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SCHOLARSHIP FOUNDATION

DO YOU OR ONE OF YOUR CO-WORKERS HAVE A GRADUATING SENIOR THIS SPRING?

As one of our services to our members, WPMA awards nine merit scholarships annually. The program awards a \$4,000 scholarship (paid \$1,000 annually) to a deserving student within each of the eight WPMA member states each year, and one to a student from an associate member company.

To qualify, applicants must be:

- 1) a graduating high school senior
- 2) the son or daughter of a WPMA Member Marketer, or WPMA Member company's employee or a WPMA Associate Member company's employee. Employees must be a full-time permanent employee. Or a high school senior who currently works part-time for a WPMA member company and have worked for the company for at least three months.

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



Status of Visa/MasterCard Swipe Fee Claims Process

As you have most likely heard, the Settlement Administrator in the Visa/MasterCard swipe fee antitrust litigation has begun mailing claim forms to millions of potential claimants to the \$5.4 billion settlement fund (the "Fund"). The Fund includes the proceeds of a settlement of the litigation, which claimed that merchants paid excessive fees to accept Visa and MasterCard transaction cards in violation of the antitrust laws.

The Settlement Administrator began mailing claim forms on December 1, 2023 and will continue sending the forms for most of December. Because of the large number of claim forms being sent, claimants may not receive a form until late December 2023 or January 2024. The Administrator urges potential claimants to be patient and wait to receive a form which will assign the claimant a Claimant ID and allow for online filing. The claims deadline is May 31, 2024.

Reports suggest that between 12 and 18 million businesses across the United States that accepted Visa and MasterCard payments between January 1, 2004 and January 25, 2019 are eligible to claim a share of the Fund. EMA is concerned, however, that thousands of major oil company branded retailers may not be recipients of a claim form, and that they may be declared ineligible because they are deemed "indirect" payers, meaning that their major oil company supplier is recognized as the party that paid the interchange fees that formed the basis for the lawsuit. Under this theory, branded retailers who reimbursed their suppliers for the fees would not qualify as claimants. As previously reported by EMA, a Special Master has been appointed by the court to hear appeals from denials of eligibility, such as claim denials based on the alleged status of branded retailers as indirect payers.

If you receive a claim form in the mail, fill it out and return it to the Settlement Administrator in accordance with the instructions on the form using the assigned Claim ID number. If your claim is denied, you will be able to bring it before the Special Master for review. If you do not receive a form, you can access the settlement website below and enter your Tax ID number (TIN) to find out whether the Settlement Administrator considers you eligible. <http://www.paymentcardsettlement.com/en/Login>. While we have yet to see the procedures to be utilized by the Special Master, a determination of ineligibility obtained by accessing the above-referenced login information should be sufficient as a denial of your claim to warrant an appeal to the Special Master. If your claim is denied on the ground that you are an "indirect payer," and you wish to lodge an appeal, you may want to first seek guidance from your attorney, although you are free to file your appeal without attorney assistance. The primary basis for any such appeal would be that you are, in fact, a direct payer of the interchange fees paid on each card transaction.

EMA will keep you updated on developments in the claims process as they occur and as the information (now a bit murky) become clearer.

Inside the Beltway Update

Before getting into Congressional action, earlier this week, the Biden Administration announced it would be postponing a ban on the sale of menthol cigarettes. Originally slated to be finalized in August and then delayed until January, publication has now been pushed to March 2024. And, according to reports, that may be delayed further, with many in the White House citing concerns that the rule will have a negative political impact on black voters at a time when President Biden's approval rating is already flagging.

Last month, EMA President Rob Underwood, along with EMA Convenience Store Committee members Jonathan Tang (Ira Philips, Inc., Gadsden, Alabama) and Brian Lohman (ASAP Energy; Weatherford, Oklahoma), met with the Biden Administration and highlighted FDA's failure to enforce its ban on flavored vapes which has led to a flood of illegal, disposable vapes manufactured in China and marketed to children. A menthol prohibition will drive legitimate transactions out of stores and into the illicit market, hurting small businesses and funding violent crime. There is no scientific evidence to support a nationwide public health policy that would treat menthol cigarettes differently than other cigarettes. EMA also highlighted the proposed menthol ban's impact on small businesses across the country. Banning the use of menthol in cigarettes could also have a cascading effect on companies who supply fuel to independently owned and operated small business gas stations. Retailers may be unable to pay for their next load of fuel and pay for EV charging equipment unless they raise prices on in-store items and/or fuel due to the potential major revenue loss from a menthol flavor ban.

The Internal Revenue Service (IRS) is also delaying a controversial regulation, announcing that its forthcoming rule requiring all transactions on payment platforms (like Venmo or PayPal) over \$600 be reported (1099'ed) will not be implemented immediately, instead phasing it in beginning with transactions over \$5,000 in 2024. And while the Administration may be delaying its ban on menthol cigarettes and certain IRS transactions, it has no intention of relenting on sales of illegal e-cigarettes, underscoring the need to ensure hazardous materials are not readily available through illegal channels.

Across town, while December has recently become the time for passage of a year-end crush of funding legislation, with last month's Continuing Resolution (CR) extending government funding through at least January 19 and Congress's innate ability to wait to the last minute, our end-of-year budget issues will be beginning-of-year budget problems. But there is still much to do before the legislative branch heads home for the holidays. First, Congress has recently conferenced and agreed to a version of the National Defense Authorization Act (NDAA), that, if passed, will fund the military through next year. The House and Senate will now work to get the bill passed. Second, Congress has to finish work on a supplemental foreign aid package that continues support for Ukraine, Israel, and Taiwan while also providing additional funding for the Southern Border. And while both parties have differences of opinion about how the border should be managed, everyone agrees something needs to be done. In fact, many are saying that it would be hugely beneficial for President Biden if they were able to make a deal with Republicans to help with border traffic, since it is almost surely going to be one of the most critical issues during next year's campaign.

Meanwhile, Reps. Brian Fitzpatrick (R-PA) and Salud Carbajal (D-CA) reintroduced legislation that would establish a tax on carbon emissions to replace the gas tax in funding infrastructure improvements. Additionally, below, we have additional information on two critical bills that EMA is supporting: H.R. 4468, the Choice in Automobile Retail Sales (CARS) Act and H.R. 5840, the Transportation Security Screening Modernization Act. The CARS Act, which passed the House, will block EPA from taking action to restrict the cars an individual or business can purchase, and H.R. 5840 will streamline the screening process for CDL drivers that operate at secure facilities or transport hazardous materials.

House Passes EMA Supported Bill to Protect Motorists

On Wednesday afternoon, the House passed H.R. 4468, the Choice in Automobile Retail Sales (CARS) Act. This bill is sponsored by Rep. Tim Walberg (R-MI) and [cosponsored](#) by 34 others in the House, with a bipartisan companion piece in the Senate led by Sen. Mike Crapo (R-ID) with 33 [cosponsors](#). If passed, it would prevent the EPA from implementing several of its proposed rules that impose strict environmental restrictions on greenhouse gas emissions from cars which, in effect, tips the scales away from internal combustion engine vehicles in favor of electric vehicles.

The final vote was 221-197, with 5 democrats crossing the aisle to vote for this critical bill. This is a win for the Energy Marketers of America (EMA) and other stakeholder groups who wrote Speaker Johnson and Democratic Leader Jefferies urging passage of the CARS Act.

Rob Underwood, EMA's President, shared that "our members have no problem with EVs -- many currently offer EV charging. Our issue is with the government reducing competition in the automotive space, and we are proud to stand for the right of every American to purchase the most appropriate car for their families; not the one chosen for them by the EPA."

Unfortunately, EMA doesn't see Senate Majority Leader Chuck Schumer (D-NY) giving this bill a chance in the Senate, but the bill does serve as a messaging bill to the Biden Administration and Senate Democrats.

House Lawmakers Introduce Legislation to Streamline Federal Background Checks

The Energy Marketers of America (EMA) have proudly signed onto a [letter](#) endorsing [H.R. 5840](#), the Transportation Security Screening Modernization Act sponsored by Reps. Graves (R-LA), Green (R-TN), Guest (R-MS), Smith (D-WA), Titus (D-NV), and Carbajal (D-CA). The nation's supply chains have been severely impacted by COVID and other disruptions of late which is also continually slowed by bureaucratic red tape requiring our nation's essential workers to undergo many different security clearances to do one job. For example, a driver operating a truck with hazardous materials from a port must receive credentials from multiple Federal agencies, including Transportation Security Administration (TSA) and Customs and Border Protection (CBP). This cumbersome process hinders America's supply chain from operating at its full capacity.

"By combining each of the different steps along the credentialing process into one cohesive process, this legislation will help eliminate this logjam and get these drivers out on the road more quickly while, at the same time, maintaining the same levels of scrutiny," said EMA President Rob Underwood. In fact, the Government Accountability Office (GAO) had recommended these steps be taken in 2007 especially since all it does is smooth out an unnecessarily cumbersome credentialing process. EMA is supportive of this bill because its passage will be a major boon for energy marketers who already face major hurdles in hiring qualified CDL drivers.

Chevron Renewable Energy Group Using Bio-based Fuels in Cold Weather

Many Chevron Renewable Energy Group customers have questions on how to manage their bio-based fuels as seasonal temperatures drop, and mistakenly believe that it is necessary to decrease blend rates for winter. The fact is that bio-based fuels can be a year-round solution for companies looking to reduce their carbon emissions, as long as they work closely with their fuel provider. Together, the company and the biofuel producer can explore the optimal biodiesel blend level, feedstock, and additives to address any concerns about cloud point, cold flow, and long- and short-term storage. All you need to know to have a lower carbon, year-round option is spelled out in this free white paper from Chevron Renewable Energy Group: [Using Bio-Based Fuels in Cold Weather](#).

For additional information about Chevron Renewable Energy Group, please [visit](#) or contact [Jason Lawrence](#). Chevron Renewable Energy Group is an EMA Executive Committee Council Partner.

WEEKEND READS

[Record US oil output challenges Saudi mastery | Reuters](#)

[US speeds up return of oil to Strategic Petroleum Reserve -Energy Dept | Reuters](#)

[Manchin Slams Biden's EV Tax Credit Rules as Soft on China | Bloomberg](#)

[Biden ban on menthol cigarettes to be delayed amid political concerns, officials say | The Washington Post](#)
(subscription required)

[Wind and solar pose climate threat too, oil giant Saudi Arabia argues | Politico](#)

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:

Travel Away from Home. One of our employees will be traveling to an out-of-town conference on an upcoming weekend. He will ride a bus for three hours on a Friday and stay overnight. He will then attend the conference on Saturday before riding the bus back home later that day. We understand we need to pay him for his time spent attending the conference. Our question is specifically about the three-hour bus rides to and from the conference: Do we need to pay him for his travel time on the bus? He will not be performing any work on the bus. Please click [here](#) to read the response.

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.



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

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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 fall issue is now available.

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PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

January 30-31, 2024 - Washington WIDE Day on the Hill - Olympia, 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 1, 2024 - Hawaii (HEMA) Golf Tournament - 11:30 am - Oahu Country Club - Honolulu, HI

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

July 14-16, 2024 - Oregon (OFA) Conference - Sunriver Resort - Sunriver, OR

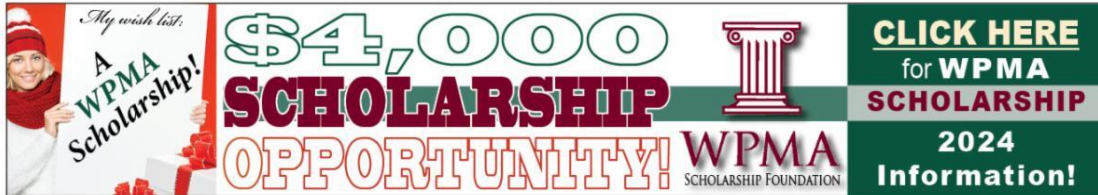
August 7-9, 2024 - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort, Coeur d'Alene, ID

REGISTRATION IS OPEN FOR THE FOLLOWING EVENT

WPMAEXPO[®]

WPMAEXPO

Click [here](#) to register for the WPMAEXPO at The Mirage Resort in Las Vegas, Nevada held February 20-22, 2024



My wish list:
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SCHOLARSHIP
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Petro Pete: I went to a seafood disco last week, but ended up pulling a mussel.

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