

September 10, 2021

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NEW FEDERAL COVID-19 PROGRAM PLACES ADDITIONAL REGULATORY BURDENS ON SMALL BUSINESSES

President Biden is set to announce a multi-pronged program today to fight the spread of the COVID-19 delta variant. The program will require mask and testing requirements for certain public and private employers, mandatory paid time off for testing and vaccination, additional funding for the COVID Economic Injury Disaster Loan (EIDL) program and streamlining the Paycheck Protection Program (PPP) loan forgiveness for small loans. The detail of the program include:

- Requiring All Employers with 100+ Employees to Ensure their Workers are Vaccinated or Tested Weekly:

The Department of Labor's Occupational Safety and Health Administration (OSHA) is developing a rule that will require all employers with 100 or more employees to ensure their workforce is fully vaccinated or require workers who remain unvaccinated to produce weekly negative test result before coming to work. OSHA will issue an Emergency Temporary Standard (ETS) to implement this requirement which will impact over 80 million workers in private sector businesses with 100+ employees.

- Requiring All Employers with 100+ Employees to Provide Paid Time Off for Covid Shots and Recovery:

The new OSHA rule will also require requiring employers to provide paid time off the time it takes employees to get vaccinated or to recover from vaccine side effects post- vaccination. This requirement will be implemented through the ETS.

- New Support for Small Businesses Impacted by COVID-19:

The plan will also aid small businesses by strengthening the COVID Economic Injury Disaster Loan (EIDL) program, which provides long-term, low-cost loans. First, the Small Business Administration (SBA) will increase the maximum amount of funding a small business can borrow through EIDL from \$500,000 to \$2 million. The funds can be used to hire and retain employees, purchase inventory and equipment, and pay off higher-interest debt. Small businesses will not be required to start repaying these loans until two years after they receive the funding. Finally, SBA will offer a 30-day exclusive window of access where only small businesses seeking loans of \$500,000 or less will receive awards after the new improved loan product launches.

- Streamlining Paycheck Protection Program (PPP) loan forgiveness for small loans:

Through the PPP, the SBA has made more than 11 million loans to small businesses that can be forgiven and taken off their books if they use the funds to keep employees on payroll. The SBA will make it easier for more than 3.5 million PPP borrowers with loans of \$150,000 or less to get their loans wiped clean. Under the new streamlined approach, SBA sends a pre-completed application form to the borrower who can review, sign, and send back to SBA, which then works with the lender to complete the forgiveness process. SBA expects more than 2.5 million additional small businesses to take advantage of this streamlined process.

More details of the president's multi-pronged plan will be released shortly. EMA is following these developments and will report on them as they occur.

EMA URGES HOUSE TAX COMMITTEE TO CONTINUE STEPPED-UP BASIS

Yesterday EMA joined other members of the Family Business Estate Tax Coalition in a letter to Ways and Means Committee Chairman Neal and Ranking Member Brady to state our unequivocal support for the continuation of stepped-up basis. Stepped-up basis prevents family-owned businesses and farms from being hit with two significant and damaging tax bills when a family member passes away—the capital gains tax on any appreciated assets and the estate tax on whatever is left. The FBETC opposes any changes to stepped-up basis that would impose this double death tax and increase taxes on family-owned businesses and farms—including administratively unworkable “protections” that simply delay destructive tax hikes.

To review the entire letter, go [here](#).

CONGRESSIONAL UPDATE

House Committees continue to markup their respective portions of the Build Back Better Act, the \$3.5 trillion reconciliation package that includes Democratic priorities not included in the Senate-passed infrastructure bill. The House Energy and Commerce (E&C) Committee released details about its planned portion of the bill, which will invest \$150 billion in a Clean Electricity Performance Program (CEPP). The CEPP, which will complement clean energy tax incentives, will issue grants to and collect payments from electricity suppliers based on how much qualified clean electricity each supplier provides to customers. The E&C bill will also invest \$13.5 billion in electric vehicle (EV) charging infrastructure in publicly accessible locations and will support electrification of industrial and medium-heavy duty vehicles. Also this week, Rep. Don Beyer (D-VA) proposed a new tax credit for electric vans and trucks. Beyer's bill, which he said will hopefully be considered as part of a larger EV incentive package, would offer a 30 percent tax credit for qualifying commercial vehicles.

The House Ways and Means Committee has not yet released details about the tax provisions of the bill. House and Senate Democrats continue exploring ways to raise revenue by increasing corporate and capital gains rates, along with changing the taxation of American multinational corporations. Another plan circulated by the Ways and Means Committee this week would automatically enroll workers for IRAs or 401(k)-type retirement plans. The draft legislation, which is bipartisan, would direct 6 percent of each employee's pay into a retirement savings plan, gradually escalating to 10 percent, unless they took action to opt out or change their contribution rate.

The politics of reconciliation remain tricky, with House and Senate Democrats internally divided over tax policy changes and the overall cost of the package. It was reported this week that Senator Joe Manchin (D-WV) is open to a \$1.5 trillion package, though some close to the Senator believe Senator Manchin would go closer to \$2 trillion. The one certainty is that the reconciliation process will not conclude any time soon, and many expected protracted negotiations that will continue into the fall. As a reminder, House progressives have pledged not to support the Senate-passed infrastructure bill until the Senate passes its reconciliation package.

An additional challenging dynamic is the debt ceiling. This week, Secretary of the Treasury Janet Yellen said that the Department will exhaust extraordinary measures to continue financing the government if the debt ceiling is not raised in the month of October. Senate Republicans have pledged not to support a stand-alone debt ceiling increase and have instead urged Congressional Democrats to include a debt-ceiling raise in the reconciliation package.

EPA ISSUES NEW GUIDANCE ON PROTECTION AND RECOVERY FOR USTS AND ASTS SUBJECT TO WILDFIRE THREAT

The EPA's Office of Underground Storage Tanks (OUST) has just released a new guidance document to help prepare and protect both UST and AST systems from wildfires. OUST is releasing the guide in response to the escalating number of wildfires occurring now and expected in the future that threaten thousands of UST and AST facilities across wildfire prone regions. Information in the guide will help owners and operators to prepare for and respond to the catastrophic effects and environmental harm that may occur as a result of partial or fully burned UST and AST systems. This guide consolidates federal, state, non-governmental, and UST and oil AST industry resources. However, many communities develop their own strategies and resources to reduce the effects of wildfire on their citizens, businesses, and environment. Although the guide addresses USTs and ASTs affected by wildfire, some elements of it apply to other natural disasters as well.

A central feature of the guide is a list of actions to help UST and AST owners and operators prepare should wildfires approach their facilities, as well as steps to recover from potential impacts of wildfires. Such steps include:

What To Do as The Fire Approaches Your Facility

- Recommended Actions for UST Facilities
- Recommended Actions for AST Facilities
- Recovery From the Fire
- Steps to Take When Returning to Your UST Facility
- Steps to Take When Returning to Your AST Facility.

The EPA's *Wildfire Guide: Preparation And Recovery For Underground And Aboveground Storage Tank Systems* is available [here](#).

EMA DISASTER FUEL RESPONSE PROGRAM SENDS 250 TRUCKS FROM 16 STATES TO FUEL LOUISIANA IN THE WAKE OF HURRICANE IDA

The need for the marketers who participate in the EMA Disaster Fuel Response Program was at its highest level for Hurricane Ida. In fact, when more marketers were needed to fuel the impacted portions of Louisiana, EMA reached out to

the states to generate more volunteers, and the response was great. There were 250 EMA member trucks from 16 states in Louisiana this past week, with many continuing the re-fueling effort.

If you have questions about the program, contact Sherri Stone at sstone@emamerica.org. If you would like to join the EMA Disaster Fuel Response Program, please contact Sabrina Pitcher at spitcher@emamerica.org.

HOUSE AGRICULTURE COMMITTEE PROPOSES \$1 BILLION TO ACCOMMODATE HIGHER BIOFUEL BLENDS

The House Agriculture Committee proposed a \$1 billion USDA program to push E10 and B20 plus blends into the motor and heating fuels market which Congressional democrats hope to include in a \$3.5 trillion budget reconciliation package. It is double the amount lawmakers proposed earlier this year. The USDA program is expected to offer cost-sharing grants to marketers to upgrade existing UST system infrastructure and pumps to sell higher biofuel blends as well as to build and retrofit traditional and pipeline biodiesel terminal operations and home heating oil distribution centers. Rep. Axne (D-IA) is leading the efforts in the House and Senator Klobuchar is leading efforts in the Senate.

Unfortunately, the budget reconciliation package will likely include tax increases on businesses which will impact energy marketers' ability to expand biofuel infrastructure.

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

September 15-17, 2021 - Utah (UPMRA) Convention - Sheraton Park City Hotel - Park City, UT
November 1, 2021 – Hawaii (HPMA) Golf Tournament – Oahu Country Club, Honolulu, HI
December 2, 2021 – Washington (WIED) Holiday Party – Little Creek Resort & Casino – Shelton, WA
December 14, 2021 – Oregon (OFA) Holiday Event – Portland Golf Club – Portland, OR
February 22-24, 2022 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV
May 5-6, 2022 – Nevada (NPM&CSA) Big Dogs – Las Vegas, NV
June 7-8, 2022 – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Fairmont, MT
June 20-22, 2022 – Washington (WIED) Convention – Suncadia Resort – Cle Elum, WA
July 17-19, 2022 – Oregon (OFA) Annual Convention – Sunriver Resort – Sunriver, OR
August 3-5, 2022 – Idaho (IPM&CSA) Convention – Coeur d'Alene Resort – Coeur d'Alene, ID
August 22-24, 2022 – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, NM
September 14-16, 2022 – Utah (UPMRA) Convention – Sheraton Park City Hotel – Park City, UT

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: *"The happiest people don't have the best of everything. They just make the best of everything."*

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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.

Federated Insurance is presenting a 1-Day Risk Management Seminar

You are invited to attend an exclusive, complimentary Risk Management Academy session hosted by Federated Mutual Insurance Company. [A video](#) about this session is meant to help you learn more about:

1. Losses impacting our industry,
2. Connect with industry peers facing similar challenges, and
3. Apply risk management best practices that make a difference at your business.

Owners, Human Resources Managers, and Designated Risk Managers are encouraged to attend.

Thursday, September 16, 2021

10:00 a.m. to 2:30 p.m.

**Residence Inn Boise City Center
400 S. Capitol
Boise, ID 83702**

Key Agenda Items:

Risk Management Culture

Managing Your Workers Compensation Risk

- WC Experience Mod
- WC Split Point / Deductibles
- Prompt Claims Reporting
- Return to Work / Modified Duty

Managing Your Drivers

- Distracted Driving
- Employer / Employee Liability
- MVR Services
- Employee Training / Resources
- In-Cab Technology

Click [here](#) to register for this session. If you have questions regarding the event or the registration process, please feel free to contact Federated at 507-455-5315 or email 1DayRMA@fedins.com.
Registration Deadline: **Monday, August 16, 2021.**

One (1) Registration per Company. Space is limited, so please register today!

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