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



Inside the Beltway Update

As winter settles in and Congress barrels toward the end-of-year sprint, Washington is buzzing with policy rumors that will dictate what Congress can accomplish in 2026.

The month began with a dramatic pivot in U.S. fuel policy. On November 3rd, the Trump administration unveiled a proposal to significantly scale back federal fuel economy standards for passenger cars and light trucks. Under the new plan, model year 2031 vehicles would need to average 34.5 miles per gallon, a steep drop from the 50.4 mpg benchmark set under the Biden administration.

While automakers weigh their next steps, retailers across the country are confronting a surprisingly old-fashioned problem: not enough pennies. EMA and a coalition of energy and retail associations are urging congressional leaders to swiftly make improvements to the Common Cents Act which would allow businesses to round cash transactions to the nearest nickel. Without a national standard, retailers risk violating state laws requiring exact change.

Across Capitol Hill, appropriators are reshuffling federal energy investments. The Senate Republican draft of the FY26 Energy and Water Development bill lays out \$57.5 billion in spending across the Department of Energy (DOE), Army Corps of Engineers, and Bureau of Reclamation.

For millions of Americans struggling to heat their homes this winter, relief is finally on the way. After months of delay tied to the fall's record-long government shutdown, the Trump administration released over \$3.7 billion in Low-Income Home Energy Assistance Program (LIHEAP) funding—roughly 90 percent of last year's total.

The funds come at a critical moment. Residential electricity prices rose 10.5 percent between January and August, and natural gas prices remain volatile. The National Energy Assistance Directors Association called the release "essential and long overdue," noting that states are facing unprecedented demand as temperatures drop. New York secured the largest allocation at more than \$360 million, with California, Pennsylvania, Texas, and Illinois close behind. The release also revives debate over the administration's earlier proposal to eliminate LIHEAP entirely—an idea that now appears politically untenable amid rising utility costs.

Meanwhile, the House is quietly advancing several regulatory restructuring bills that could reshape the federal government's relationship with small businesses and energy providers.

On December 3rd, the House Energy and Commerce Committee approved the Energy Choice Act (H.R. 3699), which would prevent states and localities from banning energy hookups or services based on fuel type.

The Energy Choice Act prohibits states and municipalities from banning or restricting the use of liquid heating fuels, such as heating oil, propane, or renewable liquid fuels, in residential or commercial buildings. This protects consumer choice and ensures the continued viability of low-carbon liquid heating technologies that EMA, NORA, and the industry are advancing. Separately, the House Small Business Committee advanced two measures aimed at cutting regulatory burdens:

- H.R. 2965 would require the Small Business Administration to certify annually that its regulations impose *no new costs* on small businesses.
- H.R. 4305 would create a public hotline for small businesses to report potentially burdensome regulations directly to the SBA's Office of Advocacy.

Both bills passed on party-line votes, signaling that debates over regulatory costs will remain central to the 2026 campaign cycle.

Court Accepting Objections to Newly Proposed Visa/Mastercard Settlement

Recently the long-running class action litigation between U.S. merchants and Visa/Mastercard over interchange ("swipe") fees entered a new phase. A new proposed settlement in the injunctive-relief case, *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, has been filed in the U.S. District Court for the Eastern District of New York. Merchants that accepted Visa or Mastercard credit cards between December 18, 2020, and the present are part of the Rule 23(b)(2) class and now have the opportunity to file objections with the Court.

The Energy Marketers of America (EMA) urges its members and all merchants to object to this proposed settlement by the **December 12 deadline**. Like the 2024 settlement proposal that was rejected by Judge Margo Brodie, this latest version provides only temporary, and unworkable relief, while permanently restricting merchants' legal rights.

Summary of the New Proposed Settlement

Under the new proposal:

- Interchange rates would be reduced by only 0.1 percentage point for five years, a small fraction of the ~2.35% average credit card swipe fee.
- The release of merchant claims would last eight years, leaving three years during which Visa and Mastercard could raise fees even as merchants remain barred from suing.
- A temporary eight-year cap of 1.25% would apply only to "standard" consumer credit cards — a small and easily adjustable category.
- Merchants could decline certain rewards cards, but most credit cards are rewards cards, making this option unworkable.
- Issuing banks could reclassify card types to undermine any relief from changes to the honor-all-cards rule.
- The settlement does not prevent Visa/Mastercard from increasing other network or processing fees.
- Surcharging remains restricted and cannot be used to spur issuer-level price competition.
- Discounting by issuer is theoretically allowed but likely impractical due to brand restrictions and dispute risks.
- All merchants would be barred from bringing future legal claims for the duration of the release.

EMA Position

EMA believes this proposal would entrench the anti-competitive swipe fee system, not reform it. The fee reduction of one-tenth of a percent is negligible, and the 1.25% cap on interchange fees is only temporary, and can easily be manipulated by the card companies' raising the network and other non-interchange fees they collect. Visa and Mastercard would also retain centralized control over interchange fees and restrictive acceptance rules. This control would allow them to attach potential rewards, however small, to all their cards, thereby rendering the right to decline rewards cards meaningless. These are but a few examples of the unworkable, illusory, and impractical changes to the settlement that make objecting to it worthwhile. Moreover, any widespread acceptance of the settlement could blunt efforts in Congress to enact the Credit Card Competition Act, which EMA has worked hard to support, and which would represent a real reform of the system.

How to File an Objection

The Energy Marketers of America (EMA) urges marketers to object to the proposed settlement. The terms of the agreement favor Visa/Mastercard and grant only minor temporary relief to merchants. Further, the settlement terms do not address the practice of cartel pricing that currently exists and the settlement would prevent any retailer future legal action against Visa and Mastercard. For convenience, a sample objection letter is available here: **Click here** (.docx download) for a template for your own objections. **Objections are due December 12, 2025.**

Please note:

Marketers should write 'Class Action Settlement Objection' on the envelope and mail it to:

Mail the original objection to: United States District Court for the Eastern District of New York 225 Cadman Plaza Brooklyn, NY 11201 Write "Class Action Settlement Objection" on the envelope.

You must also send a copy of your Statement of Objections to both Class Counsel and Counsel for the Defendants at the following addresses:

Designated Class Counsel: Robert G. Eisler Grant & Eisenhofer P.A. 485 Lexington Ave., 29th Floor, New York, NY 10017

Designated Defendants' Counsel: Matthew A. Eisenstein Arnold & Porter Kaye Scholer LLP 601 Massachusetts Ave., NW Washington, DC 20001-3743

EMA Regulatory Alert: Energy Marketers of America Raises Concerns Over Proposed SNAP Stocking Rule for Convenience Stores

Recently Energy Marketers of America (EMA) voiced significant concerns regarding a proposed U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) rule that would dramatically increase staple food stocking requirements for retailers authorized to accept Supplemental Nutrition Assistance Program (SNAP) benefits.

EMA acknowledged the agency's goal of improving access to nutritious foods for the more than 41 million SNAP participants but warned that the proposed changes fail to account for the unique operational and economic realities of small-format convenience stores—many of which are co-located with retail fuel stations and serve as critical food access points, especially in rural and underserved communities.

"While we strongly support efforts to enhance the nutritional quality of foods available to SNAP beneficiaries, program integrity must be balanced against the practical constraints facing small business retailers," EMA stated. "These stores are not supermarkets. They operate on thin margins, limited square footage, and customer demand driven largely by convenience rather than meal preparation."

The rule would raise the minimum number of stocking varieties from three to seven in each of the four staple food categories (fruits/vegetables, dairy, grains, and protein), while imposing narrow definitions of what constitutes a "variety." EMA argues this combination creates insurmountable compliance hurdles for small stores.

EMA emphasized the interconnected nature of the convenience-store and retail-fuel business model. Any substantial reduction in in-store revenue—particularly from SNAP redemptions, which can represent 10–20% of sales at some locations—directly threatens fuel operations. Cash-flow disruptions at the retail level cascade upstream to fuel wholesalers through slower payments and heightened credit risk."

If small stores are forced to exit the SNAP program because compliance is economically unfeasible, the result will be less food access for low-income Americans in the very communities the rule intends to help," EMA warned.

EMA urged FNS to adopt a more flexible framework that considers store size, geographic location, and demonstrated customer purchasing patterns.

[Click here](#) to read the comments.

EMA Secures Win as PHMSA Halts Proposed Hazmat Registration Increases

PHMSA has officially withdrawn its proposal to raise annual hazardous materials registration fees—a significant win for energy marketers and a direct result of EMA's sustained advocacy.

The proposal would have increased yearly HAZMAT registration costs for cargo tank operators. While PHMSA argued the increases were needed to meet higher statutory funding targets for the Hazardous Materials Emergency Preparedness grant program, EMA consistently emphasized the disproportionate impact on fuel marketers already facing elevated operating costs and regulatory pressure.

"EMA's comments, outreach, and coordinated engagement with federal officials played a key role in demonstrating that the proposed fee hikes were unnecessary, burdensome, and poorly timed for an industry critical to energy supply and emergency response," said EMA President Rob Underwood.

With PHMSA's withdrawal of the rule, current registration fees remain in place—preserving cost stability for fuel distributors and cargo tank operators nationwide.

FMCSA Plans to Tighten ELD Process

The Federal Motor Carrier Safety Administration (FMCSA) plans to tighten its approval process for electronic logging devices (ELDs). The agency intends to replace the current manufacturer self-certification model with a more rigorous, agency-driven review to ensure only fully compliant devices remain on the federal ELD list.

FMCSA's goal is to improve the accuracy of hours-of-service (HOS) data and prevent recurring disruptions caused by faulty or revoked devices reentering the market. The new system will introduce heightened technical verification, enhanced fraud detection, and a tiered approval structure.

Carriers that continue using an ELD after it is flagged or removed could face allegations of violating FMCSA regulations under 49 CFR Section 395.22. Thus, fuel distributors should pay close attention to these changes. Proactive monitoring of device status and maintaining documentation of good-faith reliance on FMCSA's approved list will help avoid unexpected route disruptions, protect against liability, and ensure continuity in time-sensitive fuel transport. Regular monitoring of FMCSA's approved and revoked lists will be essential for HOS compliance.

FMCSA has not yet announced when the new vetting system will take effect, but the shift toward tighter oversight is already underway.

Learn more [here](#).

Federal Court Pauses FMCSA's Restrictions on Non-Domiciled CDLs

A recent federal court ruling has significant implications for fleets that rely on drivers holding non-domiciled commercial driver licenses (CDLs). On November 13, the U.S. Court of Appeals for the D.C. Circuit temporarily blocked the Federal Motor Carrier Safety Administration's (FMCSA) new restrictions on these licenses, putting the rule on hold while litigation proceeds.

Background

FMCSA issued an interim final rule on September 29 that limited who could obtain or renew a non-domiciled CDL. Under the rule, only individuals with H-2A, H-2B, or E-2 visa classifications would qualify—dramatically narrowing the range of immigration documents states could accept.

Non-domiciled CDLs have been held by drivers who live and work in the United States but maintain formal residency in another country. Several drivers and labor organizations challenged the rule, arguing that FMCSA overstepped its authority and failed to follow required procedures.

Why the Court Hit Pause

In granting an emergency stay, the court found the petitioners were likely to succeed on key legal arguments:

1. Failure to Consult States

Federal law requires FMCSA to consult with state licensing agencies before changing CDL standards. The court indicated that FMCSA did not meet this obligation and that time pressure or cost concerns do not excuse non-compliance.

2. Insufficient Safety Justification

FMCSA bypassed the normal notice-and-comment process by claiming an urgent safety need. But the court noted that FMCSA itself admitted it lacked strong data showing that non-domiciled drivers present heightened risks. In other words, the court noted that the agency did not clearly explain how the restrictions would improve road safety.

One judge dissented, siding with FMCSA's view that unverifiable foreign driving histories create a genuine safety concern. However, the majority found the record did not justify bypassing normal rulemaking processes.

What This Means for Fuel Distributors

For now, states may continue issuing and renewing non-domiciled CDLs under the pre-existing federal standards. This means state agencies are able to issue non-domiciled CDLs to certain categories of immigrants, including DACA holders, asylum seekers, refugees, and people with temporary protected status. The pause applies nationwide, though a few states have already updated their own rules consistent with federal policy.

The case now moves into the argument stage. A final ruling could take months, and FMCSA may choose to revise or replace the interim rule during that time to cure alleged procedural deficiencies.

These developments are accompanied by enhanced enforcement on English proficiency requirements. Fuel distributors should continue to assess internal policies and training programs to ensure operations align with state standards and federal policy.

Weekend Reads

[EIA Sees Gasoline, Diesel Price Dropping in 2025, 2026 | Rigzone](#)

[Analysts See '5-10 Years of Decent Growth' for Oil Demand | Rigzone](#)

[Olympic Pipeline repaired and restored to full service in WA | Fox 13 Seattle](#)

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: **Job Abandonment**. We've had employees stop showing up to work without notice. At what point does that count as job abandonment, and what are some signs to look for?



There is no single definition of job abandonment; however, job abandonment generally occurs when an employee fails to report to work for a certain number of days without notifying their employer and without indicating an intent to return. Whether job abandonment occurs may depend on an employer's particular job abandonment policy or practices. Job abandonment is distinguishable from other unexplained or unexcused absences as it generally involves an employee's failure to communicate their absence and plan to return to work.

Some examples of job abandonment include but are not limited to:

- Failing to report on the first day of work;
- Not calling or not showing up for consecutive days;
- Failing to return from an approved leave of absence;
- Leaving work mid-shift without notice (for example, failing to return following a meal or rest break); and
- Failing to report to work following a relocation or reassignment.

A clearly written job abandonment policy is essential for setting expectations around attendance and handling unexcused absences consistently across the organization. This policy serves as a valuable reference for employers when deciding on disciplinary actions and next steps if an employee fails to report to work. It's helpful to outline key details, such as how many consecutive unexcused absences qualify as job abandonment and the possible consequences, including termination.

It is a best practice to work with legal counsel when drafting such a policy to ensure it meets an employer's needs while remaining legally compliant.

For additional information or to discuss this in further detail, please contact your [Federated](#) regional representative or EMA's National Account Executive [Jack West](#) at 262.719.7750 for any additional information or risk management questions.

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EMA Member Services Benefit with RINAlliance

Are You Taking Advantage of the Renewable Fuel Standard?

In 2024, the Energy Marketers of America (EMA) announced an exclusive member service agreement with RINAlliance, so that every fuel marketer has an opportunity to leverage the Renewable Fuel Standard (RFS).

Whether a fuel marketer is determining whether to blend and take renewable fuel with RINs, or whether they are a current RFS participant looking to improve RIN management, RINAlliance can help with strategies, tools and expert support.

Schedule your consultation today to learn more by visiting www.rinalliance.com/contact. Be sure to tell them you heard about RINAlliance through EMA or one of its Federation members.



The **WPMA NEWS** currently serves EIGHT independent petroleum and convenience store associations.

WPMA NEWS MAGAZINE CURRENT ISSUE

Click [HERE](#) for a previous *WPMA News* issue



EMA JOURNAL - The Official Publication of the Energy Marketers of America

EMA JOURNAL CURRENT ISSUE

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MARKETERS ASSOCIATION**

Holiday Party - December 11, 2026
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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

June 2-3, 2026 MPMCSA (Montana) Convention, Fairmont Resort, Fairmont, MT

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



2026 WPMAEXPO KEYNOTE SPEAKER

TIM TEBOW

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Petro Pete: Did you hear the one about the gardener who couldn't wait for spring? He was so excited, he wet his plants!

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