

March 22, 2019

WR-19-12

Reminder: U.S. DOT Random Drug and Alcohol Test Rates for 2019

Each year the Federal Motor Carrier Safety Administration (FMCSA) sets the minimum employee random drug and alcohol testing rates that employers must incorporate into their driver and HAZMAT employee drug testing program. The test rates are the minimum percentage of employees who are subject to U.S. DOT drug and alcohol requirements who must undergo a random test during the upcoming calendar year. The number of random tests conducted by employers for 2019 must equal at least 25 percent for drugs and 10 percent for alcohol. These are the same rates required in 2018.

Click [here](#) to read PMAA's Regulatory Report.

Supreme Court Rules Yakama Nation Exempt from Paying Fuel Taxes

On Tuesday, the Supreme Court ruled 5-4 that fuel taxes are not owed by a business owner of the Yakama Native American Tribe that is located in Washington state. Justice Neil Gorsuch voted along with the four more liberal justices in favor of tribal treaty rights in a case between the Washington Department of Licensing and the Cougar Den gas station in White Swan on the Yakama Reservation.

The legal case that began in 2013 ended with the determination that the Cougar Den business owner did not owe the state more than three million dollars in fuel taxes. Specifically, an 1855 treaty between the Yakamas and the U.S. exempted the tribe from paying state fuel taxes, even for fuel imported from elsewhere to be sold on the reservation. The case was founded on gas that the Cougar Den brought in from Oregon. The case was based on the interpretation of a "right to travel" clause in the Yakama Treaty of 1855, and the justices interpreted the clause to mean Cougar Den is free to move its fuel in and out of the reservation.

President's Budget Plans to Eliminate LIHEAP and Weatherization Assistance

While reference to LIHEAP was not in the President's Budget that was released last week, there is confirmation in one of the supplemental documents that were released yesterday would once again eliminate the Low-Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance and State Energy Program. Fortunately, the President's budget is dead on arrival in Congress.

In recent years, the LIHEAP program has provided more than three billion dollars annually to states in support of their fuel assistance programs. WAP works to ensure the health and safety of low-income and middle-class households by increasing the energy efficiency of their homes

and reducing energy costs. Through weatherization improvements and upgrades, households save on average \$283 or more every year.

PMAA is a participant in the National Energy and Utility Affordability Coalition (NEUAC) which urges Congress to fully support LIHEAP funding.

EPA Issues More Small Refinery Waivers

Recently, the EPA approved five additional small-refinery exemptions from the 2017 compliance year under the RFS. The five new exemptions increased the volumes of gasoline and diesel fuel exempted from the RFS in 2017 and boosted the number of exempted RIN credits. The announcement was immediately met with opposition from biofuel groups which argue that the refinery waivers indirectly reduce the ethanol mandate and drive down RIN values, therefore, weakening the market for E15. Biofuel groups have urged the EPA to account for the biofuel gallons lost due to small refinery waivers by increasing the ethanol mandate as part of the upcoming reset of the RFS.

Click [here](#) for more information.

PMAA Urges Congress to Suspend the 2020 and 2021 Health Insurance Tax

PMAA joined other members of the “Stop The HIT” Coalition last week in sending a [letter](#) to House and Senate Leadership, urging Congress to suspend the Health Insurance Tax (HIT) for 2020 and 2021.

Coalition members stressed that Congress suspend HIT as part as the current tax extenders package or other must-pass legislation. Doing so will provide cost-savings relief and continued stability for small business owners and their employees, seniors and consumers struggling under the weight of rising healthcare costs. Congressional action for 2020 and 2021 can provide families nearly \$1,000 in savings on their premiums over the next two years.

There is broad support for HIT relief across the country and on Capitol Hill. HIT relief legislation has been introduced in both the House and Senate on a bipartisan basis since 2013 and has been signed into law by both President Obama and President Trump. Current suspension legislation (S.172) is sponsored by Senators John Barrasso (R-WY), Cory Gardner (R-CO), Tim Scott (R-SC), Jeanne Shaheen (D-NH), Doug Jones (D-AL) and Kyrsten Sinema (D-AZ) and H.R. 1398 is sponsored by Reps. Ami Bera (D-CA), Josh Gottheimer (D-NJ), Jackie Walorski (R-IN) and Kenny Marchant (R-TX).

President’s Proposed Climate Security Commission Receives Substantial Support

On Monday, 100 plus organizations and individuals sent a letter of support for the proposed President's Commission on Climate Security. The Commission would be directed by Dr. William Happer of the National Security Council staff and would consist of a small number of experts on climate-related science and national security. It would conduct a transparent, independent, high-level review of the Fourth National Climate Assessment and other official reports relating to climate and its implications for national security.

According to the supporters of a Commission, "Serious problems and shortcomings have been raised repeatedly in the past by highly-qualified scientists only to be ignored or dismissed by the federal agencies in charge of producing the reports. Among major issues that have been raised and that we hope the commission will scrutinize: the models used have assumed climate sensitivities to CO2 concentrations significantly higher than recent research warrants; the models used have predicted much more warming than has actually occurred; predictions of the negative impacts of global warming have been made based on implausible high-end emissions scenarios; the positive impacts of warming have been ignored or minimized; and surface temperature data sets have been manipulated to show more rapid warming than has actually occurred. An underlying issue that we hope the commission will also address is the fact that so many of the scientific claims made in these reports and by many climate scientists are not falsifiable, that is, they cannot be tested by the scientific method."

Further, "The conclusions and predictions made by these reports are the basis for proposed energy policies that could cost trillions of dollars in less than a decade and tens of trillions of dollars over several decades. Given the magnitude of the potential costs involved, we think that taking the insular processes of official, consensus science on trust, as has been the case for the past three decades, is negligent and imprudent. In contrast, major engineering projects are regularly subjected to the most rigorous and exhaustive adversarial review."

Signers of the letter also suggested that the National Academies of Science and Engineering would be appropriate bodies to conduct an initial review of the Commission's report.

New Mobile Bidding for DC 2019 Silent Auction

Auction Items Needed!

We look forward to spending time with you during the PMAA DC May Conference and want to let you know about our new format for the Annual Silent Auction and Raffle.

This will be our first year with C2Auctions. They will be organizing the PMAA Small Business Committee (SBC) PAC Silent Auction and the Raffle during our PMAA Day on the Hill Conference. All PMAA members will be eligible to participate from anywhere in the United States as long as they download the C2Auction App on their mobile phone. We will provide a mobile link to all PMAA Association Executives prior to the event.

The purpose of mobile bidding is to make the PMAA SBC PAC Silent Auction more profitable by notifying bidders the instant they are outbid. A notification informs the bidder that they are no longer winning, and to increase their bid or begin bidding on a new item. The ability to react in real-time means more bids and more PAC funds.

Last year, there was tremendous support in contributions for the auction and PMAA SBC PAC Co-Chairs Brad Bell and Tim Keigher urge your participation this year as well! Brad and Tim wish to remind you that donations can include use of personal vacation properties.

The Auction will take place in conjunction with PMAA's Washington Conference on May 8 during the welcome reception. If you have items that you would like to contribute for the Silent Auction, please contact [Sabrina Pitcher](#) or 703-351-8000.

Kelley-Amsden Confers on Range of Topics at 2019 Federated Insurance® Advisory Council Meeting

Nineteen business leaders, including Val Kelley-Amsden from Kelley Fuels, Inc. in Shakopee, MN and member of the Petroleum Marketers Association of America, gathered in Scottsdale, Arizona on February 22 and 23 to participate in the 2019 Federated Insurance Advisory Council Meeting. In its 30th consecutive year, the meeting gave industry leaders an opportunity to converse about challenges facing their businesses.

On the first day, council members discussed the importance of building and maintaining a "risk management" culture within their organizations, as well as the importance of attracting and retaining talented employees to assist in reinforcing the culture. Additionally, there was education on insurance and risk management strategies. Day two's agenda addressed continuing the business culture for future generations through succession and estate planning. Attendees also provided feedback and input on current and proposed product offerings.

"We appreciate our Advisory Council members as they provide vital, industry-specific insight," commented Jeff Fetters, Chairman and CEO of Federated Insurance. "Their contributions help us to deliver value to our clients, making them more successful, which is at the heart of our Mission Statement."

Founded in 1904, Federated Insurance is a national insurance and risk management organization that serves the property, casualty, and life insurance needs of clients in select industries. The organization has more than 500 recommendations from state, regional, and national associations and buying groups and is rated A+ (Superior) by industry analyst A.M. Best®.

At Federated Insurance, It's Our Business to Protect Yours.®

FIS and Worldpay Merger Announced on Tuesday

It's an exciting week for Worldpay. On Tuesday morning, we announced that we are combining our company with [FIS](#)[™]. Headquartered in Jacksonville, Florida, FIS is a global leader in financial technology with a focus on payments and banking solutions that empower retailers, financial institutions, capital markets and businesses worldwide.

Bringing our two companies together will create a single company that can offer a customer-driven combination of scale, global presence and the industry's broadest range of global payment solutions—from issuing to acquiring, online and offline, and traditional to integrated payments.

As a combined organization, we will bring the most modern solutions targeted at the areas driving your growth opportunities. The value of our combined expertise and product portfolio will set the new bar in our industry.

Over the next several months, we will continue our efforts of the continued conversion of moving merchants over to the new platform and shutting down our heritage Atlanta platform as planned.

For now, it's business as usual. You are counting on us for the world-class service and support that you've come to expect, and that's what we will continue to deliver. We'll keep you informed as the combination is finalized, which we expect to be complete by the end of this year.

Should you have any questions, please reach out to your designated Worldpay Account Manager or PMAA's Worldpay Enterprise Relationship Manager, [Glenda Preen](#) at 972.325.1801. Worldpay is a PMAA Corporate Silver Partner and Vendor.

Partner Sponsorships for Washington Conference Filling up Fast!

PMAA wants to give a huge THANK YOU to our current Washington Conference 2019 Partner Sponsors: Federated Insurance, Renewable Energy Group, RAI Trade Marketing Services Company and Spirit[®] Petroleum!

We appreciate the loyalty and support of each of our PMAA Corporate Partners and their continuous commitment to the petroleum industry. For more information on our Partner Programs and / or to be a Washington Conference Partner Sponsor, please contact [Susan Isard](#).

Federated Insurance: Risk Management Corner

Data Breach Management: Preparation is Key

In the event of a data breach, your level of preparedness will make a significant difference in your ability to recover. There are four key components of data breach management to consider for your business.

To find out about these key components and how to establish a Crisis Management and Response Plan, please click [here](#). For additional information or to discuss further, please contact your Federated regional representative or PMAA's National Account Executive Jerry Leemkuil at 800.533.0472. **Federated is a PMAA Corporate Platinum Partner.**

PMAA Platinum Partner Spotlight Featuring: Meridian Associates, Inc.

Super Speedy Collections Via 100 Percent EFT by Betsi Bixby

Every single customer on EFT (Electronic Funds Transfer). Does this sound like a pipe dream? It's not. Some Meridian clients have been able to convert *all* existing customers to EFT and most have instituted mandatory EFT terms for all new customers. The result has been a tremendous boost in company cash flow. Some report they are even collecting customer cash BEFORE supplier payable due dates!

It's not as difficult as you may think. To find out the steps, please click [here](#).

To learn more about **PMAA's Corporate Platinum Partner, Meridian Associates**, please [visit](#) or contact them at 800.728.9005.