

August 14, 2020

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### **LARRY ADAMS OF ADAMS PETROLEUM**

We are saddened to share that Larry Adams of Adams Petroleum has just passed. Look in next week's update 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](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 adaptation 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.

### **COVID-19 LEGISLATIVE RELIEF UPDATE**

The artificial deadline of August 7 that Congressional negotiators had set for reaching a deal on the next round of COVID-19 relief legislation has come and gone. Unfortunately, with key sticking points, like funding for state and local governments and liability shields, still unresolved, the prospects of a comprehensive package coming together in the next few weeks are looking increasingly dim. Ongoing negotiations may be further complicated and polarized by the executive actions that the President took over the weekend which have already been the subject of significant criticisms and threats of legal actions, particularly from Democrats. Through PMAA's participation with the Small Business Legislative Council (SBLC), we are able to share the following summaries of the orders.

On Saturday, the White House announced four executive actions on payroll taxes, unemployment benefits, student loans and evictions. In particular, the actions on payroll taxes and unemployment are likely to raise some significant questions and issues for small businesses and their employees in the coming weeks.

#### **Payroll Taxes**

In a Memorandum to the Secretary of the Treasury, the President directed the Secretary to defer the "withholding, deposit, and payment" of the payroll taxes that would otherwise be owed by certain employees between September 1 through December 31, 2020. As you may recall, pursuant to the CARES Act and the Paycheck Protection Program Flexibility Act that were passed earlier this year, businesses have already had the option to defer (50% to Dec. 31, 2021, and 50% to Dec. 31, 2022). Specifically, the Memorandum would apply to payroll taxes owed by employees whose pre-tax bi-weekly pay is less than \$4,000. While the Memorandum specifies that the taxes be deferred "without any penalties, interest, additional amount, or addition to the tax," unless Congress takes further action on this point, these employee payroll taxes will ultimately still be due. The prospect of having to collect and remit these payroll taxes in the future, coupled with the concern about communicating to employees the distinction between a tax deferral and forgiveness, have many employers understandably very nervous. This is before even considering the logistics that would be involved in changing the way payroll is run for some but not necessarily for all employees.

The Department of Treasury is expected to be releasing further guidelines soon about how it will be implementing the Memorandum which will hopefully provide more direction.

Many businesses will be eagerly awaiting further clarifications on several key issues including:

- Whether they will be required to implement the deferral or whether they will be permitted to either collect and hold or collect and remit the payroll taxes for their employees if they (or possibly their employees) elect to do so (Treasury Secretary Steven Mnuchin said in an interview that the IRS cannot force employers to stop withholding payroll taxes).
- How the deferred taxes will ultimately be collected (lump sum or over time), what employers' role and liability will be if they are unable to collect and remit the taxes, for example if the employee is no longer employed and

whether, if it is determined that the employer is ultimately liable for taxes they are unable to collect from an employee, the payment by the employer of such taxes will be deemed additional income to the employee that the employer will owe even more payroll taxes on.

- How compensation will be calculated for the purposes of the \$4,000 bi-weekly threshold.

### Unemployment Benefits

On July 31, 2020, the Federal Pandemic Unemployment Compensation (FPUC) program expired. The FPUC program was created under the CARES Act and provided an additional \$600 per week benefit for individuals claiming unemployment (which in most states included individuals who had been furloughed). The continuation of enhanced unemployment benefits has been a key area of discussion as lawmakers have tried to negotiate the latest COVID-19 relief package. While the packages being promoted by both parties' leadership include some form of extension of enhanced benefits, the details are very different. The HEROS Act, which was passed by the House in May, would simply extend the \$600 per week benefit through January 31, 2021. The HEALS Act, which was introduced by Senate Republicans in late July, would provide an additional \$200 per week through the end of September. Starting in October, states would be directed to provide benefits equal to 70% of an employee's prior wages with the federal government providing a supplement of up to \$500 per person per week to help the states hit that number. This effort to tie the benefits to prior wages is intended to address concerns that enhanced unemployment benefits have deterred employees from returning to work as businesses reopen.

In his Saturday Memorandum to the Secretary of Labor, the Secretary of Homeland Security and the Administrator of FEMA, President Trump directed the allocation of disaster relief funds to provide for additional unemployment benefits of \$400 per week. Initially it appeared that to qualify for the additional federal funding, states would have to cover 25% (\$100 per week) of the enhanced benefits, with the remaining \$300 per week coming from federal disaster relief funds. After a number of states publicly indicated that they simply do not have the funds to satisfy such a match or would only be able to do so for a few weeks, the White House clarified that funds will be made available for a \$300 per week enhanced benefit whether or not the states are able to chip in the additional \$100.

Click [here](https://www.dol.gov/newsroom/releases/eta/eta20200812-0) (<https://www.dol.gov/newsroom/releases/eta/eta20200812-0>) for the latest federal guidance.

### **URGE CONGRESS TO INCLUDE REASONABLE LIABILITY PROTECTIONS IN NEXT COVID-19 RELIEF PACKAGE**

PMAA urges you to reach out to Senators in support of 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](https://www.cornyn.senate.gov/content/news/cornyn-measure-will-protect-health-care-providers-schools-charities-and-small) (<https://www.cornyn.senate.gov/content/news/cornyn-measure-will-protect-health-care-providers-schools-charities-and-small>) for the full summary.

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

Click [here](https://www.pmaa.org/advocacy/advocacy/#/30) (<https://www.pmaa.org/advocacy/advocacy/#/30>) to do so.

### **Reminder! 2020-2021 FEDERAL HEAVY HIGHWAY VEHICLE USE TAX PAYMENT DUE AUGUST 31 FOR VEHICLES ON ROAD DURING JULY 2020**

The 2020 Heavy Highway Vehicle Use (HHVU) tax reporting period runs from July 1, 2020 to June 30, 2021. The HHVU tax is paid on each commercial motor vehicle with a gross vehicle weight of 55,000 pounds or greater that travels 5,000 miles or more per year. The HHVU applies to most petroleum cargo tank vehicles and transports. Once the HHVU tax is filed and paid, the IRS will send back to filers a stamped IRS Form 2290 Schedule 1, proof of payment within 6 weeks.

#### Filing Deadlines:

The filing deadline for Form 2290 is based on the month the taxpayer first uses the taxable vehicle on public highways during the reporting period.

- For vehicles first used on a public highway in July, file Form 2290 between July 1 and August 31.
- For vehicles first used on a public highway after July, file Form 2290 by the last day of the month following the month in which you first used the vehicle on a public highway. The tax for the current filing season is prorated for vehicles first used on a public highway after July.

Click [here](https://www.pmaa.org/weeklyreview/attachments/PMAA_CB_Heavy_Highway_Vehicle_Use_Tax.pdf) ([https://www.pmaa.org/weeklyreview/attachments/PMAA\\_CB\\_Heavy\\_Highway\\_Vehicle\\_Use\\_Tax.pdf](https://www.pmaa.org/weeklyreview/attachments/PMAA_CB_Heavy_Highway_Vehicle_Use_Tax.pdf)) for the full PMAA Compliance Bulletin.

### **Reminder! 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 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) )

### **FORMER REPUBLICAN AND DEMOCRATIC EPA ADMINISTRATORS SUPPORT AGENCY RESET**

On Wednesday, former EPA Administrators backed a plan written by senior level EPA alumni who are part of the bipartisan Environmental Protection Network (EPN).

The Administrators who signed a letter (<https://www.pmaa.org/weeklyreview/attachments/Bipartisan-Administrators-Support-to-Reset-the-Course-of-EPA.pdf>) of support for the "Resetting the Course of EPA" (<https://www.pmaa.org/weeklyreview/attachments/Resetting-the-Course-of-EPA-Report.pdf>) are: William Reilly, Lee Thomas, Carol Browner, Christine Todd Whitman, Lisa Jackson and Gina McCarthy who served under Republican and Democratic presidents.

To summarize, the plan calls for the electrification of the transportation sector and aggressive EPA rulemakings to significantly reduce greenhouse gas emissions (GHG) and nitrogen oxide emissions (NOx) standards; Affirming California's authority to set motor vehicle standards for GHG and other emissions and "opt-in" by other states to California standards, and; Rebuilding EPA's Office of Transportation and Air Quality (OTAQ) as a national and global leader in sustainable transportation.

The plan was rejected by current Administrator Andrew Wheeler, as well as Trump's first EPA chief, Scott Pruitt. Wheeler stated that he "won't be taking 'reset' advice from administrators who ignored the Flint lead crisis, botched the Gold King Mine response, and encouraged New Yorkers to breath contaminated air at Ground Zero."

### **JULY 2020 PMAA SMALL BUSINESS COMMITTEE (SBC) PAC CONTRIBUTIONS**

PAC Co-Chairs Brad Bell and Tim Keigher are grateful for the PMAA Small Business Committee (SBC) PAC contributions from the following individuals during the July 1-31, 2020 time frame:

**Connecticut:** Richard Bologna, David Daniels, Randall Dominick, Samuel Gault, Donald Mitchell, Peter Russell, Gary Sippin, David Sousa

**Michigan:** Kelly Lappinga

**Mississippi:** Andrew Bryant, Perry Rackley

**Washington:** Dan Averill, Michael Chandler, Steve Clark, Chris Eerkes, Jarrod Franson, Rod Smith, Steve Snider.

### **Federated Insurance Employment Practices Network HR Question of the Month COVID-19 – GUIDANCE FOR RETURNING TO WORK?**

Federated Insurance's HR Question of the Month focuses on employment-related practices liability issues. This month's question is: COVID-19 – Guidance for Returning to Work. Can you provide guidance and materials for returning to work checklists, policies and procedures? Some of the things we are heavily considering are temperature checks, how to handle employees in the office who show symptoms, etc. Please click [here](https://www.federatedinsurance.com/posts/HR-question-of-the-month/2020-07-covid-guidance-for-return-to-work) (<https://www.federatedinsurance.com/posts/HR-question-of-the-month/2020-07-covid-guidance-for-return-to-work>) to read the response.

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.

*This article is for general information and risk prevention only and should not be considered legal or other expert advice. The recommendations herein may help reduce, but are not guaranteed to eliminate, any or all risk of loss. The information herein may be subject to, and is not a substitute for, any laws or regulations that may apply. Qualified counsel should be sought with questions specific to your circumstances. © 2020 Federated Mutual Insurance Company.*

### PMAA MDF CONTRIBUTORS FOR JULY 2020

PMAA's Marketer Defense Fund wants to thank the following individuals for their contributions during the July 1- 31 timeframe:

**Arizona:** Arizona Petroleum Marketers Association  
**Missouri:** Missouri Petroleum Marketers & Convenience Store Association  
**Oklahoma:** Oklahoma Petroleum Marketers & Convenience Store Association  
**New Mexico:** New Mexico Petroleum Marketers Association  
**Oregon:** Oregon Fuels Association  
**Tennessee:** Tennessee Fuel & Convenience Store Association  
**Washington:** Washington Oil Marketers Association

Corporate donations are acceptable. MDF funds have been used for various studies, litigation and disaster relief dedicated to strengthening our lobbying efforts on Capitol Hill. Click here (<https://mdf.pmaa.org/mdf/donate.html>) to donate to the PMAA MDF.

# WPMA EXPO

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

### MARK YOUR CALENDARS FOR UPCOMING EVENTS

**CANCELED** TBD Utah (UPMRA) Summer Golf Classic – Bountiful Ridge GC – Bountiful, UT  
**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  
**CANCELED** 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



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**Petro Pete: "I started out with nothing, and I still have most of it."**

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