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**SENATE INFRASTRUCTURE UPDATE**

The Senate is expected to approve the bipartisan infrastructure bill (BIB) before it adjourns for August recess, likely this Saturday or early next week. The Senate has considered over twenty amendments – of several hundred offered by Senators – and will end debate soon.

In its current form, the BIB would provide \$7.5 billion in grant funding for states to partner with the private sector to build out EV charging, in which \$2.5 billion is set aside for alternative fuel corridors for EV charging, hydrogen, natural gas and propane infrastructure. The bill also appropriates \$7.5 billion for clean energy transportation. This \$15 billion for clean transportation is significantly less than the \$174 billion President Biden requested specifically for EV charging. The BIB does not include a gas tax increase or additional tax credits to purchase EVs. It also does not include EV user fees. Furthermore, the BIB does not include retrofit requirements to install automatic emergency braking systems or require rear underride protection. Most of the bill is paid for through repurposing unspent pandemic relief funds and unspent unemployment benefits.

The BIB does not allow electric vehicle (EV) charging at rest areas, which was included in an early draft. An amendment offered by Senator Jon Ossoff (D-GA) would have opened the door to EV charging at rest areas on the Interstate right-of-way (ROW), but after a call to action from EMA and other associations, Senator Ossoff agreed to remove that language from his amendment. A similar amendment to allow EV charging at rest areas was offered by Senator Dianne Feinstein (D-CA), though we understand this amendment is not expected to be considered. Notably, Senator Chuck Grassley (R-IA) took positive action to the benefit of energy marketers by offering an amendment that would modify the National Electric Vehicle Formula Program (NEVFP) to include biofuel infrastructure. Though it is not clear if Senator Grassley's amendment will be considered, it would be significant to EMA members as the NEVFP represents \$5 billion of the \$7.5 billion directed to EV charging and fueling infrastructure grants. On the heating fuels front, BIB calls for \$225 million for the DOE to award grants to local building code agencies, building professionals and standards developers to encourage adoption of more energy efficient building codes as well as \$5 billion provided to states for residential and commercial energy efficiency and auditing.

Senate Majority Leader Chuck Schumer (D-NY) would also like the Senate to vote on a \$3.5 trillion budget resolution, which would allow the Senate to begin a Democrat-only reconciliation process addressing priorities not included in the BIB. However, Senator Kyrsten Sinema (D-AZ) has already raised concerns over the \$3.5 trillion price tag so it remains uncertain how the House and Senate will move forward on a reconciliation package. It also remains uncertain how the House will treat the Senate's BIB. Speaker Pelosi has said that the House will not consider the BIB without also advancing a reconciliation package.

In separate Congressional news, Senators Chris Van Hollen (D-MD), Bernie Sanders (I-VT), Ed Markey (D-MA), Sheldon Whitehouse (D-RI), Elizabeth Warren (D-MA), and Jeff Merkley (D-OR) announced legislation to require the major oil companies to pay a tax based on the greenhouse gasses they emitted between 2000-2019. The Senators will seek to attach the proposal to the Democrat-only reconciliation package, but inclusion is highly unlikely given anticipated opposition from Senator Joe Manchin (D-WV) and other moderates. Meanwhile, ExxonMobil is considering a pledge to reduce its net carbon emissions to zero by 2050. Click [here](#) for the story.

**BIDEN ADMINISTRATION PROPOSES 52 MPG STANDARD BY 2026 AND SETS GOAL OF 50 PERCENT MARKET SHARE FOR EVS BY 2030**

Yesterday, President Biden released a comprehensive multipronged plan to significantly tighten light truck and car fuel efficiency and begin a dramatic shift to electric vehicles over the next decade. Current CAFE standards are 46.1 mpg for passenger cars and 32.6 mpg for light duty trucks. Those standards are set to gradually increase to 55.3 mpg and 39.3 mpg, respectively, by 2025. The new standards would be 10 percent more stringent than the Trump rules for model year 2023, followed by 5 percent increases in each model year through 2026, a 25 percent increase over the four years. The new efficiency standards will result in a 52-mpg requirement for light trucks and cars by 2026. By comparison, the Trump era CAFE standards would have required a 29-mpg efficiency requirement by 2026.

The second prong of the Biden auto emissions reduction plan would require 50 percent of all new passenger cars sold in 2030 be powered by batteries and fuel cells or electric plug-in vehicles. However, that goal is widely seen as overly optimistic given that EVs sales represented only 2 percent of all passenger cars sales in 2020. While the automakers support the Biden plan, they are proposing a less ambitious goal of 40 to 50 percent of their annual vehicle sales be

battery electric, fuel cell and plug in gasoline hybrid vehicles. However, automakers characterized the Biden plan a dramatic shift from the current U.S. auto market and can only happen with policies that include incentives for electric vehicle purchases, adequate government funding for charging stations and money to expand electric vehicle manufacturing and the parts supply chain. In the infrastructure bill awaiting passage in the Senate, there is \$7.5 billion allocated for grants to build charging stations, about half of what Biden originally proposed. He wanted \$15 billion for 500,000 stations, plus money for tax credits and rebates to entice people into buying electric vehicles.

### **NEW CDC AND OSHA GUIDANCE ON MASKS AND LETTER SEEKING PROTECTION FROM ENFORCEMENT FOR EMPLOYEES**

This week, EMA joined NACS and seven other associations in a [letter](#) to CDC and OSHA regarding the revised mask use guidance, asking to protect employees from being required to be enforcers of state and local policies mandating wearing masks in public areas.

The letter urged CDC and OSHA to lead on this worker safety issue by publicly stating again that in jurisdictions that decide to require masks, the burden of enforcement should not be placed on businesses and their employees. CDC did this last year at EMA's request but did not make any noticeable public statements. This letter calls on making certain that retail employees are not responsible for mandating the use of masks.

Because of the rapidly growing rates of transmission of the delta variant, the CDC recently recommended that vaccinated people start wearing masks indoors and in public places due to the Delta variant of COVID-19 spreading among vaccinated people.

The letter points out that "During the past year and a half, some local ordinances put the onus of mask enforcement on retail businesses. These requirements put employees in perilous situations as mask-wearing became a heated and politicized issue. Many of these confrontations became physical, and tragically, in some cases deadly. In June, a grocery cashier in Georgia was fatally shot after a confrontation with a customer involving a mask. In May 2020, a security guard at a dollar store in Michigan was killed after denying entry to a woman not wearing a mask. According to Forbes, "A review of news articles and law enforcement reports shows at least seven others have been killed following disputes over masks, predominantly inside different stores."

Preserving the safety and well-being of retail employees is critical. Store employees are not prepared to enforce health restrictions and requiring them to do so presents the potential for confrontations fueled by anger that can turn violent quickly. That is not worth the risk.

### **DRIVER SHORTAGE AND FOREIGN WORKERS**

EMA has been working with state association executives, the Department of Immigration, DOT and DOE on solutions to the driver shortage. In particular, the need for more EB3 Visas for foreign workers to deliver fuel in the U.S. as the shortage of drivers stretches across all industries and has been a problem for years. The pandemic, which led to early retirements and a shortage of driving schools, has made the problem far worse. EMA has been working extensively with DOE on a 100-page driver shortage report that is now in draft form, and EMA raised the possibility of expanding the number of Visas as one of many medium to long-term solutions to the driver shortage. EMA also provided information to DHS, DOT and the Immigration Department on how increasing the number of Visas would help with the shortage that is felt throughout the country, but particularly in disaster areas such as the west coast that is experiencing delays in access to fuel to fly the planes that deliver fire suppression and water.

To read an article about the driver shortage and companies who have brought in drivers from countries like South Africa and who now face barriers to bringing in additional drivers, click [here](#).

### **SENATE COMMITTEE PASSES PREGNANT WORKERS FAIRNESS ACT**

On Tuesday, the Senate Health, Education, Labor and Pensions Committee approved the bipartisan *Pregnant Workers Fairness Act*, S. 1486. The bill is supported by several labor and business groups, including the U.S. Chamber of Commerce, which seeks to promote women's health and economic security by requiring reasonable workplace accommodations for staff whose capabilities are limited due to pregnancy, childbirth or related medical conditions.

A House version of the bill, H.R. 1065, passed the House in May. Specifically, the House bill declares that it is an unlawful employment practice to:

- Fail to make reasonable accommodations to known limitations of such employees unless the accommodation would impose an undue hardship on an entity's business operation.
- Require a qualified employee affected by such condition to accept an accommodation other than any reasonable accommodation arrived at through an interactive process.

- Deny employment opportunities based on the need of the entity to make such reasonable accommodations to a qualified employee.
- Require such employees to take paid or unpaid leave if another reasonable accommodation can be provided; or
- Take adverse action in terms, conditions, or privileges of employment against a qualified employee requesting or using such reasonable accommodations.

The Equal Employment Opportunity Commission must provide examples of reasonable accommodations that shall be provided to affected employees unless the employer can demonstrate that doing so would impose an undue hardship.

### **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 Winter edition of WPMA News magazine are due before November 1<sup>st</sup>. Later submissions will be considered for the Spring issue.

### **MARK YOUR CALENDARS FOR UPCOMING EVENTS**

**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  
**December 2, 2021** – Washington (WIED) Holiday Party – Little Creek Resort & Casino – Shelton, WA  
**February 22-24, 2022** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

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**Petro Pete: *“Luck is what happens when preparation meets opportunity.”***

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