GRANY

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Inside This Issue

U.S. C-store Count Ticks Up Driven by Increase in Single-Store Operators

Convenience store counts reversed a four-year decline with a 1.5 percent increase in the number of locations operating in the United States, fueled primarily by an increase in single-store operators in 2022.

There are 150,174 c-stores open across the country, according to the 2023 NACS/NielsenIQ Convenience Industry Store Count. The number of single-store operators grew by 1,087 stores to a total of 90,423 stores, or 60.2 percent of all U.S. convenience stores.

Total industry store count increases took place in 39 states and Washington, D.C. Georgia was the top state in store count growth with an increase of 271 c-stores. California's store count fell by 53 stores, the largest number in the seven states that saw their store counts decline.

Additionally, there are 13,346 gas station/kiosk locations that sell motor fuels but not enough of an in-store product assortment to be considered c-stores. This kiosk format is on a continual decline, falling 11.2 percent in the past year and 49.3 percent over the past six years, as consumers seek out c-stores with robust food and beverage offers.

One year ago, the 2022 NACS/NielsenIQ Convenience Industry Store Count reported that the U.S. c-store count had declined for a fourth consecutive year with a 1.5 percent drop in total c-stores and a 3.1 decrease in single-store operators.

BY THE NUMBERS

The 2023 NACS/NielsenIQ Convenience Industry Store Count found that c-stores sell an estimated 80 percent of motor fuels purchased by consumers in the U.S. and 118,678 c-stores (79 percent of all c-stores) sell motor fuels.

While c-stores saw a turnaround in growth, similar channels saw declining store counts with the exception of dollar stores:

- Convenience: 150,174 (2023) vs. 148,026 (2022)
- C-stores selling fuel: 118,678 (2023) vs. 116,641 (2022)
- Fuel kiosks: 13,346 (2023) vs. 14,826 (2022)
- Grocery: 45,380 (2023) vs. 45,687 (2022)
- Drug: 40,008 (2023) vs. 40,402 (2022)
- Dollar: 37,067 (2023) vs. 35,501 (2022)

According to U.S. Census Bureau data that shows the U.S. population at 334.2 million people, there is one c-store for every 2,225 people.

Texas is once again the state with the most c-stores at 116,018 locations, or more than one in 10 U.S. c-stores. The remaining top 10 saw no change in order despite California's decline:

- California: 12,000
- Florida: 9,596
- New York: 7,917
- Georgia: 6,719
- North Carolina: 5,749
- Ohio: 5,673
- Michigan: 4,879
- Pennsylvania: 4,728
- Illinois: 4,666

"The value of convenience continues to grow, and that's a driving factor why every retailer, regardless of channel, seeks to provide it," said NACS Managing Director of Research Chris Rapanick. "And it's also clear that the convenience offer at convenience stores resonates with consumers, given the record in-store sales at convenience stores and increase in store count."

The 2023 NACS/NielsenIQ Convenience Industry Store Count is based on stores in operation as of December 2022.

US Expert Predicts Recession, Uneven Impact on C-Store Supply Chain

A supply chain expert from Syracuse University forecasts a recession in 2023that could reduce available packaging for convenience products, while making construction materials for new stores more available.

Throughout most of 2022, convenience store operators struggled with shortages, for example, of cups for dispensed beverages. Supply chain disruption also slowed construction of new convenience stores.

Patrick Penfield, who holds a doctorate in sustainable resource management and is director of executive education and professor of practice in supply chain management for the Whitman School of Management at Syracuse University, said in an email Thursday that he believes the U.S. will enter a recession in the first quarter of 2023 that could last for 12-16 months. The recession could hinder the supply of some goods, while making other goods more accessible, he explained.

Though Penfield believes inflation has peaked overall, he said he expects interest rates will continue to rise, hindering demand.

"Companies are still struggling to shed inventory which they built up in 2022. Warehousing space is limited and continues to be a challenge for companies due to all the product sitting in storage," he wrote. "Things are getting better within the U.S. supply chain, but we will still have issues in 2023."

The construction supply chain is recovering because interest rates are rising and buyers are postponing their purchases of homes, Penfield said.

"This should help companies that are planning to build or remodel convenience stores due to construction materials being readily available," he said.

However, food prices could rise 6%-8%, he said. "Sandwich materials, specifically bread, will cost more than in the past due to Ukraine's inability to farm, harvest and ship grains like they have in the past," Penfield explained.

He believes packaging materials for convenience products could be more available in 2023 than they were in 2022, because there should be less demand for single-use items with Covid-19 subsiding.

"However, if a recession does hit the U.S., we could see availability of packaging becoming an issue. Usually during a recession, people will stay home and spend less at restaurants and bars and buy more single-use products," he added.

Penfield anticipates fuel price volatility, especially in the second half of the year.

"The concern I have is when China fully comes back online, once they get through their COVID situation, it will create more demand for oil and could cause oil and gas products to go up globally. Another issue to keep an eye on is how cold the weather will be in Europe this winter, which could also cause global fuel prices to go up," he wrote.

--Reporting by Donna Harris

Lower US Gasoline Prices Slow Inflation; Fuel Oil Index Declines

Lower gasoline prices helped to reduce the U.S. Consumer Price Index by 0.1% in December after the inflation index rose 0.1% in November, the Bureau of Labor Statistics said Thursday.

The all-items index rose by 6.5% for the 12 months ended in December, down from the 7.1% increase for the 12-month period that ended in November.

"The index for gasoline was by far the largest contributor to the monthly all-items decrease, more than offsetting increases in shelter indexes," BLS said in a news release. "The food index increased 0.3% over the month with the food-at-home index rising 0.2%. The energy index decreased 4.5% over the month as the gasoline index declined. Other major energy component indexes increased over the month."

The gasoline index fell by 9.4% in December and was down 1.5% year to year. After rising 11.2% in June when gas prices hit a record high, the gasoline index has declined in five of the last six months, the statistics show.

The energy index declined 4.5%, though it was up 7.3% year to year. The fuel oil index dropped by 16.6%, but was up 41.5% year to year. The electricity index rose 1%, increasing 14.3% from the prior year. And the index for gas utility service rose 3%, increasing 19.3% from the prior year.

--Reporting by Donna Harris

US Gas Station Dollar Sales See Double-Digit Rise: Census Bureau

Monthly dollar sales at U.S. gas stations remained near record levels in November, rising 16.2% year to year, though flat from October, the U.S. Census Bureau reported Thursday.

Advance monthly gasoline station sales were $64.343 billion in November, down from $64.382 billion in October but up from $55.385 billion in November 2021. The numbers are seasonally adjusted, but not adjusted for price changes.

U.S. monthly gas station sales hit a record high of $68.805 billion in June, when prices at the pump reached an all-time high. The monthly total breached $50 billion in September 2021 and broke $60 billion in March 2022, according to the bureau's records, which go back to 1992.

--Reporting by Donna Harris

National Average Gas Price Sees Late 2022 Spike

The end of 2022 came with one more gas price bump to close out the year, as a cross-country, late-December winter storm and accompanying frigid temperatures prompted fuel prices to spike.

Refineries as far south as Texas and the Gulf Coast were forced to shut down temporarily, pushing the national average for a gallon of gas up 12 cents on the week to reach $3.22., according to AAA.

"The cost of gas will likely rise a bit more before this surge stalls due to less expensive oil and a return to seasonal driving patterns," said Andrew Gross, spokesperson for AAA. "But 2022 will go down as a record year with a national annual average of $3.96. According to fuel expert Tom Kloza of OPIS, that's 40 to 50 cents more than the previous peak years of 2011 through 2014."

The latest data from the U.S. Energy Information Administration (EIA) shows that gas demand rose from 8.7 million barrels per day to 9.3 million barrels per day last week, while total domestic gasoline stocks fell by 3 million to 223 million barrels. This combination of more demand and less supply pushed gas prices higher.

The current national average of $3.22 per gallon is 20 cents less than a month ago and 6 cents less than a year ago.

The top 10 largest weekly increases in the country occurred in Delaware (33 cents per gallon), Florida (30 cents), Maryland (25 cents), Michigan (21 cents), Texas (20 cents), Ohio (20 cents), South Carolina (20 cents), Missouri (20 cents), Alabama (18 cents) and Wisconsin (17 cents).

The top 10 most expensive markets are Hawaii ($5.02 per gallon), California ($4.42), Nevada ($3.97), Washington ($3.86), Oregon ($3.73), Alaska ($3.71), Pennsylvania ($3.63), Washington, D.C. ($3.47), Idaho ($3.43) and New York ($3.41).

At the close of the formal trading session on Dec. 30, West Texas Intermediate increased by $1.86 to reach $80.26. A weaker dollar contributed to rising crude prices, which increased despite the EIA reporting that total domestic commercial crude stocks increased by 800,000 barrels to 419 million barrels, according to AAA. This increase indicates that oil demand could be weakening amid ongoing market concerns that a recession or economic slowdown could take place in 2023.

Average US Gas Station Wage Rises to New Record in November

The average hourly wage for nonsupervisory workers at U.S. gas stations rose to a new record of $16.58 in November, according to the latest data released from the U.S. Bureau of Labor Statistics in January.

The average nonmanagerial hourly wage at gas stations with convenience stores - which trends lower than overall gas stations - also rose to a new high of $16.38 in November, the BLS reported. The average hourly wage for gas stations in November is about 12% higher than the $14.81 average seen in November 2021. The average hourly wage for gas stations with convenience stores jumped even higher, rising 12.5% year on year from $14.56. Like prior monthly figures, the November numbers could be adjusted up or down in the next report.

The increases follow October declines. For gas stations, the average wage in October was $16.19 per hour, down from the peak of $16.26 reported in September, and the average wage for gas stations with convenience stores in October dipped below $16 per hour to $15.96 in October, after hitting a high of $16.05 in September, the figures show.

After breaching $15 per hour in February, the average nonmanagerial gas station wage increased steadily, topping $16 in July. From $16.02 per hour in July, the average wage in August rose to $16.04 per hour, the bureau statistics show.

--Reporting by Donna Harris

October US Vehicle Traffic Stayed Above Pre-Pandemic Levels: DOT Data

U.S. vehicle traffic in October rose above the same month in 2019, extending that strong trend to a third consecutive month, the latest data from the Department of Transportation's Federal Highway Administration showed Thursday.

In its latest Traffic Volume Trends report that released data for October, DOT said total vehicle miles, which measure travel on all U.S. public roads and streets, was at 286 billion.

That was up from a final estimate of 284 billion vehicle miles for October 2019, when Covid-19 was not a factor. Since August, U.S. vehicle miles have surpassed levels compared to those of three years ago, DOT data shows.

Compared with October 2021, that was also slightly above the 285.6 billion at that time.

On a seasonally adjusted basis, that makes month-to-month comparison meaningful; October vehicle miles were up 0.8 billion, or 0.3%, compared with September's level.

Vehicle traffic appeared to be resilient since fuel prices at the pump started to fall from record highs in mid-June.

According to DOT data, vehicle traffic in the Northeast fared the worst in October, with miles there falling 1% compared to the same month last year. In the West, vehicle miles rose 1% compared to the year-ago level.

According to OPIS DemandPro data, which surveys more than 35,000 gas stations across the U.S., average station gasoline volumes in October were 17.5% below October 2019 levels, and in September they fared better, with a 15.6% drop versus the level three years ago.

For November, OPIS data showed that three-year deficit in average gasoline demand was little changed at 17.5% below November 2019.

--Reporting by Frank Tang

New Poll Finds Majority of Voters Support Increased E15 Availability

Registered voters show support for ethanol and the Renewable Fuel Standard while opposing policies that ban liquid fuels or mandate electric vehicles, according to a new survey from the Renewable Fuels Association (RFA).

"As the new Congress settles in and begins to consider the future of our nation's energy policy, these polling results demonstrate that Americans strongly support expanded use of lower-cost, lower-carbon renewable fuels like ethanol," said RFA President and CEO Geoff Cooper. "Voters clearly want greater access to fuel blends containing more ethanol — like E15, E30 and E85 — and they want to see more flex fuel vehicles made available."

According to the survey, 65 percent of respondents support the Renewable Fuel Standard, while 64 percent of respondents have a favorable opinion of ethanol.

Sixty-eight percent support increasing the availability of E15 to help lower fuel prices and bolster energy independence, and 66 percent said it is important for the federal government to promote the production and sale of flex fuel vehicles (capable of running on up to 85 percent ethanol). Additionally, 60 percent support the Next Generation Fuels Act, which would drive the use of more efficient, lower-carbon liquid fuels like E25 or E30.

Notably, Cooper added, support for ethanol and renewable fuels policy crosses party lines and includes majorities of both Republican and Democrat respondents.

The poll also found doubts about some policy proposals regarding electric vehicles (EV), particularly those that eliminate consumer choice and options when it comes to vehicle purchases. Key results included 50 percent of respondents who said they were not interested in purchasing or leasing an EV in the next three years, while 42 percent expressed interest and 8 percent had no opinion.

Sixty-six percent of voters oppose policies that ban the sale of new cars with traditional liquid-fueled engines; however, 58 percent support federal funding for charging infrastructure and tax credits for EVs.

The online survey was conducted by Morning Consult in late December 2022 and polled 1,999 registered voters.

US Solicits for 3 Million Barrels of SPR Crude

The U.S. government has notified prospective suppliers that it will be purchasing up to 3 million bbl of crude for the Strategic Petroleum Reserve. The barrels are to fall within a February window and the solicitation is for sour crude.

The move is likely tied to its decision to convince U.S. production companies that the federal government will backstop prices by replenishing the 180 million bbl of SPR crude that have been sold via regularly scheduled sales during 2022.

A 3-million-bbl purchase doesn't represent a large slug, but the early replenishment could serve notice to companies that the U.S. is serious about replacing barrels in the SPR. As of last week, there were 382.3 million bbl of crude in various SPR caverns. That is the lowest level since early January 1984.

Sources say that the average sales price for the 180 million bbl of crude disposed of in 2022 was around $96/bbl. With sweet crude prices around $76/bbl, the Biden administration is likely to claim that this represents a good deal for taxpayers.

Exact bidding terms haven't been disclosed, but the February purchasing will serve as a "pilot" of sorts for other fixed price bids to replenish the SPR. Previously, there had been indications that the SPR would be replenished only when prices drifted to $67-$72/bbl, with the likelihood that outcome might come in late 2023 or in 2024.

In addition to the barrels purchased by the "Strategic Petroleum Reserve Project," an affiliate of the Department of Energy, the middle of 2023 will see barrels restored that were on loan to refiners after Hurricane Ida ravaged the Gulf Coast in 2021.

--Reporting by Tom Kloza

Marathon Petroleum Rolls Out New Rewards Program Across Its Network

Marathon Petroleum Corp. (MPC) is expanding the new Marathon Rewards loyalty program to its full network following a successful pilot test. The initiative replaces the MakeItCount Rewards platform.

Marathon Rewards is a free consumer program that offers three methods of earning rewards:

- A 5 cents-per-gallon everyday base earn

- Select in-store purchases
- Third-party offers

Marathon Rewards can be redeemed to save on fuel purchases at participating Marathon gas stations across the country. New members may receive Marathon-funded sign-up incentives of up to $5.

The rewards program is powered by Stuzo's Open Commerce product suite and designed to provide a personalized customer experience with targeted offers for specific store locations, as Convenience Store News reported.

According to the company, Marathon Rewards is another way to attract new members and encourage MakeItCount members to migrate to Marathon Rewards. The program is easy to join, requiring customers only to enter a mobile number at the fuel dispensed or at the pin pad inside the store.

"Earlier in the year, we converted a few sites over to Marathon Rewards as a pilot to ensure the program was ready before full conversion," said John Rice, brand marketing and commerce manager. "The pilot performance indicators have been strong, including memberships and transactions. We are excited to launch the next phase of Marathon Rewards."

Marathon Rewards is available for installation at stations operating on Verifone or Gilbarco point-of-sale systems. The company is providing a $500 incentive for stations that install Marathon Rewards before May 1, 2023.

NTSB Chair Voices Concerns Over Safety Impact of Heavier Electric Vehicles

The head of the National Transportation Safety Board said she is concerned over potential safety problems posed by electric vehicles involved in traffic accidents.

In a keynote address Wednesday at the Transportation Research Board's annual meeting, agency Chair Jennifer Homendy said her concerns center on the risks of severe injury and death due to ongoing increases in vehicle curb weights and what she said was the increasing size, power and performance of the vehicles.

Homendy, for example, said the battery pack of a GMC Hummer EV weighs more than 2,900 pounds, or about the weight of a Honda Civic. The popular electric version of Ford's F-150 pickup is about 3,000 pounds heavier than the non-electric version, she added. Similarly, the electric versions of the Ford Mustang, the Volvo XC40 and Toyota RAV 4 are all about one-third heavier than their internal combustion engine counterparts, she said.

"That has a significant impact on safety for all road users," she said.

Homendy, who was appointed as chair of the NTSB by President Joe Biden in August 2021, said that while she was "inspired" by the administration's commitment to decarbonizing the transportation sector, "we have to be careful that we aren't also creating unintended consequences: more death on our roads."

She said the U.S. has about 43,000 traffic fatalities each year and millions are injured.

The administration has made promoting EV use a key part of its strategy to combat global warming. The bipartisan infrastructure bill adopted in 2021 and last year's Inflation Reduction Act included funding to promote EV use and the development of charging infrastructure.

EVs comprised about 6.1% of U.S. vehicle sales in 2022, according to a recent note by Citi analysts, nearly double the rate seen in 2021. The vehicles are expected to account for nearly 10% of total sales by the end of this year, the analysts said.

--Reporting by Steve Cronin

Consumer Interest and Demand for EVs Increases: JD Power EV Index

Consumer interest in electric vehicles jumped by about a third in 2022, despite EV owners' satisfaction levels dropping, according to a new tool tracking EV markets released Tuesday by auto analytics firm J.D. Power. Consumer demand for EVs increased year to year, while infrastructure and affordability hurdles stifled further growth in the sector.

While the tool is new, J.D. Power gathered data during a 12-month period, comparing changes from the start of that period to results from November 2022.The index measures categories on a scale of 100, measuring consumer sentiment on EVs against that on gasoline-powered vehicles.

The current index sits at 47 out of 100.

The consumer research company ranked data in six categories: interest in EVs, availability, adoption, affordability, infrastructure and the experience of ownership. Year to year, interest and availability saw increases while the remaining categories saw declines.

The increases year to year were most present in consumer demand, which saw a steep climb. Interest - how likely a consumer will purchase an EV – and availability - the proportion of new-vehicle consumers who see an EV as something to meet their needs - rose 33% and 66% year to year, respectively.

The interest score jumped by eight points year to year, reaching 32 out of 100. The availability score reached 30 out of 100, climbing 12 points year to year. The number of new EV models has been increasing, according to J.D. Power, which helped boost scores in both areas.

EVs in 2022 reached 10% of new car sales for the first time, the Wall Street Journal reported Monday. Automakers sold a total of 807,180 EVs in the U.S. in 2022. Automakers have launched new EV models throughout last year, bringing increased options into the market, according to the Wall Street Journal.

OPIS and The Wall Street Journal are both part of Dow Jones.

While consumers are more interested in EVs, obstacles remain to further adoption and satisfaction, the index specified.

Affordability, which measures the cost of EV ownership versus a traditional gasoline-powered vehicle, fell the most year to year, but remains one of the highest scores at 84 points. The score dropped about 14% or 12 points year to year.

Inflation hit 6.5% in the U.S. in 2022, according to the Bureau of Labor Statistics, which also impacted the affordability of vehicles. The price of all new vehicles, including gasoline-powered vehicles, in 2022 rose 5.9% year to year, according to the BLS.

The affordability index considers tax credits, rebates, incentives and more when evaluating EVs. J.D. Power estimates affordability will see the most change after January 2023 when manufactures' volume caps are lifted.

The Inflation Reduction Act will be enforced beginning January 2023, which means manufacturers that produce more than 200,000 EVs will now qualify for EV tax credits. Previously, manufacturers were not eligible to claim tax credits if they produced over the 200,000 vehicles cap.

EV adoption fell four points or 15% year to year, down to 22 out of 100. Adoption was also the lowest scoring category in the index. Adoption measures new-vehicle buyers who purchased an EV, relative to those who had another vehicle option that met their needs.

The rating for infrastructure fell four points or about 13% year to year to a score of 27 out of 100. Infrastructure measures the availability and reliability of EV chargers. Infrastructure has not been able to keep up with the volume of EVs in operation, according to J.D. Power.

Experience, the highest scoring category in the index, measures overall consumer satisfaction with an EV compared to a traditional gasoline-powered vehicle. Experience scored 89 out of 100, down two points or about 2% year to year. J.D. Power said the overall satisfaction with the EV sales experience accounts for a downtick in the score.

J.D. Power said it will release an updated index monthly, allowing for ongoing evaluation of customer satisfaction with EVs and the vehicles' market penetration.

--Reporting by Christie Citranglo

Used Values Continue Slow Descent

Canadian Black Book is reporting the first year-over-year decline in used vehicle values since the summer of 2020.

Granted, it's not a big decline, but a signal nevertheless of where prices look to be headed.

Canada Black Book's Used Vehicle Retention Index for December came in at 157.6, a 0.7 per cent drop from November and 0.6 per cent decrease year-over-year.

It's the first year-over-year decrease since July 2020 when the index sat at 100.5 points — that's when Canadian wholesale vehicle values began a historic climb that didn't stop until March 2022. Since then, it has been on a decline, down 4.5 per cent overall.

"Increasing interest rates and slowly improving new vehicle supply has had a cooling effect on the wholesale market but the overall lack of used supply has offset much of those pressures," said David Robins, principal automotive analyst and head of Canadian vehicle valuations at Canadian Black Book.

With an index score of 157.6 points, that means used vehicle values are 57.6 per cent above the baseline established by Canadian Black Book in January 2005. March 2022 saw the peak of the index at 165 points.

Manheim, the vehicle auction company, expects used vehicle values to continue to depreciate — and at an above-normal rate. It added that this will particularly happen in the first half of 2023. It saw its own used vehicle value index drop 14.9 per cent year-over-year in the U.S.

"Price trends should normalize in the year's second half as constrained wholesale supply supports used values and used retail prices fall into a normal relationship with new prices," it said, adding that it expects its own value index to drop 4.3 per cent year-over-year in December 2023.

Ford Vehicles Most Recalled in 2022

The National Highway Traffic Safety Administration listed its most recalled vehicles for 2022.

According to Kelley Blue Book, Ford Motor Company sent its owners to the dealership with 67 urgent safety recalls. In total, 8,636,265 Ford-built vehicles received recall notices.

Rounding out the top three were Volkswagen (46) and Stellantis (38). Tesla was second to Ford in the total number of recalled vehicles with 3,769,581.

US Reports Increase in Truck Driver Fatalities on the Job

Commercial driving remains one of the most hazardous occupations in the U.S., with the rate of fatalities on the job rising 11.6% from 2020 to 2021, the Bureau of Labor Statistics reported Friday.

In 2021, 28.8 per 100,000 full-time truck drivers and drivers in sales suffered a fatal injury on the job, up from 25.8 per 100,000 in 2020. There was a 16.3% increase in the on-the-job deaths for these drivers, to 1,032 in 2021 from 887 in 2020. This jump was "the primary factor behind the increase in fatalities to workers in transportation and material moving occupations," the bureau said.

Transportation workers experienced a high of 1,523 fatal work injuries in 2021, making transportation the industry with the most fatalities, the bureau said. The 2021 tally was 18.8% higher than in 2020 and the highest since 2017.

"Transportation incidents remained the most frequent type of fatal event in 2021, with 1,982 fatal injuries, an increase of 11.5% from 2020. This major category accounted for 38.2% of all work-related fatalities for 2021," the agency said in announcing the numbers.

However, fatal transportation incidents are still down 6.6% from 2019, with 2,122 fatalities, the bureau added.

Overall, there were 5,190 fatal work injuries recorded in the U.S. in 2021, an 8.9% increase from the 4,764 recorded in 2020, the bureau said. The fatal work injury rate was 3.6 fatalities per 100,000 full-time workers, up from 3.4 per 100,000 in 2020 and from the 2019 pre-COVID-19 pandemic rate of 3.5 per 100,000. The 3.6 fatal occupational injury rate in 2021 represents the highest annual rate since 2016, the bureau noted.

--Reporting by Donna Harris

Auto Repair Industry Stats and Growth Projections in 2023

` The statistics on the latest automotive trends show the auto repair industry is in a good position going into 2023.

1. Research shows in 2023, there will be an estimated 76 million vehicles aged 16 years or older in the United States.
2. The number of vehicles five years old or less is predicted to increase by almost 25%.
3. It’s estimated that by 2023, 18% of American households will use an auto repair service at least once a year.
4. Automobiles aged 12 years or older are anticipated to increase by 15%.
5. The average time new and used automobiles are owned in the past decade increased 60%.

The future is very bright for the automobile repair industry. The key is for its members to position themselves properly. People in traditional and emerging markets drive hundreds of millions of new and used automobiles that must be upgraded, repaired, serviced, and maintained. More importantly, independent auto repair shops perform 75% of the aftermarket automobile repair services for the auto repair industry. Suppose automobile repair shops are diligent and proactive in investing in the latest and most effective tools, equipment, and technology and ensure their service technicians are properly trained. In that case, they will continue to be profitable in 2023 and beyond.

Burglars Break into Illinois Auto Body Shop Searching for Key Fobs

Burglars broke into a Palos Hills, IL, auto body shop on Dec. 30, looking for key fobs and stealing a car that was later recovered, police reports said.

The break-in happened at Caliber Collision, 7727 112th Place, Palos Hills. Police said the burglars left behind extensive damage in an apparent search for keyless entry and starter devices. The business’s security video showed a person leaving the auto body shop and then attempting to steal several vehicles.

According to the report, the burglars managed to steal a Nissan, which officers found wrecked nearby. Police believe the burglars circled back Jan. 4, but by then employees at Caliber Collision had hidden all the key fobs. While no cars were stolen, the burglars reportedly walked off with an envelope containing $400 in cash.

A similar burglary also took place the same morning as the Palos Hills incident in Orland Park. Police responded to a security alarm around 6:19 a.m. Dec. 30 at Gerber Collision and Glass, 13433 Southwest Highway, Orland Park. The burglars had broken the glass door and appeared to have rummaged through a desk looking for key fobs, Orland Park police said.

Surveillance video showed a group of people running through the garage’s wash bay area. A few entered a BMW and a Hyundai, but no vehicles appeared to have been taken. Orland Park police said the people caught on security cameras appeared to be wearing white gloves.

Early Jan. 5, burglars broke into a North Side car dealership, Chicago police said. Officers responding to an alarm at Leader Auto in the city’s River North neighborhood. The burglars shattered a window and left many key fobs on the ground, news reports said. It is not known if any vehicles were taken.

South suburban police departments have reported an increase in car thefts and car part thefts over the past year.

Tesla Files for $716M Expansion at Giga Texas

Tesla’s Gigafactory Texas facility is set to expand by 1.4 million square feet, as the automaker has filed for more than $716 million in new projects at the site.

Tesla filed Jan. 9 for four new projects, according to filings with the Texas Department of Licensing and Regulation. The projects are filed separately because they will expand four different facilities. Tesla registered the projects to Cell 1, Drive Unit, Cathode and Cell Test Lab.

According to the Austin Business Review, which initially spotted the filings, the projects will provide Tesla with 1.4 million additional square feet on-site at Gigafactory Texas, and construction could start as soon as the end of the month.

The total cost for the four new facilities is $716.7 million, with the bulk of the expenditure coming from the construction of the Cell 1 facility, which is set to cost $368 million. The Cathode building is $216 million, while the Drive Unit and Cell Test Lab buildings will cost $85 million and $3.7 million respectively.

Tesla filed the projects as “new construction.”

Tesla has been planning to build a cell facility at Gigafactory Texas for some time, and filed in February 2022 to build a cathode plant at Gigafactory Texas, filings with Travis County showed.

The cell facility will supplement the automaker's attempts to expand EV manufacturing in the U.S., but will also help Tesla become less dependent on suppliers for its products. Currently, Tesla has numerous battery cell supply deals, most notably with Panasonic in the U.S.

However, the growth of the EV market has placed a shortage of battery cells and battery materials. Tesla, which introduced its new 4680 cell several years ago, is planning to implement these new batteries into various projects, including the Model Y from Gigafactory Texas, which started deliveries to customers last year.

Tesla delayed several projects over the past few years because of battery constraints. However, the construction of cathode and cell manufacturing plants at Giga Texas could relieve the company of these shortages as EV sales expand.

Tesla is also planning to build the Cybertruck in Texas, but the packs are currently being manufactured in Fremont, CA, due to the lack of a cell production plant in Austin.

Evidently, Tesla will also be building drive units for its vehicles in Texas. It has built drive units for the Model 3 at the Tesla Gigafactory in Nevada for several years.

FTC Proposes Rule to Ban Employee Noncompete Clauses

The Federal Trade Commission proposed a new rule that would ban employers from imposing noncompetes on their workers, a practice that the Commission states is widespread and often exploitative that suppresses wages, hampers innovation, and blocks entrepreneurs from starting new businesses. By stopping this practice, the agency estimates that the new proposed rule could increase wages by nearly $300 billion per year and expand career opportunities for about 30 million Americans.

US Weights and Measures Officials Discuss Hydrogen Dispenser Filters

The National Conference on Weights and Measures is discussing requirements for a filter in hydrogen dispensers like those for gasoline and diesel dispensers in the National Institute of Standards and Technology Handbook.

The discussion is taking place at NCWM's interim meeting in Savannah, Ga., this week, according to a detailed agenda. The filter standards are designed to protect the vehicle from particulate contamination.

"The same requirement is necessary for gaseous hydrogen dispensing systems because the particulates can harm the vehicle valves and other components," reports Quong and Associates Inc., a San Francisco-based company specializing in testing, measurement and safety of alternative fuels and electric vehicle charging. Quong is presenting a proposal for hydrogen filters at the meeting.

"In addition, a liquid filter is necessary because water, oil or other contaminates can freeze inside valves or cause damage to the fuel cell stack," the firm reports.

Quong proposes that all gaseous hydrogen dispensers have a 5-micron or smaller nominal pore-sized filter and a filter to protect the vehicle from liquid contamination.

Currently the NIST Handbook requires a 10-micron filter standard for gasoline, gasoline-alcohol blends, gasoline-ether blends, ethanol flex-fuel and M85 methanol dispensers. And biodiesel, biodiesel blends, diesel and kerosene dispensers must have a 30-micron or smaller nominal pore-sized filter.

In a separate discussion, NCWM also is considering accelerating the alignment of standards for hydrogen fuel quality. The hydrogen fueling industry uses two systems - the International Organization for Standardization and SAE International (formerly the Society of Automotive Engineers) - that "are not always aligned," according to the NCWM agenda document.

--Reporting by Donna Harris

British American Tobacco Takes Another Cigarette List Price Hike

British American Tobacco (BAT) is expected to implement a list price hike for several of its cigarette brands in the new year.

Industry contacts told Goldman Sachs that BAT recently announced its fourth list price increase this year. The timing of the move follows the tobacco company's quarterly cadence, according to Bonnie Herzog, managing director at Goldman Sachs, but "the magnitude of the price increases, especially on smaller brands, came in a little higher than expected."

As she reported, BAT is taking a cigarette list price increase of 15 cents per pack on Newport (menthol), Camel and Pall Mall Box, 25 cents per pack on Newport (non-menthol) and 38 cents per pack on Pall Mall Non-Filter and Pall Mall Vintage Gold.

The company took several other price increases across its portfolio of brands but didn't raise the list price of Lucky Strike (box).

Separately, BAT also announced several list price increases on oral tobacco, including 9 cents to 13 cents per tin increases on Camel Snus and Grizzly Snus and three other oral brands, as well as a 10 cents per pouch increase and 40 cents per tin increase on Natural American Spirit RYO.

Winston-Salem-based Reynolds American Inc. is a U.S. subsidiary of BAT.

The increases are effective with orders and deliveries on or after Jan. 2, Herzog added.

BAT last took a price increase, ranging from 13 cents to 25 cents per pack across several brands, at the end of

August. Its latest move follows Altria Group Inc.'s 15 cent per pack increase in mid-October.

"Looking ahead, we continue to expect strong net price realization as the industry continues to successfully implement price increases to offset ongoing volume pressures," Herzog said. "While there is some increased risk of potential downtrading and concerns that manufacturers have less pricing power today — with approximately 62 percent of our retailer/wholesaler contacts in our most recent Nicotine Nuggets survey believing manufacturers have less pricing power today vs. last year — we believe brands like Marlboro with a very loyal customer base and strong/effective promotions should be able to keep those consumers within the franchise."

Skimmer Builder Sentenced to Priso for Role in US Gas Pump Scam

A federal judge in San Diego on Monday sentenced a Los Angeles resident who confessed involvement in a gas pump skimming operation to 41 months in prison and three years of supervised release, according to court records.

Robert Fichidzhyan, 40, admitted in a plea agreement before the U.S. District Court for the Southern District of California that he built skimmers that accomplices installed at dozens of Southern California gas stations. The devices siphoned payment card information from customers buying fuel.

Fichidzhyan admitted the skimming operation stole almost $620,000, the Justice Department said in a news release Monday. After breaking into the gas pumps to install the devices, the theft ring sold the financial information or used it
to make bogus cards to steal funds, the Justice Department said.

Fichidzhyan admitted he made $249,890 from the scam and the court ordered him to forfeit the funds as well as to pay restitution with codefendants. Court records show the defendant will not be fined.

In a related case, Margar Simonyan in June was sentenced to 12 months and one day in prison and required to forfeit $11,810 and pay restitution for involvement in the identity theft scam, the Justice Department said. The next hearing in the case against the remaining seven defendants is scheduled for March 20, according to the announcement.

--Reporting by Donna Harris

Your Inspection License May be Worth Money

Depending on where you are located, it may be possible to sell your license. Before merely turning it in, contact the association for further information.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of $12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 518-452-4367

WE'RE PUTTING OUR YEARLY REMINDER LIST OUT THERE AGAIN FOR 2023, BECAUSE YOU NEED TO GET TO IT AND DO IT!

ATTORNEY'S CORNER

By Larry Culley

THE HOLIDAYS ARE OVER AND IT'S TIME TO BUCKLE DOWN AND FLY RIGHT IN 2023!

ARE YOU READY FOR FREDDIE IN 2023? HERE'S HOW!

ARE ALL YOUR PERMITS AND LICENSES (INCLUDING YOUR OWN AND YOUR EMPLOYEE'S DRIVER'S LINCENSES) VALID?

ARE YOU PAYING YOUR EMPLOYEES UNDER THE NEW MINIMUM WAGE LAW

ARE YOU PERFORMING INSPECTIONS WITH A TWO-PIECE WINDOW TINT METER IN ACCORDANCE WITH THE RECENT INSPECTION REGULATIONS REGARDING TINTED GLASS?

ARE YOU DISPLAYING SIGNS MANDATED BY D.M.V. AND OTHER GOVERNMENT AGENCIES INCLUDING THE POSTING OF LICENSED INSPECTORS AT INSPECTION STATIONS?

ARE YOU COMPLETING AND FILING THE IMMIGRATION FORMS FOR ALL NEW EMPLOYEES, "I-9"? ARE YOU COMPLETING AND FILING THE N.Y.S. "NEWLY HIRED EMPLOYEES" FORM?

ARE YOU CHECKING YOUR VAPOR RECOVERY EQUIPMENT & COMPLYING WITH THE NEEDED 5 YEAR TEST (THIS IS BEING PHASED OUT BUT IS STILL ENFORCEABLE AT THIS TIME)?

ARE YOU FILING YOUR YEAR END TAXES?

ARE YOU PREPARED TO MAINTAIN DAILY, ACCURATE, GASOLINE INVENTORY RECORDS AS REQUIRED BY LAW (DIP BOOKS ARE AVAILABLE FROM YOUR ASSOCIATION)?

ARE YOU MAINTAINING THE PROPER COLOR CODE ON YOUR GASOLINE FILL LINES? HAVE ALL YOUR TANKS WHICH ARE REQUIRED TO BE REGISTERED ACTUALLY REGISTERED?

ARE YOU DISPLAYING THE OIL SIGN: "WE ACCEPT WASTE OIL FOR RECYCLING"? ARE YOU HANDLING USED OIL FILTERS PROPERLY?

ARE YOU DISPLAYING THE SIGN: "WE MUST ACCEPT VEHICLE BATTERIES FOR RECYCLING"?

ARE YOU MAINTAINING THE FILE OF MATERIAL SAFETY DATA SHEETS (MSDS)?

ARE YOU AND YOUR EMPLOYEES AWARE OF THE POSSIBLE HEALTH HAZARDS ASSOCIATED WITH THE VARIOUS CHEMICALS AND THE PRECAUTIONS THAT SHOULD BE TAKEN?

HAVE YOU FILED YOUR “COMMUNITY RIGHT TO KNOW” FORM ON STORED SUBSTANCES IN N.Y.C.? **THE DEADLINE IS MARCH 1ST.**

ARE YOU MAINTAINING A SAFE WORKING ENVIRONMENT? ARE ALL YOUR FIRE EXTINGUISHERS AND SUPPRESSION SYSTEMS PROPERLY CHARGED AND WORKING? ***SAFETY IS FREE! USE IT GENEROUSLY***.

ARE YOU USING APPROVED REPAIR ORDER FORMS? ARE YOU PROVIDING ALL INFORMATION REQUIRED ON THE ORDER FORM BY D.M.V.?

ARE YOU A MEMBER OF YOUR ASSOCIATION SPONSORED WORKER’S COMPENSATION GROUP? THOSE WHO ARE RECEIVED DIVIDENDS FOR OVER 25 YEARS. ARE YOU ALSO PROVIDING DISABILITY INSURANCE FOR YOUR EMPLOYEES AS REQUIRED BY N.Y.S.?

ARE YOU PROVIDING QUALITY REPAIRS? ARE YOU USING QUALITY PARTS? DON’T CREATE FUTURE PROBLEMS WITH A FALSE ECONOMY?

ARE YOU AND YOUR TECHNICIANS MAKING TIME FOR EDUCATION (WORK SMARTER NOT HARDER)?

ARE YOU MAINTAINING A CLEAN, ATTRACTIVE LOCATION? LOOK AROUND, YOU MAY BE SURPRISED. ARE YOU MAINTAINING A SENSIBLE PROFIT MARGIN? YOU CANNOT SURVIVE WITHOUT IT. ARE YOU PREPARED TO SIT DOWN WITH YOUR ACCOUNTANT AND REVIEW YOUR OPERATIONS?

ARE YOU PERFORMING INSPECTIONS PROPERLY? DO IT RIGHT OR DON’T DO IT AT ALL! ARE YOU GIVING WRITTEN INSPECTION APPOINTMENTS? WRITTEN APPOINTMENTS MUST BE ON YOUR LETTERHEAD.

DO YOU CARD FOR CIGARETTES AND ALCHOHOLIC BEVERAGES? DO YOU HAVE SOFTWARE AT YOUR P.O.S. PREVENTING SALES OF THESE PRODUCTS WITHOUT AN I.D. BEING SUBMITTED?

IF YOU HAVE DUAL ISLANDS WITH SELF SERVE - FULL SERVE, IS THE “HANDICAP” SIGN POSTED?

ARE YOUR CLERKS TRAINED AND CERTIFIED UNDER THE TOBACCO LAW AND ALCOHOL LAW?

DOES THE OWNER, MANAGER AND CLERKS HAVE AN "A", "B" OR "C" CERTIFICATION UNDER THE UNDERGROUND STORAGE TANK REGULATIONS?

HAVE YOU CPMPLETED SEXUAL HARASSMENT TRAINING WITH YOUR EMPLOYEES AND RECEIVED VERIFICATION OF TRAINING FROM THEM THIS YEAR.

ARE YOU READY? ONLY YOU KNOW THE ANSWER. IF YOU’RE UNSURE, CALL YOUR AREA REPRESENTATIVE.

The contents of this column are not intended as legal advice. I give no legal advice without an appointment and interview with a client.

New Catalytic Converter Law in Effect

On October 17th• 2022 Governor Hochul signed into law NYS Senate Bill 5.9428. The new law has an effect on record keeping requirements for our industry and a wave of enforcement efforts are expected to enforce the new law. Please reference the following bullet points in order to stay compliant with the new law:

- Applies to vehicle dismantlers, junk yards, mobile car crushers, itinerant vehicle collectors and salvagers (repair facilities please reference note below)
- Catalytic converters are now considered a major component part (like airbags/inflatable restraints) and are subject to the same record keeping requirements
- In addition to the inspection of records upon request, above referenced facility types are required every 60 days to furnish to the Commissioner "all records regarding the number of catalytic converters they took in within such 60 day period subject to the record keeping requirements"
- Civil penalties and/or business license implications will apply to any facilities who fail to abide by the new law

NOTE FROM EXECUTIVE DIRECTOR:

It is my suggestion that all repair shops who are in the process of replacing a catalytic converter be extremely diligent in retention of purchase receipt from the supplier (whoever that may be) and also receipts from the disposition of all used/spent catalytic converters and cores. In short, cover all of your bases. Do not give the Authorities any chance to question your business practices. If you have any questions, please don't hesitate to contact your Association's office.

If you have any questions about this new law or anything else, feel free to **reach out!**

STATE OF NEW YORK

9428

IN SENATE

May 26, 2022

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the mainte nance of records of catalytic converters

The Pegple Qf the state Qf New Ygrk. represented in Senate and Assem- bly. dg enact as fgllgws:

Section 1. Paragraph (a) of subdivision 5 of section 415-a of the vehicle and traffic law, as amended by chapter 180 of the laws of 2006, is amended and a new paragraph (c) is added to read as follows: (a) Any records required by this section shall apply only to vehicles or parts of vehicles for which a certificate of title has been issued by the commissioner or which would be eligible to have such a certificate of title issued. Every person required to be registered pursuant to this section shall maintain a record of all motor vehicles, trailers, and major component parts thereof, coming into his **or her** possession together with a record of the disposition of any such motor vehicle, trailer or part thereof and the date such motor vehicle, trailer or part thereof is received and shall maintain proof of ownership for any motor vehicle, trailer or major component part thereof while in his **or her** possession. For the purposes of this article an inflatable restraint system shall be a major component part **and a catalytic cgnverter shall be a major component part.** Such records shall be maintained in a manner and form prescribed by the commissioner. The commissioner may, by regulation, exempt vehicles or major component parts of vehicles from all or a portion of the record keeping requirements based upon the age of the vehicle if the commissioner deems that such record keeping requirements would not further the purposes of the motor vehicle theft prevention program established by section two hundred twenty-three of this chapter. Upon request of an agent of the commissioner or of any police officer and during his **or her** regular and usual business hours, a vehicle dismantler shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. **In addition. the commissioner shall require every vehicle dismantler to produce. every sixty days. all records regarding the** number of **catalytic converters they took** in **within such sixty-day period subject to the record keeping requirements** of **this section.** Upon request of any agent of the commissioner and during his **or her** regular and usual business hours, a salvage pool, mobile car crusher or itinerant vehicle collector shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. The failure to produce such records or to permit such inspection on the part of any person required to be registered pursuant to this section as required by this paragraph shall be a class A misdemeanor. If **a vehicle dismantler has gained money or property by failing to produce records of the number of catalytic converters they take in as required by the commissioner pursuant to this paragraph. the court may** order such defendant to **pay an** amount. fixed by the court. not to exceed double the amount of such defendant's gain from the commission of such offense.

For the purposes of this article, the term "catalytic converter" **shall mean a** device installed in the exhaust system of **an internal hydrocarbon combustion engine that utilizes catalytic action to oxidize and carbon monoxide emissions to carbon dioxide and water.**

§ 2. Section 415 of the vehicle and traffic law is amended by adding a new subdivision 21 to read as follows:

21. New motor vehicle etching kits. Every new motor vehicle dealer and every qualified dealer shall be required to stock etching kits that are capable of etching a traceable serial nnmher onto the catalytic converter of **a new** motor **vehicle that can be clearly seen and quickly linked back to the vehicle. such etching kits shall be offered by every new motor vehicle dealer and qualified dealer to any person purchasing a new motor vehicle. at no more than the cost of such etching kit to such dealer.**

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

New Employment Laws from the Omnibus Spending Bill

With the text of the final bill clocking in at over 1,600 pages, it is no wonder that some items that made their way into the 2023 Consolidated Appropriations Act (aka the omnibus spending bill) that was signed into law at the end of 2022 have gotten less attention than others.

In particular, small businesses should be aware of two important employment law changes that were included as part of the spending bill and which will go into effect this year.

Pregnant Workers Fairness Act –

The provisions will go into effect on June 27, 2023 and apply to all private employers with 15 or more employees. In sum, the new law requires covered employers to provide reasonable accommodations for pregnancy, childbirth or related medical conditions the same way that they would for other disabilities.

Up to this point, federal law has only gone so far as expressly prohibiting discrimination against employees because of their pregnancy or pregnancy related conditions. In 2015, the Supreme Court ruled that it would be discriminatory for an employer to provide an accommodation to an employee with a non-pregnancy related short-term disability but refuse a similar accommodation to an employee with a pregnancy related condition. But where there is no comparable employee with a non-pregnancy related disability, an employee's rights to seek an accommodation for a pregnancy-related disability became blurry.

Because of the lack of clarity and protections at the federal level, more than half of the states have already enacted some type of pregnancy accommodation law. Accordingly, the extent to which the Pregnant Workers Fairness Act will change an employer's legal obligations will largely depend upon where the employer is located. To the extent that the employer is located in a state that imposes obligations that go above and beyond the Pregnant Workers Fairness Act, the employer will still need to comply with the more rigorous state law. To the extent that the employer is located in a state with no pregnancy accommodation law, the employer will need to make sure that they are complying with the Pregnant Workers Fairness Act by June of this year.

The specific requirements of the Pregnant Workers Fairness Act are as follows:

-Covered employers are prohibited from refusing to provide reasonable accommodations for "known limitations" arising from an employee's pregnancy, child birth or related medical condition. Employers will only be excused from providing a reasonable accommodation if it can show that the accommodation would impose an undue hardship on the operation of the business. What constitutes a "reasonable accommodation" or an "undue hardship" for the purposes of the Pregnant Workers Fairness Act will be the same as under the Americans with Disabilities Act (ADA) and there has been extensive rulemaking, guidance and case law fleshing these concepts out in the context of the ADA.

-When it comes to making an accommodation, employers will be further prohibited from forcing employees to accept an accommodation selected by the employer without going through the interactive process with the employee. The interactive process is also a concept defined in the ADA which is incorporated into the

Pregnant Workers Fairness Act. Additionally, employers may not force employees to take leave (paid or unpaid) if another form of reasonable accommodation is available that would allow the employee to perform the essential functions of their job.

-The new law further prohibits employers from denying employment opportunities to otherwise qualified employees or applicants based on the fact that they will need an accommodation due to limitations from pregnancy, childbirth or a related medical condition.

-Finally, the law prohibits employers from taking adverse action against an employee for requesting or taking advantage of a reasonable accommodation for limitations related to pregnancy, child birth or a related medical condition.

Like the ADA and other federal employment non-discrimination laws, the Equal Employment Opportunity Commission (EEOC) will be primarily responsible for enforcing the new law.

Pump for Nursing Mothers Act –

The other notable employment law change that was passed as part of the omnibus spending bill is the Pump for Nursing Mothers Act. The Pump for Nursing Mothers Act expands employers' obligation to provide employees with time and space for lactation. The major provisions of the new law went into effect at the time the legislation was signed into law.

In 2010 Congress amended the Fair Labor Standards Act (FLSA) to require employers to provide non-exempt employees with breaks and a private place to express breast milk for a year after the birth of their child. The Pump for Nursing Mothers Act expands the requirement so that it applies to all employees, exempt and non-exempt. The newly expanded law requires that employers provide employees with reasonable lactation breaks for up to a year after their child's birth and that the employer designate a private place that is not a bathroom where that the employee may use to take these breaks free from intrusion from their coworkers or others. The law does not require that employees be paid for these breaks unless they are not completely relieved of their work duties while taking the breaks (for example if they are working at the same time as they are pumping).

There are a few exceptions to these requirements. First, businesses with less than fifty employees do not have to comply with the break requirements if they can establish that the obligations would "impose an undue hardship causing the employer significant difficulty or expense, when considered in relation to the size, financial resources, nature or structure of the employer's business." Small businesses that plan to rely on this exception are well advised to seek legal counsel to ensure that they can satisfy the high standard that they will be required to meet to establish an undue hardship.

There are also industry specific exemptions (which were negotiated at the last minute and drew some ire) for air carriers, rail carriers and motor coach operators.

Before initiating an action against an employer for failing to comply with the Pump for Nursing Mothers Act, employees will be required to notify the employer of their non-compliance and provide the employer with ten days to come into compliance. Accordingly, businesses should take their obligations under the law, and any complaints of non-compliance by employees very seriously.

Employers should also check whether there are any state or local laws that apply to them which relate to lactation breaks. As is the case when it comes to any federal employment law, if the employer is located in a jurisdiction that has a state or local law that is more rigorous than the federal law, the employer will need to comply with the more restrictive requirements.