

# P M A A W E E K L Y REVIEW

April 27, 2012

WR 12-17

## CONFERENCE COMMITTEE FORMED TO CONSIDER HIGHWAY BILL

Members of the House and Senate will begin deliberation of the Highway bill conference the week of May 8. The 47 policymakers who are to serve as conferees are as follows: The Senate Democrats are Barbara Boxer (CA), Max Baucus (MT), John D. Rockefeller IV (WV), Richard Durbin (IL), Tim Johnson (SD), Charles Schumer (NY), Bill Nelson (FL.), and Robert Menendez (NJ). The Senate Republicans are James Inhofe (OK), David Vitter (LA), Orrin Hatch (UT), Richard Shelby (AL), Kay Bailey Hutchison (TX), and John Hoeven (ND).

The House Republicans are: John Mica (FL), Don Young (AK), John Duncan (TN), Bill Shuster (PA), Shelley Moore Capito (WV), Rick Crawford (AR), Jaime Herrera-Beutler (WA), Larry Bucshon (IN), Richard Hanna (NY), Steve Southerland (FL), James Lankford (OK), and Reid Ribble (WI). The House Democrats are Nick Rahall (WV), Peter DeFazio (OR), Jerry Costello (IL), Eleanor Holmes Norton (DC), Jerry Nadler (NY), Corrine Brown (FL), Elijah Cummings (MD), Leonard Boswell (IA), Tim Bishop (NY), Fred Upton (MI), Ed Whitfield (KY), Henry Waxman (CA), Doc Hastings (WA), Rob Bishop (UT), Ed Markey (MA), Ralph Hall (TX), Chip Cravaack (MN), Eddie Bernice Johnson (TX), Dave Camp (MI), Patrick Tiberi (OH) and Earl Blumenauer (OR).

The Keystone XL pipeline is expected to be a focal point of the conference. PMAA continues to urge congress to include wetlines language which would bar the Department of Transportation from moving forward with its proposed rule until a thorough cost-benefit analysis was completed (which is in the House authorization bill H.R. 7 that was not passed. You will recall that the House simply passed an extension bill to take to conference with the Senate.) H.R. 7 also included a section which would require an Hours-of-Service (HOS) study to be completed by March 31, 2013. Until the study is completed, the 2008 HOS rule would remain in effect which would void the recent HOS rule from December 27, 2011 that requires a thirty minute break period for drivers, restricts and limits the 34-hour restart provision, and imposes new fines for violations.

PMAA is urging conferees to oppose the language in the Senate bill which would transfer three billion dollars from the Leaking Underground Storage Tank (LUST) trust fund to pay into the Highway Fund and it would also change the allocation of the \$.001 LUST tax. The change will permanently dedicate one-third of the existing \$.001 LUST tax to the Highway Trust Fund and two-thirds to the LUST Trust Fund. PMAA adamantly opposes this change and believes this is bad public policy. If the money is not being used for the LUST program, the LUST tax should be reduced or eliminated. PMAA's strong grassroots have communicated opposition to this language since it was first proposed earlier this year and we continue to do so.

## **FEDERAL COURT BLOCKS NLRB EMPLOYEE UNION RIGHTS POSTING RULE**

A federal appeals court has issued a temporary injunction blocking the National Labor Relations Board's (NLRB) new rule set to take effect April 30th requiring employers to display a poster in the workplace describing employees' right to unionize [see 8/30/11 PMAA Regulatory Report](#). The DC Circuit Court of Appeals issued the injunction after two federal district courts reached different opinions on whether the NLRB has the authority to require employers to post the notice. Until the appeals court makes a final ruling on the case, private employers, including petroleum marketers, are not required to display the NLRB poster.

The NLRB rule would require most private employers to display an 11-by-17-inch poster in a prominent place, explaining employees' rights to join a union and take part in collective bargaining. The posters would also state that union officials can't coerce workers into joining a union, and that workers have a right to not join a union. The NLRB posters are similar to other government agency-issued posters (OSHA, DOL, etc) that describe anti-discrimination laws and workplace safety rules. In March, a DC District Court upheld the poster rule in a lawsuit brought by the manufacturing groups. However, a federal judge in South Carolina ruled last week that the NLRB exceeded its authority in approving the union poster requirement. The DC Circuit Court of Appeals final ruling on whether the NLRB may move forward with the poster rule is not expected until September.

**IMPORTANT:** Petroleum Marketers will likely continue to receive solicitations from vendors selling the NLRB posters despite the temporary injunction delaying the April 30 compliance date. Often these solicitations imply that marketers will be in violation of federal law if they do not purchase and display a poster by April 30, 2012. At this time, there is no requirement to post the NLRB poster. If the court lifts the injunction and the rule is once again in effect, then marketers can download the poster for free [here](#).

PMAA will report on further developments as they occur.

**GOT QUESTIONS? CONTACT** Mark S. Morgan, Esq., PMAA Regulatory Counsel (202) 364-6767 or [mmorgan@pmaa.org](mailto:mmorgan@pmaa.org)

## **PMAA WASHINGTON CONFERENCE AND DAY ON THE HILL IS ALMOST HERE!**

PMAA's 2012 annual Washington Conference and Day on the Hill will be held in Washington, DC from May 16-18. Our industry continues to have dozens of important legislative and regulatory issues to discuss with members of Congress and the Day on the Hill continues to be the primary focus of this conference.

The meeting will begin with an issues briefing and committee meetings on the afternoon of May 16th followed by a welcome reception including our PAC silent auction fundraiser. On the morning of May 17th, there will be another issues briefing at 7:30 am. Marketers and association executives will then head to Capitol Hill for visits with their Congressional delegations. **Please be sure to schedule these appointments as soon as possible.** There will be a hospitality suite and luncheon on the Hill. On the evening of May 18th, we will honor our new PMAA Chair, Stanley Roberts. Our conference will conclude after the PMAA Board of Directors meet on May 18th following regional meetings.

**If you have not registered to attend the meeting, now is the time to do so!** We would appreciate your completion of the appropriate Registration Form as soon as possible so we may have a name badge for you and to include you in our guarantees! Forms and instructions can be found [here](#).

The final [Conference Schedule](#) will be available next week. Please contact [Susan Isard](#) at 703.351.8000 with any additional questions. If you still need a hotel room, please contact A Room with a View at 800.780.4343.

We look forward to seeing many of you in Washington, DC!

#### **DONATIONS NEEDED FOR THE DC 2012 PMAA PAC SILENT AUCTION**

Although multiple of you have been greatly generous in contributing to the PMAA's Small Business Committee (SBC) PAC Silent Auction, more items are needed. The Auction will take place in conjunction with PMAA's Washington Conference on May 16 during the welcome reception. Please send in an item for the PAC auction!

Last year there was tremendous support in contributions for the auction and PMAA SBC PAC Co-Chairs Gerry Ramm and Eric DeGesero urge your participation again this year! If you have items that you'd like to contribute for the Silent Auction, please contact Sabrina Pitcher at 703-351-8000 or [SPitcher@pmaa.org](mailto:SPitcher@pmaa.org).

#### **NACS SHOW 2012 SET FOR OCTOBER 7-10**

Retailer registration and housing opened on Monday, April 2, for the NACS Show, the most comprehensive event for convenience and fuel retailing professionals. This year's NACS Show will take place October 7 to 10 in Las Vegas.

In addition to online registration, the NACS Show website ([nacsshow.com](http://nacsshow.com)) features the latest information about exhibitors, speakers, workshops and networking events.

NACS has negotiated room rates for more than 20 hotels in proximity to the Las Vegas Convention Center and attendees can request hotel preferences online. Early submission of housing requests will increase the likelihood that attendees will be able to stay at the hotel of their choice within the NACS Show housing block. Equally important, these hotels have access to the shuttles for transport to and from the Las Vegas Convention Center.

Overall, 22,312 attendees were at the 2011 NACS Show in Chicago, a 1.5 percent increase over last year's attendance. Attendees came from a record 58 countries and international attendance was a record 1,913 delegates. The NACS Show featured a 387,000-plus net-square-foot exposition floor with 1,333 exhibiting companies — of which 324 companies were new to the NACS Show. Extending the value of the expo to both retailers and exhibitors, the Cool New Products Preview Room featured a record number of products.

The Petroleum Marketers Association of America (PMAA) has held its Fall Meeting as part of the NACS Show since 1995. PMAA's Fall Meeting will be held on October 6-7 at Las Vegas Hotel & Casino (formerly Las Vegas Hilton). Please view current information [here](#).

## **THE SPIRIT® EAGLE LANDS IN UTAH**

Spirit® Petroleum proudly announces the newest phase of its strategic expansion through the western US with the opening of the first Spirit® station in the state of Utah. Eagle's Landing, LLC has licensed the Spirit® brand and is currently converting its site off Interstate 15 in Beaver, UT midway between Salt Lake City and Las Vegas. The new store and station, to be named Eagle's Landing Spirit, will open in early June 2012.

"There's so much that excites us about this new relationship with Spirit® Petroleum," said Slade Smith, manager at Eagle's Landing, LLC. "Spirit®'s eagle logo is a perfect match for our company name, and the great graphics package really caught our eye. Plus we're looking forward to having the flexibility to buy fuel where we want and how we choose. Spirit®'s licensing agreement is really friendly to the marketer; it's a great fit for our business."

"We're really looking forward to building on the opportunities we see in licensing the Spirit® brand," said Mark Yardley, president of Eagle's Landing, LLC. "The Spirit® brand will enable us to offer the quality, the great look and feel of a major brand but at a more competitive price. It's a perfect opportunity to grow the brand and grow our business throughout the state of Utah."

"We're delighted about Spirit®'s expansion into our state," said John Hill, state executive for the Utah Petroleum Marketers and Retailers Association. "Mark Yardley has been a member of our association for many years, and we see positives all around for his company and for the Spirit® brand. The station is beautifully located at a crossroads between major cities; it'll provide excellent brand exposure to folks traveling along I-15."

“We’re proud to fly the Spirit flag in the state of Utah,” said Vera Haskins, president of Spirit® Petroleum. “Our partnership with Eagle’s Landing, LLC heralds new opportunities in Spirit®’s commitment to helping marketers in the western US and throughout the nation succeed.” Spirit® is a nationally recognized petroleum brand managed by marketers and owned by the nonprofit Petroleum Marketers Association of America (PMAA). Spirit® is committed to redefining independence for the American petroleum marketer. Spirit’s® minimal requirements, affordable fees and flexible business solutions give businesses of all sizes the control they need to compete aggressively in today’s tough environment. Spirit® offers a sophisticated, patriotic brand image that inspires loyalty and confidence in consumers nationwide.

For more information, visit [www.SpiritPetroleum.com](http://www.SpiritPetroleum.com) or call (215) 345-4119.

### **PMAA PARTNER SPOTLIGHT FEATURING: GILBARCO VEEDER-ROOT, A PMAA NATIONAL PARTNER**

Today’s customers expect a lot from your forecourt. Tomorrow, they’ll expect even more. That’s why we build products now that set the standard for the future and deliver quality that lasts over time. We offer the broadest range of integrated solutions from the forecourt to the convenience store and head office.

Driving customers inside the store for those higher margin purchases has always been a challenge. Our forecourt merchandising solution, Applause TV, is the most powerful, hassle-free way to make your forecourt work for you. We partner with Outcast Media, the leading fuel television network, so you get fresh, engaging content that keeps customers coming back and drives traffic inside your store! For more information, please [click here](#).

For almost 150 years, Gilbarco has earned the trust of its customers by providing long-term partnerships, uncompromising support and proven reliability. In fact, we help manage the business and maximize the bottom lines for 19 of the top 20 convenience store operators in the U.S.

[Gilbarco Veeder-Root](#). Technology with a human touch.

### **PMAA MEMBER SERVICES SPOTLIGHT FEATURING: SUNGRAPHIX Farmers' Almanac Useful Hints for Summer**

Think cool in hot weather and wear loose fitting cotton clothes. Dip your wrist in cold water when you can’t shower.

Never make meringue in humid or rainy weather. It won't beat up light and fluffy.  
Plant dill near tomato plants to prevent tomato worms. It works.

Wash out paper ice cream cups. Add planting soil and plant a few seeds in each cup. When seedlings are 4-5 inches tall, moisten soil and carefully press out the root ball to transplant into an outdoor garden or tub.

Next time you eat a popsicle, don't throw away the stick. You can use it in your windowsill or outdoor garden. Popsicle sticks can be used to mark seed variety, date planted, etc. They also make handy "stakes" to mark outdoor garden rows. Place the empty seed packet in a plastic bag so it won't get soggy. Staple the packet and bag to the stick.

For your exclusive full color and customized 2012 PMAA calendar with extraordinary photography and our 2012 Farmers' Almanac filled with amazingly accurate weather predictions, timely trivia, argument clinchers, and articles that celebrate earth stewardship are included alongside our humor, please contact the PMAA National Account Team at SunGraphix in Maine: [Rebecca Purrington](#) or [Loren Cayer](#) at 207.755.2340.