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WPMA ANNOUNCES STEPHEN BANNON AS 2019 KEYNOTE



WPMA is excited to announce Stephen K. Bannon as our 2019 WPMAEXPO Keynote. Mr. Bannon served as CEO of Donald Trump's presidential campaign, and later served as Chief Strategist and Senior Counselor to the President. He is the founder of Citizens of the American Republic, a 501(c)4 that advocates for populism and economic nationalism and is an award-winning documentary filmmaker and the former Executive Chairman of Breitbart News. Mr. Bannon has a master's degree in National Security Studies from Georgetown University and an MBA from Harvard Business School.

He served in the armed forces aboard the USS Paul F. Foster in the western Pacific, Arabian Sea and Persian Gulf, and later served at the Pentagon as a Special Assistant to the Chief of Naval Operations.

Join us at 8:30 a.m. on Wednesday, February 20, to hear Stephen Bannon speak on current events and issues. You won't want to miss this event!

PHMSA PREEMPTS CALIFORNIA MEAL AND REST BREAK REQUIREMENTS FOR HAZMAT DRIVERS

The Pipeline and Hazardous Materials Safety Administration ("PHMSA") released its determination today in response to a preemption application by the National Tank Truck Carriers, Inc. (NTTC) that California's meal and rest break requirements are preempted with respect to all drivers of motor vehicles transporting hazardous materials (whether interstate or intrastate). This means the state meal and rest break provisions no longer apply to interstate and intrastate hazardous materials motor carriers in California.

In its determination, PHMSA found that California's meal and rest break laws create unnecessary delay in the transportation of hazardous materials in conflict with provisions of the federal Hazardous Materials Transportation Act. PHMSA also found the California's laws preempted on additional grounds as to specific subsets of hazmat drivers. The determination recognizes the impact meal and rest break laws have on delaying motor carrier service.

Standing alone, the decision should be beneficial in mitigating the explosion of class action claims centered on violations of California's meal and rest break laws in particular and likely similar laws in other states. The determination will be published in the Federal Register and will go into effect today.

FMCSA STREAMLINES PROCESS ALLOWING INDIVIDUALS WITH PROPERLY MANAGED DIABETES TO OPERATE COMMERCIAL MOTOR VEHICLE

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) today announced a final rule revising federal regulations permitting individuals with a stable insulin regimen and properly controlled insulin-treated diabetes to be qualified to operate commercial motor vehicles (CMVs) in interstate commerce. This rule is important to petroleum marketers because it eliminates the annual administrative and cost burdens the exemption application process places on drivers. Instead, the rule enables a certified medical examiner (ME) to grant a CDL driver with diabetes a "Medical Examiner's Certificate" for up to 12 months. The driver's treating physician provides a diabetes assessment form to the certified ME indicating that the individual maintains a stable insulin regimen and proper control of his or her diabetes. The certified ME is then responsible for determining if the individual meets FMCSA's physical qualification standards and can operate CMVs in interstate commerce.

The final rule will eliminate the exemption program that currently requires individuals with diabetes to incur recurring costs to renew and maintain their exemptions. The FMCSA estimates this will save the nearly 5,000 drivers with diabetes that currently have exemptions more than \$5 million per year. The final rule will also save new diabetes exemption applicants and their employers approximately \$215,000 annually in opportunity and compliance costs related with the exemption program's waiting period.

A copy of the final rule announced today is available at (<https://www.fmcsa.dot.gov/regulations/fmcsa-streamlines-process-allowing-individuals-properly-managed-diabetes-operate>).

Go to (<https://www.fmcsa.dot.gov/regulations/medical>) to learn more about FMCSA's Medical Program Division.

EPA CREATES WEBSITE TO TRACK RFS EXEMPTIONS

Yesterday, the Environmental Protection Agency (EPA) launched a website (<https://www.epa.gov/fuels-registration-reporting-and-compliance-help/public-data-renewable-fuel-standard>) dedicated to tracking small refinery Renewable Fuel Standard (RFS) exemptions. The website lists the number of small refiners applying for, receiving, and being denied RFS exemptions, however, the names of the companies will not be listed. Additionally, in order to prevent market manipulation, the EPA will publish updates on information at the same time a company learns it has received an exemption. Furthermore, the website will publish monthly information on the trading of Renewable Identification Numbers (RINs) and the weekly average prices of RINs.

The launch of the new website comes in response to EPA Acting Administrator Andrew Wheeler promising the U.S. Senate in a hearing that he would increase the transparency of the RFS program. In a statement, Wheeler stated, "Increasing transparency will improve implementation of the RFS and provide stakeholders and the regulated community the certainty and clarity they need to make important business and compliance decisions."

RETAIL GROUPS OPPOSE PROPOSED SWIPE FEE SUIT SETTLEMENT

Visa and Mastercard reached a tentative settlement of the now 13-year-old antitrust lawsuit brought by a class of merchants challenging the "interchange fees" charged by the companies. The settlement includes a 6.2-billion-dollar fund to compensate merchants for the interchange fees charged by Visa and Mastercard, which allegedly violated the antitrust laws. The proposed settlement has been widely criticized by the National Retail Federation and other groups representing merchants because it contains no provisions to restrain the ability of Visa and Mastercard to continue to charge what the class of merchants believes are artificially high interchange fees. The lawsuit alleges that Visa and Mastercard used their vast market power to fix the fees charged to merchants on consumer credit card transactions.

The proposed settlement comes on the heels of a Court of Appeals rejection of a previous multi-billion-dollar settlement in which all class members had to give up their rights to sue Visa or Mastercard in the future, even if the practices that formed the basis of the class action continued. In order to prevent a settlement that was unfair to merchants, the court required the class to be divided into two separate classes (with different attorneys representing each class), one seeking money damages for past actions and one seeking to curb the alleged illegal price fixing in the future. The new proposed settlement provides billions of dollars to pay for past practices but does nothing to prevent the same allegedly illegal price fixing from continuing. Anyone who participates in the settlement by claiming a piece of the 6.2-billion-dollar fund must agree not to sue Visa or Mastercard for a period of five years.

The proposed settlement will have to be approved by the New York federal district court in which the lawsuit is pending. There is likely to be substantial opposition to the settlement from merchants and trade associations who claim the settlement does nothing to change the pattern of illegal price fixing that caused the lawsuit to be filed. It is also likely that the settlement will be challenged by the Nation's largest retailers (e.g., Starbucks, Lowes, Walmart and others) who opted out of the previous settlement and pursued their claims against Visa and Mastercard separate from the merchant class. Even if the settlement is approved by the court, there is the possibility that the approval will be challenged in an appeal to the Second Circuit Court of Appeals. For these reasons, the fate of the now tentative settlement will not likely be decided this year and may be delayed even longer.

HOUSE TO VOTE ON SMALL BUSINESS HEALTHCARE BILL NEXT WEEK

Under current law, employers with 50 or more employees working an average of 30 hours per week or more are required to offer health coverage for their employees. However, last September, Rep. Jackie Walorski (R-IN) introduced H.R. 3798, the "Save American Workers Act." The bill would delay Obamacare's employer mandate and the "Cadillac" tax on expensive employer-provided health insurance, and most importantly, change the definition of a "fulltime worker" from someone who works 30 hours per week to someone who works 40 hours per week. Unfortunately, Obamacare's redefinition of a "full-time worker" from the standard 40-hour work week to a 30-hour work week has caused a reduction in employee hours instead of expanding access to health coverage.

The House was scheduled to vote on the bill this week, however, due to Hurricane Florence, the vote has been postponed until the week of September 25. PMAA fully supports this bill because it promotes access to healthcare coverage for millions of hardworking employees without burdening employers with additional costs that could cost employees their jobs.

SBLC URGES THE TRUMP ADMINISTRATION TO KEEP NAFTA TRILATERAL

As the Trump Administration engages in ongoing efforts to update the North American Free Trade Agreement (NAFTA), the Small Business Legislative Council (SBLC), of which PMAA is a member, is urging the President to ensure that the pact remains trilateral.

While SBLC is encouraged by the progress made in negotiations with Mexico, it is important that any future agreement also include Canada. "Maintaining favorable trade relations with our neighbors to both the North and South is critical for America's small businesses" said SBLC President and General Counsel, Paula Calimafde. "Small and privately-owned businesses are an important source of job creation and growth in our economy. Trade agreements like NAFTA help these businesses grow and stay competitive while keeping good well-paying jobs here in the United States."

The SBLC is an independent, permanent coalition of 50 national trade and professional associations whose goal is to maximize the advocacy and presence of small business on Federal legislative and regulatory policy issues, and to disseminate information on the impact of public policy on small businesses.

U.S. HAS BECOME WORLD'S LARGEST PRODUCER OF OIL

According to the Energy Information Administration's (EIA) Short-Term Energy Outlook (STEO), America became the world's largest producer of crude oil earlier this year for the first time since 1973, likely surpassing Saudi Arabia and Russia. In February, U.S. crude oil production exceeded that of Saudi Arabia for the first time in more than two decades. In June and August, the U.S. surpassed Russia in crude oil production for the first time since 1999.

Much of the recent growth has occurred in areas such as the Permian region in western Texas and eastern New Mexico, the Federal Offshore Gulf of Mexico, and the Bakken region in North Dakota and Montana. For the rest of 2018 and into next year, the U.S. is predicted to continue being the number one supplier of crude oil according to the EIA. Although it is estimated that U.S. crude oil production will decrease, the U.S. will still make up over half of worldwide expansion during the next five years according to the International Energy Agency (IEA).

There are three primary reasons the U.S. has become the world's largest producer of crude oil. First, Saudi Arabia has decreased oil production in recent months which has decreased its influence in global oil supplies, therefore, increasing the U.S.'s influence. Secondly, costs associated with oil drilling have decreased which has expanded the U.S.'s ability to drill at more competitive prices. Lastly, the U.S. has remained uninvolved with the Organization of Petroleum Exporting Countries (OPEC) which has allowed U.S. oil companies to determine their own output and growth.

PLAN TO ATTEND THE 2019 WPMAEXPO



Mark your calendars for February 19-21, 2019. Make plans now to attend the 2019 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

October 25, 2018 – Hawaii (HPMA) Golf Tournament – Hapuna Beach GC, Kamuela, HI

February 19-21, 2019 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

May 2-3, 2019 – Nevada (NPM&CSA) – Big Dogs – Las Vegas, NV

June 4-6, 2019 – Montana (MPMCSA) Convention – Location - TBA

June 17-20, 2019 – Washington (WOMA) Convention – Suncadia Resort, Cle Elum, WA

August 5-7, 2019 – Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, ID

August 19-21, 2019 – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

September 11-13, 2019 – Utah (UPMRA) – Convention – Zermatt Resort, Midway, UT

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Petro Pete: “Even if you’re on the right track, you’ll get run over if you just sit there.”

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