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The following information provided by: EMA
Energy Marketers of America



REMINDER! USDA OFFERING \$100 MILLION IN MATCHING FUNDS FOR INSTALLATION OF HIGHER BLEND ETHANOL AND BIODIESEL INFRASTRUCTURE

The United States Department of Agriculture (USDA) announced in August the availability of approximately \$100 million in competitive grants to eligible entities for activities designed to expand the sales and use of renewable fuels under the Higher Blends Infrastructure Incentive Program (HBIIP). A USDA representative attended the Energy Marketers of America's fall meeting in Las Vegas last week to encourage marketers to take advantage of the HBIIP grants.

According to the USDA, cost-share grants of up to 50 percent of total eligible project costs but not more than \$5 million will be made available to assist transportation fueling and fuel distribution facilities with converting to higher blend status for ethanol (i.e., greater than 10 percent ethanol) and biodiesel (greater than 5 percent biodiesel) by sharing the costs related to the installation, and/or retrofitting, and/ or otherwise upgrading of dispenser/ pumps, related equipment, and infrastructure. The \$100 million is currently available to support a variety of fueling operations, including filling stations, convenience stores and larger retail stores that also sell fuel. The funds will also support fleet facilities including rail and marine, and fuel distribution facilities, such as fuel terminal operations, midstream operations, distribution facilities as well as home heating oil distribution centers.

[CLICK HERE FOR MORE INFORMATION ON THE USDA HBIIP](#)

LAWMAKERS URGE PRESIDENT BIDEN TO DENY "CALIFORNIA CAR MANDATE"

Yesterday, 158 lawmakers sent a [letter](#) to the President urging him to reject California's forthcoming request for a waiver that would require 35 percent of all new light-duty vehicle sales to be electrified by 2026, followed by a 100 percent requirement by 2035. This means that by 2035, automakers would be prohibited from selling new vehicles that contain conventional internal combustion engines (ICEs). For this ban to go into effect, California will need to obtain from the U.S. EPA a waiver of Clean Air Act (CAA) preemption provisions. They urged the president to reject California's forthcoming request for the CAA waiver due to widespread concerns for the negative impact it will have on the electric grid, the need for additional power generation, the over-reliance on foreign adversaries for critical minerals, and the right of Americans to choose for themselves which vehicles they wish to drive.

Every American will be impacted by this ban, whether they are in one of the 15 states that copies California vehicle laws or whether they are a consumer looking to buy an affordable new pickup truck in the next few years. California needs a waiver from EPA to enact this regulation and ban gasoline and diesel vehicle sales. EPA needs to deny this waiver.

If California's ban moves forward, it will:

- Outlaw the sale of new clean internal combustion engine vehicles (even hybrids) in up to 15 states and the District of Columbia
- Raise the price and reduce the availability of gasoline and diesel cars in other states
- Increase Americans' utility bills to subsidize a massive expansion of the electricity grid for EV charging
- Threaten the viability and jobs of small business energy marketers around the country, whether they deliver gasoline and diesel or renewable fuels like ethanol, biodiesel and renewable diesel.

Court Action to Stop the "California Car Mandate"

EMA has been actively engaged in the fight against banning gasoline powered vehicles since California Governor Gavin Newsom authorized the ban in a 2020 executive order. On May 13, 2022, EMA filed a petition with a federal Court of Appeals in Washington, D.C., asking the court to review the Biden Administration's restoration of the Clean Air Act waiver allowing California to set its own air standards. That waiver was revoked by the Trump administration in 2019. The EMA petition was filed to challenge the restoration of the waiver on various grounds, including that California does not require the more stringent standards to meet any extraordinary or compelling conditions that are unique to California as the Clean Air Act requires. If the court overturns the waiver as requested by EMA, California is likely to lose the authority it claims to ban gasoline powered vehicles in the State. If that happens, any state attempting to adopt the California ban will lose their authority to act as well.

Separate from the current court action, EMA opposes California's waiver request for gasoline-powered vehicle ban. If EPA does not have the authority under the Clean Air Act to ban gasoline-powered vehicles, it is difficult to see how it can allow California to exercise such authority under the statute.

In the meantime, [CLICK HERE](#) to reach out to your lawmakers and urge them to contact EPA and recommend that California's waiver be denied to protect motorists and small business energy marketing companies!

LEGISLATIVE UPDATE

This week, Reps. Newman (D-IL) and Tenney (R-NY) officially introduced the Main Street Competes Act of 2022. This small business-focused bill empowers the Small Business Administration to have a role in studying and promoting competitive markets through federal antitrust law enforcement.

On Wednesday, the U.S. Department of the Treasury issued an announcement seeking public input about how to draft regulations regarding \$270 billion worth of clean energy tax incentives authorized by the Inflation Reduction Act (IRA). "We have to get implementation right. That means we need to listen, engage and move quickly to translate policy into action," John Podesta, a senior White House adviser overseeing the energy guidance, told reporters Wednesday. "We are trying to do this expeditiously. You will see some of this guidance out before the end of the year."

As a reminder, The IRA also includes a multiyear extension of the \$1 per gallon biodiesel blender's tax credit through 2024. At the urging of EMA and other industry groups, Sen. Maggie Hassan (D-NH) clarified in the Congressional Record that Section 13704 of the IRA — which addresses production tax credits for biofuels — includes residential and commercial heating fuel.

Treasury announced three core principles will guide IRA implementation:

- **Robust Public Engagement:** Treasury will engage a broad spectrum of taxpayers and stakeholders to inform guidance and rulemaking. With the release of the Notices, Treasury has begun the process of soliciting comments from the public on key provisions. Over the coming weeks, Treasury will be convening several initial stakeholder roundtables to hear directly from a wide range of voices.
- **Clarity and Certainty:** Treasury will work to provide clarity and certainty to taxpayers, so the climate and economic benefits of this legislation can "be felt as quickly as possible." For example, in August, Treasury and the IRS [immediately issued initial guidance on the electric vehicle tax credit](#) and worked closely with the Department of Transportation and Department of Energy so taxpayers could easily find a list of eligible vehicles online.
- **Sound Stewardship:** Treasury will work closely with the IRS to put in place effective guardrails and reporting to ensure the benefits are delivered as Congress intended. Treasury is "committed to ensuring that as many eligible taxpayers as possible benefit from the incentives provided by law while protecting against fraud and abuse."

EMA will respond to the request for information in advance of Treasury's November 4, 2022, submission deadline. The six Notices issued Wednesday can be found below.

- [Energy Generation Incentives](#)
- [Credit Enhancements](#)
- [Incentives for Homes/Buildings](#)

- [Consumer Vehicle Credits](#)
- [Manufacturing Credits](#)
- [Credit Monetization](#)

FED FINALIZES ROUTING CHOICE REQUIREMENTS FOR ONLINE PAYMENTS

This week, the Federal Reserve Board finalized updates to the Board's rule concerning debit card transactions. Pursuant to statute, the updates specify that debit card issuers should enable at least two payment card networks to process all debit card transactions, including "card-not-present" transactions, such as online payments.

By law, the Board is required to make rules ensuring that debit card issuers give retailers the opportunity to choose between at least two unaffiliated networks when routing debit card transactions. When the Board initially issued the rule in July 2011, the market had not developed solutions to broadly support multiple networks for card-not-present debit card transactions. Since that time, technology has evolved to address these barriers. However, some debit card issuers have not yet enabled at least two unaffiliated networks for merchants to choose between when routing such transactions. This issue has become increasingly pronounced because of continued growth in online payments.

EMA is a member of the Merchants Payments Coalition (MPC), which represents retailers, supermarkets, restaurants, drug stores, convenience stores, gas stations, online merchants, and other businesses focused on reforming the U.S. payments system to make it more transparent and competitive. [Click here](#) for more information.

EPA LIKELY TO ALLOW RIN CREDITS FOR EV CHARGING GENERATED FROM BIOGAS AND CELLULOSIC BIOMASS

The EPA is expected to submit its proposed 2023 and 2024 renewable fuel standards (RFS) to the White house for final review this week. The proposed RFS standards will likely be similar to those finalized for 2022. However, there is one significant change in the proposed standards that will almost certainly have a significant impact on the liquid petroleum industry. EMA has learned that the EPA is expected to expand RFS by creating a new RIN for electric vehicles charged by electricity generated from biogas and cellulosic biomass. The EPA has the authority to expand the RFS program to include new renewable fuel sources since the statutory volumetric blending mandates imposed by Congress ended in 2022. It is reported the new "e-RIN" would generate a D3 credit under the current RFS regulatory framework.

It remains unclear whether the EPA will establish renewable fuel obligations for electric utilities similar to blending mandates that currently apply to motor fuel refiners. It is possible that automobile manufacturers could wind up generating RINS for electric car production under the new RFS standard. More likely, the agency will allow e-RINS to generate credits and be traded alongside existing RINs without any volumetric blending mandate, similar to RIN generation for renewable heating oil blends. Whichever path the EPA chooses, the creation of e-RINs is certain could give a boost to EV sales and new EV charging infrastructure. The EPA is under a consent decree to issue 2023 RFS standards no later than November 16.

EMA STRONGLY OPPOSES ENABLERS ACT

EMA joined 74 other groups in strong opposition to the Establishing New Authorities for Business Laundering and Enabling Risks to Security (ENABLERS) Act, which passed the House as part of the National Defense Authorization Act (NDAA).

The Act would require covered businesses, foundations, and charities to collect and report beneficial ownership information, report suspicious transactions, and establish and enforce anti-money laundering policies. This legislation would dramatically expand the recently enacted Corporate Transparency Act's (CTA) reporting requirements.

While the stated goal is to increase reporting by "professional service providers who serve as key gatekeepers to the U.S. financial system," its broad language would cover the owners, board members, and senior executives of most businesses and charities. Anyone engaged in an entity's formation, acquisition, or disposal would be covered, as would owners and employees engaged in nearly every financial activity of the business, including money management, payment processing, wire transfers, or buying and selling currencies. These covered individuals would be subject to audits conducted by the Treasury Department initially, while the Act requires Treasury to recommend additional enforcement tools after a year. The irony is that neither the ENABLERS Act nor the Corporation Transparency Act are likely to improve our law enforcement efforts as they both rely on criminals to self-report their crimes.

EMA SUPPORTS GLOBAL ENERGY SUPPLY FROM WITHIN US BORDERS

This week EMA submitted [comments](#) in support for the 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program and the 11 Proposed Program lease sales in the Proposed Final Program. Federal lease sales will increase the global energy supply from within our own borders and reduce energy prices for families and businesses nationwide.

WEEKEND READS

[A \\$50,000 electric bill? The cost of cooling L.A.'s biggest houses in a heat wave](#)

[The White House is reportedly weighing a controversial measure to lower gas prices ahead of midterm elections](#)

[U.S. delivers angry rebuke of massive OPEC+ production cut — and it could backfire for Saudi Arabia](#)

[Will the Farm Bill be the next big climate package? It depends on the midterm elections](#)

[Tesla Delivered 343,000 cars in third quarter, falling short](#)

[Biden pledge to make federal fleet electric faces slow start.](#)

FEDERATED INSURANCE EMPLOYMENT PRACTICES NETWORK HR QUESTION OF THE MONTH

Federated Insurance's HR Question of the Month focuses on employment-related practices liability issues. This month's question is: **Revisions to Company Policies?** When we revise a company policy, can we just send the updated policy to our employees, or should we also have employees sign some type of acknowledgement form? If the latter, what do we do if an employee refuses to sign the acknowledgement form? Please click [here](#) to read the response.

For additional information or to discuss this in further detail, please contact your [Federated](#) regional representative or EMA's National Account Executive [Jon Medo](#) at 800.533.0472 for any additional information or risk management questions. [Federated](#) is a [Partner in EMA's Board of Directors Council](#).



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WEBINAR

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PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

October 17, 2022 - HEMA Golf Tournament - Oahu Country Club - Honolulu, HI

December 1, 2022 - Oregon Holiday Party - Portland Golf Club - Portland, OR

December 8, 2022 - Washington Holiday Party - Topgolf - Renton, WA

February 21-23, 2023 - WPMA Convention & EXPO - Mirage Hotel- Las Vegas, NV

April 27-28, 2023 - Nevada Big Dogs - Red Rock Hotel/Sienna Golf Course - Las Vegas, NV

June 6-7, 2023 - MPMCSA Montana Convention - Fairmont Hot Springs - Fairmont, MT

June 19-21, 2023 - WIED Washington Convention - Suncadia Lodge, Cle Elum, WA

July 16-18, 2023 - OFA Oregon Conference - Sunriver Resort - Sunriver, OR

August 2-4, 2023 - IMP&CSA Idaho Convention - Sun Valley Resort - Sun Valley, ID



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Petro Pete: Two fish are in a tank. One says, 'How do you drive this thing?'

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