



## Government Affairs

# July Advocacy Roundup

### NAMA Takes The Hill: 2018 Fly-In



NAMA's 4<sup>th</sup> annual Fly-In cemented this event's status as a must attend for NAMA members across the country. Continuing successes of previous years the 2018 event included nearly 300 registered attendees from over 35 states.

The Fly-in featured a meeting with EPA leadership and industry cold vending machine manufacturers on the topic of the refrigerant transition, a discussion with an FDA senior advisor on the Agency's strategic plan related to food labeling and content, all culminating in a full day of Congressional meetings.

On Capitol Hill, NAMA members impressively met with over 230 Congressional offices. Attendees briefed Congressional offices on the Economic Impact of the Convenience Services Industry, discussed an FDA Calorie Disclosure proposal, and outlined opposition to the Commercialization of Rest Stops. Specific to Calorie Disclosure, attendees sought signatures from Congressional offices on a bipartisan – bicameral letter to the FDA supporting the Agency's recent proposed regulation finalizing Front-of-Pack Calorie font size. To date several Congressional offices have agreed to sign on to the letter – a huge win for the industry! As a result of the Fly-In 4 Congressional offices have already visited NAMA members companies back in the district.

### State Issues

This industry continues to face a dizzying array of issues at the state and local level - 2018 saw State Councils opposing rest stop privatization, fighting for tax exemptions, and securing clarity for micro markets. State Councils in nearly every corner of the country held Convenience Services Days to meet with legislators and build actionable relationships. NAMA's government affairs division has been

managing issues impacting various parts of the industry at all levels of government - federal, state and local. Below is a wrap-up of the hot-button issues confronting the industry.



**California**

In June, the Office of Environmental Health Hazard Assessment (OEHHA), the office that oversees Proposition 65, issued a notice of proposed rulemaking which *could* have the effect of exempting coffee from Proposition 65. In the notice issued by the department they proposed adding a new section to the California Code stating that exposure to Prop 65 listed chemicals in coffee that are produced as part of and inherent in the processes of roasting coffee beans and brewing coffee, pose no significant risk of cancer. The office is taking comments through August 30th and will be having a hearing on the matter August 16th. The California State Council (CAVC) and NAMA members will be present at the hearing and CAVC and NAMA members have reached out to members to file comments with OEHHA in support of their proposed actions. **Please make your voice heard and visit the [NAMA portal here](#) to submit comments to OEHHA.**

CAVC and NAMA continue to work with CARB (California Air Resources Board) on their proposed restrictions on refrigerants used in vending machines in the state. CAVC and NAMA are planning a follow up meeting with CARB to document industry activities over the past year in support of CAVC and NAMA’s request for additional transition time.

## Oregon

Measure 103 has qualified for the November ballot in Oregon. The measure would amend Oregon's Constitution to ban any taxes on the sale or distribution of groceries, including non-alcoholic beverages. If approved by voters, it would take another constitutional change in order for a local government to enact a soda/sugar tax.

## Washington

The American Beverage Association and the Yes! To Affordable Groceries coalition are sponsoring an Initiative that will appear on the November ballot. I-1634 prohibits new or increased local taxes on raw or processed foods or beverages. This would not repeal the Seattle Beverage Tax that went into effect Jan. 1, 2018 however it will prevent any other city in Washington from doing what Seattle did. Over 360,000 signatures were gathered and more than 1,000 Washington businesses, organizations, and individuals are actively supporting and organizing the campaign.

### **Industry Economic Impact Data**

In line with its mission to provide industry research that support's NAMA's advocacy efforts, the Foundation partnered with John Dunham and Associates to conduct a comprehensive economic impact and proprietary modeling study of the Convenience Services industry. The study will present geographically mapped data, analytical tools, and custom designed materials that document and illustrate the scope and economic impact of the Convenience Services industry on the U.S. economy. This landmark research has several benefits including:

- It provides the Association with compelling data in proactively managing important legislative and regulatory issues, particularly at the Federal level.
- Further, it assists NAMA staff, state councils and individual members in educating public officials on the industry's impact in every area of the country—albeit national, state, county or by congressional district.
- And it equips and empowers the industry as a whole in pursuing all forms of advocacy that promote and protect the growth of conveniences services.

The finalized study was debuted at the 2018 NAMA Fly-In. Subsequently, it is available on NAMA's website to allow members to create downloadable infographics, customized for their individual advocacy needs, or for Convenience Services Lobby Days at state capitols across the country.

## Federal Issues

### Calorie Disclosure



In July, the FDA proposed final guidelines for Calorie Disclosure font size for items sold in glass front vending machines. This is an incredible win for the convenience services industry – their proposed rule specifically cites NAMA’s concerns and interactions with the Administration. The rule, identical to NAMA’s position will require that the type/font size of the calorie declaration on the front of the package (FOP) be at least 150 percent (one and one-half times) the size of the net quantity of contents (i.e., net weight) declaration on the package of the vended food and grants enforcement discretion, at least until January 1, 2020; meaning that operators have until 2020 to comply with the new rule and product manufactures can align the redesign of the NFP and Calorie Disclosure thus reducing costs and streamlining operations.

NAMA will be submitting comments on the rule and has developed an online portal for members across the country to submit comments as well. **Please make your voice heard and visit the NAMA portal [here](#) to submit comments to the FDA.**

### Vending Machine Refrigerant Transition



In July, equipment manufacturers and interested stakeholders met with the Environmental Protection Agency (EPA) to document industry activities over the past year in support of NAMA’s request for additional transition time (until 2022). This meeting was in response to a temporary delay issued by EPA in April. The April guidance suspends the January 1, 2019 transition date until the EPA updates regulations requiring a phase out of hydrofluorocarbons (HFCs), currently used in nearly all vending machines. The July meeting was proactive, and meant to demonstrate that NAMA was not “dragging our feet” and was genuinely trying to resolve challenges posed with transition. During the meeting NAMA requested 3 items from the EPA; 1) additional transition time with any new rulemaking, 2) communicate with California the industry’s need for additional time, and 3) encourage the EnergyStar Program to suspend any new regulatory actions related to vending for several years.

The transition away from hydrofluorocarbons (HFCs) presents several challenges to manufacturers and operators -- the most significant of which is a regulation that restricts where a vending machine can be placed. NAMA is focused on resolving the placement and commissioned an industry funded research study as required by the various standards organizations. The research study now concluded provided valuable information. Due to the importance of this issue, NAMA also secured a professional consultant

who specializes in working with standards organizations. A delay of the transition date will provide flexibility for OEM's while ensuring that operators can place machines without restriction on placement.

### **Proactive Advocacy – Micro Markets**

Due to the rapid growth of micro markets, NAMA's strategic partner program is providing the resources for increased proactive efforts at states across the country to define and protect them., NAMA has developed a "model bill" that defines a micro market, based on the positive work that NAMA completed with the Conference for Food Protection in the creation of its unattended retail guidance document. Once a definition has been created, permitting, fees, and inspections can be clarified. Several NAMA State Council's have already succeeded in passing the model bill this year. **Contact NAMA's government affairs division if your state council is interested in pursuing defining micro markets in your state in 2019.**

Thank you for actively participating in the industry's advocacy efforts. Advocacy successes are not possible without your active participation. Should you have questions about the Government Affairs Division and our advocacy efforts, please do not hesitate to contact us. Due to the ebb-and-flow of legislative and regulatory matters this will be the last edition of the Advocacy Wrap-Up for 2018.

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