SSDA News

Service Station Dealers of America and Allied Trades

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INSIDE THIS ISSUE:

RPM Act Introduced in the House: H.R. 5434

By Roy Littlefield

SSDA-AT has positive news to report to start the New Year!

The "Recognizing the Protection of Motorsports Act of 2019" (RPM Act) has just been introduced in the U.S. House of Representatives by Rep. Patrick McHenry (R-NC) and cosponsored by Rep. Raul Ruiz (D-CA).

The bill number is H.R. 5434 and there are five other original sponsors: Reps. Richard Hudson (R-NC), Kurt Schrader (D-OR), Bill Posey (R-FL), Gil Cisneros (D-CA), and Michael Burgess (R-TX).

H.R. 5434 is the House counterpart to the Senate's version of the bill, S. 2602, which was introduced by Senators Richard Burr (R-NC) and Joe Manchin (D-WV) and currently has 28 bipartisan cosponsors (21 Rep. & 7 Dem.).

The legislation will protect Americans' right to convert street vehicles—including cars, trucks and motorcycles—into dedicated racing machines, and the motorsports-parts industry's ability to sell products that enable racers to compete.

The language in the House bill is paired down a bit from the Senate text, as E&C Committee Democrats made clear that they preferred a more straightforward bill and that these changes are necessary in order for the RPM Act to see action in the House.

The RPM Act has strong bipartisan support in both the House and Senate and has been subject to previous hearings as well as approval by the House Energy and Commerce Committee in 2017.

SSDA's focus is on securing as many cosponsors as possible for each bill to demonstrate support for scheduling House E&C Committee and Senate Environment and Public Works Committee action.

We appreciate your involvement on this bill!

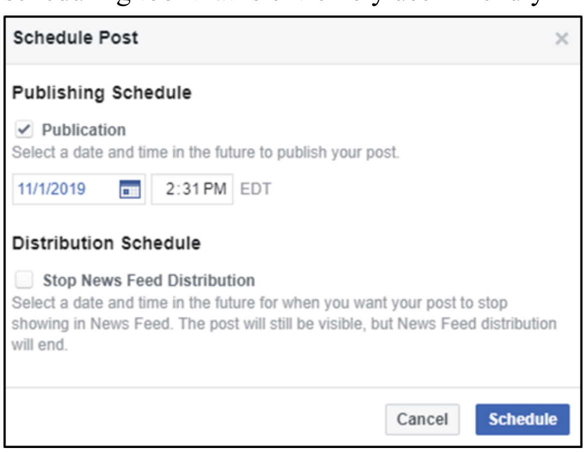
Keeping your Social Media on the Road to Success: Best Practices for Managing Social Platforms for Auto Repair Shops

By: Jess Ross, Social Media Specialist, Net Driven

It's 2020 and social media is more important than ever for small and large businesses alike. While you may not think that social media is an aspect of your business landscape that you should be utilizing, statistics show otherwise. In the third quarter of 2018, there were more than 2.27 billion monthly active Facebook users which is a 10% increase year over year. Not only is Facebook where your customers are spending the bulk of their technological lives, but when utilized the right way, can significantly impact your business with little to no cost to you. The following steps in managing your social media will help you make the most of your posts.

Consistency is Key

Just like the team of technicians and mechanics in your shop, consistency is key in your social media posts. The businesses with consistent social posts are the ones who see the best return on their efforts. You want to consistently be in the eye of your customers, meaning you don't want to make a social post once a month. A consistent social presence would include at least 2 to 3 posts weekly. It might seem tedious to stay consistent with your social media, but it can be very easy if you use the right tools. Facebook has a scheduling tool that is extremely user-friendly



and can be used to schedule posts in advance. This means that you can sit down for an hour or so every few weeks and schedule your posts to go out whenever you want, making the burden of posting content multiple times a week significantly less.

Studies show that every 60 seconds on Facebook: 510,000 comments are posted, 293,000 statuses are updated, and 136,000 photos are uploaded. How do you ensure that your posts and photos are getting the most attention possible? Look at the facts. The highest Facebook traffic occurs between 1:00 and 3:00 PM. Also, engagement is 10% higher on Thursdays and Fridays than on other days of the week. Use these statistics to optimize your return.

Consistency does NOT mean spam

Attempting to be consistent can very easily cross the line into spamming. Spamming your customers' timelines may not only lead to them unliking your page all together, but it makes every post less likely to receive engagement.

Keep Content Relevant

Creating and posting social media content can be daunting, but it doesn't have to be. The key is not to think about it too hard and to stick to what you know. Not only will it keep the content relevant to your industry, but it will make it easier for you to post the content that your customers are expecting from you. For example, would you expect a restaurant to post about oil changes? No, but this is the place for your automotive shop to shine. Share knowledge on car care that makes you a trusted service provider in your community. While certain things like motivational pictures, celebrity gossip, and memes not relevant to your industry may receive likes and shares, they don't drive traffic back to your page for the right reasons. Keep your content relevant and your customers will continue to come back to your page for the information you would want them to get from you.

Continued on page 3

NET DRIVEN

Continued from page 2

Personality is Key

"Don't just give your customers something to talk about, give them somebody to talk about."

- Jay Baer, Social Media Expert

What Baer means by this is that you want your social media content to feel like its coming from another human being, not from some robot behind a computer screen. Giving your social presence personality is one of - if not the - most important part of a social media strategy. Some major brands are starting to do this as well. Take Starbucks for example. They are known for replying back to tweets written to them, and when responding, sounding like the customer's friend.

Engaging with your customers shows them that you actually care about their responses or in-

sights into your business and gives them more of a reason to trust you. If you don't think this is important, statistics show that it is. Studies show 80% of people on social media choose to follow brands based on whether their content feels and sounds authentic. Other ways to show your shop's personality on social media is through personal photos and stories. Hire a new mechanic? Do a profile on your new employee to welcome him or her to the shop. Did a member of your staff get married? Wish them a wonderful wedding day on your page with a photo of your staff celebrating.

These types of posts typically see very high engagement and put a face on the business behind the page. Luckily, sounding and being authentic is as easy as being yourself - making using social media even easier!

Adopting these strategies and learning from them will help you use social media to its fullest potential to help your shop thrive.

The best part? If practiced correctly, social media can be a free source of marketing and advertising for your shop that costs no more than a few hours of your time. So get behind that computer and set up your Facebook business page today to get your auto repair shop on the road to success.

HAPPY NEW YEAR!

ACA Ruling Expected

The latest significant challenge to the Affordable Care Act (ACA) is making its way through the federal court system. Last December in the case of Texas v. Azar, a federal district court in Texas held, in short, that when the Tax Cuts and Jobs Act reduced the penalty for violating the ACA's individual mandate to, it rendered the mandate and, in turn, the entire ACA unconstitutional.

This case is on appeal to the Fifth Circuit and the Fifth Circuit's ruling is expected any day. While there are few guarantees in Washington, it is as close to certain as things can get that any decision by the Fifth Circuit will be appealed to the Supreme Court.

While the ACA will remain in full force and effect until all the appeals are concluded, particularly if the Fifth Circuit sides with the district court in finding the ACA unconstitutional, there will be significant pressure for lawmakers to start planning ahead and considering what would replace the ACA if the Supreme Court in turn declares it unconstitutional.

Trump Administration Opens 1 Million Acres in California to Fracking, Drilling

The Trump administration signed off on an order that's intended to open up more than 1 million acres of land in California, from the Central Coast to the San Joaquin Valley, to fracking and conventional oil drilling.

The Department of the Interior, through the Bureau of Land Management, released the record of decision that ends a five-year moratorium on public land fracking and drilling.

Fracking is short for "hydraulic fracturing," where drillers shoot a high-pressure stream of water or other chemicals into rock in order to crack it open to extract the oil or gas within.

The decision opens up for leasing 1.2 million acres of land in Fresno, Kern, Kings, Madera, San Luis Obispo, Santa Barbara, Tulare and Ventura counties.

In the lead-up to the decision, federal officials held public meetings in Bakersfield, San Luis Obispo and Santa Barbara. Those meetings drew hundreds, who turned out to protest any new drilling or fracking.

At a hearing in San Luis Obispo, BLM Bakersfield Field Manager Gabe Garcia acknowledged that there were "a lot of very impassioned folks" and said he would take their comments into consideration.

Officials also received thousands of written comments from concerned parties.

"Public comments resulted in the addition of clarifying text to the final (environmental impact statement), but did not warrant or suggest further supplementation or change," BLM deputy state director Danielle Chi concluded in the decision document.
The decision drew protest from environmental advocacy groups, including the Center for Biological Diversity.

"We won't let California's stunning public lands be fracked and drilled without a fight," Clare Lakewood, an attorney at the center, said in prepared remarks. "Trump and the oil industry want to expose our communities and wildlife to more toxic pollution. The future of our state and our fight against the climate crisis depend on stopping this vast fracking expansion in its tracks."

Lakewood said that the center is "looking into all of our options" when it comes to responding to the federal decision.

The decision comes less than a month after California Gov. Gavin Newsom announced that his administration would crack down on fracking projects with a moratorium on new high-pressure steam injection wells and scientific review of all fracking permit applications.

"These are necessary steps to strengthen oversight of oil and gas extraction as we phase out our dependence on fossil fuels and focus on clean energy sources," Newsom said in a written statement.

Updated Massachusetts Right to Repair Law Headed to Ballot

SSDA-AT and the Massachusetts Right to Repair Coalition has turned in 102,000 signatures to ensure an initiative petition to enact an update to the Commonwealth's Right to Repair law before it reaches the 2020 ballot.

The Coalition – a group of Massachusetts independent repair shops, auto parts stores, trade associations, consumers and drivers – said that a lack of progress on an update to the law in the legislature led them to pursue an initiative petition so that Massachusetts car owners will continue to have access to the repair and diagnostic mechanical information produced by the vehicle they own.

By 2020, advancements in vehicle technology and increasing restrictions by automakers will result in more than 90% of new cars being equipped to transmit real-time diagnostic and repair information wirelessly to vehicle manufacturers, which could threaten Massachusetts consumers' rights to choose to get their cars fixed at trusted independent repair shops or do the work themselves.

The Massachusetts Right to Repair Coalition supports bipartisan legislation filed in January by 12 State Representatives and two State Senators to update the Commonwealth's Right to Repair law. The bills generated 55 co-sponsors, and if the bill is enacted into law by the legislature in 2020, it would eliminate the need for the ballot question to proceed.

"We need to update the Right to Repair law before wireless technologies remove the car owner's right to get their vehicle repaired at our local, independent shop because the automaker would rather steer them toward one of their more expensive dealers," said Alan Saks of Dorchester Tire Service. "This is a commonsense reform, and we'd love to see the legislature move forward and fix it so that we don't have to go to the ballot to protect consumers' rights to shop around for car repairs."

According to Massachusetts Right to Repair Coalition Director Tommy Hickey, "Independent repair shops across Massachusetts are proud to reach this milestone of more than 100,000 signatures. Our independent shops are increasingly facing the prospect of having limited or no access

Continued on page 7

Updated Massachusetts Right to Repair Law Headed to Ballot

Continued from page 6

to diagnostic and repair information now that automakers are restricting access through rapidly expanding wireless technologies in vehicles not covered under current law."

The ballot initiative would give car owners access only to the diagnostic and repair data generated by their car, and they could opt to provide access to any dealer, repair shop or automaker that they choose during the lifetime of their car.

The Coalition delivered its signatures to Secretary of State William Galvin's office on Tuesday and Wednesday. The initiative petition filed is entitled, "An Initiative Law to Enhance, Update and Protect the 2013 Motor Vehicle Right to Repair Law." The key provision of the initiative is as follows:

Commencing in model year 2022 and thereafter a manufacturer of motor vehicles sold in the Commonwealth, including heavy-duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, that utilizes a telematics system shall be required to equip such vehicles with an interoperable, standardized and open-access platform across all of the manufacturer's makes and models. Such platform shall be capable of securely communicating all mechanical data emanating directly from the motor vehicle via direct data connection to the platform. Such platform shall be directly accessible by the owner of the vehicle through a mobile-based application and, upon the authorization of the vehicle owner, all mechanical data shall be directly accessible by an independent repair facility or a class 1 dealer licensed pursuant to section 58 of chapter 140 limited to the time to complete the repair or for a period of time agreed to by the vehicle owner for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access shall include the ability to send commands to in-vehicle components if needed for purposes of maintenance, diagnostics and repair.

The Massachusetts Right to Repair Coalition now has more than 4,000 members statewide. In addition to independent repair shops and Massachusetts auto parts stores, members of the Coalition include the Alliance of Automotive Service Providers of Massachusetts (AASP-MA) and the New England Tire and Service Association (NETSA). Further information may be found at massrighttorepair.org.

Are You Complying with Minimum Wage and Overtime Pay Laws?: 81% of Employers Are Not! From Sesco

The Fair Labor Standards Act — commonly known as the Federal Wage and Hour Law — was enacted in 1938 as a remedy to the depression. It specifies a minimum wage, requires overtime pay and places restrictions on child labor. The purpose of the Act was to spread employment by placing financial pressure on employers via overtime pay and to compensate employees for working lengthy hours. Despite a long history of clarification and education, confusion about the FLSA and resulting non-compliance still exists. In fact, back wage fines and legal fees resulting in non-compliance of the Fair Labor Standards Act remains the number one employer liability when it comes to labor and employment laws. In FYI 2019, the Wage-Hour Division recovered a record $322 million in wages owed to workers.

As we consider the Wage-Hour Division, we must first understand their mission as follows:

"To promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce."

It doesn't take long to understand how aggressive the Wage-Hour Division is as when exploring their website. If you Google Wage and Hour Division — Data, they make it very clear about how proud they are in terms of the back wages that have been collected for workers, how many millions of workers they've helped and what it means to employees to receive these back wages to include estimating what employees can buy with back wages received.

As SESCO was founded by an ex-Wage-Hour officer in 1945 what then was the first Wage-Hour consulting company in America, our history is deeply rooted in compliance. SESCO has literally audited thousands of employers over these many years to determine their compliance with the Fair Labor Standards Act. As stated above, what is concerning is that non-compliance is significant based on our auditing practices and, in fact, 81% (8 out of 10) of those employers audited by the Department of Labor, Wage-Hour Division are, in fact, in non-compliance. So, if you think you are complying, more than likely you are not.

Wage-Hour Division Statistics

When we look at DOL investigations, we must consider:

Fifty-one percent (51%) of Wage-Hour investigations are complaint driven. This means that an employee or ex-employee of the employer has contacted the Wage-Hour Division and made a complaint.

Forty-nine percent (49%) of the remaining cases are non-directed meaning that employers are selected "randomly" for an audit. However, we know based on the Wage-Hour Division that they have identified what they call "high violation industries" and have such targeted these employers for investigations. These include:

- Distribution
- Auto Repair
- Construction
- Food Services
- Healthcare
- Retail
- Hospitality
- Landscaping Services
- Pest Control
- Manufacturing

There are many other "high violation industries" but the list above will provide an idea of those employers that should be on high alert.

In fact, we are seeing specifically Home Care and Long-Term Care/Nursing Homes being targeted. SESCO has had a number of clients who have been audited in the last few weeks and months in these industries as, again, violations tend to run much higher as a percentage.

Another concerning statistic is that the Wage and Hour Division has been automatically doubling penalties because their competitor, i.e., lawyers and state court cases apply doubled damages/liquidated damages as part of their cases. Therefore, if investigated and found in non-compliance, the Department of Labor will issue wages due back two (2) years for all current and previous employees. Then they will automatically double these back wages.

Common Minimum Wage Violations

The current minimum wage is $7.25 per hour. However, many states and even cities and municipalities have passed their own minimum wage which are higher. You must comply with the highest rate enacted.

Can weekly rates be averaged? The workweek (7 consecutive 24-hour periods starting on any day as selected by the employer) is the basis for establishing a minimum wage rate. Therefore, each week must stand alone and you cannot average hours in multiple workweeks.

Uniform purchase and maintenance — When employees are required to purchase or clean uniforms, a minimum wage violation will occur if such costs reduce an employee's wages below the FLSA's minimum and the week's uniforms are pur-

Are You Complying with Minimum Wage and Overtime Pay Laws?: 81% of Employers Are Not! From Sesco

Continued from page 8

chased or cleaned. This same principle will apply to any other required tool, computer, etc.

Breakage, shortage and theft deductions — Deductions from an employee's paycheck for losses due to such things as breakage, spillage or cash register shortages are not allowed if the effect would be to reduce the employee's pay below the minimum rate. Funds allegedly misappropriated may not be deducted if that will cause the wage rate to fall below the FLSA minimum — deductions for theft that result in payment of less than the minimum wage can be made only if a court has judged the employee guilty of criminal misconduct.

Hours Worked

What are hours worked? An employee must be paid for "all hours worked." That includes the time an employee is required to perform principle activities related to the job on the employer's premises or a prescribed workplace and also the time an employee performs work with the knowledge of the employer even if no order to work has been given (FLSA calls this "suffered or permitted" to work). Most importantly, this means working before or after hours and at home.

Are time clocks required? Employers must maintain accurate records of time worked by employees covered by the Act, but time clocks or time recordkeeping systems are not required. If an employer uses a time system, voluntary early or late punches may be ignored if no work is performed before or after hours. Permitting employees to forego punching time clocks during lunch does not require lunch periods to be counted as hours worked if employees are relieved of all duties and the lunch period occurs at a regularly appointed time.

Overtime Pay

Must unauthorized overtime be paid? An announcement or policy that overtime work will not be permitted or that overtime work must be authorized in advance will not always protect an employer. An employee can collect overtime if he or she is actually suffered or permitted to work extra hours — that is, if the employer or a supervisor actually knows the employee is working overtime or if the overtime appears on payroll records. For example, employees have recovered overtime pay despite prohibitions against unauthorized overtime work where (1) an employee filed daily reports showing overtime hours and handed them to the time keeper; (2) a supervisor knew that an employee was working overtime hours; and (3) an employee consistently started working in the morning before regular hours.

What is the correct overtime rate? The FLSA overtime rate is one and one-half (1.5) of an employee's "regular rate." The regular rate generally means an hourly rate — it is roughly equal to straight time earnings divided by hours worked. Because overtime is figured on a weekly basis, the regular rate must be computed each week. What is critical and one of the most common violations is that the employee's regular rate does not mean an employee's hourly rate. The regular rate must also include bonuses for accuracy of work, attendance, continuation of employment relationship, incentives, production, quality of work, contest prizes, shift differentials and many other payments. These payments must be included in the computation of the regular rate which, in turn, increases the cost of overtime.

SESCO Staff Recommendations

On-Call Time — Whether or not the time an employee is on call need be counted as part of his/her compensable working time depends on his/her freedom while on call. If he/she must remain on the employer's premises or so near thereto that he/she cannot use the time as he/she pleases, this would be compensable time. If on the other hand the employee is free to come and go, even though he/she must leave a telephone number where they may be reached, the time can be excluded from hours worked. Lectures, Meetings and Training Time — Attendance at lectures, meetings, training programs, and similar activities need not be counted as working time if all of the following four (4) criteria are met:

Attendance is outside employee's regular working hours.

Attendance is voluntary (it is not voluntary if required by the employer or if the employee is led to believe that non-attendance will prejudice working conditions or employment standing).

Employee does no productive work while attending.

Program, lecture, or meeting is not directly related to the employee's job (it is directly related to the job if it aids in handling the present job better as distinguished from teaching another job or a new or additional skill). Travel Time — The guidelines which apply in determining whether or not time spent in travel is working time depends upon the kind of travel involved.

It is the position of the Wage-Hour Division that an employee who is required by their employer to drive an automobile or a truck for the transportation of other employees to or from work at any time is working while traveling. It makes no difference whether the vehicle is the employee's own car, the employer's car, a rented car, or a truck.

Letter to the Editor

Dear SSDA-AT,

Higher-ethanol fuels can cause engine damage for vehicles that aren't designed for it, and most vehicles aren't. Nearly 70 percent of vehicles on the road today were not designed to run on fuel with 15 percent ethanol volume, known as E15. Using it can void warranties and require costly repairs. Plus, it's less energy dense than ethanol-free gasoline, requiring more frequent fill-ups. That's why the Renewable Fuel Standard (RFS), which mandates yearly ethanol quotas, is so bad for consumers.

Regulators have options to protect consumers. But producers of corn-based ethanol are pushing back – calling on regulators to force more ethanol into the fuel supply whether consumers want it or not.

Arbitrarily increasing renewable fuel volumes would be a mistake. As detailed in a recent joint op-ed from API, North America's Building Trades Unions, and American Fuels and Petrochemical Manufacturers, artificially increasing the mandates yet again will do nothing more than increase costs on U.S. manufacturing while increasing incentives for more imports.

Let's hope the White House changes course and puts consumers and the thousands of hardworking Americans employed by refineries at the center of ethanol policy.

Sincerely,

Mike

Mike Sommers
President and CEO
API

energy API®

AMERICAN PETROLEUM INSTITUTE

Trump Said to Approve U.S.-China Trade Deal to Halt Dec. 15 Tariffs

President Donald Trump signed off on a phase-one trade deal with China, averting the Dec. 15 introduction of a new wave of U.S. tariffs on about US$160 billion of consumer goods from the Asian nation, according to people familiar with the matter.

The deal presented to Trump by trade advisers Thursday included a promise by the Chinese to buy more U.S. agricultural goods, according to the people. Officials also discussed possible reductions of existing duties on Chinese products, they said. The terms have been agreed but the legal text has not yet been finalized, the people said. A White House spokesperson declined to comment.

An announcement is expected Friday Washington time, according to people familiar with the plans.

Global stocks hit a record high for the first time since early 2018 and bond yields climbed on optimism over trade. On Thursday, Trump tweeted that the U.S. and China are "VERY close" to signing a "BIG" trade deal, also sending equities higher. The yuan surged the most in a year, rising above 7 per dollar.

"They want it, and so do we!" he tweeted five minutes after equity markets opened in New York, sending stocks to new records.

The administration has reached out to allies on Capitol Hill and in the business community to issue statements of support once the announcement is made, people said. Before meeting his trade advisers, Trump engaged with members of the Business Roundtable, which represents some of the largest U.S. companies, they said.

Trump changed his mind on deals with China before. Negotiators have been working on the terms of the phase-one deal for months after the president announced in October that the two nations had reached an agreement that could be put on paper within weeks.

The U.S. has added a 25 per cent duty on about US$250 billion of Chinese products and a 15 per cent levy on another US$110 billion of its imports over the course of a roughly 20-month trade war. Discussions now are focused on reducing those rates by as much as half, as part of the interim agreement Trump announced almost nine weeks ago.

In addition to a significant increase in Chinese agricultural purchases in exchange for tariff relief, officials have also said a phase-one pact would include Chinese commitments to do more to stop intellectual-property theft and an agreement by both sides not to manipulate their currencies.

Put off for later discussions are knotty issues such as longstanding U.S. complaints over the vast web of subsidies ranging from cheap electricity to low-cost loans that China has used to build its industrial might.

The new duties, which were scheduled to take effect at 12:01 a.m. Washington time on Sunday unless the administration says otherwise, would hit consumer goods from China including smartphones and toys.

Even amid the positive signs on trade, Chinese foreign minister Wang Yi highlighted the other confrontations between the two sides. On Friday in Beijing, Wang said that U.S. actions had "severely damaged the hard-earned basis for mutual trust" and left the relationship in their "most complex" state since the two sides established ties four decades ago.

Before today, Trump's advisers had sent conflicting signals and stressed that he hadn't made up his mind on the next steps.

The decisions facing Trump over a trade deal highlight one dilemma he confronts going into the 2020 election: Whether to bet on an escalation of hostilities with China and the tariffs he is so fond of or to follow the advice of more market-oriented advisers and business leaders who argue a pause in the escalation would help a slowing U.S. economy bounce back in an election year.

What Bloomberg's Economists Say...

"The outcome of U.S.-China trade talks will be a key determinant of the trajectory for 2020 growth.

At one extreme, a deal that takes tariffs back to May 2019 levels, and provides certainty that the truce will hold, could deliver a 0.6 per cent boost to global GDP. At the other, a breakdown in talks would mean the trade drag extends into the year ahead."
--Tom Orlik, chief economist

The president's expected announcement was met with immediate criticism from Democrats and even by members of his own party. Republican Senator Marco Rubio, one of the most vocal China hawks in Congress, said the White House should consider the risks of a deal.

OPINION: Why "No Thanks" is an Unacceptable Response to Development

In any group or department, you have them -- the employees who are comfortable where they are. They're reluctant to step up to new challenges and dismiss the need for growth. And as a leader, it's easy to ignore these people because you likely have your hands full attending to those on the other end of the continuum – those who desperately want to grow, develop, and progress.

Yet, in the current hyper-competitive environment, growth is no longer optional; it's an essential survival strategy. Today it's actually dangerous to adopt a "thanks but no thanks" mentality when it comes to development. Because, let's face it:

Stagnation in any form is unhealthy.

The world is moving so fast, with technology and methodologies changing daily.

Organizations that wish to be at the top of their games require employees who at are at the top of theirs, as well.

Anyone who is not developing is going to lag behind. As a leader, you can't afford to have anyone stand still. What helped your employees get to where they are today will fall miserably short of keeping them there, and that has significant implications.

As a result, leaders must re-educate employees and help anyone who thinks they're 'just fine' to understand that, in the absence of ongoing development, they are anything but fine. So, if you encounter others who are reluctant to grow, try these five strategies.

Make sure employees understand that career development doesn't mean going anywhere. Many people resist growth because they equate it with promotions and moves. But someone who enjoys his or her current role doesn't have to decline development for fear of changing jobs. Development in place is always available. Employees can and should develop right where they are.

Educate others about the need for continual growth. Offer information about what's changing, the pace of change and how staying ahead of the curve helps customers and themselves. Well-informed employees will understand the urgency behind development when they appreciate the tremendous pressures facing the organization and the implications associated with not evolving and keeping pace. But, beyond sharing your perspective, you have to understand theirs, which brings us to the third strategy.

Uncover the sources of reluctance. Understand what might be keeping people stuck or unwilling to grow. Peel back the layers of confusion, discomfort, lack of confidence or simple inertia with curious questions. Listen with the intention to fully understand the inner landscape that -- if unaddressed -- will compromise success in the outer landscape.

Identify what career success means to each individual. Clarify what's most important to the employees who report to you, what they want to achieve, what kinds of juicy challenges they might be interested in pursuing, and what might offer the greatest sense of motivation and satisfaction in the workplace.

Highlight what's in it for others to continue growing. Like you, they find themselves on the hamster wheel of day-to-day activity. It's hard to see the tree – much less the forest – when you're rolling around in the pine needles.

So, make sure to connect the dots between an employee's sources of reluctance or resistance to development, their motivations, and need to grow in a way that's personal and compelling.

We can't forget that development -- or lack thereof -- doesn't just affect the individual.

US Law Must Change for Oil, Gas Infrastructure to Keep Up With Demand: Report

The US government needs to reform its environmental regulations or permitting and construction of oil and natural gas pipelines may be unable to keep pace with demand, according to a report published by the National Petroleum Council.

Overhaul of the National Environmental Policy Act, which mandates consideration of the environmental impacts of major government agency decisions, is most needed, the report states.

"The number one legal challenge is the NEPA process," said Amy Shank, an asset integrity and pipeline safety director with Williams, and one of the study's co-authors. "If we get Congress to clarify and really get specific about what NEPA should and shouldn't cover ... then I think those court cases either go away or they get much shorter."

Procedures for NEPA reviews vary between government agencies, boosting the potential for conflict, the report states.

The White House's Council on Environmental Quality, which was established by NEPA, had issued guidance on the law numerous times, but only substantially amended its regulations once, according to the report. This has created inconsistency and numerous legal challenges, the report states.

For example, recent the Federal Energy Regulatory Commission has been challenged under NEPA to consider the environmental impact of natural gas production and consumption in approval of a proposed interstate pipeline. Last year, the Trump administration's approval of a Keystone XL pipeline permit was rejected in a Montana district court for inadequately reviewing the climate impacts of the project.

In 2016, 27 decisions in various US Courts of Appeals involving NEPA-based challenges were issued, with the federal agencies fully prevailing in all but six.

A July study by ClearView Energy Partners found that NEPA was the most frequent statutory basis for a legal challenge of oil and gas pipelines, with the most frequent argument being an insufficient analysis of the effect of greenhouse gas from a project, both upstream and downstream.

Litigation "can delay the construction, maintenance, and operation of sited and approved projects, created uncertainty for communities and project developers, and can reduce the resiliency of US energy infrastructure," the study states.

The report recommends Congress define an "appropriate" environmental review process, set the parameters of a greenhouse gas assessment in a NEPA review.

Legal challenges have delayed projects, but so have legal risks.

"The risk of litigation encourages agencies to expand their NEPA reviews as a defensive measure rather than to aid decision-making," the report states.

And permitting by states further complicates projects, with processes and government agency structures differing by state. The report recommending a common agreement between federal and state jurisdictions for potential conflicts in environmental reviews and development of a master structure for state permitting and coordination of infrastructure approvals.

"Overlapping and duplicative regulatory requirements, inconsistencies across multiple federal and state agencies, and unnecessarily lengthy administrative procedures have created a complex and unpredictable permitting process," the report states.

The report, which was approved by the NPC at its meeting Thursday, was requested in 2017 by then-US Energy Secretary Rick Perry. The NPC, originally established in 1946, is an industry organization charged with advising the energy secretary on oil and gas issues.

Slow Growth, No Recession for US economy, Chems in '20

The US and the global economy should see slow growth in 2020 with the performance of the US chemical sector reflecting the muted outlook, economists at the American Chemistry Council (ACC) said.

"Definitely a slowdown is occurring with a recoupling of global economies to the downside. The manufacturing downturn is more pronounced in developed regions such as the US and Europe but it does appear this is bottoming out," said Kevin Swift, chief economist of the ACC.

"The consensus is that 2020 will be another year of slow growth, barring an unforeseen event, with the US economy strengthening in the latter half of 2020 to 2021," he added.

The ACC sees US GDP growth of 1.8% in 2020, down from an estimated 2.3% in 2019 and 2.9% in 2018. That's against a backdrop of global GDP growth of 2.6% in 2020, flat versus 2019 and down from 3.1% in 2018.

US chemical production volumes are projected to edge up just 0.4% in 2020 after an anaemic 0.6% gain in 2019. Volume growth has slowed dramatically from the 4.1% registered in 2018.

On a dollar basis, US chemical shipments should rise 2.4% to $569.1bn in 2020 after weak 0.5% growth in 2019. That's down from a robust 6.1% growth rate in 2018.

US-CHINA TRADE TENSIONS

Chief among the culprits of the weak performance is the US-China trade war. Additional tariffs are scheduled to be implemented from both

sides on 15 December in the absence of a phase one trade deal.

US President Trump's comments at a NATO meeting on 3 December threw a widely expected phase one agreement in doubt, as he noted no deadline for a deal, and that he may favour a deal after the November 2020 elections. Equity markets tumbled worldwide in response.

"Trade tensions have created tremendous uncertainty and curbed investment while exports of manufactured goods have been hit," said Martha Moore, senior director - policy analysis and economics at the ACC.

In addition to the estimated $136.7bn of direct US chemical exports in 2019, around $49bn of chemicals are included in US manufacturing and agricultural exports, she noted.

US chemical exports of $136.7bn in 2019 are set to decline 2.5% from 2018, before ticking up 1.1% to $138.2m in 2020.

Imports are also set to decline by 3.9% to $104.8bn in 2019 before rising 1.2% to $138.2bn in 2020, according to the ACC.

Slow Growth, No Recession for US economy, Chems in '20

Continued from page 14

"The export side has been hit significantly with China's retaliatory tariffs and the slowdown in global manufacturing," said Moore.

The ACC's assumptions for its projections include a stabilisation of US-China trade tensions, which includes a phase one trade deal, the economists noted.

If US and China tariffs are implemented on 15 December, it would just disrupt supply chains further, exacerbate the uncertainty and hinder further investment.

"If you want to build a new plant that you'd run for 25-30 years and plan to export 50-70% of the production, how do you plan for that amid the trade uncertainty?" said Swift.

So far, US chemical capital investment (capex) continues to chug along. Industry capex is projected to rise a robust 4.8% in 2020 after a similar gain in 2019 and up from 4.0% in 2018, according to the ACC.

"The US shale gas advantage underpins the US chemical outlook. The outlook would be very different under the same conditions without shale gas," said Moore.

The trade uncertainty has slammed manufacturing PMIs (Purchasing Managers' Indexes) but is also now impacting services PMIs, noted the economists.

The ISM US Non-Manufacturing PMI reading in November fell to 53.9 from 54.7 in October. The US manufacturing PMI in November fell to 48.1 from 48.3 in October.

Anything above the 50 level indicates expansion in activity while under 50 indicates contraction. Both readings came in below expectations.

The risk is that a prolonged US-China trade war and more tariffs stifle business investment and hiring.

"The next recession could potentially be the first policy-induced recession in modern times," said Swift.

RECESSION ODDS LOW

Despite the softness in global manufacturing and trade tensions - not just between the US and China but between the US and other countries - there is a relatively low probability of a US economic recession, the ACC economists said.

The ACC's Chemical Activity Barometer (CAB) is meant to do exactly that as a leading indicator of the overall US economy.

The CAB reading for November was stable (0.0% change) on a three-month moving average basis following a 0.3% percent decline in October.

"The CAB would have to decline for three consecutive months, and register a cumulative decline of 3%. We are not even halfway there yet but the CAB is indeed suggesting a slowdown," said Swift.

However, a resolution of the US-China trade war could "add another multi-year leg to the economic expansion. 2018 saw a surge in activity but then the trade war threw the equivalent of a heavy wet blanket on the economy", said Swift.

"One of the causes of the downturn has been uncertainty on trade. If that's taken away, the strong fundamentals take over," said Moore.

Agreement Reached on USMCA

President Trump and U.S. House of Representatives Democrats reached agreement on the United States-Mexico-Canada Agreement (USMCA) which will replace the NAFTA accord.

The three countries had already agreed to the USMCA's major provisions, but the fine points of the trade deal were still subject to discussion.

The legislatures of each country must approve the USMCA before it replaces the NAFTA accord. The U.S. House of Representatives is expected to vote on the trade pact in December, but the U.S. Senate may not schedule a vote until early 2020.

Magnuson Moss Warranty Act Update

There have been some recent developments in relation to Magnuson Moss.

The New Jersey Assembly passed Senate Bill 1712 - Notification of Vehicle Warranty's, (73-0) which would require the vehicle manufacturers to send a notice to consumers within 90-days of a new car lease or purchase of the consumers existing Magnuson Moss rights under federal law.

In addition, the measure requires the manufacturers to put the notice on their website.

The Governor has until January 14 to sign or veto the measure. All indications are that the Governor will sign the measure but we are lining up support in case the manufacturers push the Governor for a veto.

If this bill passes, this will be only the second state to pass a Magnuson Moss Notification Bill in the country. Maryland tried to pass a similar bill a year ago but it failed in the Senate after passing the House.

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