



September 15, 2023

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### **Capitol Hill Update – Urge Senators to Support the Credit Card Competition Act!**

As stated in previous updates, Congress has a hefty to-do list this September and into the fall. However, with the House and the Senate back in DC this week, there was little progress to advance these must-do tasks.

At the top of the to-do list is government funding, which many Senators and Representatives are using as a vehicle to advance priority legislation. On Thursday, Senator Roger Marshall (R-KY) said he would hold up consideration of a Senate spending package unless it includes his, and Senator Dick Durbin's (D-IL), Credit Card Competition Act. "The American taxpayer deserves a vote on this," Marshall said this week. "Visa, Mastercard are getting ready to raise the rates again on people. I mean, they're totally tone-deaf. So, I think that politically it's the right time. I think that we can win the vote."

EMA urges you to reach out to your Senators and ask them to VOTE YES on the "Credit Card Competition Act" (S. 1838), which would ensure retailer choice in payment routing by requiring at least two unaffiliated processors on credit cards-- the same process that is currently used for debit card transactions. The fuel retail industry is one of the most competitive industries in America, where a one-penny difference on a large sign can determine where customers choose to fill up. While there are nearly a dozen independent networks equipped to route transactions, the dominant networks (VISA and Mastercard) have prevented networks from competing in the credit card space, limiting the choice. This bill would reduce swipe fees and allow retailers a choice of network to handle the transaction through competition which would save Americans and businesses around \$15 billion in swipe fees per year. Our industry's share of that comes to around \$9,000 per store per year.

[\*\*CLICK HERE TO URGE SENATORS TO SUPPORT THE CREDIT CARD COMPETITION ACT\*\*](#)

On Wednesday, the House Energy and Commerce Committee considered two bills aimed to prohibit the Secretary of Energy from changing energy conservation standards for products that is not cost-effective and technologically feasible, such as the case for heating oil boilers and furnaces and other household appliances. While climate advocates continue to push for increased standards to promote wholesale electrification, House Republicans and moderate

Democrats are holding their ground and providing a check on President Biden's executive authority.

As reported in EMA's News from Capitol Hill yesterday, the House of Representatives approved the "Preserving Choice in Vehicle Purchases Act" (H.R. 1435) to protect Americans' freedom of choice when purchasing vehicles. The bill passed on a bipartisan vote of 222 – 190. Eight democrats supported the bill: Representatives Caraveo (CO), Costa (CA), Cuellar (TX), Davis (NC), Golden (ME), Higgins (NY), Perez (WA), and Vasquez (NM). EMA and its 48 state and regional trade associations supported this bill in a letter to Capitol Hill yesterday. The legislation would reject California's request for a Clean Air Act (CAA) waiver to require 100 percent of all new light-duty vehicle sales to be electrified by 2035 in the state.

Looking ahead, government funding will remain a top priority as we near September 30, 2023, and the end of the federal fiscal year. Thus far, House Republicans cannot agree on a pathway forward and Speaker Kevin McCarthy (R-CA) may be forced to cross the aisle to secure a few Democratic votes in an effort to avoid a government shutdown.

### **House of Representatives Passes Bill to Deny the "California Car Mandate"**

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The legislation would reject California's request for a Clean Air Act (CAA) waiver to require 100 percent of all new light-duty vehicle sales to be electrified by 2035 in the state. Every American will be impacted by this ban, whether they are in one of the 17 states that copies California vehicle laws or whether they are a consumer looking to buy an affordable new pickup truck in the next few years. This would constitute 40 percent of the entire nation's new car sales. Specifically, the Preserving Choice in Vehicles Purchases Act would restrict the EPA from issuing any waiver for new regulations that would ban the sale or use of new motor vehicles with internal combustion engine vehicles (ICEVs). Preserving consumer choice is critical to maintaining competition in the automotive markets and ensuring all Americans have access to reliable, clean and affordable vehicles.

"The Energy Marketers of America (EMA) is concerned with California's ban on the ICEV because it would limit consumer choice on cleaner greener ICEs, increase Americans' utility bills to subsidize a massive expansion of the electric grid for EV charging and threaten the viability and jobs of small business energy marketers around the country, whether they deliver gasoline

and diesel or renewable fuels like ethanol, biodiesel and renewable diesel,” said EMA President Rob Underwood.

### **Challenges to Car Emission Rules Heard by DC Circuit**

The D.C. Circuit Court of Appeals heard oral arguments yesterday on EMA, other business groups, and state challenges to EPA’s greenhouse gas emissions standards for light-duty vehicles for 2023 and later model years and the National Highway Traffic Safety Administration’s fuel economy standards for model years 2024-2026. The appeals court is hearing oral arguments today on challenges to EPA’s Clean Air Act waiver to set strict tailpipe emission standards for greenhouse gas emissions. EMA is a petitioner in today’s case.

The oral arguments regarding EPA’s tailpipe emission standards focused on whether EPA and the other petitioners’ arguments are properly before the court and whether EPA’s rule is authorized under Section 202 of the Clean Air Act, and whether the Supreme Court’s “major questions” doctrine applies. The three-judge panel asked a lot of hard-hitting questions, especially on the major questions doctrine. Even though skeptical of EPA’s denial that its rule was an electric vehicle mandate, the Trump-appointed judge expressed doubt that the Agency’s rule broke new ground, thereby invoking the major questions analysis.

The oral argument on NHTSA’s fuel economy standards covered Energy Policy and Conservation Act preemption issues and arguments that NHTSA improperly considered factors such as the fuel economy of electric vehicles and plug-in hybrid vehicles. EMA filed a “friend of the court brief” in this case supporting the state and industry petitioners.

Today’s argument over the California waiver before a different three-judge panel involves state arguments that the State’s greenhouse gas emissions standards are unconstitutional and EMA and industry arguments that EPA improperly approved the California program aimed at global climate change, rather than State standards needed to address local pollution issues in California.

“Besides the labor news coming out of Detroit and the House-passed bill to prevent banning the sale of internal combustion engines, it’s been a busy week here in Washington, DC,” said EMA president Rob Underwood. “It has been a collision of interests over whether the Biden administration’s car rules are illegal and economy-wrecking.” “The Court fights likely will be taken up next year by the Supreme Court,” Underwood added.

### **EMA Urges Support for the Northeast Gasoline Supply Reserve**

On Thursday, EMA sent a letter to the Senate Appropriations Subcommittee on Energy and Water Development asking them to reconsider closing the 1-million-barrel Northeast Gasoline Supply Reserve (NGSR) in the FY 2024 spending bill. The Department of Energy (DOE) created the NGSR in 2012 following Superstorm Sandy’s catastrophic damage to refineries and terminals in New York harbor. EMA urged the Senate Appropriations Committee to reconsider

closing the NGRS and increase the Northeast Home Heating Oil Reserve's (NEHHOR) storage capacity from one million to two million barrels. Both of these emergency reserves were created to buy time for industry to respond to supply disruptions which fuel state and local governments, hospitals and first responders after disaster strikes.

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

### **NFPA EV Charging Update**

The NFPA membership at the Technical Meeting in June approved an amendment submitted by National Electrical Manufacturers Association (NEMA) that deleted the EV charging requirements proposed by the NFPA 30A Technical Committee. Under the NFPA standards development process, the NFPA 30A Technical Committee is required to determine whether to accept or reject the amended text for inclusion in the next edition of the standard. In early July, the Technical Committee voted not to accept the NEMA proposed text. On July 15th, however, ChargePoint submitted an appeal requesting that the NFPA Standards Council overturn the results of the Technical Committee vote and require the NEMA text be included in the next edition. On August 25th, the Standards Council voted to deny the appeal by ChargePoint. As a result, there will be no references to EV charging in the next edition of NFPA 30A.

Based on questions raised by ChargePoint in its appeal regarding the committee scope, knowledge and competency, the Standards Council requested NFPA staff to convene a task group of NFPA 30A, NFPA 70, NFPA 385 (tank vehicles), and NFPA 855 (battery storage) technical committee representatives to determine which technical committee is responsible for which aspects of EV charging at motor fuel dispensing facilities and repair garages and recommend scope changes and Tentative Interim Amendments (TIA), if needed. The removal of EV charging requirements from NFPA 30A, however, does not change the existing requirements in NFPA 30A related to electrical wiring and electrical utilization equipment which includes EV Chargers and related equipment within classified areas. NFPA 30A and fire codes define classified areas around gasoline dispensers, tanks and vents and other flammable liquids and gases. In addition, the National Electric Code (NFPA 70) defines requirements for Electric Vehicle Power Transfer Systems. Contractors and electricians that construct or maintain fueling sites should be very familiar with these requirements.

### **EMA Members Code for NACS Show 2023 Registration**

Please register for the 2023 NACS Show in Atlanta, Georgia from October 3 – 6 and use the EMA NACS Show Registration Code below.

**EMA Registration Code**

**EMANS2023**

**CLICK HERE TO REGISTER FOR THE NACS SHOW!**

Questions registering? Contact NACS Show registration customer service at [nacs@maritz.com](mailto:nacs@maritz.com) or 469-513-9489, Monday-Friday, 9:00 a.m. – 5:00 p.m. EST, for assistance.

## **Announcing Our Fall Meeting Speakers!**

EMA is pleased to announce the following speakers to address energy marketers attending EMA's Fall Meeting at the NACS Show.

The Motor Fuels and Heating Fuels Committee will feature **Jeff Carpenter of Higher Blends Infrastructure Incentive Program (HBIIP)** and **Reo Menning of RINAlliance**. The Heating Fuels Committee will also feature **Michael Devine of National Oilheat Research Alliance (NORA)**. The Convenience Store Committee will feature **Amber Moore of Altria Group Distribution Company** and **Chris Semrau of Worldpay from FIS**. The Board of Directors Meeting will feature **Derek Rush of bp pulse US** and **Kyle May of Reynolds American Inc.**

**Altria Group Distribution Company and Reynolds American Inc. are EMA Board of Directors Council Partners.** **BP is an EMA Corporate Platinum Partner.** **Worldpay from FIS is an EMA Corporate Silver Partner.** **RINAlliance is an EMA Corporate Bronze Partner.**

Speaker information is available [here](#).

## **2023 Energy Marketers of America Small Business PAC Raffle**

### ***Purchase Your Tickets for an Opportunity to Own An 11-inch iPad Pro 256GB***

Purchase your EMA Small Business Committee PAC raffle tickets now for a chance to win an 11-inch iPad Pro. iPad Pro features the powerful Apple M1 chip with next-level performance and all-day battery life. The Liquid Retina display on the 11-inch iPad Pro is not only gorgeous, but super portable. And a front camera with Center Stage keeps you in frame automatically during video calls. iPad Pro has pro cameras and a LiDAR Scanner for stunning photos, videos, and immersive AR. Thunderbolt for connecting to high-performance accessories. And you can add Apple Pencil for notetaking, drawing, and marking up documents, and the Magic Keyboard for a responsive typing experience and trackpad. iPad Pro is the ultimate iPad.

The process of the raffle will benefit the EMA SBC PAC. The money distributed to the PAC is used to benefit federal legislators who support the industry and have a solid record on key industry legislative issues.

Tickets are \$25 each or five for \$100. Advanced tickets are available until September 28. Ticket sales will continue at EMA's conference in Atlanta, Georgia until the drawing on October 3. Tickets can be purchased with personal funds only by MasterCard, VISA, American Express, cash (cannot exceed a \$100) or check (checks should be made out to the EMA SBC PAC). To purchase tickets before September 28, please email completed [PAC Raffle flyer](#) to [Sabrina Pitcher](#) or 703-351-8000.

## Weekend Reads

[Even Transportation Secretary Pete Buttigieg Can't Find a Reliable EV Charger | Wall Street Journal](#)

[Biden attacks again in his war on oil, but rising gas prices will bite him back | The Hill](#)

[How Big Oil's wastewater could fuel the EV revolution | E&E News](#)

[Congress is right to challenge the Biden administration's vehicle bans | Washington Examiner](#)

[US East Coast scrambles for distillates ahead of refiner maintenance | Reuters](#)

### **Federated Insurance: Risk Management Corner** ***Keeping Up with Hazard Communication***

If your organization produces, transports, and uses hazardous chemicals, it is important to **train employees** to interact with these substances safely because failing to use and store hazardous chemicals correctly could lead to dangerous health side effects or even contribute to a workplace fire.

Brush up on your HazCom knowledge by clicking [here](#). 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. **Federated is a Partner in EMA's Board of Directors Council.**

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

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### **EMA Platinum Partner Spotlight Featuring: Meridian Associates, Inc.** ***How Much Drama Are You Tolerating in Your Business? By Betsi Bixby***

No matter how successful you are, or how awesome your business is, I can guarantee there is still unnecessary drama you continue to tolerate. How do I know this? Because in working with hundreds of high-performing Petro companies, there is not a company without some sort of drama, from as petty as office workers who don't get along to major accident and safety issues.

Now here is a little hard truth – Drama, no matter how benign or severe, is a symptom of dysfunction in your business. It will continue unless you decide it must stop. Yes, you're tolerating things you need to address. The nicer a person you are, the more you tolerate!

Click [here](#) to read about common Petro drama and its cures.

To learn more about [EMA's Corporate Platinum Partner, Meridian Associates](#), please [visit](#) or contact them at 817-594-0546.

### **Check Out *EMA Summer Journal* Online**

*EMA Summer Journal* is the current issue [online](#). *EMA Journal's* Fall issue can be retained as a reference guide year-round by our members and you can take [the digital edition](#) with you wherever you go. Scroll to select the articles that catch your eye, then share the content with the icons at the top of your screen. Archived covers are handy on the left side of your browser or use our convenient search feature to find a specific topic. If you prefer to read with pages that flip, select "page view" from the menu bar for a classic page-turner.

Earlier this year, the *Journal* adjusted to three issues per year, making it [even easier and more affordable](#) for our members and industry supporters to find and connect with each other. For information on marketing to our members, please call 844.423.7272 or email them at [advertise@innovativepublishing.com](mailto:advertise@innovativepublishing.com). **Ads for Fall Issue 2023 advertising – featuring EMA's Annual Directory - are due by TODAY, September 15, 2023. You will want to be sure to advertise in this issue which is referenced year-round** and is expected to be available in November 2023.