

November 4, 2022

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WP-11-04-22



### **RANDY GREEN PASSES**

Randy Ray Green, 71, of Chattaroy, Washington passed away on the evening of October 23rd, 2022 from lung and brain cancer, which he battled fiercely over the past year.

Randy was the owner and president of NW Canopy Structures, a Washington State business that manufactured and constructed gas station canopies, signs and re-images throughout the Pacific Northwest. Randy was a longstanding member of the Western Petroleum Marketing Association (WPMA), the Spokane Home Builders Association, and the Deer Park Chamber of Commerce.

[CLICK FOR FULL OBITUARY](#)



### **NPM&CSA HOSTING ELECTRONIC AGE VERIFICATION WEBINAR**



### **ELECTRONIC AGE VERIFICATION WEBINAR**

November 15, 2022  
11am Pacific  
**REGISTRATION OPENS SOON!**

Fueling Nevada  
Hosts

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



### **REMINDER: URGE LAWMAKERS TO COSPONSOR "THE CREDIT CARD COMPETITION ACT OF 2022"**

Recently, Reps. Peter Welch (D-VT) and Lance Gooden (R-TX) introduced bipartisan legislation known as "The Credit Card Competition Act of 2022" which would ensure retailer choice in payment routing by requiring at least two unaffiliated processors on credit cards, the same process that is used for debit card transactions. Swipe fees remain the second highest operating cost for convenience stores which costs the industry \$138 billion annually. The House bill, H.R. 8874, joins companion legislation already introduced in the Senate, S. 4674, by Majority Whip Dick Durbin (D-IL) and Senator Roger Marshall (R-KS).

**CLICK HERE TO URGE YOUR LAWMAKERS TO COSPONSOR "THE CREDIT CARD COMPETITION ACT!"**

## **GAO DETERMINES SMALL REFINERS PAY MORE TO COMPLY WITH THE RFS**

### **Exemption Determination Methodology Is Flawed**

This week, the Government Accountability Office (GAO) found that smaller oil refiners pay more for credits to comply with biofuel blending requirements than do larger integrated oil companies. According to GAO, from 2013 to 2021, companies that tended to trade lower quantities of RINs, often smaller refiners, were either paying more to buy RINs or receiving less when selling RINs, relative to larger companies, although it is unclear the extent to which it affected individual small refiners.

This year, EPA denied all pending small refinery exemption petitions for 2019 through 2021. The EPA said it had concluded small refineries recover the cost of RINs in the price of the gasoline and diesel they sell, known as RIN pass-through. However, GAO has now found that the methodology to determine hardship and exemption eligibility is flawed.

“EPA’s ethanol mandate has been crushing America’s small refineries for years. That’s especially true in my home state of Wyoming, where small refineries play a critical role in supplying families and businesses the energy they need. Today’s report shows that the Biden administration has arbitrarily denied small refineries relief from this mandate. It is high time that the administration reverse course, grant relief to small refineries, and clean up its gross mismanagement of this program,” said Senate Energy and Natural Resources Committee Ranking Member John Barrasso (R-WY).

“Small refineries, including those in West Virginia, often can’t comply with burdensome RFS regulations, yet their exemption requests have been met with delayed decisions and blanket denials based on flawed metrics. It’s encouraging to see the GAO report recommend the EPA reassess its procedures, improve its decision-making, and, importantly, stop penalizing small refineries,” said Senate Environment and Public Works Committee Ranking Member Shelley Moore Capito (R-WV).

[Click here](#) to read the GAO Report.

## **URGE THE PRESIDENT TO DENY THE "CALIFORNIA CAR MANDATE"**

Recently, 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 overreliance 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!

### **URGE CONGRESS TO SUPPORT ADDITIONAL LIHEAP FUNDING**

Recently, EMA sent a letter to the White House urging the Administration to address the negative impact of low heating oil supply that is already being felt by residential consumers and heating oil dealers. To address this challenge, EMA requested that the Administration immediately take the following steps:

- Issue an immediate hours of service waiver for heating oil drivers for the duration of the winter heating season.
- Temporarily waive the Jones Act so that foreign vessels can replenish low heating oil inventory in the Northeast.
- Include an additional \$1 billion emergency supplemental appropriation for the Low-Income Home Energy Assistance Program (LIHEAP) in Fiscal Year 2023 federal appropriations legislation.

EMA is anticipating Congress will consider additional LIHEAP appropriations before the end of the year. We ask you and your employees to **TAKE ACTION NOW** in expressing the need for additional LIHEAP funding for the 2022 – 2023 heating season.

Meanwhile, the U.S. Department of Health and Human Services (HHS), through the Administration for Children and Families (ACF), announced \$4.5 billion in assistance for the Low Income Home Energy Assistance Program (LIHEAP) for FY 2023. LIHEAP funds are distributed each year in the form of block grants to states, territories, and tribes. In addition to subsidizing home heating costs this winter and covering unpaid utility bills, the federal program will help families make cost-effective home energy repairs to lower their heating and cooling bills. The FY 2023 LIHEAP distributions to states totals \$4,441,828,480 and derives from three funding sources:

- First release of \$3.4 billion in regular fiscal year block grant funding from the Continuing Appropriations Act of 2023
- \$1 billion in supplemental appropriations from the Continuing Appropriations Act of 2023
- \$100 million appropriation from Bipartisan Infrastructure Investment and Jobs Appropriations Act of 2021

The \$4.4 billion in funding from the Continuing Appropriations Act is available through December 16, 2022 and is expected to be extended by Congress. A state-by-state breakdown of LIHEAP block grant awards to individual states may be **downloaded here**. News of FY 2023 LIHEAP funding came at the same time the Department of Energy announced the allocation of \$9 billion in funding from the Inflation Reduction Act (IRA) of 2022 for residential energy efficiency programs. The program includes up to \$14,000 in direct consumer rebates to buy heat pumps that DOE estimates will pay for 500,000 heat pumps. Taken altogether, 500,000 heat pumps represent less than 1 percent of homes that use heating fuels.

### **EPA LAUNCHES \$5 BILLION PROGRAM FOR SCHOOL DISTRICTS TO PURCHASE ELECTRIC SCHOOL BUSES**

The EPA announced awards totaling nearly \$1 billion in rebates to school districts nationwide to replace existing school buses with zero emission models. Only about 1% of the nation's 480,000 school buses are electric. This is the first round of rebates offered under the EPA Clean School Bus Program funded by the Bipartisan Infrastructure Investment and Jobs Appropriation Act of 2021. The program will award \$5 billion in rebates over the next five years for conversion from diesel fuel to low and zero emission school buses.

The EPA received over 2,000 applications from all 50 states requesting nearly \$4 billion in rebates for over 12,000 electric buses during the first round of awards. The agency initially announced availability of \$500 million in rebates last May but doubled the amount to \$1 billion dollars in response to the large number of applications received. A total of 389 applications worth \$913 million were accepted to support purchase of 2,463 buses, 95% of which will be electric. The remaining buses will run on compressed natural gas or propane. Approximately 1,600 applicants were put on a waiting list. EPA has published an interactive map identifying school districts receiving rebates for fiscal year 2022.

### **FINAL DISTRIBUTION FROM STRATEGIC PETROLEUM RESERVE SET FOR DECEMBER ACCORDING TO DOE**

The U.S. Department of Energy (DOE) announced the latest round of contract awards for the purchase of crude oil from the Strategic Petroleum Reserve (SPR). The contracts complete the Biden Administration's announcement on March 31, 2022, to release 180 million barrels of crude oil to address global supply disruption caused by the war in Ukraine. A total of twelve (12) companies responded to the notice, submitting 110 bids. The DOE plans to sell crude oil from three of the four SPR storage sites – West Hackberry, Big Hill and Bryan Mound. **Click here** for more information.

### **WEEKEND READS:**

**[About that Diesel Shortage](#)**

**[How California's 2035 deadline for gas car sales will affect gas station owners - Los Angeles Times \(latimes.com\)](#)**

["Lithium, nickel ... cobalt do not just magically appear" \(axios.com\)](#)

[The oil and gas paradox threatening Biden's party at the polls \(politico.com\)](#)

[Congressman LaMalfa Leads California Republicans in Asking Newsom to Repeal New Zero Emission Vehicle Mandate \(lamalfa.house.gov\)](#)

[3 governor's races set to remake clean energy - E&E News \(eenews.net\)](#) (Subscription Required)

**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: Moonlighting? We just discovered that one of our full-time employees is working a second job at another company. Are we allowed to prohibit our employees from "moonlighting"? We are afraid this employee's other job will interfere with his ability to adequately perform his position at our company. 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.



## COMPLIMENTARY WEBINAR

### IBHS' OFB-EZ & The Future of Business Continuity Planning

Tuesday, November 15, 2022 (1:00 PM CST)

60 minutes | Complimentary | Advance registration required

By attending this webinar, you will learn who IBHS is and what they provide to Federated® and you, their clients. In addition, IBHS will share with you how you can prepare and plan for operational disruptions without a business continuity budget, as well as how their future business continuity guidance is going post-pandemic.



#### WHO SHOULD ATTEND

- Operations Managers
- Owners/Operators
- Risk Managers
- HR Professionals

## THANK YOU **WPMA EXPO 2023** TOP SPONSORS

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as of November 4, 2022



**PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS**

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**

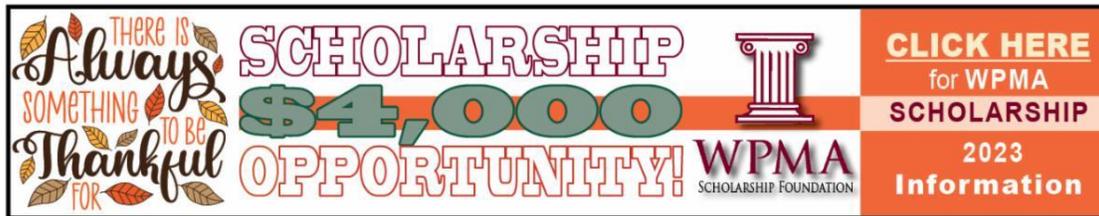
April 27-28, 2023 – Nevada Big Dogs – Red Rock Hotel/Sienna Golf Course – Las Vegas, NV

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



**Petro Pete:**

Doctor, there's a patient on line one that says he's invisible. Well, tell him I can't see him right now.

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