

November 22, 2017

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WP-11-22-17



#### **WPMA OFFICES CLOSED FOR THANKSGIVING**

The WPMA offices will be closed Thursday, November 23 and Friday, November 24, 2017 for the Thanksgiving holiday. We wish everyone a very happy and safe Thanksgiving.

#### **EPA PUBLISHES 2015 NAAQS DESIGNATIONS FOR OZONE**

Last Thursday, the EPA published attainment designations under the 2015 ozone standard. The National Ambient Air Quality Standards (NAAQS) designations will go into effect approximately 60 days from November 16.

The EPA certified that 2,646 counties, two tribal areas and five territories, or about 85 percent of the nation's counties, meet the new standard of 70 parts per billion of ozone in ambient air, down from the previous 75 parts per billion. However, the agency stopped short of saying which areas of the country do not meet the Obama administration's 2015 regulation on ozone.

After the EPA failed to delay the process by another year over the summer, the EPA was required under the Clean Air Act to make all the decisions by Oct. 1, but missed the deadline. In a statement, EPA said that "in the spirit of cooperative federalism, EPA will continue to work with states and the public to help areas with underlying technical issues, disputed designations, and/or insufficient information." The statement also said that "EPA modeling, state agency comments, and peer-reviewed science indicate international emissions and background ozone can contribute significantly to areas meeting attainment thresholds. The agency intends to address these areas in a separate future action."

#### **SBLC RELEASES TAX REFORM ANALYSIS**

The Small Business Legislative Council (SBLC) released a comparison summary of the House passed tax reform package and the Senate Finance Committee passed version. Click [here](#) to read the analysis. PMAA sits on the SBLC Board of Directors and provides input on tax related issues facing petroleum marketers.

#### **PMAA'S WASHINGTON CONFERENCE 2018 HOTEL RESERVATIONS OPEN**

PMAA's annual Washington Conference and Day on the Hill will be held in our Nation's Capital of Washington, DC from May 16-18. Our industry continues to have dozens of important legislative and regulatory issues to discuss and the Day on the Hill continues to be the primary focus of this conference.

The meeting will begin with an Opening Session / Issues Briefing and Region meetings in the afternoon of May 16. Our welcome reception, including the popular PAC silent auction fundraiser, concludes the day! On the morning of May 17, marketers will head to Capitol Hill for visits with their Congressional delegations after a buffet breakfast and issues briefing for those who were not able to attend the opening session. It is not too early to make your Congressional appointments. There will be a hospitality suite and luncheon on the Hill. On the evening of May 17, we will honor our 2018 PMAA Chair Mark McBride. Our conference will conclude after the PMAA Board of Directors meet on May 18 following a buffet breakfast and committee meetings.

You can find all available details for Washington Conference and Day on the Hill [here](#) (<http://www.pmaa.org/meetings/upcomingmeetings/>) . We will be creating our Cvent website for this meeting over the coming months. Registration will open in early 2018 and will be posted on this page and announced in this Weekly Review.

Please make your plans **now** to attend this important and productive forum to meet with your members of Congress and network with other marketers from across the country! See you in DC in the spring!

## **FDA RELEASES NEW AGE-VERIFICATION PROGRAM FOR RETAILERS**

The U.S. Food and Drug Administration (FDA) has unveiled a new age-verification program for retailers that provides a full toolkit of resources, including posters, stickers, age verification tools and more to help retailers comply with federal tobacco regulations. Click [here](https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237741.htm) (<https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237741.htm>) for more information.

## **KEYSTONE XL PIPELINE PASSES MAJOR REGULATORY HURDLE**

### ***Still Ultimate Development of the Pipeline is Not Certain***

With a 3-2 vote this week, the Nebraska Public Service Commission approved the Keystone XL Pipeline, thereby clearing the last big regulatory hurdle for the project.

The 1,200-mile, \$8 million pipeline would ship crude oil from Canada to refineries along the Gulf Coast. The approval comes as TransCanada is in the midst of its clean-up operations in South Dakota, where the original Keystone Pipeline ruptured last week and released 210,000 gallons of oil. Nebraska law barred regulators from considering spills or safety in its decision-making process so that was not the detriment that some thought it might be.

Enthusiasm for the project has fizzled a bit due to the ridiculous delays by the Obama Administration and environmental groups. Furthermore, U.S. oil production will average more than 9 million barrels a day this year, nearly double what it was when TransCanada first proposed the pipeline, causing some refineries to pull out of the region to concentrate on U.S. oil shale development in Texas. The pipeline is not ready to be built since TransCanada is gauging whether enough companies will commit to the 20-year contracts required to reserve space on it. The earliest construction on the pipeline will begin in 2019.

In addition, there is a pending lawsuit that was filed following the Trump Administration's approval of the Keystone XL Pipeline in March. A coalition of groups is arguing the State Department did not do due diligence before approving the pipeline, with government attorneys saying a federal judge has no authority to second-guess a presidential permit. The case is still in the beginning stages, with a decision pending from the U.S. District Court of Montana on a Trump Administration motion to dismiss.

PMAA strongly supports development of the Keystone XL Pipeline which has already had more than nine years of debate and multiple environmental impact studies that have shown the pipeline would have no effect on climate change. Even former Obama Administration EPA Chief Gina McCarthy said that the pipeline would not be a disaster for the climate as some environmentalists have argued.

## **NEW ELECTRONIC LOG BOOK REQUIREMENT FOR RECORDING DRIVERS HOURS OF SERVICE (HOS)**

The Federal Motor Carrier Safety Administration's (FMCSA) deadline for compliance with electronic logging device (ELD) requirements for recording driver's daily hours of service (HOS) is December 16, 2017. The ELD rule was mandated by Congress as part of the 2012 transportation authorization and funding law known as Moving Ahead for Progress in the 21st Century Act (MAP-21). The law directs the FMCSA to require all CDL drivers who currently keeping written hours of service log books to switch to electronic recording devices. The FMCSA promulgated a final rule implementing the ELD mandate back in 2015. Efforts by industry stakeholders to rescind or delay the ELD mandate have failed thus far, including an appeal to the U.S. Supreme Court. PMAA is currently requesting an expansion of the 100-air mile radius exemption from keeping written log books to a 300 air-mile radius. This would expand the exemption from using ELDs to a larger class of short haul drivers. The final rule contains many exemptions to the ELD requirement and provides an extended compliance deadline of December 16, 2019 for those drivers already using automatic onboard recording devices (AOBRDS) to log hours of service.

There is a lot of conflicting information circulating around the industry from a variety of sources that is incomplete, inaccurate, and even misleading. It is important for petroleum marketers to fully understand the requirements of the EDL rule, including the exemptions and the flexibility it provides to make compliance less onerous in terms of both time and money.

Click [here](http://www.pmaa.org/weeklyreview/attachments/CB11_16_17_ELD.pdf) ([http://www.pmaa.org/weeklyreview/attachments/CB11\\_16\\_17\\_ELD.pdf](http://www.pmaa.org/weeklyreview/attachments/CB11_16_17_ELD.pdf)) for PMAA's Regulatory Counsel Mark Morgan's detail analysis on the ELD mandate.

## BOOK YOUR ROOM NOW FOR THE 2018 WPMAEXPO

Our hotel block for the 2018 WPMAEXPO is open and available at \$149/night until November 16, 2017.

You have two ways to book rooms:

- Through our website here: <http://www.wpma.com/national-convention/hotel>
- Or call The Mirage directly at 800-627-6667 using WPM18A for the early bird rate.

**We do not have a company representing us for room booking. Please do not book hotel rooms with a third-party company. Booking with a third-party company is at your own risk. You should only book your room through the WPMA web site or by calling the Mirage directly using the WPMA code above.**

## PLAN TO ATTEND THE 2018 WPMAEXPO

# WPMAEXPO

Mark your calendars for February 20-22, 2018. Make plans now to attend the 2018 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

#wpmaexpo18

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## MARK YOUR CALENDARS FOR UPCOMING EVENTS

**February 20-22, 2018** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, Nevada

**May 3-4, 2018** – NPM&CSA Big Dogs – Red Rock Casino – Las Vegas, Nevada

**June 5-7, 2018** – MPMCSA Convention & Expo – Fairmont, MT

**June 18-21, 2018** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

**August 8-10, 2018** – Idaho (IPM&CSA) Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

**August 20-22, 2018** – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

**September 12-14, 2018** – Utah (UPMRA) Convention – Doubletree by Hilton, Park City, UT

## WPMA MEMBER SERVICES



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**Petro Pete: "There's always something to be thankful for on Thanksgiving. Even if it's just not being a turkey."**

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