

December 2, 2022

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FORMER NEW MEXICO STATE EXECUTIVE CLEO EVERETT "RED" MCGEHEE PASSES

Cleo Everett "Red" McGehee, Jr. passed away November 25, 2022 at the age of 95. Everett was born in Abilene, TX in 1927 to Gladys Deutschman McGehee and Cleo E. McGehee. Everett served two years in the U.S. Navy during World War II, and then worked for more than 30 years with Humble Oil Company and Exxon. He served as the first State Executive for the New Mexico Petroleum Marketers Association when they joined WPMA in 1992, and continued in this position until 1998.

Everett graduated from the College of Santa Fe with a Bachelor's Degree in Business at the age of 63.

See full obituary [here](#).



OFA NEEDS YOUR HELP IN PORTLAND

Portland City Council is considering a law that would establish a new Renewable Fuel Standard (RFS) for diesel distributed at wholesale and retail locations within Portland. The law would phase-out and ultimately ban petroleum diesel. Read the full letter [here](#).

Clearly this hurts OFA's members around the state, not just those doing business in Portland. If passed, this law sets an example that advocates will use to ban petroleum diesel statewide and at other local jurisdictions.

Please consider a one-time contribution to help fight this proposed legislation. Click the link below to donate.

[CLICK HERE TO DONATE](#)



WASHINGTON INDEPENDENT ENERGY DISTRIBUTORS

ORDER YOUR DISPENSER TOPPERS NOW

The gas tax is doubling next year in the state of Washington. Spread the word and gain community support of a petition to repeal the tax by placing dispenser toppers provided by the Washington Independent Energy Association. Choose from these two toppers:



[CLICK HERE TO ORDER YOUR FREE DISPENSER TOPPERS](#)

EPA ESTABLISHES RFS BLENDING MANDATES FOR 2023, 2024 and 2025

The U.S. EPA released a proposed rulemaking that sets volumetric blending mandates for 2023, 2024 and 2025 under the Renewable Fuels Standard (RFS). The proposed rulemaking marks the first time the EPA is authorized to set its own blending mandates since the statutory volumes set by Congress under the Energy Independence and Security Act of 2007 ended in 2022.

Under the new rulemaking, the EPA is proposing to require 20.82 billion gallons of total renewable fuel for 2023, followed by 21.87 billion gallons in 2024 and 22.68 billion gallons in 2025. The proposed blending mandates represent an incremental increase from the 20.63 billion gallons established for 2022. The proposed blending mandates include both conventional biofuels, comprised largely from corn-based ethanol, as well as advanced biofuels, including biodiesel and cellulosic biofuels. The EPA is proposing volume targets for advanced biofuel blending of 5.82 billion gallons in 2023, 6.62 billion gallons in 2024 and 7.43 billion gallons in 2025. The proposed blending targets would require at least 15 billion gallons of ethanol blended into the nation's gasoline supply for the three years.

The EPA is also proposing new regulations governing the generation of qualifying renewable electricity made from renewable biomass used as transportation fuel in electric vehicles. If adopted in the final rule, this new pathway would mark the first time that electricity generation is included in the RFS. The EPA initially approved an electric pathway for biogas in 2014 but is only now proposing to implement it for 2023 and beyond. According to the EPA, the proposed rule would reduce U.S. oil imports by 160,000 to 180,000 barrels of oil per year over the next three years.

Public comments are due February 10, 2023, and EPA will hold a public hearing sometime in January.

LEGISLATION INTRODUCED TO ALLOW HIGHER ETHANOL BLENDS TO BE SOLD YEAR-ROUND

This week, Senator Deb Fischer (R-NE) introduced the "Consumer and Fuel Retailer Choice Act of 2022," which would allow the year-round nationwide sale of ethanol blends higher than E10. Additional cosponsors of the bill include U.S. Senators Amy Klobuchar (D-MN), Tammy Duckworth (D-IL), Chuck Grassley (R-IA), Tina Smith (D-MN), John Thune (R-SD), Sherrod Brown (D-OH), Joni Ernst (R-IA), Roger Marshall (R-KS), Dick Durbin (D-IL), Jerry Moran (R-KS), Tammy Baldwin (D-WI), Kevin Cramer (R-ND), Ben Sasse (R-NE), and Mike Rounds (R-SD).

While there is no guarantee Congress can pass the bill legislatively before the end of the year, EMA is willing to support the year-round sale of E15 provided Congress appropriates sufficient funding for USDA's Higher Blends Infrastructure Incentive Program (HBIIIP) with guaranteed set asides for small businesses. Specifically, the grant program should include an "80-20" cost share, with the federal government covering 80 percent of the capital expenditures associated with UST system upgrades to entice small businesses to make necessary upgrades. UST system retrofits or replacement can cost more than \$100,000 per site in capital expenditures which are far beyond the ability of small business fuel retailers with multiple sites to pay.

The EPA confirmed in an [E15 UST system compatibility guidance document in January 2020](#) that said, "most older and even some newer existing UST systems (which includes but is not limited to tanks, pumps, ancillary equipment, lines, gaskets, and sealants) are not fully compatible with E15 and require modification before storing E15."

EMA REGULATORY ALERT: FMCSA EXTENDS WAIVER LIFTING CERTAIN CDL LICENSING RESTRICTIONS FOR STATES

The Federal Motor Carrier Safety Administration (FMCSA) issued a [waiver extension](#) today that removes time consuming regulatory barriers that slow the process for Commercial Learners Permit (CLP) holders to obtain a Commercial Driver's License (CDL). The two-part waiver gives temporary relief from certain CDL driver skills test requirements. According to the FMCSA, the waiver will help alleviate the nationwide CDL driver shortage by shortening the CDL licensing process in those states adopting the waiver. The waiver applies to both intrastate and interstate drivers in states that choose to adopt it.

Out of State Driver Training Restriction: First, the waiver allows states to lift the FMCSA requirement that prevents out-of-state CDL applicants from taking the CDL skills test in a state other than where he/she completed CDL driver training. The Entry Level Driver Training rule requires a CDL applicant to take both the CDL driver training course and CDL skills test in the same state. However, under the waiver, states may, at their discretion allow CDL applicants with out-of-state driver training certificates to sit for an in-state CDL skills test without taking a second driver training course.

14-Day Waiting Period Restriction: Second, the waiver removes the FMCSA restriction preventing Commercial Learners Permit (CLP) holders from taking the CDL skills test within the first 14-days from the date the CLP was issued. Under the waiver, a state may, at their discretion allow a CLP to take the CDL skills test immediately after the CLP is issued.

Waiver Extension Period: The FMCSA waiver is an extension of an existing waiver that expired on November 30, 2022. The latest extension of the waiver is effective through 11:59 pm, February 28, 2023.

Limitations: * The FMCSA waiver lifts restrictions for CDL training and licensing that apply to state drivers licensing agencies. States may implement the waiver at their discretion. **In other words, states may, but are not required to follow the waiver.**

Got Questions? Contact Mark S. Morgan, EMA Regulatory Counsel, mmorgan@emamerica.org.

INSIDE THE BELTWAY UPDATE

On Thursday, the House and Senate approved legislation that would force a deal between Class I freight railroads and unions, blocking a potential strike that threatened travel and national supply chains. The legislation now goes to President Biden for signature. A deal between all 12 railroad unions and railroads, either by ratification of an agreement or enforced through Congressional legislation, must be in place by December 9 to avoid a national freight rail worker strike, which could potentially upend the national supply chain.

In Washington, eyes are looking ahead to December 16 and the fate of the fiscal year 2023 government funding bill. Lawmakers have yet to agree to top-line spending figures, and Democratic leaders are now in talks about extending the CR to December 23. The funding bill would serve as a vehicle that could carry unrelated legislation, such as the "Credit Card Competition Act."

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!"

REMINDER: 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.

WEEKEND READS:

[Why America Doesn't Have Enough EV Charging Stations](#)

[California Looks to Ban Diesel Trucks at Ports by 2035](#)

[Cigarette Health Labeling Warnings Effective Date Postponed](#)

[Republican Attorneys General Target Vanguard](#)

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: Office Gossip? We have a friendly, laid-back office environment, and we want our employees to enjoy coming to work. However, we have some employees who are constantly gossiping at the office. Aside from not getting their work done, they're also creating tension among co-workers. What can we do? I thought we weren't allowed to prohibit employee discussions, but this is really starting to affect our operations. 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. [Federated is a Partner in EMA's Board of Directors Council.](#)

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PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

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 - IPM&CSA Idaho Convention - Sun Valley Resort - Sun Valley, ID

A promotional banner for the WPMA Scholarship. On the left, a woman in a red winter hat and white coat holds a sign that says "My wish list. A WPMA Scholarship!". The center features the text "\$4,000 SCHOLARSHIP OPPORTUNITY!" in large, stylized letters, with a classical column icon to the right. Below this is the "WPMA SCHOLARSHIP FOUNDATION" logo. On the right, a green box contains the text "CLICK HERE for WPMA SCHOLARSHIP 2023 Information!"

WPMA SCHOLARSHIP APPLICATION NOW DIGITAL!

For all graduating seniors wanting to apply for one of the nine scholarships awarded through the WPMA Scholarship Foundation, the application process is now completely digital!

Simply click below to access the scholarship portal and create a password to begin. Students have the ability to leave the application and return at their convenience.

Don't miss this opportunity to help the next generation start out on the right foot by sharing this information with any of your co-workers with a graduating senior. Seniors who work part-time for a marketer member company, and have been employed at least 90 days, are also eligible to apply.

[CLICK HERE TO ACCESS SCHOLARSHIP PORTAL](#)



Petro Pete: 6:30 is the best time on a clock, hands down.

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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: kimw@wpma.com Thanks.