Respondent Query System, 2,022 natural gas delivery companies delivered natural gas to end-use customers in the United States in 2018. A delivery company is defined as any entity that delivers natural gas directly to end users. These statistics are important to heating fuel dealers because they help provide a clearer picture of their competitors in the residential and commercial heating market.

In 2018, local distribution companies (LDCs) primarily served homes and businesses, delivering approximately 90%, or 22 billion cubic feet per day (Bcf/d), of end-use natural gas to the residential and commercial sectors. Pipeline companies deliver the highest volume of natural gas to end-use consumers in the United States, predominately to electric power and industrial customers. Natural gas distributors operated by municipalities, referred to here as municipal companies, are the most common type of natural gas distributor in the United States, but they deliver relatively small volumes of end-use natural gas.

The full EIA report can be downloaded here: Residential and Commercial Natural Gas Deliveries.

<https://www.eia.gov/todayinenergy/detail.php?id=44577&src=email>

### **PMAA SENDS LETTER TO CONGRESS ASKING FOR TAX CREDIT FOR BUSINESS CLEANING EXPENSES**

This month, PMAA joined a coalition of more than 30 associations urging Congress to include a tax credit in the next federal stimulus package that would protect the safety of workers, customers, and the public. The Clean Start Coalition has urged Congress that the tax credit should be targeted, temporary and available to business entities.

Specifically, PMAA and the coalition requested that Congress include the following qualified expenses with any "reopening safely" tax credit as part of the next stimulus bill:

- Cleaning and workplace safety-related costs, including staff training; applicable building certifications; purchasing necessary cleaning, sanitation, and disinfection-related products and equipment; as well as the hiring of a professional services company to clean, sanitize and disinfect.
- Personal protective equipment (PPE).
- Other expenditures associated with maintaining a healthy physical workplace, including those necessary to comply with federal, state, and local guidelines, as well as industry best practices.

Click here to view the letter. <https://www.issa.com/wp-content/uploads/July-16-Coalition-Letter-Tax-Credit-FINAL.pdf>

Fortunately, language was recently included in a Senate bill known as the "Help End Abusive Living Situations (HEALS) Act" that would provide a tax credit for business expenses, including testing for COVID-19, PPE and cleaning supplies.

### **EPA INSPECTOR GENERAL CHALLENGING REVERSAL OF OBAMA FUEL EFFICIENCY STANDARDS**

On Monday, EPA's Inspector General (IG) announced a rare challenge to an Agency rulemaking. The IG's office will investigate whether the reversal of the Obama-era fuel efficiency standards violated government rules. EPA officials have been told to provide documents which auditors will use in their investigation of whether the agency followed the EPA's process for developing final regulatory actions, including transparency, record-keeping, and docketing requirements.

In March, the EPA and the National Highway Traffic Safety Administration (NHTSA) issued a final rule that makes significant reductions in federal mileage standards for cars, pick-up trucks and SUVs. The Safer Affordable Fuel Efficient Vehicles rule is important to fuel marketers because federal fuel efficiency standards have a direct impact on consumer demand for transportation fuels. Under the final rule, automakers are now required to improve average fuel efficiency by only 1.5 percent per year between model years 2021 and 2026, far below from the 5 percent annual rate required over the same period under current efficiency standards. The lower improvement rate translates into an average fleetwide mileage standard of 40.4 mpg as opposed to 46.7 mpg under the 5 percent rate. The 1.5 percent improvement requirement matches auto manufacturers historic efficiency rate achieved by voluntary technological advancements.

Notably, auto manufacturers are split over support for the new less stringent standards. Those who oppose are concerned that if California wins its lawsuit to maintain authority to impose more stringent efficiency standards, including electric vehicle mandates, auto manufacturers will be forced to build cars according to two widely different fuel efficiency standards. Opponents also include governors from 23 states who plan to challenge the new rule in court, including 13

governors representing states that have already signed onto California fuel efficiency and zero emission standards. Finally, the rule does not extend extra MPG credits that automakers can earn for selling zero-emission electric vehicles.

EPA's spokesperson James Hewitt defends the rule as "a sensible, single national program that strikes the right regulatory balance, protects our environment, and sets reasonable targets for the auto industry."

WPMMA supports the Trump Administration's fuel efficiency standards.

### HOUSE TO PASS SIX SPENDING BILLS

Later today, the House is likely to pass a minibus package covering six of the 12 spending bills. The \$1.3 trillion bill includes hundreds of amendments that were approved by the House yesterday.

Most significantly \$250 million is included each for weatherization and energy efficiency, \$25 million for solar installations in low-income households, and \$25 million to advance the development and use of plug-in electric vehicle charging infrastructure.

The Senate has not passed any appropriations bills nor really begun work on its companion measures, and the Senate will not approve of the spending levels or many of the House provisions. The Trump administration has already issued a veto threat for the House bill. Congress is more than likely to pass a continuing resolution (CR) to avoid a government shutdown in September.

# WPMMA 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

**CANCELED** 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** - WPMMA Convention & Expo - Mirage Hotel- Las Vegas, NV

### WPMMA MEMBER SERVICES



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**Petro Pete: "The road to success has so many tempting parking spaces."**

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