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LEGISLATIVE UPDATE

Yesterday, Congressional Democrats moved closer towards passing President Joe Biden's legislative agenda by announcing a \$1.75 trillion domestic policy package focusing on climate change, healthcare, and tax reform. Notably, this new framework excludes several harmful provisions from the original proposal. The \$1.75 trillion framework comes after extensive negotiations between progressive Democrats, Senators Joe Manchin (D-WV) and Kyrsten Sinema (D-AZ), and the White House.

What's out?

- Tobacco excise tax increase
- Clean Electricity Power Plan
- Capital gains tax increase
- Estate tax increase
- Individual income tax rate increase
- Changes to Section 199A deduction
- Corporate tax rate increase
- Increased IRS bank account reporting

What's in?

- Extends and creates a refundable \$7,500 Electric Vehicle (EV) tax credit for consumers through 2031. \$12,500 tax credit if the car comes from a union facility. Additional \$500 rebate for EVs with domestically built batteries. Credits limited to incomes below \$400,000 for individuals or \$800,000 for joint filers. Credits limited to EV sedans costing \$55,000 or less, or SUVs or trucks costing \$74,000 or less.
- \$960 billion USDA cost-sharing grant program for marketers to install, retrofit or upgrade 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. EMA will be working to improve this provision.
- Extends the \$1 per gallon biodiesel tax credit through 2026 and extends the \$0.10-per-gallon small agri-biodiesel producer credit through the end of 2031.
- Extends the \$0.50 per gallon excise tax credits for alternative fuels and alternative fuel mixtures through 2026.

- \$600 million for publicly accessible Level 2 EV chargers.
- Extends the nonbusiness energy property credit to property through 2031 and increases the percentage of the credit from 10% of the cost to 30% and lifetime cap from \$600 to \$1,200. Any oil furnace or hot water boiler placed into service before Jan. 1, 2027 that meets or exceeds the 2021 Energy Star efficiency criteria and can use 20 percent or more biodiesel/renewable diesel can qualify for the credit. Following Jan. 1, 2027, only an oil furnace or hot water boiler that achieves a 90 AFUE efficiency rating or more and can use biodiesel/renewable diesel blends of 50 percent or more will qualify for the credit.
- Extension of wind and solar tax credits.
- 15% minimum corporate tax for firms earning more than \$1 billion in annual profits.
- 5% surtax on incomes above \$10 million.
- Fees on oil and gas companies for methane leaks.
- \$360 million for contractor training grants to support home energy efficiency retrofits and \$5.89 billion for state energy offices to provide rebates for retrofits. Provides that home energy efficiency retrofit rebates for high-efficiency natural gas heating, ventilation, air conditioning and cooling (HVAC) systems and water heaters are eligible for six years after the date of enactment.
- \$2.226 billion for DOE for qualifying electrification projects. This provision is part of the Biden Administration's efforts to have electricity be the only energy that American households use. Subsidies will flow to electric stoves and dryers. Unfortunately, it only provides subsidies for electric heat pumps and Electric heat pump water heaters. The total for all programs in this area are \$10,000, with each appliance or retrofit having limits. The maximum for a heat pump for home heating would be \$4,000, for a cold climate heat pump in a cold climate. This is a significant sum; however, it does not close the gap between the cost of replacing an oil appliance and retrofitting a home to install a heat pump.

After the announcement of the framework and a visit to the Capitol from President Biden, Speaker of the House Nancy Pelosi (D-CA) urged House Democrats to vote for the separate bipartisan Senate-passed \$1.2 trillion infrastructure package. Speaker Pelosi hoped the House would pass the infrastructure package before the President's trip to Europe and the November 2 Virginia gubernatorial election. While progressive House Democrats largely seem to support the new reconciliation framework, they reiterated their pledge to vote for both bills at the same time, meaning that an infrastructure vote did not occur yesterday but could occur soon as Democrats formalize the reconciliation legislation.

Congressional leaders reiterated that additional changes to the framework are possible, with Senators Joe Manchin (D-WV) and Kyrsten Sinema (D-AZ) continuing negotiations on certain provisions. Congress passed another short-term surface transportation extension to December 3, creating a new action-forcing deadline for Congressional Democrats to pass both bills. December 3 is also significant as it is the deadline for Congress to fund the government.

COALITION FORMED TO STRENGTHEN PRICE DISCRIMINATION LAW

Yesterday, the National Grocers Association (NGA) formed the Main Street Competition Coalition (MSCC) to promote competition by strengthening enforcement of the Robinson-Patman Act ("RPA"), the only federal price discrimination law to ensure a level playing field for the benefit of both businesses and consumers. Members of the MSCC include the Energy Marketers of America as well as the National Community Pharmacists Association, American Beverage Licensees, National Association of Convenience Stores, Protect Our Restaurants, Organic Farmers Association, Western Growers Association, National Beer Wholesalers Association and the National Association of Truck Stop Operators.

The RPA prohibits price discrimination when the effect of the discrimination is to lessen or destroy competition. EMA's Convenience Store Committee has had multiple discussions centered on the discrimination practiced by suppliers of beverages and other grocery items in their sales to convenience stores, discrimination that favors, among others, super stores and big box retailers who are regarded by suppliers as being in a different class of trade from their smaller to medium-sized competitors. While the RPA authorizes private enforcement by retailers, the obstacles to successful enforcement (many of which were fashioned by the federal courts) make private enforcement too difficult and time-consuming, and ultimately too risky from a success standpoint to justify the enormous costs of such litigation. The only viable means of enforcing the law, therefore, is to encourage enforcement of the RPA by the Federal Trade Commission (FTC).

Unfortunately, the FTC has not brought a case under the Robinson-Patman Act in more than 20 years. Nor has the FTC brought an enforcement action against economic discrimination using the other antitrust laws. The objective of MSCC is to breathe life back into the RPA law.

Please go to www.mainstreetcompetition.com for more information.

BILLS INTRODUCED TO STUDY BIOFUELS VS ELECTRICITY

In an effort to expand uses for biofuels, Rep. Randy Feenstra (R-IA) recently introduced the "Comparison of Sustainable Transportation (COST) Act" and the "Biojet Fuel Research Act." These new proposals will explore ways the federal government could use biofuels to reduce transportation costs while lowering carbon emissions. "We should not be so quick to jump to electric vehicles when E85 flex-fuel could provide an even cheaper and cleaner option. Further, the administration has repeatedly expressed interest in sustainable aviation fuel, and I will continue working to ensure biofuels are included in those discussions."

The "Cost Act" directs the Comptroller General and the Secretary of Energy to compare the financial and environmental costs of replacing federal government gasoline-powered vehicles with electric vehicles or E85 capable flex-fuel vehicles. The bill then requires the Secretary of Energy to report findings to the Committee on Science, Space, and Technology.

The "Biojet Fuel Research Act" directs the Federal Aviation Administration (FAA) to establish a working group focused on identifying research and development needs to produce biojet fuel. The working group would consist of the Bioenergy Technologies Office of the Department of Energy, the Department of Agriculture, biorefinery stakeholders, agriculture research universities, and others. The proposal comes after Energy Secretary Jennifer Granholm told Feenstra in a May committee hearing that she believes biofuels and biofuel technologies have a bright future in sustainable aviation fueling. The bill also requires the working group to submit its findings to the Committee on Science, Space, and Technology.

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 \(steeltank.com\)](#)

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.

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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: "When black cats prowl and pumpkins gleam, may luck be yours on Halloween."

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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.