

# NOZZLE & WRENCH

AN OFFICIAL PUBLICATION OF THE WASHINGTON DC, MARYLAND & DELAWARE SERVICE STATION & AUTOMOTIVE REPAIR ASSOCIATION



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## INSIDE THIS ISSUE:

- >> Bad Attitude
- >> Make Your Facebook Ads Campaign a Success
- >> Cost Reduction Tips for Fuel Operators

*The lost income and overtime that must be paid would be worst part of this bill.*

## KIRK'S CORNER

# Legislative Update Maryland, Delaware, and D.C.



By Kirk Mccauley,  
Director Of Member  
Relations &  
Government Affairs

**Maryland legislative session is 25 days old**, and WMDA/CAR is tracking 44 bills out of 1853 bills that have been put in so far. We have submitted written and oral testimony on 8 bills. Today is February 8th and I just turned in written on 3 additional bills and will also give oral on 2 of those, 1 being SB275 family leave bill, the other is SB 322, price sign bill.

We have been having a legislative session every Friday morning until the session is over in Maryland. Our virtual meetings start at 9 am and over by 10 am or sooner. Swapna sends out the link to the meetings and I urge all to participate. Last week we focused SB275 being one of the bills I signed up today to testify on. The hearing is February 10th in the Senate Finance Committee at 1pm.

I going to post the alert I sent out and put different links on it for HB 8, the cross over to SB275 in House. HB 8 will be heard February 15th in the Economic matters committee at 1 pm

Besides WMDA/CAR we had four members that I know turned in written or oral testimony and sent emails to their state senator and delegates on SB275. Hopefully, there were more members that responded but did not let me know. Mark Seney, Ken Quasney, Steve Claudy, Troy Parcelles, Scoot Steinbach, and Bruce Spencer, all let me know. A good mix of WMDA and CAR working together to kill the bill. I was told that sounds like a movie and I responded that unlike the movie Kill Bill, this one was real and extremely expensive to all our members, Gas, Wrench or Twinkies.

It's not the cost of the payroll withholding, although significant, that could be managed with a reasonable leave length. The lost income and overtime that must be paid would be worst part of this bill. The extended leave time of 12 or 24 weeks is ridiculous.

I am disappointed that I have not heard from more members, about emailing their representatives, signing up for written or oral testimony or both. These are bills that if passed,



Continues on page 4

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would be very costly. Taking 30 minutes of your time for a virtual meeting and 15 minutes more to get signed up to turn in written is a small price to pay. Why do I want to know who signed up? When I am talking to legislators it is extremely useful to know who signed up in their district and just the sheer number of signups.

**Legislators are different, they do not want your time, they want your money.**

Hope to see you all every Friday, look for Swapna's link.

### **Kill This Bill! Not the Movie**

As you all know there is Family and Medical leave bill HB 8, being heard February 15, in Economic Matters committee at 1 pm. Every station, convenience store and repair shop should:

- Contact their Maryland Legislators and ask for a NO VOTE on HB 8. A link to find your legislator is below. Click on the link and then click lookup and put your address in. Legislators and emails will come up
- Either sign up to send written to the committee and/or sign up to testify. You do have to create an account, but it is easy and can be done quickly. There is a tutorial on the finance link below on how to sign up.
- My testimony is attached and use anything out of it you want or as a template. Do not copy word for word, use your own words and speak from the heart, be respectful. Like old man Murphy used to say, "Nobody Tells it Better Than the Business Owner", the one that must cut their own pay when the till is dry. I will testify orally also.

If you have any questions my contacts are below.

We all want our employees to have leave if sick or have a

family member seriously ill and for parental leave. But 12 and possibly 24 weeks is out of bounds. We pay unemployment insurance now and this is just another hit from the state. HB8 will be heard on February 15th so save a copy of your testimony. There is another bill out there HB496 that will do close to the same with a couple of exceptions that will also be heard on February 15th. I will give you that rundown latter this week

**HB 8 will be heard on February 15, and you must sign up to testify or submit written 2 working days before bill is heard, sign up day will be Friday February 11, between 8 am and 3 pm. Sign In to MyMGA Tracking ([maryland.gov](http://maryland.gov))**

- Our small businesses do not have the employees to fill in when someone is off for 12 weeks, let alone 24.
- Employee works 17 weeks and can access 24 weeks of paid leave. 12 for very liberal family definition and 12 if employee is sick. This equation is off balance to say the least.
- Hire a replacement for 12 weeks would be next to impossible. Temps double the costs, paying overtime is not much better,
- Technicians are really a problem, with labor and parts sales from technicians gone for 3 months and possibly more.
- Department of Legislative Services estimated \$536 dollars a year per employee would be the max cost for the employer which is significant. The cost to replace the employee, if possible and dealing with loss of income from losing a technician, could be far greater.
- Businesses have not recovered from past two years and can ill afford another drain on resources.

- Bills of this nature make artificial intelligence (A.I.) look less expensive.
- Verification of portions of this bill would be impossible.
- Any of the shops that have 401k for their employees, could be looking to cut matching amounts if this bill were to pass.

**My testimony for SB 275 is here also (see page 5), use any info you want for HB 8 but put in your words. SB275 and HB 8 are same bill.**

**Economic matters committee witness guidelines**  
[current-ecm-faqs.pdf](http://current-ecm-faqs.pdf) ([maryland.gov](http://maryland.gov))

**Find Your Legislator**  
<https://mgaleg.maryland.gov/mgawebsite/Members/District>

### **Delaware**

Delawares Version of Family and Sick leave bill has come out of committee and will be on senate floor when session comes back in on March 6th. This bill in Delaware looks like it is on a fast track and governor is backing bill SB1, which after amending is now called SS1 Which stands for Senate Substitute 1 Bill.  
[Bill Detail - Delaware General Assembly](#)

### **District of Columbia**

Not much happening in DC. We did have a meeting with Chairman Mendelson on the Gouging bill. We offered amendments to the bill that would protect a business from mandatory \$10,000 fine even for unintentional mistake in pricing.  
<https://lims.dccouncil.us/Legislation/B24-0126>

The bill is complicated because of an amendment to the gouging law already in place. WMDA/CAR testimony will help explain what the bill does and more important what it could cost a business.

*We pay unemployment insurance now and this is just another hit from the state.*



**B24-0126**

WMDA/CAR is testifying on B24-0126, consumer price gouging bill amendments to 28-4102 and 28-4102.01

**28-4102** lumps businesses

together, when in fact they all have different operating costs. During an emergency, business costs can increase significantly but are not addressed in the law. Retail prices are set by wholesale cost, plus retail average markup for similar merchandise in Washington Metropolitan area for 90 days preceding emergency order.


**B24-0126** could put a business that did not increase retail costs during declared emergency in violation of 28-4102. If the Office of the Attorney General brings charges a judge would have no choice but to fine that business \$10,000 Dollars. The judge could not consider intent or circumstances or the fact the retailer did not increase retail cost.

Is this a fair and equitable way

to punish a business that had no intent to violate the law. The way 28-4102 and 28-4102.01 are written, the average retail price is ambiguous and errors can be made unintentionally. A judge

should be able determine the fine by nature of violation.

We did summit alternate language that would provide the court with discretion to provide penalty consistent with intent. ■



Chairperson: Delores G. Kelley  
Members of Senate Finance Committee

RE: SB275

Position: In opposition

Business is struggling now in these uncertain times and every day seems brings another challenge. I know Covid has been hard on everyone and for small business you can double that. While some manufactures and online stores have done very well, small business and especially brick & mortar have suffered. Working from home, mask on, mask off have, all contributed to lack of traffic in our location.

This one size fits all bill if passed could not come at a worse time for small business. The cost per employee, for employers share of 0.75% of payroll coupled with, increase in wages, cost of professional help, upgrading software for tracking requirements all add to rising cost of doing business in Maryland. Employers are being pushed to braking point.

Replacement employees are close to non-existent for member service stations and convenience stores, even when offing above minimum wage. For repair facilities the problem is worse, technicians are impossible to find. Here lies a huge problem, when an employee takes off for 12 weeks because he can, where do you find an employee to replace them. Fiscal notes say **"The U.S. Department of Labor found that 40% of employees who took FMLA leave returned to work due to their inability to afford leave. By establishing FAML, more employees may take leave and take leave for longer periods of time"**

Small business does not keep extra employees, finding a temporary worker for unspecified period would be hard to say the least. Option, pay overtime if an employee or employees willing to work the hours. Expensive way to do business but choices are limited. Temporary agencies would cost more.

A repair facility with 3 technicians would be losing 33% of business revenue with 1 technician out This would be devastating to business and with 2 technicians out could be business ending.

The prospect of an employee taking off 12 weeks after only working 17 weeks (680 hrs.) is hard to imagine and the possibility of 24 is a bad dream. Equation is off balance with 12 weeks, let alone 24.

Verification portion of this bill is also troubling, and some would say impossible. Investigators would be overwhelmed; verification would be unreliable at best when other state and countries are involved. Employers that can, will turn to A.I. as better everyday option. Eliminating costs, including jobs will be a priority, along with price increases.

The bill creates a huge in division in Department of Labor to implement and regulate at an enormous cost to employers, gives employees mores weeks off then they have worked. Well run, profitable companies that treat they employees well and with good benefits will be looking to other states to locate their business, jobs will move along with them.

This bill says Maryland is closed to business

Please give SB 249 and unfavorable report

WMDA/CAR is a trade association that has represented service stations, convenience stores and repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or [kmccauley@wmda.net](mailto:kmccauley@wmda.net)

**CONTRIBUTE TODAY**

## **ELECTION 2022:**

# **WMDA/CAR PAC needs funds to Participate**

*Governor, Attorney General and Comptroller, along with delegates and senators are up for election in Maryland.*

- ▶ **Ban on menthol cigarettes** in District of Columbia means there will be copycat bills in Maryland and Delaware this year.
- ▶ California **bans gas powered cars** by 2035, will MD, DE, or DC be next?
- ▶ Baltimore council members want to **ban new service stations** in the city, ban plastics, Styrofoam & sugary drinks. They have shut down many retailers with pad locks on doors, blaming business for crime. Police are telling our retailers you are on your own, hire security guards. They need to focus on crime, not plastic bags. The absurdity of actions like this underscores the need for new legislators.
- ▶ Labor and employee bills in all three jurisdictions would add thousands of dollars in **payroll cost** per year. While we have been successful in stopping or amending most bills, they will all be back this year.
- ▶ **Right to Repair** – New cars manufactured are installing devices in vehicles that send information over wireless networks to dealerships automatically.

As absurd as some of these bills are, they are real and affect all our members. These issues will be or already are in the legislative process. We need legislators who support retail business, do not be on the side lines.

**Support your PAC and PROTECT your business.**

**We suggest \$150 per location however, any amount is welcome.**

Please send contributions to: WMDAPAC 1532 Pointer Ridge Place, Suite F Bowie, MD 20716

Your fellow business owners and PAC officers,

Rick Agoris, *PAC Chairman*

Riaz Ahmad, *PAC Treasurer*



# Bad Attitude



By Sandi Weaver  
BA Auto Care, Inc.

I read a comment on a social media site where someone commented on employee attitude and wanted to know how to create a policy which would include employee's needing to have a good attitude. Another person responded "good luck, they all have a bad attitude". This comment had a lot of thumbs up and comments agreeing. It made me mad so many people agreed and basically accepted tech=bad attitude but it also got me thinking of why it made me mad.

Since I basically took over my shop and became part owner, our culture has changed, changed for the better. I have a different outlook on what the work place should be like than my dad did. Don't get me wrong, he put in the work to make the shop a place people want to work, I just tweaked it a bit, changed with the times. I stopped hiring people based solely on their skills. I look for someone who will mesh well with the other employees, who wants to be part of a team and look out for their fellow workers. I can't say this was a conscious decision at first but one that sort of came to be when we hired a guy with a great attitude. His positive attitude spread through the shop to all but a few. Those few were what I call the cancers of the shop and they no longer work here. Not just because of their attitude but because being unhappy effects all areas of your work and creates an "I don't care how good a job I do". Now we have a team of people who talk throughout the day, they joke around and truly enjoy coming to work each day making them more productive. The last two techs who have been here for years have realized no one wants to listen to someone complaining all day. They also have realized complaining to their co-workers doesn't solve their issues. Talking with me or the service manager; communicating and working together to find a solution does.

Don't get me wrong, it's not all sunshine and rainbows. We all have bad days and frustrating jobs but we they aren't compounded with complaining. They are evaluated and resolved or shrugged off with knowledge that it's just one bad day or one frustration. I hired a non-automotive coach to improve our communication and it is by far one of the best decisions I made. She's helped us understand each other better and given us the tools to talk things out. If you look at the cause of most of the problems faced daily, they usually come back to poor communication. Improving communication (and listening skills) and setting expectations will greatly reduce day to day issues and helps keep owners out of the little fires.

A positive attitude is just as contagious as a bad one. Be the positivity you want in your shop and form your team around it. Guide them, coach them and be there to work through the tough times. My point is, not all techs/employees have a bad attitude and you can work to change the culture of your shop if you want to. ■



*I look for someone who will mesh well with the other employees, who wants to be part of a team and look out for their fellow workers.*

# Make Your Facebook Ads Campaign a Success

Brought to you by Netdriven

**Facebook is the world's most popular social media platform**, with 2.41 active monthly users (HubSpot). It presents a great opportunity to engage online shoppers who are searching for products like yours on Facebook and Facebook Marketplace.

Fifty-six percent of people visit Facebook to get more information (Facebook), such as researching products and finding local businesses in their community. As a local business yourself, Facebook helps you target these prospects and make them aware of your brand, which means people could visit your store within the same day of viewing your ad.

Starting off a Facebook ad campaign could seem daunting if you are jumping in for the first time, but something we really enjoy about Facebook is how well its advertising platform can be adjusted to your business goals. Below we'll delve into how you can customize your Facebook ad campaign to maximize your results.

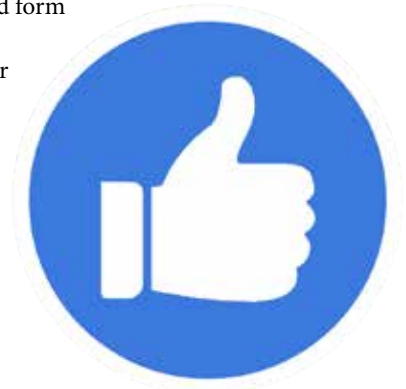
## The Power of Facebook Advertising

The average Facebook user clicks on 12 Facebook ads per month, or about once every 2.5 days (Hootsuite). This shows that users pay attention to and interact with Facebook ads versus simply scrolling past them, revealing Facebook ads to an effective avenue to reach shopper. Because Facebook also owns Instagram, your ads can engage shoppers there, too.

## Multiple Ad Types

In addition to offering a very impressive reach, Facebook provides multiple ad types to align with your business' marketing goals. These ad types include:

- **Traffic** ads designed to drive more traffic from Facebook to your website
- **Engagement** ads to build up "likes" for your Facebook page and business events (such as sales and trade shows) so that customers stay connected to your brand's news
- **Lead Generation** ads allowing prospects to fill out a lead form directly on their Facebook newsfeed
- **Conversion** ads, which encourage prospects to visit your website and submit a lead form
- **Catalog Sales** ads to re-engage Facebook users who viewed your website inventory and encourage them to return and make a purchase
- **Reach** analytics to see how many Facebook users are viewing your ad content and how often
- **Brand Awareness** to get in front of prospects who have seen your ads before, creating repetition to build recognition and increase the likelihood of conversion



*Fifty-six percent of people visit Facebook to get more information (Facebook), such as researching products and finding local businesses in their community.*

## Highly Targeted Ad Audience

Along with choosing ad types that align with your strategy, your Facebook ads can capitalize on targeting a highly promising audience. Facebook has the most precise



# facebook



audience targeting ability of any social media site and allows businesses to create specific audience groups to ensure your ads are seen by qualified shoppers. The high-level targeting helps to increase your website traffic while ensuring your ad spend turns a real profit.

Choose the audience type that drives the shoppers you want to see at your store:

- **Core** audience, which are the people most likely to convert based on location, interests and demographics
- **Custom** audience, which is identified through key shopper actions, such as visiting your website, making a previous purchase and/or interacting with your business' Facebook page (you can custom-create these remarketing lists based on your needs and goals for your marketing campaign)
- **Lookalike** audience lists to identify additional shoppers who share the same interests and/or demographics as your target audience – expanding your reach to target more relevant prospects

## Cost-Effective Facebook Ad Spend

One of the most beneficial aspects of Facebook advertising is its affordability for businesses of

all types. You have the opportunity to forego a cookie cutter approach in favor of a strategy that truly works for your business. Regardless of the size of your marketing budget, you can tailor your Facebook ad spend to meet your goals without exceeding your funds limit.

Facebook makes it easy to adjust (ie, increase or decrease) your budget at any time based on your campaign performance. This is because Facebook's ad platform is both flexible and full of insight into the performance of each ad at every step of the campaign. Knowing what is working for your audience and what may not be catching their attention allows you to make quick, informed decisions about your advertisements. Being able to pause, start and alter your ad campaign budget based on the performance of each ad makes Facebook advertising a very cost-

effective strategy for businesses of any size.

## Conclusion: Why Advertise on Facebook

Social media continues to increase in popularity for online shopping, especially as younger generations mature into consumerism, and we're looking at the platforms that are most likely to create results for businesses.

The vast amount of ad types and audience targeting options makes Facebook a powerful platform to get in front of the right shoppers and drive more leads to your business. It's easy to get started and create a custom ad campaign that fits your needs and goals exactly. No matter the size of your business, you can reach a greater market share of shoppers that are interested in making a purchase. ■

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# Cost Reduction Tips for Fuel Operators

By Tony Caputo, Warren Rogers Precision Fuel System Diagnostics

**With the lingering pandemic, rising labor, delivery,** fuel supply, credit card, and operational costs impacting fuel marketers and wholesalers today, cost-reduction is paramount until some form of normalization returns, if ever. The business environment has changed dramatically since the onset of the pandemic and operators who embrace technology and cost-reduction will more-likely achieve some sort of profit stabilization than those resistant to change.

Fortunately, there are many ways to lower your operational costs with the correct technology in place. Store automatic tank gauges (ATGs) and dispenser controllers can supply a wealth of information. This data can be safely-attained and curated to provide the insights needed to lower labor, maintenance, and oversight costs.

Many operators still rely on manual processes to manage their compliance, supply, auditing, and maintenance needs. These areas are only exacerbated by staff turnover, work overload, and reliance on manual-reporting processes. Here are just a few areas that can be better-managed with the right amount of attention.

## Compliance Reporting

Without a proper fuel system monitoring system in place, the collection of 30-day compliance records from store ATG's can be a paperwork nightmare for compliance personnel. In older locations, where ATG-based testing (CSLD, SCALD, PLLD) is not possible, then more manual effort has to be made through 3rd party suppliers of leak detection (SIR, CITLSD). We know that ATGs can normally store up to 12 months of records, but obtaining those results via fax, mail, or other means, can require quite a bit of manual effort and staff follow-up. Less-savvy operators may be reliant on store or general managers to collect this information directly from the ATG every 30 days, fax or mail to corporate, and archive the records at store level should a regulator show up. Occasionally, the results may indicate that your testing has failed for the prior 30 days, putting you at risk of a fine or notice of violation by local regulators. In a worse-case scenario, if the reports are not pulled in the proper manner or in the proper timeframe, paperwork cleanup before an inspection can be time-consuming and result in additional fines for missing or overlooked paperwork.

With technology in place, monitoring software applications can poll and track these testing results every day and archive passing results every 30 days for years to come. Monitoring software can also produce reporting to alert you to any sites that are in jeopardy of not passing their current ATG-based 30-day testing period. This allows compliance staff to address the issues at hand BEFORE the tanks, lines, or sensors fail the first 30-day result. Free up your compliance staff from manual tasks and provide them with the technology to better-manage your outcomes and costs.



*Fortunately, there are many ways to lower your operational costs with the correct technology in place.*



### **Filtered Alarm Management**

Compliance and maintenance departments can also be overwhelmed with the amount of ATG alarms notifications that may be coming at them on a daily basis via fax, email, phone, or other reporting methods. In some cases, operators are reliant on store personnel to “hear the beep”, review the alarms, assess for importance, and communicate the alarms quickly and properly to corporate personnel or the owner. Unfortunately, alarms can become repetitive nuisances and go ignored if not handled properly, resulting in fines or serious leaks, downtime, and costly equipment failures.

Remote monitoring software can collect these ATG alarms, filter to the most-serious issues, and communicate the alarms to the right personnel without manual store interaction. This process eliminates much of the “noise” and inattention that manual ATG alarm reporting processes may cause. Alarms can then be electronically-tracked,

including alarm clears, and archived for future regulatory visits, making an inspection an easier ordeal to manage.

### **Dormant Dispensers and Fueling Positions**

A fueling dispenser can become inoperative for many reasons, costing the operator valuable throughput, disrupting supply deliveries, frustrating customers, and impacting profitability. Often, it is up to store staff to report broken equipment to the company maintenance department or an authorized service provider. Unfortunately, these manual reporting procedures may delay this notification and slow down necessary repairs. Once informed, the repair department can troubleshoot the dispenser over the phone, dial into the equipment, or send a service person to the location.

With electronic fuel system monitoring in place, software applications can detect when transactions are no longer

occurring over a certain time period. By connecting electronically to the dispenser controller, totalizer movement can be monitored to track as transactions occur or when they no longer are taking place.

### **Inventory-level Reporting**

With an electronic connection to the ATGs at your locations, inventory levels can be captured in real-time and exported to the supply department or your 3rd-party haulers, at the desired cadence. Inventory levels for several or all locations can easily be communicated via excel sheet, .csv, or even API at more-advanced companies. These are much-more efficient methods than a reliance on time-consuming and risk-prone phone calls, faxes, emails, or other means. Real-time inventory levels can also be displayed on an online dashboard or fed to a runout alert notification service, decreasing the frequency of runouts and duration of downtime your sites may incur.

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## Slowing Flow Rates

With electronic connection to the dispenser controller(s) at a site, software can track and analyze the flow rate of fuel from every dispensing point over time and report upon dispensing positions that are flowing in a sub-par fashion. For example, for regular gasoline and auto diesel grades, the optimal flow per minute is in the 8-10 gallon range. For high-flow diesel, primarily at truck stops and travel centers, the desired range is in the 35-45 gallons per minute range. When fuel flow drops below these ranges, customer frustration grows and gallon throughput decreases as a result. When you manually-monitor for slowing flow, it is often the customer who is ultimately accountable to report the issue to store personnel. Unfortunately, it may be days or weeks before the complaints become noticeable enough to warrant a call to the service department or owner. In the meantime, throughput could have been reduced due to lost sales and back-ups at the fuel lanes.

### Targeted Filter Changes

Using the flow rate reporting mentioned above, fuel filter changes can be targeted to only the dispensing points in need of maintenance. Often, a complaint that “unleaded is flowing slowly” results in filter changes to ALL fueling points where Unleaded is dispensed, increasing your maintenance costs. Normally, flow rate will deteriorate at your higher-use dispensers first. With the right monitoring software in place, maintenance personnel can target the dispensing points in need of a filter change and leave the other ones alone, resulting in 50-75% savings on filter changes. Not to mention the benefits of less downtime and increased throughput by better-maintaining your dispensers from a flow standpoint.

## Water In Tank Reporting

With electronic monitoring software in place, custom reporting can be put in place to inform and track water as it enters your stores’ fuel systems. An online dashboard can display the tanks of most-concern before the issue becomes a problem for your customers or fuel phase separation occurs. Interactive tank views can also help you to indicate the time and date when water entered the system or if a faulty water reading probe may be at play. Taking this approach can lower your costs by giving you the change to properly address water as soon as it enters your tanks.

## Targeted Meter Calibrations

Today, operators may rely on state weights and measures or annual testing to ensure their meters are not holding back or giving away product. Annual meter testing is a great process to institute to ensure all meters are dispensing properly. However, there are times that the meters may stray off track between meter testing and cost you quite a bit in fuel costs through over-dispensing. By comparing product leaving the tanks and being dispensed over time, software can assess and indicate when a wide variance may be taking place. Often, you can then correct the issue and reap the savings well before an inspector lets you know or red-tags the dispenser. An additional benefit is that you can target correction only to the meters in need and not incur the cost of recalibrating all meters.

These are just a few of the many ways that technology and remote monitoring software can cut your costs and give you more control over your operation. ■



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# Government Affairs Update



By Roy Littlefield IV

**In January, WMDA/CAR being represented** by SSDA-AT participated in the United States Chamber- State of American Business program. SSDA-AT at the event spoke with UPS CEO Carol Tomé, Georgia Chamber of Commerce President and CEO Chris Clark, and U.S. Chamber President and CEO Suzanne Clark. The event focused on leadership on global vaccine distribution, the challenges of modernizing and upgrading logistics, and the importance of competition to driving transformation, innovation, and growth in the business

community. The theme to take away from was competition for the future.

Mid-month, SSDA-AT met with Rep. Kevin Brady (R-Tex.), who is one of Capitol Hill's leading voices on taxes, spending and free trade. SSDA-AT spoke with Brady about his opposition to President Biden's "Build Back Better" plan and why he believes massive government spending will only fuel inflation and lessen Americans' spending power. WMDA/CAR continues to maintain a strong relationship with Rep. Brady who is not seeking re-election in 2022. Brady was a champion for SSDA-AT with tax code negotiations under the Trump Administration serving as Chair of the House Ways and Means Committee and still fights as Ranking Member of the House Ways and Means Committee.

During the month, SSDA-AT participated in a Family Business Coalition meeting. Topics of discussion included upcoming legislative items for this year, the status of the Build Back Better (BBB) bill on the Senate side, and the latest on estate tax/capital gains/step-up in basis related issues.

So far during this administration WMDA/CAR has worked with the coalition to stave off some potentially disastrous tax hikes on family businesses including:

- Eliminating Stepped up basis
- Taxing Unrealized Capital Gains at Death
- Taxing phantom gains through Wyden's "billionaire surtax"
- Cutting the current unified estate, gift, and gst exemptions in half to pre-TCJA levels
- Severely restricting the use of GRATS and other tools that family businesses use for succession planning
- Eliminating small businesses valuation discounts in section 2704 of the code

As Congress continues to negotiate BBB and smaller revenue measures, SSDA-AT will continue to play an active role in opposing these policies at every turn.



# GOVERNMENT AFFAIRS



In January, WMDA/CAR also participated in a Right to Repair coalition call to discuss current efforts in Massachusetts by the auto manufacturers to delay the implementation of the law to 2025. SSDA-AT also participated in a Small Business Labor Safety (OSHA/MSHA) roundtable. At the meeting SSDA-AT reviewed regulatory actions by OSHA and MSHA and discuss which issues are of key importance to small business. SSDA-AT also participated in a Highway Users legislative meeting on the status of highway funding. We anticipate this to be a major federal issue in 2022. ■

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# Congress Starts Moving on ERC, WOTC, and Business Financial Support



By Roy Littlefield III

When Senate action on Federal elections closed, Senator Manchin told reporters he was starting over with a new slate of ideas, and Build Back Better should be set aside – a timely thought for the governing Democrats facing another pandemic emergency requiring Congress to stabilize the economy and avoid a flood of bankruptcies.

The Build Back Better Act was passed by the House and is now before the Senate; it can be passed by the Senate and returned to the House, or it can be allowed to die in the Senate and an entirely new Omnibus Budget

Reconciliation Act for Fiscal Year 2022 passed by the House.

There are other alternatives, such as a Supplemental Appropriations Bill containing emergency funds the White House wants, and working with Senate Republicans, but for Democrats to win their highest priorities – such as renewal of the Child Credit – too few Republicans would support the bill.

What's almost certain is that Speaker Pelosi and Majority Leader Schumer will opt for the same kind of bill as Build Back Better, that is, an Omnibus Budget Reconciliation Act for FY 2022, which can be passed by simple majority.

We are aware that action on the Build Back Better Act has been held up by a Continuing Resolution which expires on February 18th. This means very soon Speaker Pelosi and Leader Schumer must determine what route to take on either Build Back Better or an alternative bill.

Ideally, Democratic leaders should aim to get a bill done by March 1st. At that point, five months of Fiscal Year 2022 will have expired with the government still funded on last year's budget, creating big and wasteful management problems, especially for Defense. Time is running out.

In the tax provisions of an omnibus, SSDA-AT strongly renews support for the Employee Retention Credit (ERC), as enacted by the American Rescue Plan on March 5, 2021 and terminated by Congress effective October 1, 2021.

The Employee Retention Credit was abruptly terminated by the Senate and House when it had barely begun. We strongly opposed this action at the time, for it cut off billions of dollars of COVID-19 emergency funds to support employers' hiring, payrolls, and cash flow through the end of 2021.







SSDA-AT will work hard for renewal of the Employee Retention Credit and enactment of the Suozzi two-year special WOTC for 2022 and 2023; renewal of VOW To Hire Heroes Act veterans target groups and recommended new WOTC target group for military spouses; and new provisions for people with disabilities, & authority to claim the credit against payroll tax.

**Carmakers Supporting to Delay Massachusetts Right-to-Repair Law to 2025**

Major car manufacturers have launched a new attempt to delay Massachusetts’ right to repair legislation. In 2020, residents in the state voted in favor of updated right to repair laws that would let independent auto repair shops receive telematics data from vehicles. Now, groups representing auto manufacturers are introducing their own new proposals that would delay the law’s implementation.

If passed, the two new proposals, first viewed by Motherboard, would push back the starting date of Massachusetts’ right to repair law to 2025, three years later than the original 2022 start date. Supporters of the proposal argue the extra years would give automakers more time to comply with the laws.

Massachusetts’ 2020 law was intended to make it easier for small auto shops to access diagnostic data about vehicles without the need for proprietary tools available only to manufacturers. When the law goes into effect, it would require any automaker doing business in

the state to allow this telematics data to be accessible through a smartphone app.

SSDA-AT strongly supports the implementation of Massachusetts’ right to repair law and we are opposed to any delays. ■



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## CREDIT CARD PROCESSING

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