



Legislative & Regulatory Action Center

RECENT ACHIEVEMENTS

Transparency & Accountability in Energy Commodity Markets

- ✓ Spearheaded efforts that **brought national attention to the excessive speculation, record volatility and alleged manipulation that persists in unregulated energy commodity exchanges leading to passage of legislation this June that effectively closes the “Enron Loophole” and achieves greater CFTC oversight of the trading markets.**
- ✓ **Testified before members of the U.S. Congress in June and December of 2007, and April of 2008, on the urgent need for transparency in the energy commodity markets, and called on Congress to Close the ‘Enron’ and ‘Foreign Markets’ Loopholes,’ and give the Commodity Futures Trading Commission (CFTC) the funding and statutory resources needed to regulate these markets.**
- ✓ **Testified before CFTC Commissioners, calling for vigorous oversight of energy trading and asked that it establish an Advisory Committee comprised of small business and consumer interests...** in a February, 2007, this committee was created and **NEFI was given a seat on the panel.** This committee will meet at least twice a year to advise the agency on how it regulates energy trading.
- ✓ **Established the *Energy Market Oversight Coalition*, a broad alliance of 80+ national, regional and state trade and interest groups dedicated to full transparency and accountability in energy trading.**
- ✓ **Helped draft key federal legislation to close the ‘Enron Loophole,’ which is currently nearing a final decision in Congress.**
- ✓ **Endorsed a bill to ban speculators from energy trading unless they can take physical delivery of product.**
- ✓ **Created “<http://www.CloseTheEnronLoophole.com>”, a web portal for consumers and advocates to log-in and write congress on trading oversight... site has produced near **45,000 messages to Congress on this issue!!!****
- ✓ Continue to point to speculation as the *real “price gouging”!*

Low Income Home Energy Assistance Program (LIHEAP)

- ✓ Working closely with the Northeast/Midwest Congressional Coalition, the Petroleum Marketers Association of America (PMAA) and national LIHEAP coalitions in calling on Congress to provide **full funding of the program in Fiscal Years 2008 and 2009, and emergency funding as appropriate.**

“After rejoining NEFI, I have never been so impressed with the work and dedication that is put forth by all...

I only hope I can contribute something to show my appreciation of everything NEFI is doing.”

*Vic Allienello, Jr.
East Providence Fuel Oil Co.
in a letter to NEFI, Apr. 5, 2008*

- ✓ Successfully requested releases of emergency funding from the White House with a **majority having been allocated to states with sizable heating oil markets.**
- ✓ Submitted legislative recommendations to a key U.S. Senate Committee that would help **discourage states from implementing harmful Margin-Over-Rack (MOR) programs, which hurt fuel dealers.**

Low Sulfur Heating Oil & BioHeat[®]

- ✓ Continue to work with the Northeast States for Coordinated Air Use Management (NESCAUM); the American Petroleum Institute (API); National Petrochemical & Refiners Association (NPRA); Department of Energy and National Association of State Energy Officials (NASEO); NORA; PMAA; NYSERDA; Canadian air quality officials; top executives from numerous state associations; refiners and wholesalers; and others to **insure successful future implementation of a new lower-sulfur quality heating oil product in the near future.**
- ✓ Working closely with state groups and national groups such as NORA and the National Biodiesel Board (NBB) to **promote BioHeat[®] among the public, media and public officials.**

(More)

Northeast Home Heating Oil Reserve

- ✓ **Insured adequate funding** for the Northeast Heating Oil Reserve.
- ✓ **Engaged Department of Energy officials** on ways to strengthen the reserve, introduce a bio-component, and reform the trigger mechanism in such a way that will **afford the industry greater input on the need for releases**

Small Business Benefits for Heating Oil and Propane Dealers

- ✓ The Small Business Administration (SBA) is poised to finalize a rule, recommended by NEFI, that will **revise size classification standards for Heating Oil and Propane Dealers to be employee-based**. Currently, dealers with \$11.5 million in annual gross receipts as a “large business.” The new rule will base size on number of employees, whether 50 (proposed by SBA) or 100 (proposed by NEFI).
- ✓ Such a revision **will exempt nearly all heating fuel dealers from an new and major increase in HAZMAT FEES** for large businesses when the DOT passes its pending rule. It will also aid in applying for federal and state loans, negotiating for lines of credit with banks & suppliers, and obtaining regulatory relief.
- ✓ NEFI is in talks with SBA to help provide urgent **regulatory relief and financial support** for the industry.

Spill Prevention, Control and Countermeasure (SPCC) Regulations

- ✓ Submitted comments to the EPA that helped get an **extension of the deadline for new SPCC rule compliance from October 31, 2007 to July 1, 2009**.
- ✓ Submitted comments to the EPA **opposing the application of SPCC regulations to parked tanker trucks**. This rule will be finalized sometime in 2008.
- ✓ **Received assurances from New England EPA officials that SPCC plans will remain confidential and not be made public**. Concerns were raised after an EPA office in Kansas City released local plans at the request of a local newspaper, jeopardizing national security.
- ✓ As the compliance deadline of July 1, 2009 approaches, **NEFI is planning regional seminars and guidance documents** to help the industry meet its obligations under the revised SPCC rule.

Protecting the Industry from Harmful Regulations

- ✓ Successfully lobbied the EPA on a rule **that would have required new ticket printers on delivery trucks** due to lengthy and complicated new wording required on these tickets. NEFI negotiated shortened wording.
- ✓ Successfully removed wording from a new Department of Homeland Security regulation **that would have applied very costly new chemical facility rules to diesel fuel marketers!**
- ✓ Working with the IRS to establish **a tracking system for biodiesel gallons that exempts BioHeat blenders**.
- ✓ Defeated an interpretation of OSHA rules that **would have required harnesses at loading racks**.

Providing Professional Regulatory Guidance

- ✓ As the EPA’s phase-in of low sulfur non-road, locomotive, and marine (NRLM) diesel fuel began 2007, **issued a series of regulatory Compliance Kits, hosted seminars at regional conferences, and provided guidance bulletins** to help with compliance and **avoid fines of up to \$32,000 per day, per violation**.
- ✓ NEFI is the only trade association or vendor in the United States to offer the **entire set of EPA-required fuel dispenser decals and delivery ticket/shipping paper stamps** to comply with the above rule.
- ✓ **NEFI issued prompt regulatory alerts and compliance bulletins on important developments affecting the industry**, including: Spill Prevention, Control and Countermeasure (SPCC) rules; the new fax solicitation prohibition; injury, illness and wage reporting requirements; tax credits issues; HAZMAT registration; TRI reporting; IRS mileage rates; driver background check programs; above ground and underground storage tank issues; and proposed regulations that would have adversely affected the industry.
- ✓ **NEFI will continue to provide detailed information and resources needed for compliance!**

**Your contributions support
membership and involvement
in key organizations & alliances:**



THE LIHEAP COALITION

Organizations and companies supporting the Low Income Home Energy Assistance Program



**THE
ENERGY COMMUNICATIONS
COUNCIL**

**THE
NEW ENGLAND
COUNCIL**



**And “Marches on Washington” in support of the issues they advocate,
Including the Annual PMAA “Day on the Hill”
And NFFN’s “LIHEAP Advocacy Day”**