

AT THE PUMP & DOWN THE AISLE

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FUEL , FOOD & CONVENIENCE



November 2015

Number 655

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Happy Thanksgiving

Providing Life's Essentials to West Virginia - Fuel, Food and Convenience.

Value...

one way we stand out!



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From the President ...



With legislative interims being hosted in Charleston this month, we've really begun to focus on the Legislative Session which begins January 13th.

This will be a busy session where we will work on many issues important to us, i.e. aboveground storage tank rules, Unfair Trade Practices Act, tobacco (and possibility other) taxes and legal reform. We hope that you will become involved in the process. If you have an issue that you would like for us to become involved with please let us know. We are here to represent you.

Last session we were very pleased that most of the session focused on legal reform. Our legislative leaders really delivered. It appears that this session much of the focus will be on the state's regulatory environment. The Leadership has requested our help in determining what areas and specific laws need to be addressed. We would like for you to look at the agencies that you deal with, specifically review regulations that you think are either a) overly burdensome, b) unclear, or c) flawed. Soon you will receive a brief survey from us regarding regulatory reform,

which we hope you will take the time to complete.

Please mark your calendar for our Legislative Day and Reception on February 17th, which will be held at the Capitol and the Governor's Mansion. You will receive more details after the first of the year.

We urge you to get involved in the elections as well. We need candidates who support our issues. If you have not yet done so, please consider donating to the OMEGA PAC. Our PAC helps our industry a great deal.

It's hard to believe that it is almost Thanksgiving. In this season of gratitude, Traci, Ryan, Sarah, and I want to take this opportunity to thank you for your membership in the Association. We appreciate the support that you give us and the trust you place in us throughout the year.

Happy Thanksgiving to you, your family and your employees.

Jan

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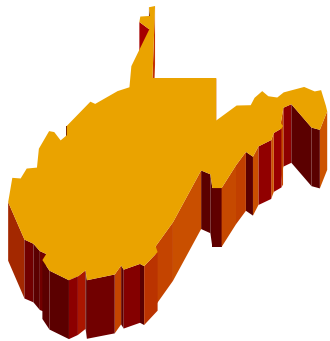
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West Virginia News

Downturn in Energy Prices Impact West Virginia's Revenue Collections

The downturn in energy prices continued to have a dramatic impact on West Virginia's revenue collections. The October revenues were \$23.8 Million below projection and now the year to day collections are \$91.6 Million below projection. The biggest drag remained severance taxes and there is apparently no end in sight.

More than 100 percent of the October shortfall was blamed on severance taxes according to Deputy Revenue Secretary Mark Muchow. The latest data comes from the end of September and coal severance revenues were down 41 percent for the year. Officials say however that was only part of the story. Natural Gas severance revenues were down more than 35 percent, oil severance was down 59 percent from the 2014 levels, and all other natural resources severance revenues were down 68 percent.

Muchow said the rest of the revenue sectors for October were relatively flat.

Bob Kiss, State Revenue Secretary has stated that another pressing matter once lawmakers come into regular session in January will be more rapid approval of expiring revenues sources. He said without the quick approval it's possible the state could face a cash flow problem as early as late January or early February.

WV Senate President & House Speaker Honored for Civil Justice Reform

During the 2015 West Virginia legislative session, Senate President Bill Cole and House Speaker Tim Armstead (above left) led the effort to enact numerous landmark legal reform laws. Reforms that many thought were impossible to ever pass in the Mountain State. Last week, the two legislative leaders received the 2015 State Legislative Achievement Award at the U.S. Chamber Institute for Legal Reform's 16th Annual Legal Reform Summit in Washington, DC.

"Tim and I might be the ones listed for this award, but we take our hats off to the Legislature. We all worked hard on these bills and they passed with bipartisan support to move our state forward," explained President Cole.

Speaker Armstead added, "We have a good team, and we all rolled up our sleeves and went to work. We knew this was an area holding our state back. Our chief goal is to put people back to work and this is an area that has a true impact on how many jobs are in our state ... more than what most people realize."

Morgantown Joins 5 Other W.Va. Cities to Levy 'User Fee' on Workers

After an hour of public comments, mostly opposed to a proposed user fee, the Morgantown city council approved a \$3 weekly charge on employees who work inside the city limits.

Morgantown's user fee - similar to those that have been in place in Huntington, Charleston, Fairmont, Weirton and Parkersburg—is predicted to raise \$4.6 million annually. That number is based on annual \$156 collections from the 30,000 people recent census statistics revealed work in Morgantown.

The fee, formally named the Safe Streets and Safe Community Service Fee, will be distributed to pay for street resurfacing and improvement, public works personnel, street maintenance equipment, police protection personnel and retention and police equipment.

State Home Rule Board Approves Amendment for Several WV Cities

The city of South Charleston will impose a 0.5 percent increase in the city's sales tax raising the tax up to 1 percent for all city residents by next year. It will generate approximately \$4.3 million in additional revenue according to City Attorney Michael Moore. Their plan also includes an annual reduction of \$366,263 in the city's business and occupation tax for utilities. The plan will be submitted to city council for a first reading on Dec. 3 and a second reading on Dec. 17. A final approval could be made at the time of the second reading. If approved, Moore said the tax would be implemented July 1, 2016.

The board also approved a one percent sales tax increase for the city of Bridgeport.

Elkins' plan to permit the city to participate in the Home Rule program was approved by the board except for one section of the amendment that dealt with the purchase of dilapidated properties.

The plan will be submitted to city council for a first reading on Dec. 3 and a second reading on Dec. 17. A final approval could be made at the time of the second reading.

If approved, Moore said the tax would be implemented July 1, 2016.

Legislative Interims and Tax Reform Update

As we go to press the last legislative interims are being held at the Capitol. Top issues are Right to Work, pooling and AST rules.

AST Rules

We have had a preliminary meeting on the AST rules and are happy with our progress. Many changes have been made to make the rules easier to comply with and less stringent than originally drafted. The Legislative Rules Committee meets on Wednesday, November 18th, for the final work on these and other rules. We will update members after that time. We know that in the session starting on January 13th that we will once again spend a great deal of time on AST's. Even if we agree in the Rules Committee we know that we will still have to pass through two committees in each House and then on the floor.

Workforce Freedom

A hearing was held on Right to Work to a packed committee room on Sunday, November 15th. The arguments for and against were made.

WVU economics researcher John Deskins reported his findings in relation to the differences between right-to-work and non-right-to-work states. Some of those are as follows:

- ◆ States with right-to-work promote a worker's right not to be required to join a labor union.
- ◆ Output has grown a lot faster in our Right to Work states compared to non-Right to Work states," Deskins said. "What we're estimating is Right to Work lowers memberships about one-fifth; from 10 percent average down to about 8.1 percent.
- ◆ The study found that employment growth in manufacturing, construction and mining sectors has specifically been stronger in Right to Work states compared to non-right-to-work states.
- ◆ After looking at 48 states over two decades, we find that right-to-work does decrease union membership by about one-fifth, it does increase employment growth and it does increase output growth.

Twenty-five states have right-to-work. The closest state to West Virginia that does have right-to-work laws is Virginia. Ohio and Kentucky have had similar discussions on whether to implement such laws.

(Continued on Page 6)

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A new poll, conducted by Norman Analytics & Research on behalf of the newly launched West Virginia Workplace Freedom Coalition, an initiative of the West Virginia Business & Industry Council, found that 57 percent of West Virginians would support a law which lets workers keep their job in a company regardless of whether or not they join a labor union.

The study, conducted between Sept. 17-23, found registered independents are the most supportive of right-to-work or Workplace Freedom legislation, with over 77 percent favoring such a law in West Virginia. Sixty-one percent of republicans and 49 percent of democrats surveyed support the legislation.

These results are in line with similar polls conducted in West Virginia recently demonstrating broad based support for passage of a Workplace Freedom law. The poll can be found online at www.protectwvfreedom.com.

Tax Reform

The committee met for the last time in October. No additional meetings are planned.

The committee aims to have legislation drafted and ready for the on-set of the session.

Revenue collections projections show that West Virginia will be short approximately \$250,000 for the fiscal year. If we go above this loss a tax increase may be inevitable.



BrickStreet Discount Program

Effective March 1st, our discount is 2.3% on workers' compensation premiums through BrickStreet. Have you checked with your agent to see if you qualify?



Federal Issues

A New Speaker of the House

On October 28th, the House republican caucus formally voted to make House Ways & Means Committee **Chairman Paul Ryan** the GOP nominee for Speaker of the House following John Boehner's resignation. The full House followed suit with the formal floor vote. Ryan received only token opposition from the most conservative wing of the republican party.

Joint Employer Legislation

Recently, the House Education and the Workforce Committee marked up H.R. 3459, the Protecting Local Business Opportunity Act, sponsored by the Committee's Chairman, Congressman Kline (R-MN). The bill seeks to roll back the National Labor Relations Board's (NLRB) recent changes to the definition of a joint employer, which came as a result of the Browning-Ferris court case.

Senator Lamar Alexander (R-TN) is the lead sponsor of the companion bill in the Senate, which has not yet been scheduled for markup. The bill was favorably reported to the House floor for consideration by a vote of 21-15.

Small Business Healthcare Relief Act Gaining Bipartisan Support

Senators Charles Grassley (R-IA), Heidi Heitkamp (D-ND), Congressmen Charles Boustany (R-LA) and Mike Thompson (D-CA) have recently introduced bipartisan legislation (S.1697 and H.R. 2911) referred to as the Small Business Healthcare Relief Act (SBHRA).

As a result of a September 2013 guidance issued jointly by the Department of Treasury, Health and Human Services, and the Department of Labor, small business owners have been limited in their ability to use stand-alone health reimbursement arrangements (HRAs) to assist employees with out-of-pocket health insurance and healthcare costs.

If passed, the SBHRA will ensure small business owners can use Health Reimbursement Arrangements to assist employees with out-of-pocket health insurance and healthcare costs. The proposed legislation introduces a Small Employer Health Reimbursement Arrangement (SE-HRA) that would:

- ◆ Allow small employers to use tax-advantaged funding to assist employees with their out-of-pocket individual health insurance and related medical costs; and
- ◆ Provide exemptions from current compliance requirements and associated penalties.

The SBHRA will provide relief to small business employers by expanding affordable healthcare options, easing the burden of healthcare related administration, and allowing employers to remain competitive for purposes of recruitment and retention. It was also benefit employees by affording them the flexibility and cost savings to personally choose the most appropriate health plan for their unique healthcare needs on the individual market. In the past week, the bill has gained seven new co-sponsors in the House.



HR Question of the Month

Question: One of my staff went almost 7 whole days without clocking in or out on our web-based time card system. She said it was her computer but it mysteriously started working the day after my accounting person pointed it out to her. We've been unhappy with her work performance and reliability (late almost every day). I want to start documenting for when we do let her go so there is no recourse for her to file. Her supervisor wants to try to avoid paying unemployment, if that is even possible. I have one item in her file already from last October that we had her sign regarding her tardiness. Do you have advice on what I should do to document to her file? She is not in any of the protected classes as far as I am aware. Does she have to sign the warning for it to be official or can I just tell her I put a note her in file?

Answer: We are delighted to offer general guidance in terms of how the employer should go about documenting an employee's performance and/or conduct issues. Generally, when documenting disciplinary action, the employer should (a) identify the performance or conduct that is unsatisfactory or deficient; (b) notify the employee of what needs to improve (and if there is a timetable, what that is -- although the employer should avoid any language that is or could be construed as contractual); and (c) what the consequences will be if the employee does not make and sustain the requisite improvement needed. Ultimately, a write-up or written warning should make clear that although it is intended to bring about necessary improvement so that the employee can remain a productive member of the organization, it should not deteriorate the at-will nature of the employment relationship (assuming it is already at-will and that there is not any other progressive disciplinary policy governing the situation), and that the employer can still terminate employment at-will (just as the employee can quit at-will, too).

The important thing to keep in mind is that when disciplinary action is issued, whether it is verbal or written, it should be clear and consistent with how the employer has addressed performance deficiencies or conduct issues in the past in similar situations, to avoid discrimination claims. The employee can and should be asked to sign written disciplinary documents and can receive a copy of it, with the original being placed in his or her personnel file. Employees who refuse to sign it can be disciplined or discharged if that is consistent with policy/practice; either way the employer can note "refused to sign" on the form or document if that is the case.

When it comes to eligibility for unemployment compensation benefits, generally, employees who are terminated for performance issues or simple policy violations may be awarded benefits. Determinations for an award of benefits, however, are made on a case-by-case basis by the hearing court officer.

For additional information or to discuss this in further detail, please contact your Federated regional representative or Austin Bond at 913.980.8790.

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YOUR
good news!

Have some good news to share?
Let OMEGA know and you may be featured
in our next newsletter!



Convenience Store News

NACS Board of Directors Makes Decisions on Legislative Issues

During the NACS Board of Directors meeting at the NACS Show, the Board of Directors met and provided guidance on several important issues - synthetic drugs, E15, and tolling on federal highways.

The Board of Directors decided to support legislation that would expand EPA's current waiver related to their regulations on the Reid vapor pressure (RVP) of E10 to also include E15. Currently, E15 is not allowed to be sold after June 1 through the summer months because it increases the RVP of the base gasoline (although less so than does E10) and does not get the 1 PSI waiver. Retailers who want to sell E15 view this prohibition as one of the leading barriers to expanding E15 sales. NACS fuels policy in general has been to oppose fuel mandates and advocate to tear down barriers to selling particular fuels and allow the marketplace to determine what fuels should be sold. Retailers sell the fuels that consumers want to buy. This legislation remains consistent with our fuels policy and does not promote one fuel over another; it puts E15 on the same level playing field as E10 with regards to emissions controls.

On tolling, the Board of Directors also voted to support the Synthetic Drugs Control Act of 2015. This legislation makes it easier for federal law enforcement agencies to go after the suppliers and marketers of synthetic drugs in the United States. Our industry is often mistakenly lumped in with the nefarious retailers and online merchants who sell these dangerous products. Supporting this legislation is just another example of how NACS is taking this issue very seriously and continues to back efforts to eradicate the use of these drugs.

Finally, the Board of Directors also voted to support the Synthetic Drugs Control Act of 2015. This legislation makes it easier for federal law enforcement agencies to go after the suppliers and marketers of synthetic drugs in the United States. Our industry is often mistakenly lumped in with the nefarious retailers and online merchants who sell these dangerous products. Supporting this legislation is just another example of how NACS is taking this issue very seriously and continues to back efforts to eradicate the use of these drugs.

FDA Issues First-Ever No-Tobacco-Sale Order

Recently, the U.S. Food and Drug Administration (FDA) issued its first-ever No-Tobacco-Sale Order (NTSO) against eight retailers for selling tobacco to minors, among other transgressions.

In 2009, The Family Smoking Prevention and Tobacco Control Act amended the Federal Food, Drug & Cosmetic Act (FD&C Act) to give the FDA important new authority to regulate the manufacture, marketing and distribution of tobacco products.

Under the law, the FDA may pursue an NTSO against retailers that have a total of five or more repeated violations of those restrictions during compliance inspections within 36 months. As of October 1, 2015, the FDA has conducted more than 508,000 inspections of tobacco product retail establishments; issued more than 35,700 warning letters to retailers for violating the law; and, initiated more than 5,200 civil money penalty cases.

FDA Submits Tobacco Deeming Regulations to OMB Final Review

Recently, the FDA's Center for Tobacco Products submitted to the White House Office of Management and Budget (OMB) the final deeming regulations on cigars, pipe tobacco, e-cigarettes, hookah tobacco, nicotine gels, and dissolvable products. The submission of the final regulations by the FDA to the OMB is the eighth step in the federal government's nine step regulatory process. As shown on the accompanying chart, Step Eight involves the OMB reviewing final regulations. If the OMB approves the final deeming regulations, then Step Nine requires that the final regulations be published in the Federal Register. Generally, the deeming regulations would be effective thirty days after the date of publication in the Federal Register.

The deeming regulations were first proposed by the FDA in April of 2014. As proposed, the regulations contained two options. Option 1 would regulate all cigars, pipe tobacco, electronic cigarettes, nicotine gels, hookah tobacco and dissolvables, except accessories of a tobacco product. Option 2 would also regulate these six categories of tobacco products, but exempt premium cigars and tobacco product accessories from regulations. Exempt accessories would include such items as lighters, cigar cutters, humidors, cases, and hookah accessories.

Nine Regulations: Under the deeming regulations, the FDA proposed that nine kinds of regulations already applicable to cigarettes, roll-your-own tobacco and smokeless tobacco products be extended to the six additional product categories, except premium cigars and accessories under Option 2.

The nine regulations include the following:

1. Manufacturers would be required to register each of their tobacco manufacturing facilities with the FDA, and report any harmful and potentially harmful constituents.
2. Manufacturers would be required to submit a list of the tobacco products they produce and a list of ingredients in each product.
3. Modified risk descriptors such as "light," "low," and "mild" could not be used to describe a regulated tobacco product.
4. Free samples of the deemed tobacco products would not be allowed.
5. For electronic cigarettes and other newer novel tobacco products that were not on the market as of February 15, 2007, manufacturers of these products would need to submit a premarket tobacco application (PMTA) to the FDA within 24 months following the effective date of the final deeming regulations. If a PMTA application is filed with the FDA during this 24-month period, then the manufacturer can continue to market its products unless and until the FDA responds to the application. The PMTA process allows the FDA to authorize the introduction of products into the market where appropriate for the protection of the public health and prevent introduction of products that are detrimental to the public health.
6. FDA enforcement actions can be taken against manufacturers whose tobacco products are determined to be adulterated or misbranded.
7. The minimum age to purchase deemed tobacco products would be 18 years old and retailers would be required to verify through photographic identification the legal minimum age of a customer who is younger than 27 years old.
8. A new health warning would be required on all deemed tobacco products, plus all cigarette tobacco and roll-your-own tobacco, and in all advertisements for these tobacco products. This warning would read: "WARNING: This product contains nicotine derived from tobacco. Nicotine is an addictive chemical." This new health warning would not be required for cigarettes or smokeless tobacco products because federal law already requires health warnings on these two products. However, this new health warning would be required on advertisements created by retailers for deemed tobacco products, cigarette tobacco and RYO tobacco.
9. A prohibition on the sale of the deemed tobacco products through vending machines, unless the machine is located in an adult only facility.

NACS Tells Congress Cost of Chip Cards is 'Staggering'

The cost of moving to chip payment card technology meeting the Europay MasterCard Visa (EMV) standards averages more than half of annual profits for convenience stores, a NACS board member told members of Congress.

Jared Scheeler, managing director of The Hub Convenience Stores Inc., testified before the U.S. House of Representatives Committee on Small Business. Scheeler said that his chain of four North Dakota c-stores has to date spent \$134,500 to install store point-of-sale and pump card readers that accept EMV chip transactions. He said the average transition cost is more than \$26,000 per store, compared with an average profit of \$47,000 per year, which brings the total cost to roughly \$3.9 billion for the more than 152,000 c-stores in the United States.

"It does not appear that the card companies took into consideration the realities of operating a small business when they came up with their transition plans," said Scheeler.

He is referring to the card companies' deadlines for shifting responsibility for chip card fraud if it occurs at sites failing to install EMV-compliant equipment. The deadline for this liability shift was Oct. 1, 2015, for in-store point-of-sale terminals. The pump islands have a later deadline of Oct. 1, 2017.

In addition to the direct cost of replacing equipment, Scheeler cited lost management time; payments and lost income due to downtime from required software upgrades; as well the substantial but yet not fully known obstacles of getting equipment programmed and certified by the card companies. Each company requires separate certifications for credit, PIN debit and signature debit, which will be followed by pilot testing and "significant" staff training before EMV transactions can be accepted. Finally, ongoing maintenance and upgrade expenses are expected to exceed \$2,200 per store annually.

Despite these upgrades, Scheeler said c-stores will continue to bear "far more than 100% of the cost of fraud" due to "exorbitant" swipe fees, chargebacks and payments for data breaches.

Moreover, he said the card companies failed to require chip-and-PIN technology, a "simple and very effective security measure" that is promoted abroad and "would substantially reduce fraud losses for everyone, including small business owners." PIN, according to the Federal Reserve, is six times more effective than signature in preventing fraud on debit transactions, a critical advantage to stores with gas pumps where merchants do not see customers.

"As a small business owner, paying for this costly EMV transition and substantial annual fraud costs, I am frustrated that I will not see the fraud relief that I and other retailers could easily get if the networks were making the type of genuine fraud-reduction effort that they have made around the world," he said.

Visa Will Not Pass Savings to Consumers

During a recent House Small Business Committee hearing, a VISA executive refused to consider lowering interchange fees even if fraud is reduced via the new chip technology that retailers are paying for across the nation.

Ranking member Nydia Velázquez (D-NY) said: "I can't help but laugh," in response to a comment by the VISA representative that the company sets its prices competitively.

The credit card market is broken and PMAA continues to fight for lower interchange fees via the Merchants Payments Coalition (MPC) a group of retailers, restaurants, supermarkets, drug stores, convenience stores, gasoline stations and on-line merchants that represent 2.7 million stores with 50 million employees.

Cigarette Sales On the Rise

The Alcohol and Tobacco Tax and Trade Bureau is reporting that cigarette sales are back on the rise. Sales for the first six months of 2015 increased over the same period in the prior year, marking a reversal of a declining trend that began in 2006. Experts think that lower gasoline prices are freeing up dollars for the purchase of tobacco products.

NACS CEO Shares Industry Priorities and Victories

"We've been hard at work developing tools to help you defend and grow your businesses," NACS President and CEO Henry Armour told attendees at the October 13 NACS Show general session.

He shared that NACS is improving the convenience retailing industry by scouting and sharing global best practices, developing programs for members to improve their operations and creating new initiatives to address critical issues and opportunities. He then outlined each of these areas, touching first on global best practices.

"To be successful you need to know what's around the corner—whether that corner is down the street or on the other side of the world. There are no unique issues around world. Sure, each country is different, but those differences are simply the result of being in different phases in the issue life cycle," he said, citing the following examples:

- ◆ In Japan, technologies such as mobile payments are interwoven into the fabric of life and the shopping experience at a convenience store.
- ◆ In Argentina, more than 60% of the transportation fuel is natural gas.
- ◆ In Australia, not only is the cigarette category dark but all cigarette packages are the same plain green with brand names in the same black fonts.

"No matter what country you're in, you can learn so much from looking at what's happening around the world," which is why attendees from more than 60 countries attend the NACS Show. This mindset is also why NACS has dramatically expanded its international portfolio to include Global State of the Industry reports, the February 2016 Global Forum in South Africa and the June 2016 NACS Insight Convenience Summit–Europe, which takes place in both Stockholm and London.

Second, Armour discussed the robust set of tools to help retailers refresh their offers and their image as part of the NACS reFresh initiative. These resources include:

- ◆ **How Stores Work:** Addresses common industry issues to allow retailers to tell their stories in their communities.
- ◆ **Site Approval Toolkit:** Strategies for retailers seeking zoning approvals.
- ◆ **PR Toolkit:** Tools to help retailers launch their own publicity efforts in their communities.
- ◆ **Are You Fit for Fresh?:** A checklist to assess whether a specific store should grow its fresh produce offer.
- ◆ **Produce Sales:** Analysis of industry and consumer trends with practical ideas to develop an enhanced produce offering in stores.
- ◆ **Grow Better-for-You Sales:** Strategies to target customers with better-for-you items.

"But we're not leaving the re-imaging of our industry all up to you," said Armour. "NACS has been aggressively spreading the good word about our industry—by expanding the partnerships and close ties we have with the most recognized and respected nutrition and community groups across the country and by telling our industry's story to the media."

And third, Armour highlighted the issues and opportunities facing the industry and how NACS is addressing them with the help of the association's subsidiaries and affiliated organizations.

Fuels: Because convenience stores sell more than 80% of the gasoline in the United States, NACS founded the Fuels Institute two years ago to have a seat at the table for any discussion involving transportation fuels. "The Fuels Institute has—for really the first time ever—brought the diverse stakeholders from the transportation and fuels markets together: retailers, refiners, ethanol and natural gas producers, automobile manufacturers and even consumer advocates, to help identify transportation's biggest issues—and create fact-based research to address them."

Technology: Conexus has been instrumental in bringing productivity-enhancing technology standards to the industry for over a decade. Most recently, Conexus helped NACS design a modern electronic payroll card program that greatly simplifies the lives of many employees, while significantly reducing employer payroll processing costs.

Benchmarking tools: The CSX subsidiary is the engine behind the association's first-in-class industry dataset that powers the annual NACS State of the Industry Summit and NACS' dynamic benchmarking software. "It's a great resource to help you improve your performance by benchmarking it against industry averages and the results of the top performers in the industry," said Armour.

"But even with the best tools to run your business, to fight your existing and emerging competition and to ride the wave of innovation, there is one more enormous challenge to your business," cautioned Armour. "And I would argue that it is the great one: the government. Of all the things we do at NACS, the one that is at the core of our existence, that we are most zealous about, is representing our industry's interests in the legislative and regulatory arenas," he said.

"This past year we aggressively fought on your behalf to bring reason to the confusing, costly and poorly designed menu-labeling requirement imposed on us by the Affordable Care Act," said Armour. NACS and other allies were successful in introducing bipartisan congressional legislation that rectifies many of the flaws in the labeling requirements. "The end result was that the FDA was forced to pull back the regulations for further review and delayed their implementation for at least another year."

NACS also is actively addressing the threat of online lottery sales. "We think that online lottery is a bad idea all around. It hurts the local stores that have effectively managed and grown the program for the past 50 years. And it creates a whole slew of new problems—from dubious controls on the age of purchasers to a great temptation to run up credit card debt in the pursuit of mega jackpots," he said. "We are fighting this—as we do every issue—with passion and reason. You, too, can play a role. I urge every one of you to challenge your state lottery commissioners on why they want to move their sales online."

Ending on a positive note, Armour said that passage of debit-fee reform (the Durbin Amendment) has saved c-store customers and the convenience and fuel retailing industry more than \$400 million. "Those savings can pay your NACS dues not only for the rest of your lives but for those of your children's, grandchildren's and many generations beyond that. The value of NACS membership is awesome," he said.

Your Success Starts Here

This year's NACS Show broke records and more importantly, connected and educated thousands of retailers and suppliers.

This year, the Show brought together a record breaking 24,392 registered attendees for four days of learning, buying and selling, networking and fun—all designed to help retailers grow and run successful operations. Attendees from 73 countries (another record) also trekked to this year's Show, further increasing our influence in the international convenience marketplace.

General Sessions featuring leadership experts, the co-founder and co-CEO of Whole Foods John Mackey, as well as the NACS Ideas 2 Go program, all wowed the crowds of thousands. More than 60 educational sessions generated hundreds of profit-driving ideas and the NACS Show's largest expo ever—at 412,600 net square feet—showcased 1,264 exhibitors, as well as 154 first-time exhibitors featured in the New Exhibitor Area.

For more information on this year's show, visit http://www.nacsonline.com/magazine/PastIssues/2015/November2015/Pages/Cover_Story.aspx.

Three Issues From CTP Director Zeller's NACS Show Appearance

Zeller 'Very Interested' in Retail Perspective on E-Cigs

The long-awaited final deeming regulations were front and center during Mitch Zeller's first-ever appearance at the NACS Show. Zeller is director of the U.S. Food and Drug Administration's (FDA) Center for Tobacco Products (CTP).

There were three issues that garnered a lot of attention from Zeller, NACS' Lyle Beckwith, and National Association of Tobacco Outlets (NATO) executive director Thomas Briant during the "Vapor Smoke and Mirrors" educational session. They included:

1. Not Substantial Equivalence Stop-Sale Orders

In the wake of the agency's 'not substantially equivalent' (NSE) order for four Reynolds' cigarette products, Briant asked if the FDA would consider the 30-day grace period for retailers to get the product off shelves.

"It doesn't happen overnight," Briant said, pointing out that some retailers might still be unaware of the NSE order and that others likely have taken the products off their shelves but are still waiting to return them—something that has previously resulted in violation letters from the FDA.

"Once the agency makes this NSE determination, those products immediately become adulterated and misbranded products," Zeller said. "The 30-day exercise of enforcement discretion only applies to retailers—and we will enforce at retail as soon as that 30-day grace period ends."

In other words, no, there will not be an extension to the grace period—which ends next week.

"Hopefully by the time the inspectors come, those products will be gone," Zeller said, adding that violations will be handled on a case-by-case basis.

2. Tribal Tobacco Compliance

New York Association of Convenience Stores (NYACS) president Jim Calvin expressed immense frustration with the hypocrisy of inspecting and penalizing mainstream retailers while retailers on Indian reservations operate without any oversight, often not collecting any excise taxes and failing to check IDs.

"We're doing the best that we can to start a tribal inspection program, but it's slow," Zeller admitted. "We have our first contracts in place for reservation tobacco compliance. It's taken a lot of time."

Beckwith brought up that the contracts the FDA has negotiated will allow tribal officials to handle inspections, likening it to having Joe Sheetz in charge of inspecting Sheetz stores.

"We are well aware of your concerns," Zeller said, refusing to comment further.

3. The Problem of Social Sources

For all the work the FDA does in ensuring retailers are not selling to minors, data suggests that most minors are getting their cigarettes from non-brick-and-mortar sources. According to a Journal of School Health study, just 14.1% of minors obtain cigarettes through retail purchase—with 85.9% getting their cigarettes through "social sources" like friends and family.

When asked what the FDA was doing to tackle this problem, Zeller said the agency was working on communicating the message of social sources through anti-tobacco commercials, though not directly tackling it yet.

He also acknowledged how well the retail industry is doing at keeping tobacco out of the hands of minors.

Falling Gas Prices Raising Hopes for Holiday Spending

The prolonged drop in gas prices is raising hopes that consumers will spend more this holiday season. More than one in four (26%) consumers expects to increase their spending this month, a seven-point jump over the past month and the highest percentage this year. In November 2014, only 21% of consumers expected to increase their spending, according to the latest NACS Consumer Fuels Survey.

Half of all consumers surveyed (50%) say that they are optimistic about the U.S. economy. And for the first time since NACS began its monthly surveys (January 2013), women are more optimistic than men about the economy. While the optimism spread observed this month is slim (51% of females are optimistic vs. 50% of males), men on average have been as much as 11 percentage points more optimistic than women over the past three years. The percentage of women expressing a sense of optimism is also the highest since February.

Consumer perceptions of falling gas prices play a role in the improvement in economic optimism. More than 4 in 5 Americans (81%) say that gas prices have an impact on their feelings about the economy—an even higher percentage of women (85%) say that gas prices affect their economic outlook. A majority (55%) of consumers say that gas prices in their area are lower than they were this time last month, making this the third month in a row that consumers report falling prices at the pump. Northeast consumers are most likely to say they've noticed lower prices (60%), whereas only two in five (40%) in the Midwest say they've noticed lower prices.

Nationally, consumers report an average gas price of \$2.20 per gallon, the lowest reported average since February's average of \$2.10 per gallon.

Overall, 30% of women expect to spend more this month, significantly higher than the 20% who indicated so in November 2014.

"The surge in optimism among women, who also tend to conduct the bulk of holiday shopping, is great news for retailers who depend on a strong holiday shopping season," said Jeff Lenard, NACS vice president of strategic industry initiatives. "We expect that convenience stores also will see benefits with increased sales of snacks, drinks, fuel and fill-in items for harried shoppers."

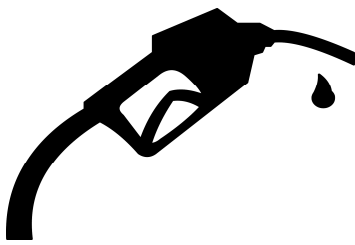
Will Mile Taxes Replace Gas Taxes?: Oregon Pilot Program Test

Will a little green box attached to a car's steering column replace the gasoline tax? That's a question Oregon is trying to answer with its pilot program to see if collecting how many miles a resident drives—and eventually assessing a per-mile fee—would generate more income than gasoline taxes, Stateline reports.

Oregon isn't the first state to contemplate replacing declining revenue from a gas tax with a per-mile tax. Recently, California has started its own mileage tax study. According to the National Conference of State Legislatures, during the last seven years, 19 other states looked into 55 proposals surrounding mileage-based fees.

OreGO, Oregon's test, started in July and tapped regular citizens like Evan Burroughs to drive around recording their miles. The box recorded his speed, braking and mileage of his 1996 Subaru Outback. The data is sent to a private company, which in turn provides Oregon with the number of miles driven to calculate his tax bill, which is 1.5 cents per mile. Burroughs is only taxed for miles driven on Oregon roads, not private roads or in other states.

Some say it's fitting for Oregon to lead the way on innovative ways to pay for road maintenance, given that the state was the first to levy a gas tax (in 1919). With newer cars being more fuel efficient, the revenue from gas taxes has fallen. "If you don't have the revenue source you can't maintain the infrastructure," said Matthew Garrett, director of Oregon's transportation department. "Traditional methods of funding transportation—the gas tax—were constructed for the longest time. But the world has changed."



Oil Marketers Update

House and Senate Highway Bill Conferees Named

Congress has until Friday to renew funding for transportation projects ahead of its Thanksgiving recess.

House and then Senate transportation bill conferees were named this week. Following are the members of both chambers who are to make up the conference committee: Representatives John J. Duncan, Jr. (R-TN); Sam Graves (R-MO); Candice Miller (R-MI); Rick Crawford (R-AR); Lou Barletta (R-PA); Blake Farenthold (R-TX); Bob Gibbs (R-OH); Jeff Denham (R-CA); Reid Ribble (R-WI); Scott Perry (R-PA); Rob Woodall (R-GA); John Katko (R-NY); Brian Babin (R-TX); Crescent Hardy (R-NV) and Garret Graves (R-LA); Jerrold Nadler (D-NY); Corrine Brown (D-FL); Eddie Bernice Johnson (D-TX); Elijah Cummings (D-MD); Rick Larsen (D-WA); Michael Capuano (D-MA); Grace Napolitano (D-CA); Daniel Lipinski (D-IL); Steve Cohen (D-TN); Albio Sires (D-NJ) and Del. Eleanor Holmes Norton (D-DC). Senators Jim Inhofe (R-OK); John Thune (R-SD); Orrin Hatch (R-UT); Lisa Murkowski (R-AK); Deb Fischer (R-NE); John Barrasso (R-WY); John Cornyn (R-TX); Barbara Boxer (D-CA); Bill Nelson (D-FL); Ron Wyden (D-OR); Dick Durbin (D-IL) and Chuck Schumer (D-NY).

The House passed a six year highway bill by a vote of 363-64. The House has not been able to pass a long term highway bill in nearly a decade, making this a significant first victory for the new Speaker of the House, Paul Ryan (R-WI). The original bill would have paid for just three years of funding, but an amendment adopted at the last minute could add an additional \$40 billion which could pay for the entire life of the bill. The legislation, known as the "Surface Transportation Reauthorization and Reform Act of 2015," must now be conferenced with the Senate passed bill which also authorizes six years of funding, but only pays for three years. Highway policy expires on November 20, so Congress must complete work on a conference report to prevent a gap in highway funding.

The House highway bill contains many provisions that are important to marketers. The provisions are outlined below:

Withdraws PHMSA's Wetlines Proposed Mandate for Good

On January 27, 2011, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a proposed rule regarding the transportation of gasoline in the external product piping (wetlines) on cargo tanks transporting flammable liquids. The proposed rule limited the amount of gasoline in each wetline to one liter. Transports usually have four wetlines – one per compartment. The proposed rule gave tank truck operators 12 years to retrofit existing tanks with bottom protection like steel rails or install purging equipment, and any trailer manufactured two years after the date of regulation would have to be equipped with in line purging devices or steel guard rails to shield the wetlines from impact.

PMAA led efforts to oppose the proposed rule and we are pleased the bill withdraws the 2011 wetlines proposed mandate. In the 2012 Highway Bill, PMAA saved marketers a minimum of \$8,000 per transport by asking Congress to include a provision which prevented DOT from arbitrarily adopting a wetlines mandate until a Government Accountability Office (GAO) report was completed. In September 2013, the GAO cited that DOT did not have adequate information to determine whether a wetlines device mandate was necessary to improve safety. The Highway bill puts an end to the 2011 wetlines mandate permanently.

Safety Data Postings/FMCSA's Compliance, Safety, Accountability Program (CSA)

In a significant step forward for petroleum marketers, the House highway bill requires DOT to commission a study on the accuracy of the CSA program and take steps to address problems in identifying risk and the use of crash data where a motor carrier was free from fault. Until the study and corrections are complete FMCSA would have to take down its safety scores for trucks and motor carriers. Similar language is included in the Senate highway bill.

Financial Insurance Minimums

The bill requires the Federal Motor Carrier Safety Administration (FMCSA) to conduct a comprehensive study of passenger carrier industries' accidents and claims histories before being permitted to proceed to radically increase minimum insurance rates.

Gas Tax Alternative for States

Because Congress lacks the votes to pass a gas tax increase, the bill grants \$115 million towards a six year program that would allow states to demonstrate alternative methods to raise revenue for highways through a user fee. The grants will promote the safety and efficiency of commercial motor vehicle transportation, including the safety of drivers and passengers, and the safe transportation of hazardous materials.

EV Charging Amendment Withdrawn

During the House Transportation Committee markup, Reps. Napolitano (D-CA) and Jerry Nadler (D-NY), offered an amendment that would allow sales of EV charging stations and natural gas refueling infrastructure at highway rest areas. The amendment was ultimately withdrawn.

Highway Bill Amendments Striking Insurance and CSA Provisions Defeated

Two amendments that would have struck down Section 5501 of the highway bill were defeated. If passed, they would have paved the way for unnecessary increases to liability insurance requirements on companies.

On November 4th, PMAA's Motor Fuels Committee met to discuss highway funding options. Several options were discussed, but the Committee decided that given the political realities at this time, no action is necessary. The Committee does not believe early board action is warranted, but is prepared to rejoin this discussion at the next (May) regularly scheduled Board meeting.

Meanwhile, the Energy Information Administration (EIA) reported this week that prior to Congress raising the fund to \$12 billion in July, the fund reached its lowest level in decades at \$6.1 billion. For fiscal 2015, the average monthly net tax receipt was roughly \$3 billion, while the average monthly outlay was almost \$4 billion.

Bailey Elected 2016 PMAA Chairman

In October, **Mike Bailey, Bailey Oil Company**, Riverton, Wyoming was elected 2016 PMAA Chairman of the Board during PMAA's Fall Meeting in Las Vegas, Nevada. In accepting the position, Mike thanked the Board of Directors for their confidence in him and outlined some of his goals and objectives for 2015. He focused substantial attention on the need to ease the massive government regulatory burdens imposed on petroleum marketers. Additionally, **Mark Whitehead, Whitehead Oil Company**, Lincoln, Nebraska was elected as PMAA Vice Chairman and **Mark McBride, Cox Oil Company**, Union City, TN was elected PMAA Second Vice Chairman by the board.

Five regional leaders were also elected to the PMAA Executive Committee. They are: **Larry Ray, Ray Petroleum**, Randolph, NJ; **Glenn Hasken, Molo Petroleum**, Dubuque, IA; **Daniel Erwin, Erwin Oil Company Incorporated**, Durham, NC; **Ron Leone, Missouri Petroleum Marketers & CSA**, Jefferson City, MO; **Suzanne Budge, Idaho Petroleum Marketers & CSA**, Boise, ID.

Mike Bailey is a second generation petroleum marketer, serving as President and CEO of Bailey Enterprises, Inc. which was founded by his father in 1967. Through the years, Bailey Enterprises, Inc. has grown to include Bailey Oil Company (a distributor of bulk fuels and lubricants though out Wyoming and surrounding states), seven Pit Stop Convenience Stores, two Bailey Tire and Auto Service Centers, three Bailey Oil Fuel Depot Unattended Card Locks, the Speed Way Café, Central Wyoming Transportation (a dedicated hazardous materials carrier), and Wyoming Parts Inc. (NAPA Auto Parts). Bailey Enterprises, Inc. has over 150 full-time employees throughout Wyoming.

Bipartisan Group of 184 House Members Send Letter to EPA Opposing RFS Proposal

Recently, 184 House members urged the EPA to lower the proposed 2016 corn ethanol mandate because it will likely breach the E10 blendwall if maintained at the currently proposed level. PMAA supported the letter and urged lawmakers to sign on. The letter stated, "The refueling retail infrastructure is even more limited with only 2 percent of retail stations selling E85 and only 100 stations nationwide selling E15." [Click here to read the letter.](#)

In a hearing before two House Science, Space and Technology subcommittees earlier this week on the Renewable Fuel Standard (RFS), Congressional Budget Office (CBO) Senior Advisor Terry Dinan said that raising the corn ethanol quotas would cause a significant increase in E10 prices in 2017. CBO was created in 1975 to produce independent and nonpartisan analyses of budgetary and economic issues to support the Congressional budget process.

Dinan stated that E10 would increase by 15 cents to 30 cents per gallon if the corn ethanol mandate was raised to statutory levels. However, CBO said that a full repeal of the RFS would have almost no effect on fuel prices. CBO concluded by saying that it would be very difficult to maintain the current biofuels requirement because development of renewable fuels has not met Congress' expectations when the RFS was expanded in 2007. Additionally, meeting the current requirement of ethanol concentration would mean the ethanol blendwall would be breached forcing higher level ethanol blends that the market cannot safely and legally accommodate.

Earlier this year, EPA exercised its statutory authority to mandate blending volumes lower than those required under the Clean Air Act (CAA) after acknowledging factors that constrain availability including lack of certified refueling infrastructure and the current vehicle fleet. Ethanol blends move from 13.25 billion gallons in 2014 to 14 billion gallons in 2016, a one billion gallon decrease over the 2016 statutory blending mandate.

EPA is expected to release the final 2014, 2015 and 2016 RFS numbers by December 1, 2015.

USDA Awards \$210 Million to 21 States for E15 Pumps

On November 4th, the Department of Agriculture released the list of recipient states of the \$210 million Biofuel Infrastructure Partnership (BIP). BIP will provide funding to 21 states for E15 infrastructure for 5,000 blender pumps at 1,400 gasoline retail stations. The states receiving these funds are: Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Virginia, **West Virginia** and Wisconsin.

Unfortunately, this is not enough funding to incentivize many petroleum marketers to make the needed investments to upgrade their existing underground storage tank (UST) system infrastructure to handle higher ethanol blends. This is simply a drop in the bucket. While most of the funding is focused on blender pumps, funding is actually most critical for upgrading the piping, glues, seals and gaskets which require breaking concrete and costs upwards of \$200,000 or more.

Moreover, there is no way UST owners can legally certify UST Systems as E15 compatible without an independent testing organization actually conducting tests. The traditional method for certifying compatibility is the Underwriters Laboratories' (UL) stamp of approval. Manufacturers submit their equipment to UL and pay UL for testing and certification. Most UST components currently in the ground went through the UL testing and certification process before being installed. The vast majority of the current dispensing systems in use are all certified by UL for E10 service. Unfortunately, UL has refused to recertify equipment already in the ground for E15 use. Equipment manufacturers have no incentive to pay UL to conduct further testing on equipment that they have already sold especially on components that they may know were never manufactured for exposure to higher blends of ethanol.

Congressional Budget Office - Increasing Ethanol Mandate Would Increase Gas Prices

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Earlier this year, EPA exercised its statutory authority to mandate blending volumes lower than those required under the Clean Air Act (CAA) after acknowledging factors that constrain availability including lack of certified refueling infrastructure and the current vehicle fleet. Ethanol blends move from 13.25 billion gallons in 2014 to 14 billion gallons in 2016, a one billion gallon decrease over the 2016 statutory blending mandate. PMAA still has concerns with the 2016 corn ethanol mandate because it could force higher ethanol blends in the motor fuels market, therefore, PMAA is urging EPA to lower the proposed standard. EPA is expected to release the final 2014, 2015 and 2016 RFS numbers by December 1, 2015.

President Obama Rejects Keystone XL Pipeline

President Obama has rejected the Keystone XL pipeline. The President has been quiet on the issue throughout his presidency until now; however, this does not come as a surprise to many.

Senate Majority Leader Mitch McConnell (R-KY) responded by saying, "given this project's importance to North American energy independence, the question still remains not if but when Keystone will be built." Senator John Hoeven (R-ND) stated that "it's ironic that after delaying construction for more than seven years, President Obama now finds it pressing to make a decision just as the company is asking for a pause." Although many Republicans in the House and Senate are frustrated by the President's announcement, many remain optimistic that the Keystone pipeline will eventually be built.

PMAA is extremely disappointed with the President's decision letting politics play into his decision instead of sound policy. Earlier this year, EPA Administrator Gina McCarthy made some encouraging remarks during an interview when she indicated that the Keystone XL pipeline, if approved, would not be a disaster for the climate as some environmentalists have argued. Approval of the pipeline has wide ranging support and several environmental impact studies have shown that the pipeline would have no effect on climate change.

The fight is not over. If a Republican is elected President next November, one of the very first things on his or her agenda will undoubtedly be to build the pipeline.

PMAA will continue to aggressively push for the passage and construction of the Keystone XL pipeline.

Traffic Up 2.3 Percent

August travel in the United States jumped 2.3 percent from the same month a year earlier, according to the U.S. Department of Transportation. August represented the latest month for which figures are available. Travel miles jumped 3 percent in the South Gulf region, while travel miles in the North Central just 1.5 percent. Year-to-date miles traveled are 3.4 percent above last year.

05/17/16



05/19/16

The Locker Room Trade Expo & Golf Outing

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Grocery Highlights

SNAP – What Can Recipients Purchase?

Around this time of year, FMI begins to receive inquiries on what retailers may or may not sell under the SNAP program. The Food and Nutrition Act of 2008 defines eligible food as any food or food product for home consumption. This also includes seeds and plants, which produce food for consumption. Pumpkins are edible and eligible for purchase with SNAP benefits. However, inedible gourds and pumpkins that are used solely for ornamental purposes are not eligible items.

Gift baskets that contain both food and non-food items are not eligible for purchase with SNAP benefits if the value of the non-food items exceeds 50 percent of the purchase price. To read USDA's most recent notice about gift baskets, [click here](#).

Items such as birthday and other special occasion cakes are eligible for purchase with SNAP benefits as long as the value of non-edible decorations does not exceed 50 percent of the purchase price of the cake.

In addition, recipients can not purchase the following items: alcoholic beverages, tobacco products, hot food and any food sold for on-premises consumption. Non-food items, such as pet foods, soaps, paper products, medicines and vitamins, household supplies, grooming items, and cosmetics, also are ineligible for purchase with SNAP benefits. Read more here on eligible and non-eligible SNAP items.

Menu Labeling: House Subcommittee Approves Bill; Need Food Retailers/Wholesalers to Contact Committee Members

Recently, the House Energy and Commerce Committee's Subcommittee on Health approved, by voice-vote, a modified version of the Common Sense Nutrition Disclosure Act that FMI supports to fix FDA's final menu labeling regulations.

We now need your help to contact the offices who do not have a "co-sponsor" note to secure support from Committee Democrats and the outstanding Republicans as the bill heads to mark-up by the full House Energy & Commerce Committee. Those who have co-sponsored the bill should be contacted to say "thank you." Some talking points are linked here. Since the Subcommittee approved the bill by voice-vote (not a recorded vote), it is worthwhile to circle back to offices that you already contacted in the last couple weeks. We need you to contact these offices no later than COB Monday, Nov. 16 (the sooner, the better).

The modified version of the Common Sense Nutrition Disclosure Act would apply the FDA menu labeling regulations only to foods that are standardized across 20 or more locations, allow for use of a menu board in a prepared foods area instead of individually labeling each item, provide more flexibility in determining a "reasonable basis" for documenting nutritional info, allow for corrective actions prior to enforcement, provide some liability protections, and allow items that are normally ordered off-premises (pizza delivery and potentially catering) to have nutritional information posted online. The bill has been modified to not exempt supermarkets or any other retailers, but makes the menu labeling regulations much more workable in a grocery store setting. Just prior to the Subcommittee mark-up, the National Restaurant Association sent a letter expressing new reasons for opposing the menu labeling fix bill despite all of the fixes and flexibility being made available to all of their members as well.

A companion legislation was introduced in the Senate, S. 2217. We urge you to contact your Senators and ask them to support and co-sponsor S. 2217.



Distracted Driving Continues to be Much More Than Just "A Problem"

Not only is distracted driving still a serious problem, it is an epidemic. With each new mobile device introduced, the potential for behind-the-wheel distractions increase and so does a business's exposure to risk.

Federated Insurance is very concerned about the persistence of this issue and how it can adversely affect your business. Worse yet is what you might stand to lose as a result of distracted driving.

Federated Insurance has rejuvenated efforts to help owners address distracted driving. Our new risk management program asks "What Is Important to You?" It provides a sample mobile device policy, reminder posters, and employee training materials including a thought-provoking video and educational handout. It also presents information on technology solutions which can aid in restricting mobile device use in vehicles.

Federated Insurance is ready to help you and your business reduce distracted driving. Federated's marketing representatives will introduce clients to these resources, which they can use to create a driving policy or refine their company's distracted driving risk management program.

It's up to each of us to make it a priority to end distracted driving. The lives of everyone important to us may depend on it. We want you to make it home safely every day.

For more information on this and Federated Insurance's other risk management programs, or to locate your local representative, visit www.federatedinsurance.com or call 1-800-533-0472.

An Update from Children's Home Society of West Virginia



Children's Home Society of West Virginia

Mark Barker with **United Dairy**, who is a member of CHAMR, has advised that the Children's Home Society of West Virginia will be the beneficiary of one of their fundraisers. Children's Home Society will receive \$500.00, which will be split between the Charleston and Huntington shelters.

Several OMEGA Members are participating in Children's Home Society's Little Red Stocking Campaign, including **Go-Mart, One Stop, ROCS** and several **Little General** Stores in Logan.

Par Mar Stores is partnering with Children's Home Society for a massive Christmas gift fund this year.



Miscellaneous

A Letter from Chairman Joe DeFazio

All OMEGA staff and members,

I want to thank the members and staff at OMEGA for your support and the confidence you have placed in me by electing me Chairman at OMEGA. I will do my best for OMEGA and all of the members.

If anyone has any questions about any issues or concerns with OMEGA that I could help you with, please call or e-mail me.

I will be more than willing to find a resolution. As OMEGA grows, there will be growing pains and on occasions something may not make sense.

As we all compete with one and another on a daily basis, OMEGA should be the one place where we all go to our respective corner and attack the issues we all face - DEP, state and federal taxes, border pricing, selling below cost issues, and getting the right politicians in place to support our business. Without the right politicians supporting our industry and our businesses, we are all at the mercy of the "non-friendly gasoline politicians" that are clueless to our issues and what it takes to make a gasoline fueling station work.

Best regards,

*Joe DeFazio
cell 304-612-6170
Office 304-534 3170 ext 103*

2016 Calendar of Events

**Legislatave Day &
Reception
February 17th
The State Capitol and
Governor's Mansion
Charleston, WV**

**2016 The Locker
Room Trade Expo &
Golf Outing
May 17 - 19
The Resort at Glade
Springs
Daniels, WV**

**At The Pump & Down
the Aisle
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