

CONGRATULATIONS JASON CASE

Nevada Governor appoints Jason Case, Rebel Oil, to petroleum clean up board. Jason is the Vice President of Operation for Rebel Oil, a family owned and operated multistate business with terminal, transportation and bulk petroleum services. Jason is also the Nevada Director of Energy Marketers of America, a national trade group representing independent energy jobbers.

NEW FOR ALL WPMA MARKETERS

If you click [here](#) when registering for the NACS Show and enter the promo code **EMA2021NS** you will be assisting the Energy Marketers of America (EMA) and your state member association considerably. By promoting registration using this unique code amongst our marketer members, both EMA and your state member association will receive an increase in revenue, as each registration using that code will deliver a financial gain to these organizations that will be shared between them.

The NACS Show continues to be an important networking and educational trade show to advance your businesses and our industry, and we encourage you to share this information with your state's member companies, **particularly those who have attended the NACS Show in previous years**, in order to benefit EMA and your state association.

BIOFUEL PRODUCERS CHALLENGE FEDERAL APPEALS COURT DECISION BLOCKING SUMMERTIME E15 SALES

The Renewable Fuels Association, Growth Energy and the National Corn Growers Association filed a legal petition in the D.C. Court of Appeals requesting a full nine judge panel review of the Court's recent decision that blocks the sale of gasoline with 15% ethanol during summer months. That decision was handed down by panel of three of the nine judges who make up the D.C. Court of Appeals. Acting on a suit filed by oil producers, the three-judge panel invalidated a 2019 EPA rule that allowed the year-round sale of E15. The rule made it easier to sell E15 during the summer driving season in conventional fuel markets which make up roughly two thirds of all gasoline sold nationwide. The decision was based on interpretation of the statutory language in the Clean Air Act that provides a one-pound Reid Vapor Pressure (RVP) waiver for E10 blends between June 1 and September 15th of each year.

The Court ruled that the EPA lacked the authority to expand the RVP waiver to E15 because the plain language of the Clean Air Act limits the one -pound allowance solely to blends between E-9 and E10. Associations representing biofuel producers and corn growers said it was filing the petition for a full rehearing because the three-judge panel made legal errors in reaching its decision. A rehearing before all nine judges of the D.C. Court of Appeals may be ordered by a majority of the judges when consideration by the full court is necessary to maintain uniformity of its decisions, or when the case involves a question of exceptional importance, neither of which the petitioners' case is likely to show.

SUPPLY CHAIN PANEL APPROVES RECOMMENDATION FOR MULTIAGENCY EFFORT TO ADDRESS DRIVER SHORTAGE

Last week, the International Trade Administration's Advisory Committee on Supply Chain Competitiveness (ACSCC), voted to recommend the Department of Commerce lead a multiagency effort to immediately address the truck driver shortage.

ACSCC Workforce Development Subcommittee Chair Anne Strauss-Wieder told the panel that "our recommendation focuses on the driver shortage. We had a shortage prior to the pandemic and that situation has accelerated during the global health emergency. What we have recommended for committee consideration is that the Department of Commerce lead a multi federal agency effort to proactively address the shortage. Various departments are doing this already. And indeed, the Infrastructure Bill passed by the Senate also addresses part of this as well, including new funds for an apprenticeship program for the Under 21 Driver Initiative as well as establishing a board to increase the number of women entering and being retained in the trucking industry."

The ACSCC recommends that Commerce facilitate the pathways to becoming an interstate truck driver by expanding the demographic pools attracted to the profession and increasing driver training and apprenticeship programs, and to improve the driver experience through addressing truck-parking shortages and safety concerns.

EMA continues to work with multiple departments alerting them to the dire problems the petroleum marketing industry is facing and to potential solutions regarding the driver shortage. In particular, EMA has been working with DOE on a 100-page report and recommendations on the shortage.

USDA AWARDS \$26 MILLION FOR HIGHER BLEND RENEWABLE FUEL INFRASTRUCTURE

The United States Department of Agriculture (USDA) announced this week it is providing \$26 million to build the infrastructure to expand the availability of higher blend renewable fuels at retail sites across the nation. The funding, made through the Higher Blend Infrastructure Incentive Program (HBIIIP), is designed to help transportation fueling and biodiesel distribution facilities offer higher ethanol and biodiesel blends to customers by sharing the costs for infrastructure upgrades. The infrastructure funded by the HBIIIP program include partial reimbursement to install E15 compatible UST and dispenser systems at retail sites, expand renewable fuel loading racks at terminals and increase storage capacity for biodiesel fuels. The USDA said the new awards are for infrastructure investment in California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Texas and Wisconsin. The USDA's announcement marks the one-year anniversary of the HBIIIP program. To date, USDA has invested \$66.4 million for projects that are expected to increase biofuels sales by 1.2 billion gallons annually.

MASTERCARD TO BEGIN ELIMINATING THE MAGNETIC STRIPE IN 2024

Magnetic stripe credit cards have been around since 1960, but now Mastercard plans to be the first to stop using the stripe for credit and debit cards. Beginning in 2024, new cards will not be required to have the magnetic stripe, and by 2033, Mastercard says the technology will be removed from all cards.

Chips are far more secure than the magnetic stripes, and the majority of face-to-face card transactions use this chip tech now. Also, biometric cards that use fingerprints to verify the cardholder's identity, are on the rise.

To read more please click [here](#).

REGULATORY REMINDER ON DRIVER HOURS OF SERVICE REQUIREMENTS

EMA has been asked to provide a review of the FMCSA's CDL Drivers Hours of Service (HOS), including record of duty logs and the short haul exception to the HOS requirements. EMA recently was able to expand hour and distance limitations of short haul exception from 100 air-mile radius and 12 hours maximum on duty time to a 150 air-mile and 14 on-duty hours.

- 11 Hour Driving Limit
CDL drivers may drive a maximum of 11 hours per shift after 10 consecutive hours off-duty.
- 14 Hour On-Duty Limit
CDL drivers may not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.
- 60/70 Hour Weekly Limit
CDL drivers may not drive after 60 hours on duty in 7 consecutive days or after 70 hours over 8 consecutive days. A driver may restart the 7/8 consecutive day week period after taking 34 or more consecutive hours off duty.
- Adverse Driving Conditions

CDL drivers are allowed to extend the 11-hour maximum driving limit and 14-hour on-duty limit by up to two hours each when adverse driving conditions are encountered. Adverse driving conditions are caused by severe weather-related events. The FMCSA defines adverse driving conditions as: "snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun." If any of the conditions described above exist, drivers may continue driving until the intended destination is reached or until they are able to safely reach a secure location, but for no more than two extra hours.

- Short Haul Driver Exception

A CDL driver is exempt from recording hours of service if - the driver operates within a 150-air mile radius of the normal work reporting location, and the driver does not exceed the 14-hour maximum on-duty period. Drivers using the short haul exception must report and return to the normal work reporting location within 14 consecutive hours and stay within a 150 air-mile radius of that location.

Contact Mark S. Morgan, EMA Regulatory Counsel with any questions at markmorgan@verizon.net.

FUELS INSTITUTE RELEASES BEST PRACTICES FOR EV CHARGING INFRASTRUCTURE

Fuels Institute's Electric Vehicle Council released a [Best Practice Guide for Installing and Operating Public Electric Vehicle Charging Infrastructure](#) last week. The report provides a discussion of questions and issues that sites can expect to encounter when evaluating and installing public EV charging points at a site. The discussion is grouped into three categories: 1) developing a business case, 2) engaging the utility, and 3) working with local authorities having jurisdiction over the permitting and installation of EV charging points. In addition, the report provides a series of case studies to illustrate the issues and share success stories. The report discusses typical business models, site selection, cost considerations, make-ready infrastructure, and permitting and installation considerations.

If you are considering investing in public EV charging points, this 45-page report provides a good source of information, as well as a bibliography of additional information sources to support the evaluation process.

FEMA LAUNCHES FULL APPLICATION OF THE NATIONAL RISK INDEX

This week FEMA announced the full application launch of the [National Risk Index](#), an online resource that identifies traits of the communities most at risk from natural hazards.

This online mapping application provides a holistic view of community risk by providing baseline relative risk scores. It measures a community's risk for 18 natural hazards, in addition to resilience, social vulnerability and expected annual loss.

The Index helps users understand natural hazard risk and to support informed risk reduction decisions for mitigation planning and emergency management. By providing standardized risk data and an overview of multiple risk factors, this interactive mapping and analysis tool can help communities, especially those with limited flood mapping and risk assessment capabilities, prepare for natural hazards.

The tool was originally released in November 2020 at a limited capacity. Now, fully available for use by state, local, tribal, and territorial partners, the Index includes the ability to generate more customized analyses and reports, including community risk profiles and risk comparison reports for any county or Census tract.

The tool is free and easy to use, and data from the site can be downloaded. Visit [FEMA's National Risk Index webpage](#) to learn more about the data and the natural hazards that may affect your community.

NEW OSHA GUIDANCE ON UNVACCINATED EMPLOYEES AND WAYS TO PROTECT ALL EMPLOYEES

The CDC recently updated recommendations for fully vaccinated people to reduce their risk of becoming infected with the Delta variant and potentially spreading it to others by: wearing a mask in public indoor settings in areas of high transmission; choosing to wear a mask regardless of level of transmission, particularly if individuals are at risk or have someone in their household who is at increased risk of severe disease or not fully vaccinated; and getting tested 3-5 days following a known exposure to someone with suspected or confirmed COVID-19 and wearing a mask in public indoor settings for 14 days after exposure or until a negative test result. In OSHA's updated guidance, analogous recommendations are adopted.

To review the entire guidance go [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

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

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: *“What if there were no hypothetical questions?”*

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