

NOVEMBER 11 - VETERANS DAY



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WPMA members now have access to discounted rates on TransForce CDLdriver solutions. This includes access to CDL drivers nationwide when posting CDL driving jobs on TF1 - An intelligent driver job-match technology powered by TransForce.

Attend the upcoming webinar to find out more.

Thursday, November 16th at 12 PM Pacific Time

Registration is required.

[**CLICK HERE TO REGISTER FOR WEBINAR**](#)

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TWO FREE TOBACCO PRODUCTS WEBINARS

Center for Tobacco Products has two tobacco compliance webinars available for viewing:

[**The 5 Ws of Advertising and Labeling Compliance Check Inspections**](#) provides the public with basic information on advertising and labeling compliance check inspections. It reviews the types of compliance check inspections CTP conducts, and the "who, what, where, when and why" of advertising and labeling inspections.

[The 5 Ws of Undercover Buy Compliance Check Inspections](#) provides the public with basic information on undercover buy compliance check inspections. It reviews the types of compliance check inspections CTP conducts, and the "who, what, where, when and why" of undercover buy inspections.

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



EMA ARGUES UNCONSTITUTIONALITY OF CALIFORNIA'S ADVANCED CLEAN TRUCK WAIVER

EMA and 32 other groups filed their opening brief this week with the U.S. Court of Appeals for the District of Columbia Circuit, challenging EPA's authority to grant a waiver under the Clean Air Act to California to force the electrification of large trucks -- from Ford F-250 pickups to tractor trailers -- by 2035. California's "Advanced Clean Trucks" rule is intended by both the State and the Biden administration to address global climate risks. A group of 19 states filed a separate brief in a consolidated case.

EMA and the other petitioners want the appeals court to find, in part, that forcing electrification of vehicles -- here, trucks -- raises a "major question" and thus requires clear congressional authorization, because forced electrification undoubtedly has "vast economic and political significance," imposing billions in compliance costs and restructuring entire industries. The brief notes that Congress has approached the issue carefully, considering but rejecting multiple bills that would mandate electric vehicles. The brief also lays out the economic consequences of forced vehicle electrification.

"The Biden administration, through EPA, is allowing California to be a national regulator and to proceed with vehicle electrification based on technologically infeasible rules and containing unworkable and unrealistic timelines," said EMA president Rob Underwood. "The effects, if left standing, will extend far beyond fuels marketing."

The opening briefs mirror in many respects two other challenges to new EPA and California's emission standards that EMA has joined and that remain pending before the D.C. Circuit.

EMA COMMENTS ON DEPT OF LABOR'S PROPOSAL TO RAISE SALARY THRESHOLD FOR PROFESSIONALS

This week, EMA joined the Partnership to Protect Workplace Opportunity ("PPWO") in submitting comments on the Department of Labor's proposal to raise the salary threshold for the executive, administrative, professional, outside sales, and computer employee exemptions (the "EAP exemption") from the overtime requirements of the Fair Labor Standards Act (FLSA). The PPWO is a coalition of a diverse group of associations and other stakeholders representing employers from the private, nonprofit, and public sector with millions of "white collar" employees across the country in almost every industry who will be affected by the proposed changes.

The PPWO's members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, career advancement opportunities for employees, and clarity for employers in classifying their employees under the FLSA. If implemented as written, the Proposed Rule will result in large numbers of employees being reclassified as non-exempt, with significant consequences for both the reclassified employees and their employers. To review the comments go [here](#).

CONGRESSIONAL REQUEST SEEKS INFORMATION ON HOW MUCH GOVERNMENT SPENDS ON SWIPE FEES

Fraud Levels for Visa and Mastercard Networks Increase, Competing Networks Levels Decrease

On Wednesday, a bipartisan group of Members of Congress sent a letter to Comptroller General Gene Dodaro asking how much the federal government has been spending on credit card swipe fees.

The [letter](#) is signed by Representatives Lance Gooden (R-Texas), Zoe Lofgren (D-Calif.), Tom Tiffany (R-Wis.), and Jeff Van Drew (R-N.J.), as well as Senators Dick Durbin (D-Ill.), Roger Marshall (R-Kan.), and Peter Welch (D-Vt.), and states that "The amount of interchange fees paid by the federal government has far-reaching implications for taxpayers. It is estimated these fees amount to a staggering \$240,000,000 per year. That translates to a taxpayer subsidy of over \$1,000,000,000 to Visa and Mastercard over a five-year period. Taxpayers bear the burden of these hidden costs. By introducing competition to the credit card market, the Treasury Department could save and re-direct over \$1 billion toward programs that benefit the American people, including investments in infrastructure, education, healthcare, and small business support."

Fraud as a share of purchase transactions rose to 0.13 percent on "dual message" networks like those run by Visa and Mastercard in 2021 are up from 0.11 percent in 2019, according to the Federal Reserve. Meanwhile, fraud on "single message" networks such as NYCE, Star and Shazam fell to 0.016 percent from 0.02 percent. Those numbers mean the fraud rate on Visa and Mastercard's networks is now more than eight times the rate on competing networks, up from more than five times. The data, which was released October 25, is the latest available.

An increase in fraud rates on Visa and Mastercard's networks further shows the need to pass the Credit Card Competition Act which would require banks with at least \$100 billion in assets to enable credit cards to be processed over at least two unaffiliated networks -- Visa or Mastercard plus well-established, high-security competitors like NYCE, Star or Shazam. In

addition to lower fees, fraud would be reduced because the Federal Reserve says the competing networks have one-eighth the fraud of Visa and Mastercard's networks. Credit card rewards would not be affected, nothing would change about which cards consumers use or how they use them, and community banks and small credit unions would be exempt.

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

INSIDE THE BELTWAY UPDATE

The biggest news in Washington broke Thursday afternoon as Senator Joe Manchin (D-WV) announced he would not run for re-election in 2024. This move virtually hands Republicans an extra Senate seat in red West Virginia and likely a minimum 50 seats in the Senate come 2025. Though, a potential Republican Senate majority could increase with former President Trump expected to be at the top of the ticket. Senators Sherrod Brown (D-OH) and John Tester (D-MT) are both defending seats in states where Trump won in 2016 and 2020. Senate seats are also up for grabs in presidential swing states – Arizona, Michigan, Wisconsin, and Nevada. To keep the Senate majority, Democrats would need to win all of these races plus the White House.

While many look ahead to 2024, there remains much to be done this year. This was another typical legislative week in Washington with a lot of talk but little action, and with one week until a government shutdown, this means next week should be extremely busy. If this week's Congressional action is any indication, we are a long way from the finish line. For example, two of the House's twelve annual appropriations bills had to be pulled from floor consideration when it became clear they would fail. This is especially concerning as the two bills – Transportation, Housing and Urban Development (THUD) and Financial Services and General Government (FSGG) – are not typically among the most controversial funding bills. But this is not a typical year.

In the Senate, appropriators worked in a bipartisan fashion to craft legislation that is widely supported and fairly in-line with standard appropriations measures, which typically make incremental – not sweeping – changes to programs. The House, however, took a different approach, with the Republican majority going all in on some of its more right-wing members. As a result, the legislation is almost entirely partisan and, in some cases, seemingly impossible to pass given House Republican's narrow majority. Appropriations leaders illustrated this issue, noting that some members will only support legislation containing specific parameters, while other members will only support legislation that excludes the same things. As a result, House Republicans may be forced to compromise with the Senate's bipartisan legislation. All this to say that, with the government shutdown coming next Friday, Speaker Mike Johnson (R-LA) may find himself in a similar situation to his predecessor Rep. Kevin McCarthy (R-CA), as he is forced to reconcile the needs of his party with priorities that can actually pass the Senate and become law.

Meanwhile, Rep. Max Miller (R-OH) introduced a bipartisan bill related to sustainable aviation fuel (SAF). If enacted, the Farm to Fly Act aims to increase production SAF within existing U.S. Department of Agriculture (USDA) programs, allow for greater collaboration, and ensure USDA's SAF definitions reflect eligibility for American agricultural crops. The airlines are under intense pressure from investors to reduce their carbon footprint and their only option is to move towards SAF even though SAF results in a higher carbon footprint compared to both on-and-off road renewable diesel and biodiesel. Given that the current tax code favors SAF production over on-and-off road lower carbon fuel options, such as biodiesel and renewable diesel fuel, EMA opposes the legislation.

While appropriations legislation remains the focus, we are seeing Congress begin to punt important legislation. This week, House and Senate Agriculture Committee leaders announced the 2023 Farm Bill will not receive a vote this year and will be extended into fall 2024. While Congressional leaders stated the Farm Bill will be a priority in 2024, and will pass, there is no certainty when Congress attempts to move legislation months before a presidential election.

WEEKEND READS

[Fossil fuels aren't going anywhere | WorkBoat](#)

[Best Way to Extinguish a Flaming Electric Vehicle? Let It Burn - WSJ](#)

[How a tiny town sent a big message to China — and Biden](#)

[Heat Pump Installations Slow, Impeding Biden's Climate Goals](#)

[Shell establishes first energy hub for trucks in the Netherlands \(petrolplaza.com\)](#)

[EV Makers Turn to Discounts to Combat Waning Demand](#)

[US refiners to taper output, keep gasoline prices tame | Reuters](#)

[What's really going on with the electric car market? | Axios](#)

[Electric vehicles are driven less than gas-powered models: study | Axios](#)

FEDERATED INSURANCE: IT'S YOUR LIFE

Why is National Estate Planning Awareness Month Important?

Having an estate plan ensures that your wishes for your estate are carried out when you pass away or if you become unable to make decisions for yourself.



When it comes to estate planning, it's not uncommon for people to think that:

- They are too young to do estate planning.
- Estate planning is only for the super-wealthy.
- Estate planning is too complicated and expensive.
- All of their property is titled in joint tenancy with their spouse, so they don't need a will.
- Since they created their will right after they got married there is no need for further planning.

The Benefits of an Estate Plan

Having a solid **business succession and estate plan** in place can help when it comes to:

- Ensuring your business assets are transferred to the people that you choose.
- Drafting a buy-sell agreement.
- Helping to minimize income, gift, and estate taxes.
- Specifying when assets and **digital assets** should be received.
- Authorizing a trusted person to manage your financial matters if you can no longer do so.
- Appointing a health care agent to make medical decisions if you can no longer do so.
- Preventing unnecessary burdens on those you care about.
- Helping to avoid legal disputes.

While creating or updating an estate plan can seem overwhelming, it doesn't have to be. An attorney who specializes in estate and business succession can discuss a wide range of planning options and help you develop a plan that best fits your needs.

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.

This article is for general information and risk prevention only and should not be considered legal or other expert advice. The recommendations herein may help reduce, but are not guaranteed to eliminate, any or all risk of loss. The information herein may be subject to, and is not a substitute for, any laws or regulations that may apply. Qualified counsel should be sought with questions specific to your circumstances. © 2023 Federated Mutual Insurance Company.



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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.

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PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

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

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

February 13, 2024 - Utah UPMRA Day on Capitol Hill - 12:00 - 1:30 pm - Salt Lake City, UT

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



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

Always SOMETHING TO BE Thankful FOR

SCHOLARSHIP \$4,000 OPPORTUNITY!

WPMA SCHOLARSHIP FOUNDATION

CLICK HERE for WPMA SCHOLARSHIP 2024 Information

Petro Pete: A ghost walked into a bar and ordered a shot of vodka. The bartender said, "Sorry, we don't serve spirits here."

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