



## LAST CHANCE TO REGISTER - UPMRA CONVENTION

Time is running out! Last chance to register for the **UPMRA** convention at the Hilton Garden Inn in St. George, Utah, October 25-27.

Click [here](#) to register. Choose between [attendee](#) and [exhibitor](#) registration.

Don't miss out on this adventure.

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Stock up on health and wellness essentials to reduce illness in the office this year. Hand sanitizer, tissues and more.

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*an Air Liquide company*

Get what you need for the winter weather ahead. Airgas has top-performing winter products for high productivity in low temperatures.

**Prepare Now →**

## MAUI RELIEF RESOURCES



[CLICK HERE FOR THE HEMA -MAUI FIRE RELIEF-RESOURCES](#)

The following information provided by:  
**EMA-Energy Marketers of America**



### **FMCSA FINALIZES PROPOSAL TO RESTRICT STATE HOURS OF SERVICE WAIVERS IMPACTING ENERGY MARKETERS**

This week, the Federal Motor Carrier Safety Administration (FMCSA) released a final rule concerning the authority of state governors to waive hours of service (HOS) regulations during a declared state of emergency. Originally, the proposed rule would have limited both the scope of FMCSA regulations subject to a state issued waiver and the duration of the waiver itself from 30 days to just 5 days. EMA pushed back in written comments and asked Congress to get involved including a letter from Representatives Greg Pence (R-IN), Rick Crawford (R-AR) and 25 additional lawmakers. Under the final rule issued by FMCSA today, presidentially declared emergencies would maintain the 30-day exemption, however, state issued HOS exemptions are now narrowed to 14 days and streamlined to automatically encompass just the HOS drive time limits. Medical qualifications including medical exams; CDL licensure and renewal; vehicle inspections, repair and maintenance and training are no longer included when a governor issues a state of emergency. "Overall, we are pleased that the FMCSA heard our concerns with the proposed rule and decided to finalize a 14-day HOS waiver rather than 5 days," said EMA President Rob Underwood.

EMA opposed the reduction of the automatic waiver from 30 days to 5 days for state declarations because it would not provide sufficient time for full recovery from a declared emergency. In the fuel marketing industry, disaster recovery time typically takes 2 to 3 times longer than the duration of the disaster itself. When fuel supply is disrupted, the HOS waiver is essential to restore the flow of finished fuel products to downstream users. The HOS waiver increases the number of loads that can be delivered, and the distance traveled to reach far off supply during emergency declarations. In addition, when a terminal or pipeline outage occurs, resulting in a supply disruption, normal inventories of finished fuel products take time to work their way back through the distribution chain to storage terminals. Also, a shorter 5-day state waiver period could also encourage consumer fuel hoarding and long lines at the pump, further limiting supply. [CLICK HERE](#) to read EMA's comments.

The agency cited concerns over increased frequency and severity of weather-related disasters nationwide with climate change as their primary reason for longer relief timelines. The new rule modifies the definition for emergency to clarify that emergency regulatory relief under § 390.23 generally does not apply to economic conditions that are caused by market forces, including shortages of raw materials or supplies, labor strikes, driver shortages, inflation, or fluctuations in freight shipment or brokerage rates, unless such conditions or events cause an immediate threat to human life and result in a declaration of an emergency.

One reason FMCSA sought changes is due to emergency declarations in recent years from state Governors who "do not warrant the emergency exemptions from the Federal regulations in § 390.23." Examples include an emergency exemption covering all interstate shipments of goods during the month of December, to counteract supply chain issues and help increase the supply of toys and other items for Christmas, and an exemption for all shipments of gasoline to encourage more travel after the pandemic. "FMCSA considered the increase in the number of inappropriate emergency declarations as another reason to initiate this rulemaking, to clarify those instances when emergency exemptions are appropriate."

### **EIA REPORT FORECASTS WINTER USE AND COST OF PROPANE AND HEATING FUEL**

EIA forecasts that retail prices for heating oil and propane will be lower this winter than last. Although crude oil prices affecting heating oil and propane retail prices are similar to crude oil prices a year ago, prices for wholesale heating oil and propane have fallen. Propane prices have decreased because of rising natural gas production. Heating oil prices have decreased because of lower refining margins for distillate fuel. Several factors have contributed to the lower margins, including falling demand for U.S. distillate fuel. Although Russia has relaxed its recent ban of distillate exports, those exports are still partially restricted. This restriction has added uncertainty for U.S. heating oil prices heading into winter.

EIA expects households in the Midwest to spend about \$1,300, 11% less than last winter, reflecting a forecast for a 13% drop in propane prices and slightly higher propane consumption. In the South, EIA expects households to spend about \$1,180, 6% more than last winter, reflecting a 9% increase in consumption and a 3% decline in propane prices. For heating fuel, the EIA forecast households will use about 440 gallons on average this winter. At an average price of about \$4.20/gal, they estimate average winter expenditures for those homes will be \$1,850. Although the forecast for heating oil prices will be about 10 cents/gal less than last winter, increased consumption means spending will be \$130 higher this winter. To read the entire report, please [click here](#).

### **EIA RELEASES INTERNATIONAL ENERGY OUTLOOK**

The U.S. Energy Information Administration released its 2023 International Energy Outlook looks at global long-term energy trends through. The projections incorporate the impacts of new energy policies, the transition to zero-carbon technologies, energy security concerns, and economic and population growth. The report notes that EVs (which include battery electric and plug-in hybrid electric vehicles) will account for 29% to 54% of global new light duty vehicle sales by 2050 with China and Western Europe accounting for 58% to 77% of the EV sales. Cumulative sales of EVs during the period of 2022 through 2050 are estimated to be between 465 million and 832 million for battery electric vehicles and for between 218 million and 241 million plug-in hybrid electric vehicles.

The growth of electric vehicle adoption is assuming continued EV purchased incentives, ICEV efficiency standards increasing ICEV vehicle costs, favorable electricity prices, and decreasing battery costs. ICEV vehicles sales are expected to peak

between 2027 and 2033. On a global basis, it is expected that there will still be over 1.1 billion ICE light duty vehicles on the road in 2050. With respect to fuels, the transportation sector is predicted to account for at least 54% of total global liquid fuels consumption by 2050, despite increased adoption of EVs. Jet fuel and electricity are projected to comprise the largest increases in energy consumption by the transportation sector through 2050.

### **CONTINUE TO URGE CONGRESS TO SUPPORT THE CREDIT CARD COMPETITION ACT!**

EMA continues to urge all jobbers and retailers to reach out to their Senators and ask them to VOTE YES on the Credit Card Competition Act. This bill would reduce swipe fees and allow retailers a choice of network to handle the transaction through competition which would save Americans and businesses around \$15 billion in swipe fees per year. Our industry's share of that comes to around \$9,000 per store per year.

## **[CLICK HERE TO URGE SENATORS TO SUPPORT THE CREDIT CARD COMPETITION ACT](#)**

### **DOL SENDS INDEPENDENT CONTRACTOR PROSED RULE TO OMB**

This week, Department of Labor (DOL) sent its proposed rules on independent contractors to the Office of Management and Budget (OMB), the final step in before a rule is finalized.

According to the Small Business Legislative Council (SBLC), of which EMA is a member, since the DOL first made it clear that it would be revisiting the independent contractor rules, the big question has been whether the agency would look to implement a stringent ABC test like the one adopted in California. To the relief of employers, in the proposed rule the DOL has declined to pursue an ABC test and is instead simply returning to and fleshing out the economic realities test that was in place prior to 2021.

The new proposed rules would reinstate the economic realities test with each factor receiving equal weight and with the workers' and employer's investments into their respective businesses being broken out as its own factor in the test. The proposed rules also provide additional detail on how businesses should assess the issue of control and determine whether the work is integral to the employer's business. The DOL's stated goal in these proposed regulations is to bring the regulations back in line with the case law and standards that employers have become accustomed to.

To read the full SBLC report, including the history of the independent contractor rule, please go [here](#).

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### **WEEKEND READS**

[Ford executive: "We have reached our limit" on UAW strike offer](#)

[Senators Propose EV Fee for Highway Trust Fund | Transport Topics](#)

[JD Power says 'mass market' EV ownership costs 20% higher than gas cars | Western Standard](#)

[Sen. Menendez is accused of being an unregistered agent of Egypt's government in updated indictment](#)

[Biden's depletion of emergency oil stocks comes back into focus amid Israel-Hamas war, price surge | Fox News](#)

[Newsom signs bill requiring large corporations to disclose carbon emissions | Washington Examiner](#)

[To read this and any future articles from Washington Examiner, please register here.](#)

[Treasury lays out rules for instant EV rebate | Politico](#)

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### **FEDERATED INSURANCE: IT'S YOUR LIFE**

Take Advantage of National Life Insurance Awareness Month

Federated®'s tagline is: "It's Our Business to Protect Yours®," and part of that commitment is to help ensure that our clients know about the options available to them in the event of an unexpected loss. September is National Life Insurance Awareness Month, which is a great reminder of this important tool, and the impact that a [life insurance policy](#) can have on a family or business after the death of a loved one, [key person](#), or owner. Please click [here](#) to read the entire article.



Please always feel free to 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.

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**EMA JOURNAL - The Official Publication of the Energy Marketers of America**

Check out the EMA Journal anytime online by clicking [here](#).

The EMA Journal summer issue is now available.



**SEND HOLIDAY GREETINGS!**

Want a unique way to send holiday greetings? Reserve space for your **BUSINESS CARD** in the Winter issue of the *WPMA News* quarterly magazine for only \$100.

Click [here](#) for the fillable PDF form.

**PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS**

October 25-27, 2023 - UPMRA Utah Convention - Hilton Garden Inn - St. George, UT

December 6, 2023 - OFA Holiday Party - Portland Golf Club - Portland, OR

December 7, 2023 - WA Holiday Party - Topgolf - Renton, WA

February 20-22, 2024 - WPMAEXPO - Mirage/Hard Rock Resort - Las Vegas, NV

April 25-26, 2024 - Nevada (NPM&CSA) Big Dogs - Red Rock & Siena Golf Course - Las Vegas, NV

June 4-5, 2024 - Montana (MPMCSA) Convention - Fairmont Hot Springs Resort - Fairmont, MT

June 17-19, 2024 - Washington Energy Convention - Suncadia Lodge - Cle Elum, WA

August 7-9, 2024 - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort, Coeur d'Alene, ID

**REGISTRATION IS OPEN FOR THE FOLLOWING EVENTS**



**UTAH CONVENTION**

Click [here](#) to see Schedule of Events for the UPMRA Convention held October 25-27 at the Hilton Garden Inn, St. George, UT.

Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)



#### **OREGON HOLIDAY PARTY**

Click [here](#) to register for the Oregon Holiday Party at the Portland Golf Club in Portland, OR.



#### **WASHINGTON HOLIDAY PARTY**

Click [here](#) to register for the WA Holiday Party at Topgolf in Renton, WA

A promotional banner for the WPMA Scholarship Foundation. The background is a warm, orange-toned image of pumpkins and jack-o'-lanterns. On the left, there is a logo of a classical column above the text "WPMA SCHOLARSHIP FOUNDATION". To the right, the text reads: "Don't let your High School Seniors be SPOOKED about HIGHER EDUCATION!". At the bottom, it says "go to [www.wpma.com/scholarship](http://www.wpma.com/scholarship) to apply online after **December 1st**".

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**Don't let your High School Seniors be SPOOKED about HIGHER EDUCATION!**

go to [www.wpma.com/scholarship](http://www.wpma.com/scholarship) to apply online after **December 1st**

**Petro Pete: My friend's bakery burned down last night. Now his business is toast.**

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