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WISHING YOU A HAPPY AND SAFE HALLOWEEN

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

ENERGY MARKETERS OF AMERICA EMA

U.S. Senators Call on FMCSA for Preemptive Hours-of-Service Flexibility to Bolster Disaster Response
On Wednesday, Senator Roger Wicker (R-MS), along with Senators Marsha Blackburn (R-TN), Katie Britt (R-AL), Bill Cassidy (R-LA), Cindy Hyde-Smith (R-MS), Tom Cotton (R-AR) and Tim Scott (R-SC) sent a letter to Acting Administrator and Chief Counsel Jesse Ellison urging the Federal Motor Carrier Safety Administration (FMCSA) to implement a preemptive and proactive policy for hours-of-service (HOS) exemptions to ensure the seamless delivery of essential motor fuels during major disasters, hurricanes, and regional emergencies. EMA has been working closely with these Senate offices to ensure that hours of service exemption requests receive the attention they deserve.

As hurricanes intensify and become more frequent, the nation's fuel supply chains are under unprecedented strain. Fuel marketers – the frontline heroes keeping gas stations stocked, homes heated, and emergency services fueled – argue that rigid HOS regulations under 49 C.F.R. § 395.3 often hinder rapid response efforts. These rules cap daily driving times, mandate off-duty periods, and require restarts, which can prove impossible amid chaos.

The Atlantic hurricane season (June 1 – November 30) exemplifies the challenge. As storms brew:

- Supply disruptions hit: Terminals shut down from storm surges, high winds, or power outages; ports close; pipelines go offline.
- Demand explodes: Panic buying, evacuation orders, and pre-stocking by critical services create massive surges.
- Logistical nightmares emerge: Longer hauls to operational terminals, endless wait times, road closures, and treacherous routes.

Without HOS flexibility under 49 C.F.R. § 390.23(b), drivers are "hamstrung," the letter states, unable to meet skyrocketing needs while staying compliant. The letter proposes three bold solutions to make FMCSA's response predictable, uniform, and effective:
1. Automatic Preemptive Exemptions – 5 Days in Advance

- Trigger federal HOS relief at least five days before reliably forecasted disasters (e.g., named hurricanes).
- Why? Allows pre-positioning of fuels for evacuations and prepares for post-storm shortages.
- Benefits heating oil deliveries during severe weather too.

2. Regional Uniformity to End State-by-State Confusion

- Implement automatic regional flexibility tied to federal declarations, overriding patchwork state exemptions.
- Problem solved: No more inefficiency from varying state rules – e.g., heating fuels exempt in one state but not the next, or mismatched start/end dates.

- FMCSA has precedent and authority: It can declare emergencies before states do, as affirmed in its 2023 HOS rulemaking preamble.

3. Standing Exemption for Hurricane Season
- Grant a permanent HOS waiver under 49 C.F.R. § 381.300 for interstate motor fuel transport (gasoline, diesel, ethanol/biodiesel blends) from June 1 to November 30.
- Rationale: The season is predictable; this ensures year-after-year readiness without annual scrambling.

The agency has issued HOS exemptions numerous times, but the letter emphasizes the need for internal guidance to streamline processes to enhance safety, boost efficiency by issuing clear rules to prevent delays in interstate hauls thereby supporting faster fuel restoration.

"Fuel marketers are uniquely situated at the front lines," the letter notes. "Timely and flexible delivery is essential to community preparedness, emergency evacuations, utility operations, and economic stability." The signatories invite FMCSA to partner on crafting these policies, promising a "much-needed" upgrade to regulatory flexibility.

Click here to read the letter.

Inside the Beltway Update

This week, efforts to resolve the ongoing government shutdown have seen some cautious optimism among lawmakers, but significant disagreements persist. Senators claim momentum is building, as majority leaders say bipartisan talks have "ticked up" as critical deadlines near. The Defense Department will use a mix of reconciliation funding, weapons procurement money and research accounts to pay service members on Friday. Senate negotiations on funding bills continue, with senators expressing hope that bipartisan talks might lead to a resolution soon.

The shutdown, now in its 30th day, has impacted millions of Americans, including the suspension of SNAP benefits and LIHEAP funding for November and mass furloughs of federal workers. Democrats are decrying the administration's refusal to tap into a contingency fund to keep food stamp benefits flowing in November. Negotiations remain stalled, with lawmakers on both sides blaming each other, and the shutdown's economic impact continues to grow, including an estimated $14 billion loss in GDP. Yesterday, Vice President Vance will lead a roundtable discussion at the White House to discuss the shutdown's impacts on air travel.

A bipartisan coalition of 13 governors, co-led by Pennsylvania Democrat Josh Shapiro and Oklahoma Republican Kevin Stitt, is urging Congress to pass comprehensive legislation that would overhaul energy permitting rules to speed up the construction of new production, transmission, and pipeline projects. The governors, writing on behalf of the National Governors Association, warned that if developers cannot quickly build new infrastructure to meet growing power demand, the U.S. risks losing its economic edge to China.

Framing their effort as a "bipartisan response to the nation's energy crisis," they seek to "reduce barriers" to infrastructure development at the pace necessary to "win the AI race, lower costs for consumers, and responsibly develop the advanced energy sources of the future." Their recommendations include measures to speed permitting reviews and limit legal challenges under the National Environmental Policy Act (NEPA). For example, reducing the statute of limitations for filing suit against an agency action from six years to one year or less, as well as giving FERC more power to designate National Interest Electric Transmission Corridors. They are also urging FERC to create a cost allocation model that would require customers to pay only if they benefit from a given transmission line. The governors also propose changes to the Clean Water Act, requesting that Congress codify limitations for challenges against the issuance of Section 401 water quality certifications.

EMA Engages with TSA and DOT to Address HAZMAT Renewal Issues

As the U.S. federal government shutdown continues, the Energy Marketers of America (EMA) — representing fuel wholesalers and retailers nationwide — has issued an urgent request to top officials at the Transportation Security Administration (TSA) and the Department of Transportation (DOT) for temporary regulatory relief concerning Hazardous Materials Endorsements (HME).

EMA expressed concern that the ongoing government shutdown could disrupt HME renewals, noting that administrative delays may create compliance risks and cause significant operational challenges for energy marketers. The Association urged TSA, in coordination with DOT and the Federal Motor Carrier Safety Administration (FMCSA), to grant a temporary exemption or a 90-day extension beyond the HME expiration date for drivers potentially affected by the shutdown.

In discussions with TSA staff, the agency assured EMA that the HME program remains unaffected by the shutdown, explaining that it is self-funded and fee-based. Nevertheless, EMA continues to work with regulators to identify the root causes of renewal delays, including potential issues with fingerprinting appointment scheduling.

Additionally, EMA has requested a meeting with TSA and DOT officials to share industry feedback, clarify elements of the HME process, and explore opportunities to enhance compliance and address ongoing CDL fuel driver shortages.

Click here to read the letter.

Energy Marketers Sound Alarm: EPA's Proposed RFS Reallocation Could Slam Businesses with Higher Costs
Today, the Energy Marketers of America (EMA) – representing the nation's fuel distributors and retailers -- urged the EPA to not reallocate small refinery exemptions (SREs). Shifting exempted renewable fuel volumes from small refiners back onto larger ones could likely spike RIN prices, rack fuel costs, and squeeze branded marketers caught in long-term contracts – all while lacking clear legal backing.

The Renewable Fuel Standard (RFS) mandates blending biofuels into gasoline and diesel, enforced via Renewable Identification Numbers (RINs). Small refineries can petition for SREs if compliance causes "disproportionate economic hardship." In August 2025, EPA granted a slew of SREs, exempting 11.4 billion gallons of 2023-2024 fuel – translating to billions in waived Renewable Volume Obligations (RVOs). EPA's Supplemental Notice of Proposed Rulemaking (SNPRM) for 2026-2027 RFS volumes – out September 18 – floats two co-proposals: 100% or 50% reallocation of those volumes to non-exempt refiners.

Biofuel advocates demand 100% reallocation to shield farmers from lost demand – projecting $7.5 billion hit to soy growers without it. Refiners and downstream players warn of $70 billion plus annual consumer costs from RFS overall, with reallocation piling on billions more.

EMA speaks for 48 state associations, and 80% of U.S. motor/heating fuels via 60,000 retail stations and supplying 40,000 more. Most are small to medium sized businesses, below-the-rack, non-blenders who are hyper-sensitive to upstream shocks.

Supplemental RFS comments were due today and there is no timeline on when EPA plans to issue final volumes for 2026 and 2027. **Click here** to read the comments.

EMA-NPGA Webinar on FMCSA's Entry Level Driver Training Requirements
This week the Energy Marketers of America, in collaboration with the National Propane Gas Association (NPGA), introduced a new member benefit to streamline driver training for your company. The ACE (Administrative Compliance Experts) Services Program assists with meeting the Federal Motor Carrier Safety Administration's (FMCSA) Entry Level Driver Training (ELDT) requirements.

What ACE Offers:
As an FMCSA Registered Training Provider, ACE manages:
- FMCSA paperwork and filings
- FMCSA audits
- Guidance on training materials and equipment to comply with FMCSA standards

ACE can save your company up to $3,000 per driver while simplifying compliance processes. To learn more details on how ACE operates, pricing, and enrollment, please click below for EMA's upcoming webinar on Thursday, November 6 at 11am est.
Click Here for EMA/NPGA's ACE Webinar

To enroll, click **HERE** and select the Energy Marketers of America as your ACE Network Partner. Please contact ACE at 202-466-7203 or **eldt@npga.org** if you have any questions.

EMA Calls on Congress to Sustain LIHEAP Funding Amid Government Shutdown
On Tuesday, the Energy Marketers of America's (EMA) heating oil state associations as well as the National Energy and Fuels Institute (NEFI), National Propane Gas Association (NPGA) and other groups sent a letter to Congress requesting continued funding for the Low-Income Home Energy Assistance Program (LIHEAP) during the ongoing government shutdown. The letter highlighted delays in processing applications and payments as cold weather arrives, affecting low-income households and small fuel retailers.

State and local agencies administering LIHEAP are experiencing delays in issuing payments and authorizing deliveries due to the lapse in appropriations. This impacts approximately 6-8 million households annually that rely on the program for heating assistance. Most fuel retailers are small, family-owned businesses serving rural areas, and interruptions in funding could strain their operations, which depend significantly on LIHEAP payments during the winter season. Additionally, the U.S. Department of Health and Human Services (HHS) is operating with reduced staff, limiting program administration.

The letter urges Congress to authorize LIHEAP operations using prior-year funds during any funding lapse; ensure accessibility of FY 2025 and FY 2026 appropriated funds and require HHS to maintain adequate staffing levels.
Click here to urge Congress to protect LIHEAP during the government shutdown and **click here** to read the letter.

API Reverses Stance on Year-Round E15 Legislation
The American Petroleum Institute (API) has withdrawn its support for legislation that would allow year-round sales of E15 gasoline, citing evolving conditions in the fuel market.

Earlier this year, the oil industry trade group collaborated with farm-state lawmakers and ethanol producers to back higher renewable fuel blending requirements. In return, they sought limits on a program granting small refiners exemptions from renewable fuel obligations. This effort included support for a December push to authorize E15 sales throughout the year.

In a letter to congressional leaders, API President and CEO Mike Sommers explained that while the group does not oppose year-round E15 sales in isolation, any related legislation must account for recent developments. "Refiners are now navigating shifting federal compliance structures, a patchwork of state mandates, and a biofuels marketplace that is uncertain," Sommers wrote. "Any legislative consideration of year-round E15 should reflect today's realities and not those of prior years."

Among API's key concerns are greater clarity on small refinery exemptions, which the group says create market disruptions and disadvantage refiners that have invested in biofuel compliance. The letter also highlights other priorities, including:

- Reversals of state opt-outs from summertime E10 requirements;
- Modifications to clean fuel tax credits 45Z; and
- Proposed reductions in renewable identification numbers (RINs) for imported fuels.

Historically, corn and ethanol producers have advocated for increased blending mandates and year-round E15 to broaden ethanol markets. Meanwhile, oil refiners have raised concerns about added compliance costs and operational challenges. The API's position reflects ongoing discussions in the renewable fuels sector as stakeholders address regulatory and market shifts.

Weekend Reads

State AGs Accuse Small Refineries of Gaming Renewable Fuel Standard Exemptions While Reporting Strong Profits

Crushed by punishing US sanctions, Russia's Lukoil accepts offer to sell its international business

Neronha, other AGs sue Trump administration over SNAP benefit suspension. What to know. | yahoo!news

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WPMAEXPO **Registration**

PLEASE NOTE UPCOMING DATES FOR EVENTS
December 10, 2025 OFA Holiday Party, Portland Golf Club, Portland, OR
December 11, 2025 WOMA Holiday Party, Topgolf, Renton, WA
February 17-19, 2026 WPMAEXPO - MGM Grand - Las Vegas, NV
April 23-24, 2026 ECAN (Nevada) Big Dogs, Red Rock Resort, Las Vegas, NV
UPDATED DATES
June 15-17, 2026 WOMA (Washington) Convention, Suncadia Resort, Cle Elum, WA
July 12-14, 2026 OFA (Oregon) Conference, Sunriver Resort, Sunriver, OR
Aug 5-7, 2026 IPM&CSA (Idaho) Convention, Coeur d'Alene Resort, Coeur d'Alene, ID

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