
NYS ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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Administration Releases 30 Million Barrels From U.S. Oil Reserves

The Obama administration has released 30 million barrels of oil from the U.S. Strategic Petroleum Reserve to combat high gasoline prices and continued turmoil in North Africa and the Middle East, the Associated Press reports.

Also, the International Energy Agency said it is releasing 60 million barrels of crude oil from strategic reserves, half from the U.S. oil reserves, Reuters reports. The agency hopes the move will keep speculators from the market and a bubble from forming, as well as stop any near-term shortages in supplies.

The Obama administration pointed to the Libya uprising contributing to a daily drop of around 1.5 million barrels of oil. The United States traditionally uses more energy in July and August, another reason for the release.

The government usually dips into the oil reserves during extreme circumstances. The last time reserves were drawn was after Hurricanes Gustav and Ike in 2008.

Oil prices plummeted yesterday following the Federal Reserve's warning that the U.S. economy's recovery is progressing slower than anticipated. U.S. retail gasoline prices fell for the 20th consecutive day to reach \$3.61 per gallon.

FDA Unveils Graphic Cigarette Health Messages

The warnings consist of nine new textual warning statements accompanied by gruesome color graphics depicting the negative health consequences of smoking.

The FDA announced the nine graphic cigarette health warnings required to appear on every pack of cigarettes, cartons and cigarette advertisement no later than September 2012.

Once implemented, all cigarettes manufactured for sale or distribution in the United States will need to include the new graphic health warnings on their packages. Each warning is also to be accompanied by the phone number 1-800-QUIT-NOW. The FDA says that these warnings are expected to have "a significant public health impact by decreasing the number of smokers."

NACS Daily reported last week the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) requires that cigarette packages and advertisements have larger and more visible graphic health warnings. These new required warnings consist of nine new textual warning statements accompanied by color graphics depicting the negative health consequences of smoking. This represents the most significant change to cigarette labels in more than a quarter century and will affect everything from packaging to advertising. The labels combine graphic imagery with straightforward facts to make the message clear: smoking can kill you.

Senate Passes Repeal of Ethanol Blender Credit

The Senate voted to repeal the \$0.45 Volumetric Ethanol Excise Tax Credit (VEETC). Sen. Dianne Feinstein (D-CA) joined with Sen. Tom Coburn (R-OK) to sponsor an amendment to an unrelated piece of legislation that would both eliminate the VEETC and repeal the ethanol tariff (currently \$0.54 per gallon on imported ethanol) effective June 30 or the date of enactment.

The Feinstein-Coburn amendment passed with overwhelming support, despite a similar amendment being defeated earlier in the week due to parliamentary disputes. A related amendment offered by Sen. John McCain (R-AZ) would have barred the use of federal funds for ethanol storage and blender pump construction projects. That amendment was rejected.

Thursday's vote indicates both a shift in the politics of motor fuels policy and the wavering support for subsidies of all kinds. Lawmakers' support for ethanol subsidies may be waning as corn (and thus food) prices have risen, the environmental benefits of corn ethanol questioned and the country's dire budgetary situation makes it difficult to

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support federal subsidies.

The amendment that passed the Senate this week is unlikely to become law for several reasons. First, it was added to a piece of legislation that is unlikely to be enacted because President Obama has threatened to veto the bill. Second, the House of Representatives has not passed similar legislation. However, the bill does represent an important shift in ethanol politics, and indicates that the VEETC - in its current form - is unlikely to be renewed once it expires at the end of 2011.

We oppose a repeal of the VEETC before it expires at the end of the year. Many members have contracts with suppliers that run through the end of the year, the price of which assumes the tax credit will remain in effect. To eliminate the credit midway through the year would increase the cost of goods sold, and generate substantial market uncertainty.

Members should contact their representatives and urge them to reject calls for immediate repeal of the VEETC. Many lawmakers do not fully appreciate the distinction between allowing the credit to expire and repealing it effective immediately. They must acknowledge this distinction.

House Subcommittee Examines Bill to Avail Health Insurance Across State Lines

The Subcommittee on Health of the House Energy and Commerce Committee held a May 25 hearing to consider "Expanding Health Care Options: Allowing Americans to Purchase Affordable Coverage Across State Lines" (H.R. 371), introduced by Rep. Marsha Blackburn, R-Tenn. Co-sponsored by 80 legislators, the bill would require states to allow insurance companies to sell health insurance across state lines.

The theory behind the bill is that since the high cost of health care premiums is cited as the top reason for being uninsured, requiring insurance to be sold across state lines would make it more competitive and consequently more affordable. Health insurance experts have estimated that state mandates have increased health insurance premiums anywhere from 10 to 50 percent. Citing average family premiums of \$13,000 in New York and Massachusetts, Rep. Blackburn pointed out that "right across the river in a lower-mandate state like Pennsylvania, the average cost is just above \$6,000." The Tennessee legislator claims that her bill would reduce the number of uninsured by 12 million without any cost to the federal government.

One benefit favored by Rep. Joseph R. Pitts, R-Pa., is the aspect of health insurance portability – the ability to move from job to job and state to state and have the choice of keeping your plan or having a wider variety available. Pitts went on to note that the Council for Affordable Health Care identified 2,156 health insurance mandates in 50 states and the District of Columbia.

Democrats and other opponents of the legislation call it well-intentioned but misguided. The fear is that cherry-picking states where health insurance is based could create a downward spiral in benefits as companies race to purchase insurance in states with the least regulation.

Steve Larsen, Consumer Information and Insurance Oversight (CCIIO), testified that the bill was "a step backward in the effort to provide accessible, affordable and fair health insurance coverage to all citizens." CCIIO is a division of the Centers for Medicare & Medicaid Services, which administers federal health regulation.

Many state legislatures are considering bills that would allow out-of-states purchasing, while Maine, Georgia and Wyoming have already passed similar legislation, although limiting the number of states in some cases. Rep. Henry Waxman, D-Calif., ranking member of the full committee, is concerned that H.R. 371 would preempt provisions of these bills. Waxman also brought up a 2005 Congressional Budget Office study of similar proposed legislation that found there would be little effect on the rate of uninsured and that it would cause families to lose lower employer-sponsored insurance.

White House Begins Review of Greenhouse Gas Emissions Rule for Large Trucks

Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) officials delivered a final rule that establishes, greenhouse gas emissions limits for medium- and heavy-duty trucks. The proposed final rule is being reviewed by the White House Office of Management and Budget (OMB).

These standards would reduce fuel usage and greenhouse gas emissions from new trucks by as much as 20 percent by 2018, according to EPA and NHTSA. Also, the proposed standards would reduce emissions of nitrogen oxide, particulate matter and other pollutants. The standards will apply to model years 2014 through 2018 and reduce roughly 250 million metric tons of greenhouse gas emissions and reduce oil consumption by 500 million barrels, according to EPA and NHTSA.

The agencies believe that the standards, once finalized, will cost trucking manufacturing and hauling industries around \$7.7 billion, while providing \$49 billion in benefits to society. Trucking and other transportation-related industry groups strongly supported the requirements, based on comments submitted to the agencies. The medium- and heavy-duty truck rule follows an earlier rule promulgated by both agencies last year that sets emissions standards for cars and light-duty trucks.

EPA Issues Draft Guidance on Selective Catalytic Reduction Systems

The Environmental Protection Agency (EPA) released a draft guidance concerning the certification of certain Selective Catalytic Reduction systems (SCR). The systems generally employ a Diesel Exhaust Fluid (DEF) to reduce nitrogen oxides (NOx) in emissions from heavy-duty diesel engines. EPA feels that heavy-duty engine manufacturers and truck operators have gained significant experience in the design and use of SCR systems and would like to incorporate this experience into the certification process.

While acknowledging the ongoing maturation of SCR

technology and drivers' best behavior in filling DEF tanks before warnings or inducements are triggered, EPA believes that the importance of NOx reduction calls for the issuance of this guidance "...to reflect improving capabilities for designing SCR systems to ensure proper operation." The four design criteria to prevent engine operation in the event of an SCR system failure are as follows:

- Reductant Tank Level Warning System – visual and/or audible alarms to alert drivers.
- Low Reductant Level Inducement – reducing vehicle speed or shutting down engine some point after warning is received.
- Identification and Correction of Incorrect Reducing Agent – poor reductant quality of DEF.
- Tamper Resistant Design – driver should not be able to circumvent SCR systems or
- Inducements.

Nine States, Industry Groups File Briefs Challenging EPA Over Emissions Rules for Cars, Light Trucks and Stationary Sources

Nine states and several industry groups filed an action on June 3 in the U.S. District Court of Appeals for the District of Columbia Circuit claiming that federal limits on greenhouse gas (GHG) emissions from cars, light-duty trucks and ensuing regulations for stationary emissions were illegal. The petitioners also asked that GHG emissions limits from vehicles set by the Environmental Protection Agency (EPA) be overturned, as they are ineffective in dealing with climate change. The industry petitioners included the American Petroleum Institute, U.S. Chamber of Commerce, Utility Air Regulatory Group, Portland Cement Association and the Coalition for Responsible Regulation, which were joined in the briefings by the states of Alabama, Georgia, Mississippi, Nebraska, North Dakota, South Carolina, South Dakota, Texas and Virginia.

The petitioners dedicated most of the filing to challenging EPA's belief that the regulation of GHG emissions from vehicles automatically triggers similar control requirements for stationary sources, which include power plants and manufacturers. When EPA and the National Highway Traffic Safety Administration (NHTSA) jointly issued the May 27, 2010 rule increasing the fuel economy standards for cars and light trucks, they also stated that GHG emissions for cars and light trucks will be limited to an average of 250 grams of carbon dioxide per mile.

The petitioners argued that EPA did not assess the regulatory and economic consequences of limiting the GHG emissions for the stated vehicles. The brief stated that "EPA appears to believe that, once it promulgated its endangerment rule, it was required to promulgate automobile emissions standards without regard to whether those standards would mitigate any defined endangerment, and without considering whether they would trigger absurd regulatory consequences for other emissions sources under other [Clean Air Act] programs."

The group also claimed that the agency ignored Section 317 of the Clean Air Act, which requires EPA to perform

economic assessments on its regulations including compliance costs and competitive effects.

The states specifically argued that EPA did not identify a level of harm for GHG emissions and suggested that the finding that GHG emissions endanger the public should be vacated and remanded to the agency. The groups also argued that the tailpipe emissions rule "will have essentially no effect on any public health or welfare endangerment beyond the concededly negligible effects already produced" by NHTSA's fuel economy standards.

Bill Forcing Federal Agencies to Weigh Cost of Regulations on Small Businesses Fails in Senate

Legislation designed to require federal agencies to determine the cost of regulations on small businesses failed in the Senate on June 9 by a 53-46 vote. The legislation, entitled the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act (S. Amdt. 390), was written to specifically target the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA), but would also apply to other agencies, including the Internal Revenue Service (IRS). The legislation would have required federal agencies to determine a regulation's economic impact on small businesses and what federal rules that a new regulation could possibly "duplicate, overlap or conflict with."

Senator Olympia Snowe, R-Maine, the legislation's sponsor, intended through this legislation to expand the required regulatory impact review to include guidance documents. Also, judicial review provisions were included that would allow small businesses to sue the federal government if the small business believed a federal agency was not properly following rulemaking procedures. Also, the legislation would force IRS to estimate the impact of recordkeeping requirements on small businesses. Despite the failure of the legislation, Senator Snowe vowed to continue the fight for small businesses burdened by regulations. Senator Mary Landrieu, D-La., said that she could not support the legislation because it had not proceeded through the normal committee hearing process and she felt it was too extensive to not have a more in-depth review.

Bill Introduced to Promote Installation of Advanced Safety Equipment on Trucks

Senator Debbie Stabenow, D-Mich., and Rep. Geoff Davis, R-Ky., have introduced legislation that will provide a tax credit for the installation of advanced safety systems for commercial motor vehicles. The Commercial Motor Vehicle Advanced Safety Technology Tax Act of 2011 would provide a tax credit equal to 50 percent of the cost of a qualified system, up to \$1,500, permitting a total credit of up to \$3,500 per vehicle. The bill would limit the qualifying taxpayer to a maximum credit of \$350,000 per taxable year.

A "Qualified Commercial Vehicle Advanced Safety Systems" qualifying for the tax credit includes a brake stroke monitoring system, lane departure warning system, collision warning system, vehicle stability system or a system that is

identified by the Department of Transportation as “significantly enhancing the safety or security of the driver, vehicle passengers or load of a qualified commercial vehicle.” The bill clarifies that if the system is not installed by the original manufacturer, the system must be certified by the installer of the system to be properly installed and functioning on the vehicle before the vehicle is first used by the taxpayer. A qualified commercial vehicle is defined as having a gross combination weight rating of 26,001 pounds or seating at least 15 individuals excluding the driver.

Democrats Pursuing Legislation to Address Undervalued China Currency

House Democrats attempted to bring more attention on June 16 to a piece of legislation (H.R. 639) that sought to attack China’s undervalued currency by forcing Republicans to vote on the measure through a procedural motion. On the Senate side, eight senators are lobbying colleagues to become co-sponsors on the Senate version of the legislation. The legislation would consider Chinese currency policies as a countervailable subsidy until the country halts implementation of policies that depress the value of their currency.

Rep. Mike Critz, D-Pa., filed a discharge petition with the House Rules Committee, a step which would move H.R. 639 to the House floor if it gains the required 218 votes to reach a majority. However, GOP leaders David Camp, R-Mich., and Kevin Brady, R-Texas, have stated that they do not want to move on the China currency legislation this year despite their support for similar legislation in the previous Congress. Additionally, the Obama administration has voiced concerns over China’s currency but has yet to strongly advocate for legislation designed to address the issue.

Despite the absence of support from House Republicans and the administration, House Democrats are pushing the legislation in an effort to demonstrate that they are focused on U.S. job creation. Minority leader Nancy Pelosi, D-Calif., argued that the undervalued currency costs America around one million jobs due to the imbalance. On the Senate side, Senator Charles Schumer, D-N.Y., and eight fellow senators also are circulating a dear colleague letter in an effort to grow support for similar China currency legislation.

“Irresponsible” Swipe Fees Rules Released

The U.S. Federal Reserve’s final rules on debit card swipe fees “is an irresponsible abdication of its legal duty to implement the law as written,” said National Association of Convenience Stores (NACS) Senior Vice President of Government Relations Lyle Beckwith.

The final rules issued today set a per-transaction debit swipe fee of 21 cents, which is significantly higher than the Federal Reserve’s originally proposed rate of 7 cents or the compromise rate of 12 cents. The rules also add 0.05 percent of the transaction amount for fraud prevention.

“Final rules should look like proposed rules. This should have been a clear victory for consumers. We are left

to believe that the credibility of the Federal Reserve is in question because it’s obvious that political pressure from the big banks has impacted the outcome of the final rules,” said NACS Chairman Jeff Miller. “A cap of 21 cents per transaction is better than the current average of 44 cents per transaction, but it is more than 400 percent more than the 4 cents per transaction that the a Fed-sponsored survey of banks found to be the real cost of processing a debit transaction.”

Swipe fees are the convenience and fuel retailing industry’s top pain point and second largest expense item — behind only labor costs. Credit and debit card fees at convenience stores jumped a staggering 21.6 percent to hit a record \$9.0 billion in 2010, surpassing overall convenience store industry profits for the fifth straight year.

As a percentage of overall sales, credit and debit card fees increased from 1.45 percent to 1.56 percent of total industry sales dollars, factoring in all forms of payment, including cash and check. Just looking at motor fuels sales, credit and debit card fees added 4.7 cents to every gallon of gasoline sold at convenience stores in 2010.

The final rules issued today will begin to be implemented October 1. They were originally expected to be finalized by April 21 and implemented by July 21.

In other swipe fee reform news, banks faced a setback as the 8th District Court of Appeals denied TCF’s request for an injunction against the Durbin amendment, according to a report from UnfairCreditCardFees.com.

The court stated in its decision that it found TCF unable to prove a cornerstone of its argument and show that the cost of processing a transaction was above the Federal Reserve’s proposed 12-cent swipe fee cap.

“[W]e are skeptical that the Durbin Amendment has even created a sufficient price control on TCF’s debit-card business so as to trigger a confiscatory-rate analysis or that the law could, in fact, produce a confiscatory rate. Indeed, the heart of any confiscatory-rate claim is the ability to show that the government has set a maximum price for a good or service and that the rate is below the cost of production (factoring in a reasonable rate of return), which TCF has simply not shown on this record,” the court said in its decision.

Nassau County Fire Prevention Regulations Pertaining To Older Motor Fuel Tanks

Tank Replacement -- the owner or operator of a motor fuel underground tank shall abandon or remove all single wall tanks permanently pursuant to the following schedule.

- Single wall tanks in service prior to January 1, 1979, must be permanently abandoned or removed no later than January 1, 2010.
- Single wall tanks installed on January 1, 1979, or later must be permanently abandoned or removed no later than (1) year after the thirtieth (30th) anniversary of its installation.
- The Fire Marshal may modify the replacement schedule of existing non-conforming tanks if conditions conducive to corrosion of conforming installations are indicated.

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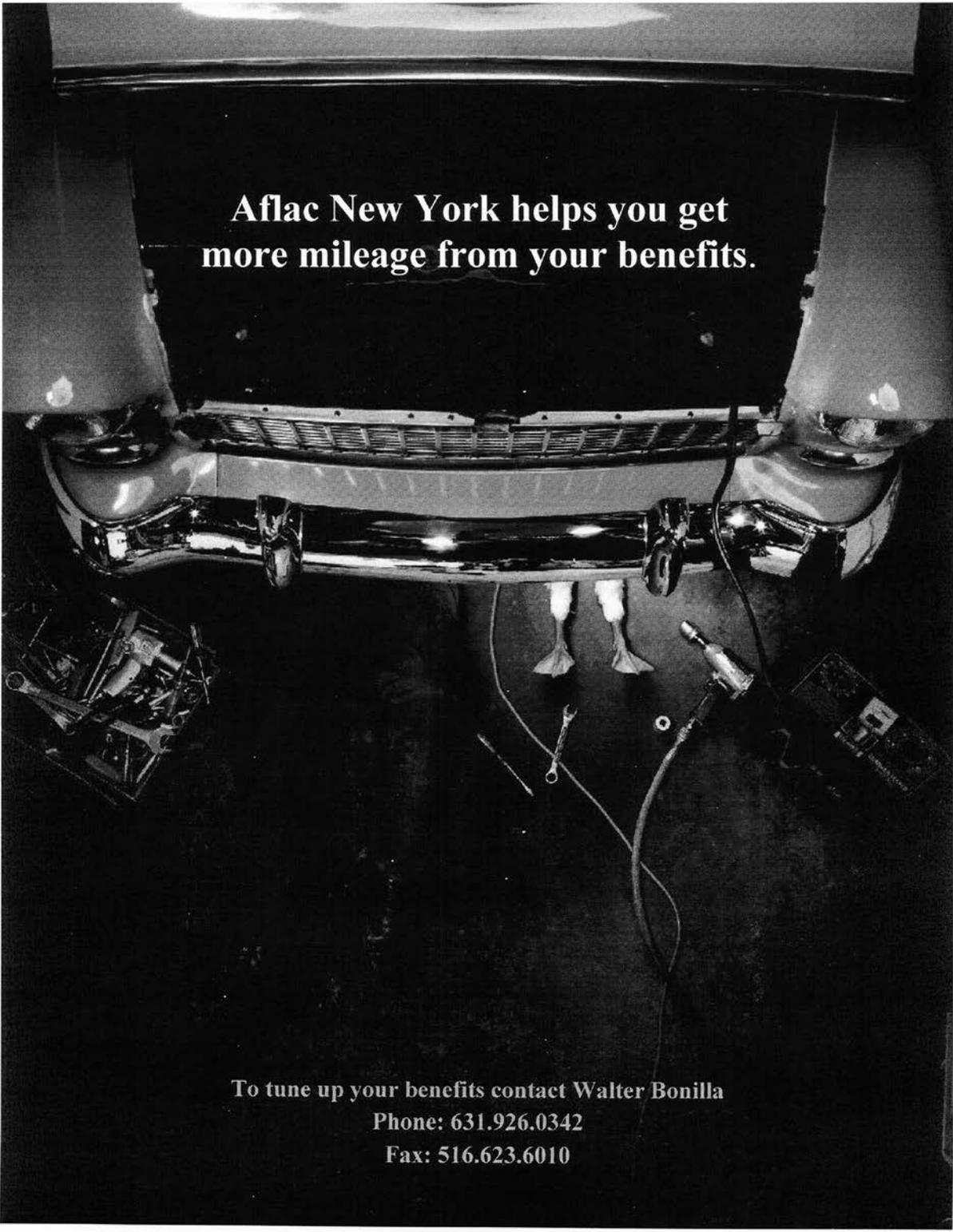
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35%	07-08
30%	06-07
30%	05-06

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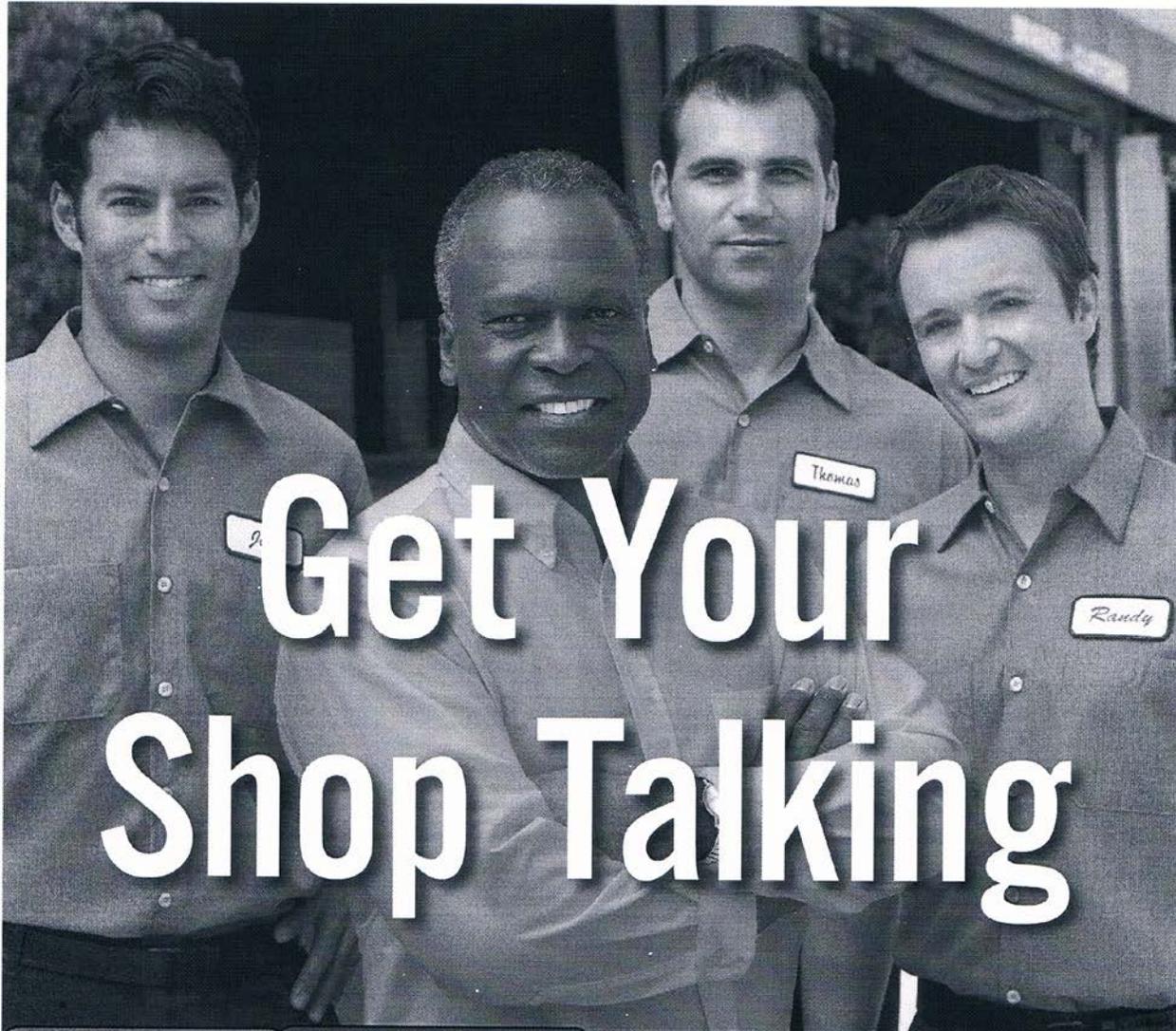
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<u>Less</u> Downtime -Higher Gross Profitability	<u>Obsolescence</u> Protection
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<u>Consistent</u> Manufacturers Throughout Our System	<u>Recognized</u> Consumer Brand
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Phone:	Fax:	E-mail:
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Additional NAPA Dealer(s) you do business with:		
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
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