ND PETROLEUM MARKETERS ASSOCIATION

NDPMA News Summer 2026

Above Ground Storage Tank Rules
AST Rules – NDAC Article 33.1-13-01

North Dakota Department of Environmental Quality

Key Compliance Dates

The rules became effective on April 1, 2026. Tanks for which installation commenced on or before this date are considered "existing" systems, while tanks installed after this date are considered "new" and must meet the full secondary containment and construction standards in the rules. For underground piping, an initial annual line tightness test capable of detecting a 0.1 gallon-per-hour leak rate must be completed by October 1, 2026. By April 1, 2027, owners and operators must install a normally closed solenoid valve at the connection between the tank and piping, if one is not already in place; this same date also serves as the deadline for the initial line tightness test on existing single-walled pressurized piping systems. Continuous interstitial monitoring for underground piping operating at normal head pressure must be fully implemented by January 1, 2030. Cathodic protection systems on metallic underground piping must be verification-tested every three years, and general visual inspections of the tank, piping, and containment areas must be performed and documented at least every 30 days.

Existing Tank Leak Detection Requirements

Existing tanks that do not meet the secondary containment standards required for new tanks must use at least one approved release detection method. Statistical inventory reconciliation may be performed monthly by a qualified vendor and must be capable of detecting a release rate of 0.2 gallons per hour. Where statistical inventory reconciliation is not feasible, inventory control may be used instead, requiring daily volume measurements, equipment accurate to one-eighth of an inch, and reconciliation of deliveries against tank readings, with a detection threshold of one percent of throughput plus 130 gallons per month. Manual tank gauging is available only for tanks of 2,000 gallons or less, and requires readings taken over a 36-hour no-flow period at least every 30 days, subject to specified variance thresholds. Automatic tank gauging systems must detect a 0.2 gallon-per-hour leak rate and perform a leak test at least every 30 days. Owners and operators may also request department approval of an alternative method demonstrated to perform as effectively as those listed above.

Existing Piping Leak Detection Requirements

Aboveground piping must be visually inspected at least monthly for leaks or seepage, with any visible seepage repaired promptly. For underground piping operating under pressure, owners and operators must either maintain secondary containment with interstitial monitoring or, for single-walled systems, install an electronic line leak detector capable of detecting a 3 gallon-per-hour leak at 10 psi and complete an annual line tightness test capable of detecting a 0.1 gallon-per-hour leak rate. Underground piping operating at normal head pressure must be continuously monitored through interstitial monitoring and equipped with a positive shutoff valve installed before any buried piping, with sumps fitted with liquid-sensing float alarms. All electronic line leak detectors and sump alarm systems, where installed, must be tested annually for proper operation.

30-Day Walkthrough Inspections

The rules require a documented visual walkthrough inspection at least every 30 days, covering evidence of leakage at the tank and piping, the integrity of secondary containment areas, and the condition of containment sumps. To help owners and operators meet and document this requirement, a standardized 30-day walkthrough inspection form will be available on the NDDEQ website.

Mike Rud & Vern Kelley

Valued NDPMA Members:

Once again, summer has flown by in ND. Urgent work in the Association office has kept pace. As you will see from articles throughout this newsletter, there has been no shortage of issues to address in the last few months.

We started out this spring dealing with a potential flavored tobacco ban in Fargo. The debate over a potential city ordinance addressing those concerns is still ongoing. Member marketers in the Fargo metropolitan area have stepped up in a big way to try and get this controversial issue right.

Illicit vaping products aren't the only items under scrutiny in the retail sector. NDPMA has learned staff from the ND Attorney General's office will begin pulling all Kratom infused products off store shelves in the coming days.

Kratom is an herbal substance derived from a tropical tree native to Southeast Asia that acts as a stimulant at low doses and an opioid sedative at high doses. It is not approved for any medical use by the U.S. Food and Drug Administration (FDA) and carries a high risk of dependence, addiction, and serious side effects. It's marketed as in chewable forms and in kratom infused drinks. If consumed in larger doses, **this product is said to be more potent than morphine.**

During the 2025 Legislative Session, Kratom was discussed at length. ND Governor Kelly Armstrong has now called a special session September 2-4 to address the issue of Kratom sales in ND.

NDPMA and Tank Fund officials recently finished work on the new AST regulations. NDPMA is also working with DEQ placing a priority emphasis on the state fuel inspection program as well as proper pump labeling.

Vern Kelley - EMA Heavyweight Champion

All of which leads me to promoting NDPMA's annual convention and tradeshow Oct 25-27. The format has changed a bit, but the content will remain pertinent to industry success as always. Please plan on attending. The final seminar of the convention will focus on the new AST rules. It will be the perfect time to get your questions answered.

A point of privilege to honor a true association difference maker. The following words were offered up by a ND petroleum retailer in describing Vern Kelley, a Minnesota petroleum marketer and member of NDPMA. Vern was awarded a heavyweight championship belt for all his efforts at the EMA Day on the Hill event in Washington DC in May. No individual could be more deserving:

"On behalf of EMA, I want to offer special recognition to an individual who has given more to this organization (PMAA & EMA) and our industry than can ever be measured.

For decades, he has served as a state director and worked tirelessly on behalf of petroleum marketers everywhere.

EMA President Rob Underwood & Vern Kelley

Vern Kelley & NDPMA Director Matt Bjornson

When a challenge arises or a battle needs to be fought, his answer is always the same: "Yes." The day simply isn't long enough to list everything he has done, but I can say with absolute certainty that his efforts have saved every petroleum marketer in this country 10's of thousands of dollars.

He has traveled countless times to meet with EPA OUST, speaking with authority on UST rules, compatibility, emissions, testing, and every other critical issue—and people listened. He has been a key voice in high-level meetings with the Office of Management and Budget at the White House. And even though he is officially retired, he continues to lead the charge today on critical issues such as tanker placarding and preventing harmful changes to Method 27 testing for our tankers.

It is no exaggeration to say he has been part of this industry for nearly 80 years. His father drove his mother to the hospital in a bulk truck on the day he was born. For decades, he has fought tirelessly at both the state and federal levels, always putting the interests of our industry first."

Speaking personally, I have known Vern for my entirety as NDPMA president. There was something special about his expertise and personality that drew me to him immediately. Now, some 22 years later I understand the attraction. Vern and I share not only a deep love of our faith, GOD and country. We also came into this world in the same way.

I too entered the world after my mom and I took a ride in a gas truck down I-94 in the winter of 1963. Nearly every year on my birthday my dad would call me early in the morning and tell me how they followed the state snowplow down the interstate in blizzard conditions to get mom to the hospital. Now, I find out one of my most cherished friends arrived in this world in the same manner. That is beyond coincidence. I have always held my relationship with Vern in the highest regard. Now, I just have one more reason to feel that way. Kindred spirits.

See you all in Fargo.

Mike Rud, President

A Minnesota Lawsuit Every Fuel Distributor Should Watch

A quiet case working its way through a Minnesota district court may carry more long-term significance for the fuel distribution industry than almost any regulatory development in recent memory from EPA's Office of Under ground Storage Tanks. **The Minnesota Pollution Control Agency (MPCA) has sued a conventional fuel wholesaler**, asserting that it qualifies as an "operator" of an underground storage tank (UST) system it never owned, managed, or controlled. The Energy Marketers of America (EMA) is supporting the defense of this case with funds from its Marketer Defense Fund, reflecting how seriously the industry views the potential consequences.

The facts of the case are straightforward. The company supplied fuel to a third-party-owned retail gas station, arranged deliveries through an independent common carrier, and received an automated data feed from the station's tank gauge — used solely to determine delivery timing. When a petroleum release occurred at the site, the MPCA bypassed Minnesota's petroleum cleanup fund and instead pursued the distributor as the liable party, arguing that access to tank gauge inventory data made the company an "operator" for purposes of cleanup liability.

That argument inverts nearly four decades of established regulatory interpretation. Since EPA first promulgated UST rules in 1988, an "operator" has been consistently defined as any person in control of, or having responsibility for, the daily operation of the UST system. Minnesota, like most states with EPA-approved programs, adopted this definition verbatim. In nearly 40 years of enforcement, no environmental agency has successfully applied that definition to a product supplier whose only connection to the tank was a data feed used for logistics planning — until now.

The implications of an MPCA victory would ripple across every state in the country. Distributors could find them selves legally responsible for tank and line leak detection, UST maintenance and repair, operator training and recordkeeping requirements, and — most consequentially — cleanup costs and third-party liability at every customer site they supply. That financial exposure would be compounding: standard pollution and storage tank liability insurance typically excludes non-owned sites, meaning distributors could face pressure to separately in sure each customer's individual tanks. For the typical jobber supplying dozens or hundreds of retail locations, that burden would be commercially untenable.

The case also raises a practical impossibility: a wholesaler that does not own, manage, or have legal authority over a site simply cannot perform the compliance functions the law assigns to operators. Imposing that obligation anyway does not make stations safer — it just reallocates liability onto parties with no ability to act on it.

This case deserves close attention well beyond Minnesota's borders. A legal outcome that effectively makes wholesalers co-insurers of every retail site they supply would crush smaller operators who lack the capital to in sure and assume compliance responsibility across dozens or hundreds of customer locations. Given the broad implications of the case, **EMA is supporting the fuel company with funds from its Marketer Defense Fund to ensure this regulatory overreach does not propagate across the nation.**

EMA Marketer Defense Fund

As a member of ND Petroleum Marketers Association, you are also a member of Energy Marketers of America's (EMA). The Marketer Defense Fund (MDF), unlike EMA's Small Business Committee PAC (which only accepts personal funds to support federal lawmakers), the **MDF can accept corporate funds,** which are crucial to supplement EMA's lobbying efforts and federal lawsuits challenging government regulations. In 1993, Congress passed a law declaring that any money used for lobbying (i.e. EMA's Small Business Committee PAC) is not deductible for income tax purposes. Conversely, **MDF donations are tax deductible as a business expense but not as charitable giving.**

Why Contribute to the MDF?

EPA Emissions Rules: The Energy Marketers of America continues to challenge several EPA final rules that impose stringent emission standards, which significantly impact our industry by mandating electric vehicles (EVs).

- June 2024: Tailpipe Emission reductions for heavy-duty vehicles (Phase 3) (2027-2032)
- June 2024: Tailpipe Emission reductions for light-duty vehicles (2027–and later)
- June 2023: California Waiver for Advanced Heavy Duty Clean Trucks Regulation
- April 2023: Amicus Curiae Challenge to NHTSA Fuel-Economy Standards
- April 2022: Reinstatement of California Waiver for Advanced Clean Cars (ACC) I (17 States Plan to follow California)
- December 2021: Tailpipe Emissions reductions for light-duty vehicles Rule (2023-2026)

In a significant victory for the energy industry, the U.S. Supreme Court (SCOTUS) ruled 7-2 in favor of the EMA and other stakeholders challenging the Biden Administration's EPA waiver that authorized California's Advanced Clean Cars I (ACC I) rule. The decision, authored by Justice Brett Kavanaugh, grants energy marketers legal standing to contest California's stringent vehicle emissions standards, remanding the case to the D.C. Circuit Court of Appeals for further review on its merits. Stay tuned for more good news this year!

Furthermore, MDF funds pay for:

- Support for crucial surveys and data collection
- PAC software support
- Support for local DC charities involving Congress members
- Travel expenses for Marketers who testify at regulatory/legislative hearings (flights, hotel, parking, taxis)

EMA Membership in key legislative and industry organizations including the Small Business Legislative Council (SBLC), Transportation Energy Institute (TEI), National Association of Tobacco Outlets (NATO) and others.

To have a larger financial stake in these ongoing legal actions, EMA needs to increase fundraising to MDF. Your contribution to the MDF helps defend your business interests against onerous regulations.

https://www.energymarketersofamerica.org/mdf-donation/

ENERGY MARKETERS OF AMERICA EMA

Rob Underwood
EMA President

Sherri Stone
EMA Vice President

www.EnergyMarketersofAmerica.org

www.core-mark.com • Minnesota Division: 1035 Nathan Lane, Plymouth, MN 55441 • 1-800-742-5655

Proud Member of NDPMA North Dakota Petroleum Marketers Association

Core·Mark®

Fresh Solutions Delivered

Our Mission is to be the most valued marketer of fresh, food and broad-line supply solutions to the convenience retail industry.

YOUR SUCCESS IS OUR BUSINESS.

www.core-mark.com • Iowa Division: 1751 Hwy. 30 East, Carroll, IA 51401 • 800-274-8692

SOLUTIONS BACKED BY SERVICE

WESTMOR

- Single-source construction management that streamlines communication and keeps your project moving smoothly
- Transparent budgeting and cost reporting to keep your project on track
- Turn-key construction solutions, from planning and design to completion
- Flexible involvement options to match your needs while staying on schedule and budget

LET'S WORK TOGETHER!

800-992-8981

westmor-ind.com

HF HENRY'S FOODS INC.

FOOD... IT'S OUR BUSINESS

At Henry's Foods, we've always operated under the philosophy that making you a better retailer, makes us a better wholesaler. Behind every product, program & service we offer at Henry's are the people that make it work.
Our success in the food & convenience industry comes from being pro-active, leading the way with new marketing strategies & value added service.

OUR OFFERINGS

EXCLUSIVE BRANDED CONCEPTS
LEADING NATIONAL CONCEPTS
AWARD WINNING COFFEE
TRAINING & SUPPORT
TRAINING KITCHEN

EASY ORDERING WITH HENRY'S APP
PRINT & DESIGN SOLUTIONS
MARKETING PROGRAMS
ADVERTISING PROGRAMS
SALES & PROMOTIONS

WAKE FAST BREAKFAST SANDWICHES + MORE
MOTTZAria PIZZA + MORE
DELImax SANDWICHES, WRAPS + MORE
TECO'S tacos TACOS, BURRITOS + MORE

MISSION STATEMENT

Henry's Foods Inc. is dedicated to exceeding the expectations of our customers, vendors, & team members in all we do.

WWW.HENRYSFOODS.COM

AMCON FAMILY OF BRANDS TeamSledd AMCON HF HENRY'S FOODS INC.

DEA to Temporarily Ban Synthetic Kratom

The agency said it plans to classify 7-OH in the same category as heroin and LSD.

Early July, the Drug Enforcement Administration (DEA) announced its intent to temporarily ban supplements containing a synthetic version of kratom, reported The New York Times.

Kratom is a product derived from the leaves of an evergreen tree found in Southeast Asia that can have opioid-like effects on some users but is largely unregulated by the federal government in its natural form. Synthetic forms of Kratom have been subject to federal enforcement action.

The agency said it plans to classify an addictive psychoactive compound called 7-hydroxymitragynine, or 7-OH, in the same category as heroin and LSD, which are drugs that are illegal to buy or sell.

Many Kratom based products are available in retail outlets today, including some convenience stores. In December 2025, the FDA warned that **Kratom cannot be legally sold in the United States as a drug, food additive or dietary supplement.** In July 2025, the FDA took the first steps in the process to label the concentrated synthetic form of Kratom, known as 7-OH, as a Schedule I drug.

NACS believes that clear and concise rules should be established by federal regulators to ensure that these products can be safely sold and are properly regulated. NACS believes there should be a regulatory structure for intoxicating products that provides:

- Regulatory certainty regarding which products can and cannot be sold (natural vs. synthetic products, etc.).
- Restrictions on sales of these products to consumers 21 years of age or older.
- Clear labeling requirements for the levels of intoxicants contained within these products.
- Sound manufacturing practices to ensure products are safe for consumers.

The DEA announcement indicates that the formal temporary rescheduling order will be published in 30 days. The order will ban any products containing more than 0.050% of 7-OH by dry weight, allowing for a very small amount of 7-OH that may occur naturally.

Governor Calls For 2nd Special Session

Public health emergency regarding "kratom" is the official reason.

August 3, North Dakota Governor Kelly Armstrong announced that he is calling for a special legislative session, the second special since the 2025 Legislative Assembly gaveled out.

North Dakota Gov. Kelly Armstrong on Monday declared a public health emergency banning all kratom products and called a special session of the Legislature for September to further address enforcement.

Kratom is a substance derived from a tropical tree in Southeast Asia that officials say can be synthesized into highly potent forms and put into products readily available at gas stations and smoke shops. They have linked those products to overdoses and deaths.

“Doing nothing is not an option,” said Armstrong, flanked by Attorney General Drew Wrigley, top lawmakers and others at a Capitol press conference.

Kratom has been used as an energy booster, for pain management and to cope with withdrawals from drugs such as fentanyl and heroin. Two psychoactive ingredients known as mitragynine and 7-OH are found in kratom leaves. State officials point to rising calls to Poison Control and a “health crisis” of deaths resulting from the substances.
The special session is set to begin Sept. 2, with a goal of lasting three days. Armstrong said the issues can’t wait for the regular legislative session, which begins in January, because new laws take effect Aug. 1, roughly a year from now.

“This is, quite frankly, too important to wait that long,” the Republican governor said.

Sen. Michelle Axtman, R-Bismarck, who has been drafting legislation to ban kratom, will take a lead in bringing proposals for the special session.

From 2019 through June 2026, kratom and related substances were part of the primary cause of death for 23 people, according to the State Epidemiology Office. That means “the medical examiner or certifying physician determined that (kratom’s) effects contributed to, whether alone or in combination, the fatal toxicity,” an office spokesperson said. The substances were part of the contributing cause of death for one other person, and were present in the toxicology results of 26 other cases during the same time period, according to the office.

Kratom-related calls to Poison Control in North Dakota have risen in recent years, from seven in 2024 to 22 last year, according to a state epidemiologist report. That threefold spike suggests “a true increase in kratom-related exposures,” the report said. At least three-fourths of those calls from 2021-2025 were for males. Nearly half of the calls were for people ages 20-39.

Last month, the U.S. Drug Enforcement Administration moved to temporarily classify 7-OH and three related compounds as controlled substances. The U.S. Food and Drug Administration has endorsed restricting certain 7-OH products. Armstrong said the DEA’s actions are what led to the emergency orders in North Dakota. His public health emergency order is effective Aug. 5 for 30 days.

The governor also said he has authorized an emergency rule by the North Dakota Board of Pharmacy to classify 7-OH as a Schedule I controlled substance, effective Wednesday and consistent with the DEA’s action.

DUSTIN GAWRYLOW
North Dakota’s Watchdog
https://watchingnd.square.site/

Risk Management To Meet Your Needs

Help Support Your Business With mySHIELD®

Commercial Insurance Property & Casualty | Life & Disability Income | Workers Compensation | Business Succession and Estate Planning | Bonding

Looking for a personalized, mobile resource to meet your risk management needs? Clients can access industry-specific training; certificate management; vehicle and drivers lists; sample forms, resources, and risk management plans; and more — all available 24/7 with mySHIELD®.

mySHIELD

Scan to learn more about how mySHIELD®, Federated's® personalized, online destination for risk management resources, can help support your business.

The content of this publication is for general information purposes only and should not be considered legal advice or an offer of insurance. Coverage will be determined solely by the terms of your policy, if approved for issue. Consult with a qualified professional to discuss questions specific to your circumstances.

Federated Mutual Insurance Company and its subsidiaries* | federatedinsurance.com

25.01 Ed. 10/24 **Not licensed in all states.* © 2024 Federated Mutual Insurance Company

Join us for a comprehensive overview of the crude oil and refined products market presented by Alex Hodes, Director of Market Strategy – Energy, for StoneX Financial Inc.'s FCM Division.

This webinar provides an outlook on these markets for the upcoming quarter, including:

- **What potential supply/demand risks exist?**
- **Where do inventories stand?**
- **What is the expected pricing environment ahead?**
- **What infrastructure changes or developments may be important over the next several months?**

Get unique insights from quantitative metrics, along with tips for navigating these uncertain times.
August 25, 2026
2:00 - 3:00 Central
Register at: www.stonex.com under Events

FMCSA Temporarily Suspends DOT Inactivations During Motus Transition

On July 7, FMCSA announced a temporary suspension of USDOT number inactivations for entities that have not completed required biennial updates since June 1, 2026. The suspension is intended to reduce disruption during the ongoing transition to Motus — FMCSA's new online registration system that launched May 19. This measure is intended to give registrants additional time to complete biennial updates without risk of inactivation due to Motus-related access or system issues.

EMA has been actively engaged on this issue. At the request of several state executives who reported significant confusion surrounding the Motus transition process, EMA has asked FMCSA to provide clearer guidance and relief for affected registrants, as well as a webinar with Q&A for marketers. FMCSA has indicated that additional guidance will be forthcoming as recovery and stabilization efforts continue.

EMA marketers experiencing registration issues or requiring immediate assistance should submit an inquiry via the agency's webform at **ask.fmcsa.dot.gov/app/ticket.**

For a summary of recommended actions and guidance on navigating the available FMCSA customer service tools during this transition period, please refer to the table available in the agency's website here.

www.fmcsa.dot.gov/registration/temporary-suspension-usdot-inactivation-motus

Petroleum Tank Release Compensation Fund Annual Registration dates have changed

Your current 2026 registration will be extended until **January 31st, 2027**. 2027 Registration will run **February 1st, 2027, through January 31st, 2028**. The online portal will open **January 1st, 2027**, for pre-registration.

The North Dakota Petroleum Tank Release Compensation Fund was established by the 1989 North Dakota State Legislature to financially assist tank owners for cleanup costs and third-party liability caused by petroleum contamination.

All owners or operators of aboveground or underground petroleum storage tanks in North Dakota are required to register their tanks with the Fund and pay an annual registration fee of $150 - $300 for each aboveground tank and $150 - $300 for each underground tank depending on the risk classification category of the tank. Violation of this law is a class B misdemeanor.

If a petroleum release occurs or petroleum contamination is discovered, an eligible tank owner is reimbursed 90 percent of necessary and reasonable costs between $5,000 and $155,000 for cleanup of contamination or third-party liability. The Fund reimburses 100 percent of costs between $155,000 and $1,000,000.

The Petroleum Tank Release Compensation Fund online portal allows tank owners to process and pay for annual registrations online as well as to submit new tank registrations and tank sale or disposal forms online. Help documents are found on the portal web site.

Kory Crowdus
Program Manager, 701-328-5202
kCrowdus@nd.gov

Tanner Woutat
Program Specialist, 701-328-5233
kCrowdus@nd.gov

Dale Petroleum Company

"Proudly serving C-Stores, and bulk Jobbers since 1981."

Contact Dale Petroleum Today
for all your petroleum needs!

1-800-279-7309

Gas | Diesel | LP

www.dalepetroleum.com

RETAIL IS CHANGING FAST

Retail is becoming more complex than ever. Higher build costs. More services. Greater pressure to perform. That's why retailers need fuel providers with the experience, scale, and long-term support to keep pace as the industry evolves. Cenex® supports retailers operating in increasingly demanding environments, delivering reliable fuel supply and the backing needed for what's ahead.

GET STARTED TODAY
cenex.com/dealer-branding-program

CENEX® HERE FOR WHAT'S AHEAD™

Members, Please add Your Company to the Coalition Letter

Dear State Executives,

For more than 20 years, merchants have challenged Visa and Mastercard in court over their anticompetitive swipe fee practices – and our industry has led the way. Unfortunately, a recent proposed settlement opposed by EMA, NACS and other trade associations representing retailers has been filed by the lawyers in the case. The settlement fails to provide adequate relief and would cut-off the rights of retailers to seek better terms.

While the proposed settlement offers a temporary reduction in swipe fees, it comes at a steep cost: merchants would be required to release significant legal claims while receiving limited relief with huge loopholes that do not address the underlying rules driving higher payment costs.

This settlement fails to provide the meaningful changes needed to create a fairer, more competitive payments marketplace. Instead, it locks in the bad practices by Visa and Mastercard that caused swipe fee problems in the first place. And the settlement would leave retailers without legal options to challenge these practices moving forward.

EMA and NACS are coordinating a sign-on letter urging the court to reject the proposed settlement, and **we need strong participation from our industry. Please add your association's name to the coalition letter by COB September 1, 2026 and ask your members to do the same.** We need as many organizations and businesses in our industry as possible to join us on this letter. The more industry leaders stand together, the stronger our message will be that this settlement is not in the best interest of merchants and consumers.

Thank you for standing up for our industry and fighting for a fairer payments system.

Best,
Sherri Stone
EMA Vice President

Doug Kantor
NACS Vice President, Government Relations & General Counsel

https://app.smartsheet.com/b/form/019f900b01c07bd99f2db4200dd21daa

Des Moines police find card skimmers in gas pumps

A new type of card skimmer has popped up in Des Moines, according to police. Card skimmers are devices that capture PINs and card information when a customer swipes their credit or debit card. Most skimmers police have seen have been external devices placed on top of keypads.

"That's what gives the criminal access to your accounts and your funds," police spokesperson Sgt. Paul Parizek said in a video news release Friday.

A new type of skimmer steals the same information, but looks inconspicuous at the gas pump.

"The consumer would have no idea that they were even there because they can't see it." Parizek said. "The actual piece that takes your information has been installed inside the gas pump."
"Some of these criminals have figured out ways to get ahold of the keys that open up the gas pump," Parizek said. "They're able to insert that very quickly, shut it, lock it, and you don't even know."

Kyle Werner
Des Moines Register

NDRA & NDPMA Board Meeting

The ND Retail and Petroleum Marketers Association Board of Directors govern the association, set its strategic direction and protect the interests of its members. If you are interested in serving on the board, contact the association.

Core Governance and Strategy

- **Strategic planning**: Create the long-term goals, mission, and vision.
- **Policy making**: Build rules and guidelines for how the group runs.
- **Leadership oversight**: Hire and review the chief executive officer or top manager.

Financial and Legal Oversight

- **Budget control**: Approve yearly budgets and monitor financial health.
- **Legal duty**: Ensure the group follows all laws and internal bylaws.
- **Risk management**: Protect the association's assets and guard against major business risks.

Hole in One Sponsored by Puklich Chevrolet

Good Oil Company
LaMoure, ND

NDRA & NDPMA PAC Fundraiser

HUNT BROTHERS PIZZA®

MAKE MORE DOUGH.

No franchise fees, no royalty fees, no marketing fees—ever!

Boost your c-store profits with Hunt Brothers® Pizza. Our easy-to-execute program is designed for c-stores, delivering 50% or more in pizza profits. Start making more dough today with a branded pizza program built for success.

SCAN OR CALL 800-533-7132

to learn more about our branded pizza program today!

©2026 Hunt Brothers Pizza, LLC

Merchants Say Judge's Ruling on Illinois Swipe Fee Law is 'Based on a Technicality' and OCC Rule Will be Overturned

In June, the Merchants Payments Coalition said a federal judge's ruling against Illinois' ban on swipe fees on sales tax and tips is not the last word in the case and that the law is expected to eventually be upheld.

"The Illinois decision was based on a technicality and is temporary," MPC Executive Committee member and National Association of Convenience Stores General Counsel Doug Kantor said. "The OCC wasn't a party to that case and there hadn't been a lawsuit filed to challenge the validity of the OCC's flawed rule. As a result, the court had to accept the OCC rule. Soon, the courts will have the opportunity to invalidate that rule and we are confident they will do so. The OCC has the law wrong on preemption, doesn't have the power to do what it is trying to do, and violated the Administrative Procedure Act. That rule will be overturned and the Illinois law — and any other state laws on swipe fees — will be able to go into effect."

The Interchange Fee Prohibition Act was challenged by banks shortly after it was passed, but was upheld in February by a federal judge who rejected their claim that it is preempted by federal banking law. U.S. District Judge Virginia Kendall said the measure is not preempted because swipe fees are set by Visa and Mastercard, which are not banks and therefore not subject to the National Bank Act. Banks appealed the ruling to the 7th U.S. Circuit Court of Appeals, which sent the case back to Kendall last month after the Office of the Comptroller of the Currency issued a rule contending that the National Bank Act preempts the Illinois law and similar measures from applying to nationally chartered banks, and that banks could use rates set by third parties like Visa and Mastercard.

Kendall ruled that the law is preempted, citing the OCC rule. The ruling follows a vote by the Illinois legislature to delay implementation of the Interchange Fee Prohibition Act from July 1 of this year to July 1, 2027. The move was the second time the law, which was passed in 2024 and originally set to take effect July 1, 2025, has been delayed amid heavy lobbying by the card industry. Once legal challenges and settled and it takes effect, the measure will ban credit card and debit card swipe fees from applying to the sales tax and tip portions of transactions, saving Illinois business and their customers over $500 billion a year.

The developments come as Congress is considering the Credit Card Competition Act to address swipe fees overall rather than just those on sales tax and tips. President Donald Trump endorsed the CCCA in January, saying it is needed "to stop the out of control Swipe Fee ripoff."

www.occ.gov/news-issuances/news-releases/2026/nr-occ-2026-32.html

NDPMA Board of Directors

Chairman
EMA State Director
Chris Fitterer
Fitterer Oil - New England

Treasurer
Travis Halvorson
Farmers Union - Bottineau

Secretary
Rick Gottbreht
Dales Cash Supply - Dunseith

Matt Bjornson
Bjornson Oil - Cavalier

Mike Burgers
Harms Oil - Brookings

Joe Fouhy
Fitterer Oil - Mandan

Andrew Fjeldahl
Farmers Union - Berthold

Tom Haahr
Legacy Coop - Devils Lake

Paul Klosterman
Arrowwood Prairie - Wimbledon

John Lovcik
Legacy Coop - Bisbee

Tyler Meyer
Ewing Oil - Grand Forks

Paul Mutch
Mutch Gas - Larimore

Dustin Neva
Hatton Coop

Scott Ross
Farstad Oil - Minot

Deanne Svaleson
Petro Stopping Center - Fargo

Cory Vorderbruggen
ProPoint Coop - Bowman

Employee Motivation

FEDERATED INSURANCE®

Question

Recently, it seems like our employees have lost their work focus; they seem less motivated and productive. As it is, summer is usually a hard time to keep our employees motivated. Aside from disciplining employees for wasting too much time talking about nonwork matters, how can we keep our employees motivated?

Answer

There are a number of positive strategies employers can use to keep employees motivated. First, employers should help others see how their jobs and accomplishments make a difference and contribute to the company's success. Employees who feel that they are making a positive difference will be more motivated to continue working hard and helping the company succeed.

Employers can also offer personal, team and companywide recognition when employees accomplish major goals or produce exceptional work. Managers should recognize individual good work on a consistent basis. Recognizing employees on all levels of the company - not just management or long-time employees - is important in keeping motivation and morale high.

Introducing incentives or rewards for exceptional performance is another way to motivate employees. This could include a salary increase, a bonus, a vacation or other gifts. Employers should be sure to tailor incentives to the employee's job duties to make them as effective as possible. Employers can give these incentives on a timely basis related to good performance rather than once per year.

Finally, employers can simply ask employees what the company could do to make them more motivated to do their jobs. Employee surveys can reveal meaningful insights. Remember, discipline is not the only way to ensure employees are staying on track. Implementing positive strategies can both keep employees motivated to work hard and create a fulfilling work environment that employees enjoy being part of.

Retailers See Fraud Schemes Evolve as Shoplifting Declines, NRF Study Finds

Retail store theft levels are stabilizing, but external theft and fraud overall continue to rise, according to a new study released today by the National Retail Federation and the Loss Prevention Research Council and sponsored by Sensormatic Solutions. The Impact of Theft & Violence 2026 report found that retailers experienced a 12.4% decrease in shoplifting incidents and an 8.1% decline in retail merchandise theft in 2025 compared with 2024, while other methods of external theft, fraud and scams increased over the same period. These findings highlight the evolving nature of organized retail criminals exploiting both the physical and digital retail environments.

"After years of rising in-store theft, retailers are beginning to see levels stabilize, driven by investments in technology and employee training to strengthen store security and improve response to these crimes," said NRF Vice President for Asset Protection and Retail Operations David Johnston. "However, significant challenges remain as organized criminals continue to exploit vulnerabilities throughout the retail environment as seen in the rise of various fraud schemes and thefts including cargo theft, phone scams and gift card fraud."

The decline in shoplifting and merchandise theft incidents can be attributed in part to retailers' ongoing efforts to evaluate, implement and refine security measures designed to deter theft and reduce losses. Strategies like enhanced interior and exterior security systems, as well as store- and employee-specific safety protocols, have contributed to these improvements. In addition, retailers have strengthened their ability to analyze loss patterns and assess the effectiveness of various security measures in addressing different types of theft.

The 2026 report demonstrates a concerning shift as criminals move beyond traditional shoplifting to more sophisticated external theft schemes, with retailers reporting higher rates of repeat offenders (50%), ORC-related incidents (40%) and walkout or pushout theft (37%). Fraud is also rising, with phone scams (69%), loyalty fraud (51%) and gift card theft or fraud (42%) increasing.

"Trusted research is essential to understanding these threats and how they continue to evolve," said University of Florida Research Scientist and Loss Prevention Research Council Executive Director Read Hayes, Ph.D. "As these risks shift and shoplifting rates stabilize, the retail industry must confront the growing challenges of fraud and external theft."

Violence remains a significant concern for retailers, which continue to report increases in homelessness-related disruptions and guest-related incidents. In response, retailers are strengthening proactive workplace violence prevention efforts by investing in management training (72%), employee training (65%) and risk-intelligence technologies (61%), among other measures designed to enhance safety for employees and customers.

"Retailers are leveraging data and connected technologies to combat retail crime," said Sensormatic Solutions President Tony D'Onofrio. "This year's report underscores that no single company can address this challenge alone. Meaningful progress requires strong collaboration among retailers, communities and law enforcement agencies to enhance asset protection and keep employees and customers safe."

Consistent with last year, reports of store-related theft incidents to law enforcement remain low, with 63% of retailers reporting fewer than half of these incidents. Retailers cite several factors for not reporting, including low-dollar losses or not meeting felony thresholds (60%), as well as concerns about lack of law enforcement response and follow-through (54%).

Following passage in the U.S. House of Representatives, NRF urges the U.S. Senate to pass the Combating Organized Retail Crime Act (https://nrf.com/media-center/press-releases/nrf-commends-house-passage-of-federal-retail-crime-bill), which would strengthen federal coordination and equip state and local law enforcement to better identify and investigate cross jurisdictional and transnational retail crime groups.

The 2026 Impact of Retail Theft & Violence survey was conducted online among senior loss prevention and security executives in the retail industry from February to April 2026. A total of 66 retail companies responded to the survey, representing 143 brands across a variety of retail sectors. These brands represented $1.7 trillion in annual sales for their 2025 fiscal year or 31.6% of total retail sales. The majority (63%) have more than 10,000 employees, and more than one-third (38%) operate at least 1,000 stores.

View The Impact of Retail Theft & Violence 2026 study here. nrf.com/media-center/press-releases/nrf-commends-house-passage-of-federal-retail-crime-bill

Will Granados (855) NRF-PRESS
press@nrf.com

Mastercard Temporarily Pauses ENDS-Related Assessments

Mastercard temporarily suspended assessments against certain retailers cited for ENDS-related compliance issues while affected merchants implement remediation plans. The card network's action follows a July 22, 2026 coalition letter from EMA and allied trade associations, challenging Mastercard's interpretation of FDA policy.

Background

Recently, **Mastercard issued substantial fines to retailers selling vape/e-cigarette/Electronic Nicotine Delivery Systems (ENDS) products not appearing on FDA's list** of 45 marketing-authorized products. Mastercard's actions appear to have followed April 2026 letters from a group of State Attorneys General, urging the payment card networks to assist in curbing sales of illicit e-cigarettes.

EMA joined the National Association of Tobacco Outlets, NACS, and the Convenience Distribution Association in a July 22, 2026 letter to Mastercard General Counsel Tiffany M. Hall. The coalition expressed support for efforts to stop illicit vape sales but objected that Mastercard's enforcement is based on the incorrect premise that every ENDS product lacking FDA premarket authorization is subject to FDA enforcement.

The coalition letter cited FDA's May 8, 2026 guidance, *Enforcement Priorities for Certain New Tobacco Products Marketed Without Premarket Authorization*. FDA explained that, because it lacks the resources to pursue every unauthorized ENDS product, it generally does not intend to prioritize enforcement against products covered by accepted and filed Premarket Tobacco Product Applications (PMTAs) (or certain pending supplemental PMTAs), provided specified criteria are met. The guidance does not apply to products presenting heightened public-health concerns or those with features appealing to minors.

The coalition asked Mastercard to revise its policy to confirm that products marketed consistent with the FDA's May 8 guidance, and in compliance with applicable state and local restrictions, may be sold at retail pending a final FDA determination on the particular PMTA at issue.

Mastercard's Response

In a July 27, 2026 reply, Ms. Hall stated that Mastercard's May 2026 acquirer update was intended to remind acquirers to be mindful of FDA and other jurisdictional requirements and to implement robust controls, and that Mastercard did not request any acquirer to alter its relationship with merchants selling lawful ENDS products. Citing additional information received regarding acquirers' specific merchant customers, Mastercard advised that it has decided to temporarily pause any assessments to provide customers additional time to execute remediation plans and ensure compliance. Mastercard committed to providing updates as they become available.

What This Means for EMA Marketers

Although Mastercard has paused assessments, it has not yet indicated that it will adopt the compliance standard reflected in FDA's May 8, 2026 enforcement guidance. EMA and the coalition continue to maintain that this guidance permits the retail sale of certain products with pending PMTAs notwithstanding the absence of a marketing authorization.

Members that have received Mastercard assessments or communications from their acquiring bank should:

- preserve all assessment notices and related correspondence;
- document the PMTA status of ENDS products offered for sale;
- verify compliance with applicable state ENDS directory and licensing requirements; and
- continue working with their acquiring institution regarding any requested remediation while the temporary pause remains in effect.

EMA will continue its efforts with the coalition to seek clarification that Mastercard's policies appropriately reflect FDA's current enforcement guidance.

www.energymarketersofamerica.org/ema_today/attachments/Mastercard_Letter_July_2026.pdf
www.energymarketersofamerica.org/ema_today/attachments/Coalition_Letter_Mastercard_July_2026.pdf

Visa and Mastercard Follow Megabanks in Reporting Huge Profits Fueled by Soaring Credit Card Swipe Fees

The nation's two largest credit card networks reported mammoth profits in July even as many small businesses and consumers continue to struggle with affordability, the Merchants Payments Coalition said.

"Whether it's the megabanks that issue the cards or the card networks that price-fix swipe fee rates, the card industry continues to make billions while small businesses and American families bear the burden," MPC Executive Committee member and National Association of Convenience Stores General Counsel Doug Kantor said. "Prices for necessities from gas to groceries are driven higher by swipe fees, even for people who pay with cash. It's time for Congress to bring competition to these price-fixed fees."

No. 1 card network Visa reported that net profits for the latest quarter rose 7% year over year, totaling $5.6 billion on revenue of $11.6 billion for a profit margin of 48%. No. 2 Mastercard reported that net profits were up 19% year over year, totaling $4.4 billion on revenue of $9.3 billion for a profit margin of 47%. In contrast, retail profit margins are a little more than one-tenth the level of Visa's.

Earlier, top Visa/Mastercard issuer JPMorgan Chase reported that second-quarter net profits were up 41% year over year and totaled $21.2 billion on revenue of $57.3 billion. No. 2 card issuer Citigroup said net profits were up 45% at $5.8 billion on $24.8 billion in revenue while Wells Fargo, another large card issuer, reported net profits were up 17% at $6.4 billion on $22.6 billion in revenue. Bank of America's net profits were up 6% at $9.1 billion on $31.6 billion in revenue.

Based on those figures, JPMorgan Chase had a profit margin of 37%, Citigroup 24%, Wells Fargo 28% and Bank of America 29%.

Credit card and debit card swipe fees have jumped 80% since the pandemic and hit a record $198.25 billion in 2025. Swipe fees are most merchants' highest operating cost after labor and too much to absorb, driving up prices by more than $1,200 a year for the average family. The fees are rising largely because of lack of competition — Visa and Mastercard, which control 80% of the market, each centrally set the swipe fee rates charged by all banks that issue cards under their brands and restrict processing to their own networks.

As a percentage of the transaction, swipe fees automatically go up as prices rise. Card industry rules make cash discounts difficult, so all consumers pay higher prices because of swipe fees.

The earnings reports come as Congress is considering the bipartisan Credit Card Competition Act, which President Donald Trump endorsed earlier this year to "stop the out of control Swipe Fee ripoff."

Under the bill, banks with at least $100 billion in assets would enable credit cards to be processed over at least one unaffiliated network like Star, NYCE or Shazam in addition to Visa or Mastercard. The measure is expected to result in competition over fees, security and service that would save merchants and their customers $17 billion a year.

The card industry has waged a misleading fight to maintain the status quo, with the consumer group Demand Progress reporting last week that Visa, Mastercard, big banks and their trade associations have spent approximately $200 million since 2023 to oppose swipe fee reform measures, including forming a fake small business coalition with multiple members of it paid by the credit card companies.

Merchants Payments COALITION

About MPC

The Merchants Payments Coalition represents retailers, supermarkets, convenience stores, gasoline stations, online merchants and others fighting for a more competitive and transparent card system that is fair to consumers and merchants.

Contact: J. Craig Shearman
(202) 257-3678 craig@shearmancommunications.com

PETROLEUM:

CANOPIES & LIGHTING
FIBERGLASS & STEEL TANKS
UNDERGROUND TANK INSTALLATION
TESTING & COMPLIANCE
24-HOUR SERVICE
RETAIL / FLEET DISPENSERS (GILBARCO & GASBOY)
TANK MONITORS (VEEDER ROOT & FRANKLIN EVO'S)
PASSPORT / VERIFONE POINT OF SALES
ISLAND CARD READER SYSTEMS

LUBE & LIFT SEVICES:

LUBE/GREASE/ATF/WASTE OIL TANKS
DISPENSING SYSTEMS (GRACO)
TANK MONITORING SYSTEMS
AUTOMOTIVE HOISTS & ALIGNMENT SYSTEMS
WHEEL SERVICE EQUIPMENT (ROTARY)
VEHICLE EXHAUST EVAC SYSTEMS
ALI CERTIFIED INSPECTIONS
COMPRESSED AIR SYSTEMS & COMPRESSORS
SHOP CABINETS & LIGHTING

ELECTRIC VEHICLE CHARGING:

WIDE VARIETY OF EV CHARGERS TO FIT YOUR NEEDS.
HOME, RETAIL, PRIVATE FLEET
LEVEL 1, 2, 3, ULTRA HI
ELECTRICAL DESIGN TEAM & CADD
DRAWINGS. COMPREHENSIVE SITE
ELECTRICAL AUDITS

11303 EXCELSIOR BLVD • HOPKINS, MN 55343
1-800-862-5577 • **PUMP-METER.COM**

Pump and Meter Service, Inc.

Service, Sales & Installation

EXPERIENCED SALES TEAMS • CERTIFIED INSTALLATION TEAMS
CERTIFIED & MANUFACTURER TRAINED SERVICE TEAM • IN HOUSE DESIGN TEAM

ND Petroleum Marketers Association
ND Retail Association
PO Box 1956
Bismarck ND 58502

NDPMA
Annual Meeting, Convention & Trade Show

October 26-27, 2026
Delta Hotel by Marriott – Fargo