



[Register now](#) to attend the 2022 WPMAEXPO.  
It will be held once again at the Mirage in Las Vegas, Nevada.

### **ASSOCIATIONS URGE FDA TO PROVIDE LIST OF ELECTRONIC NICOTINE DELIVERY SYSTEM PRODUCTS**

Yesterday, NACS, SIGMA, NATSO, EMA and FMI asked the Food and Drug Administration (FDA) and the Center for Tobacco Products (CTP) to provide a list of electronic nicotine delivery system (ENDS) products for which the Agency has issued marketing denial orders (MDOs) in a letter on September 10. The groups argued that the MDO list is critical for retail members to comply with the law and need to know which products are legal to market. Click [here](#) to read the letter.

### **TOMMY THOMPSON ELECTED 2022 EMA CHAIR**

Last week during EMA's Fall meeting in Chicago at the NACS Show, Tommy Thompson, Thompson Energy LLC, Dalton, Georgia, was elected 2022 EMA Chair of the Board. In accepting the position, Tommy thanked the Board of Directors for their confidence in him and outlined some of his goals and objectives for 2022. Additionally, Jason Mirabito, Mirabito Energy Products, Binghamton, New York, was elected as EMA 1st Vice Chair and Brad Bell, Connell Oil, Inc., Pasco, Washington, was elected EMA 2nd Vice Chair by the board.

Five regional leaders were also elected to the EMA Executive Committee. They are: Southeast Association Chair Emily LeRoy, Tennessee Fuel & Convenience Association, Nashville, Tennessee; Northeast Region Chair, Tom Frawley, Summit Distributing LLC, Lyme, New Hampshire; North Central Association Chair Matt Hauser, Wisconsin Petroleum Marketers & Convenience Store Association, Madison, Wisconsin; Northeast Region Chair Kris DeLair; Empire State Energy Association, Troy, New York; and West Region Chair, Mark Lytle, Pro Petroleum, Inc., Las Vegas, Nevada.

Tommy is a first-generation oil marketer since 1967 and owner of Thompson Energy LLC, which he formed in 2006 after selling his convenience stores to Mapco. Tommy and Josh Kenny formed a joint venture to purchase the wholesale fuel dealer business and trucking assets of longtime Atlanta distributor Perimeter Oil Company. Thompson-Kenny continues to grow and is now one of the largest gasoline distributors in Georgia selling fuel under the flags of Shell, Chevron, Texaco, Valero, Citgo and Marathon. Tommy also owns Spirit Express, one of the largest independent petroleum haulers in the Southeast and hauls fuel throughout Alabama, Tennessee and Georgia.

Tommy has been a loyal and committed supporter of Georgia Oilmen's Association for over 50 years serving in every position. He has been EMA's Georgia Director for the past 14 years and chaired the Motor Fuels Committee for six years. He has been an involved member of his community. Tommy has chaired many Boards including Gwinnett Hospital Authority, Vice Chair of Gwinnett County Housing Authority, Church Board, Gwinnett Commercial Bank and many major oil companies Advisory Boards. Other business interests include commercial real estate and a Ford dealership.

## SCHOLARSHIP

### \$4,000 OPPORTUNITY!

For full-time employee's Children!



Tommy is a University of Georgia graduate. He and his wife Diann have four children and ten grandchildren ranging in age from a second grader to four in college. He enjoys family time, watching the Georgia Bulldogs and golf and snow skiing (but seldom has time for either). Tommy is looking forward to chairing EMA and visiting many state's conventions in 2022.

### **OSHA MANDATE MEETS LAST STEP BEFORE FINAL RULEMAKING**

This week, OSHA formally submitted its "COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking" to the Office of Management and Budget for review. OMB will attempt to review the rule quickly to make it effective as soon as possible.

How OSHA will enforce the mandate, which is estimated to cover over 80 million workers, is still being determined. Some reported consequences for noncompliance could include fines or publicizing employers that have not followed the mandate, along with providing "whistleblower"-type protections to employees at companies that have not complied.

### **EMA URGES CONGRESS TO MAKE THE CURRENT LIMIT ON BUSINESS INTEREST DEDUCTION PERMANENT**

EMA joined other associations, representing thousands of businesses and workers throughout the country, in a [letter](#) to leadership of the tax writing committees in the House and Senate in strong opposition of the Small Business Tax Fairness Act (S.2387) and other recent proposals to change the 199A deduction. EMA has serious concerns that the proposed phase out limits set forth in S. 2387 will exclude a significant number of small businesses from this important deduction.

The 199A deduction was intended to create some parity between the tax rates for C corporations and the tax rates for pass through entities. Pass through entities are already facing a significant disadvantage by the fact that, while the lower C corporation rates set in 2017 are permanent, the 199A deduction will sunset at the end of 2025. To significantly lower the phase out, while also retaining the 2025 sunset will be extremely harmful for a wide swath of small businesses, many of which are still struggling to survive and recover from the pandemic. Furthermore, the complete elimination of the deduction for taxpayers with incomes over \$500,000 (with a phase out starting at \$400,000) – is far too high.

EMA urged the Committees to eliminate any income threshold amount which cuts off the deduction entirely and to add a provision to make 199A permanent.

### **LEGISLATIVE UPDATE**

President Joe Biden and Congressional Democrats are continuing negotiations to trim their once-\$3.5 trillion signature domestic policy package (the Build Back Better Act) to a topline figure between \$1.5 and \$2.3 trillion. Paring down topline spending means lawmakers will not need as many "pay-fors" to cover the cost of social programs (i.e., tax increases), though progressives and moderates remain divided over which priorities and pay-fors should be included.

In a letter to Democrats on October 11, Speaker Nancy Pelosi (D-CA) hinted the final *Build Back Better* Act will cut certain programs, stating that she received guidance from Members "to do fewer things well." With that said, though there was a flurry of movement over the past weeks, *legislative action remains elusive* as progressives and moderates in the Democratic party struggle to unite behind a two-track approach to pass "hard" infrastructure (roads, bridges, surface transportation, etc.) along with the *Build Back Better* Act's climate and social spending programs.

In terms of which legislative priorities survive the paring down process, some of the "big ticket" items in *Build Back Better* may be cut from the bill entirely while other provisions may be amended to expire after a few years or trimmed to benefit only lower-income taxpayers. With a lower topline number, Democrats may be more open to removing controversial proposals offered in recent months, such as taxing stock buybacks by corporations, treating billionaires' unrealized capital gains as taxable income, and/or targeting high-income earners' retirement accounts.

President Biden has emphasized that trimming the package to approximately \$2 trillion will be necessary to win support from two centrist Democrats — Sens. Joe Manchin (D-WV) and Kyrsten Sinema (D-AZ) – who are necessary to pass a reconciliation measure with a 50-vote requirement in the Senate. In fact, Sen. Manchin publicized what he wants in terms of changes to the tax code, including a corporate rate of 25 percent (note that the Ways and Means Committee approved a 26 percent corporate rate). Both Sen. Manchin and Ways and Means, however, agreed on raising the top capital gains rate to 25 percent and restoring the top marginal income tax rate to 39.6 percent. Further, Sen. Manchin called for spending on families and health care to be "needs based with means testing guardrails/formulas on new spending" – which could align with the President's willingness to keep certain programs in the bill while limiting the universe of recipients.

Significantly, it was reported this week that White House concessions to Sen. Manchin (D-WV) could include making it easier for coal and natural gas power plants to access financial incentives for clean energy. Under this proposed change to the Clean Electricity Performance Program, which incentivizes power producers to transition to cleaner energy, coal and

gas plants would qualify for incentives as long as they are equipped with technology to capture their greenhouse gas emissions. However, these changes would certainly anger progressive House Democrats, and could further entrench negotiations.

Broadly speaking, after the House tabled a vote on the Senate-passed Infrastructure Investment and Jobs Act, House leaders called a for deal by October 31, the new expiration date for certain surface transportation programs. While some Democrats are expressing optimism that progressives and moderates could come together on the two bills by the end of October, December seems like a more realistic timeframe given the important deadlines approaching year's end.

### **ASSOCIATIONS URGE FDA TO PROVIDE LIST OF ELECTRONIC NICOTINE DELIVERY SYSTEM PRODUCTS**

Yesterday, NACS, SIGMA, NATSO, EMA and FMI asked the Food and Drug Administration (FDA) and the Center for Tobacco Products (CTP) to provide a list of electronic nicotine delivery system (ENDS) products for which the Agency has issued marketing denial orders (MDOs) in a letter on September 10. The groups argued that the MDO list is critical for retail members to comply with the law and need to know which products are legal to market. Click [here](#) to read the letter.

### **FEDERATED INSURANCE EMPLOYMENT PRACTICE NETWORK WEBINAR**

***Workplace Controversies: Tuesday, November 16, 2021, 12:00 p.m. CT***

Navigating workplace controversies can be tricky if you're not prepared before they happen.

Join us for a practical, no-nonsense discussion about tough issues and durable solutions in the workplace. We'll provide practical best practice tips for dealing with these issues using the tools your organization already has in place.

#### **Topics include:**

- Return to work
- Free speech
- COVID-19 vaccine employer mandates and challenges
- What employers can do to mitigate risk around these issues

[Advanced registration](#) is required for this 1-hour webinar.

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.

### **STEEL TANK INSTITUTE OFFERS COURSES IN ALBUQUERQUE, NM**

(Click on the date for course details and future trainings)

#### **Upcoming Cathodic Protection Courses**

- [November 17-18 - Albuquerque, NM](#)

Registration is open for Steel Tank Institute's Cathodic Protection Training class in Albuquerque NM. This class is a certification program offering a practical approach for those wanting to become Underground Storage Tank CP testers and for those who simply want to understand readings and test reports.

#### **Class Dates:**

November 17-18, 2021

#### **Class Location:**

Brewer Oil Co. (Edith Training Facility)  
501 Candelaria Rd, NE  
Albuquerque, NM 87107

The STI Cathodic Protection Training will enable you to:

1. Build your customer relationships by helping their organizations to meet regulatory requirements.
2. Obtain STI certification for inspecting shop-fabricated underground tanks.
3. Learn practice techniques for Cathodic Protection Testing.
4. Take advantage of a course that provides your firm with testing know-how, from the experts!

This certification is valid for 3 years and recognized by Federal and State regulators.

Find more information including class description, policies and fees on the [Cathodic Protection Training \(steeltank.com\)](http://steeltank.com)

### **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](mailto: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 1<sup>st</sup>. Later submissions will be considered for the Spring issue.

### **MARK YOUR CALENDARS FOR UPCOMING EVENTS**

**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

**April 25, 2022** – Hawaii (HPMA) Golf Tournament – Ko Olina Golf Club – Kapolei, HI

**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: *"I'm reading a book about anti-gravity. It's impossible to put down."***

© 2021 Western Petroleum Marketers Association - All rights reserved. No part of this work may be reproduced or copied in any form or by any means - graphic, electronic, or mechanical, including photocopying, recording, or otherwise. The information herein is also intended for the sole purpose of members of the Western Petroleum Marketers Association (WPMA). Any other use is strictly prohibited without the express written consent of the WPMA.

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](mailto:janr@wpma.com). Thanks.