



## How is the Trump Administration dealing with the c-store industry?

**During the last NACS Show, a panel discussion formed by Douglas Kantor (Steptoe & Johnson LLP) and Jon Taets (NACS Director, Government Relations) explored the effects of a Trump administration on the convenience store industry.**

Using the example of the terrible hurricanes that descended upon the U.S., Douglas Kantor spoke of the positive response from the Trump Administration after each hurricane. The Government and the EPA approved various waivers that allowed for easier access to fuel and food stamps across the affected states.

President Trump displayed his 'pro-business' attitude that partly got him to the Whitehouse with the withdrawal of the Obama administration guidance of the Department of Labor (DOL), while retailers across the U.S. welcomed the withdrawal of Obama's overtime rule, which was suffocating employers, according to Jon Taets.

Taets also stated that congressional representatives needed to be more conscious of the effects these norms have on retailers.

### **Menu-labelling**

In terms of menu labelling, which stated that all convenience stores had to display calorie counts in a similar fashion to restaurants, the Trump administration has pushed it back until May 2018. Kantor explained how the administration had been helpful in the case against New York City when the city decided to go ahead with the menu labelling legislation in August 2017 instead of waiting until next year.

Last week the US Food and Drug Administration (FDA) released draft guidelines on the agency's menu labeling rules to help stakeholders achieve compliance by May 7, 2018. The new draft takes into account some of the comments made by retailers while it ignores others. For example, the new draft states that marketing materials such as billboards and posters are not required to include calorie information as they are not considered 'menus'.

### **WOTUS**

The Trump Administration is currently in the process of rescinding the controversial legislation pushed by the Obama administration in 2015 regarding the Waters of the United States (WOTUS) rule.

The rule, issued jointly by the EPA and the U.S. Army Corps of Engineers, was intended to clarify which streams and wetlands are protected under the Clean Water Act (CWA).

For convenience retailers who operate a site near or touching a protected body of water it meant being subject to special permitting and CWA requirements.

“Government can sometimes affect your business in ways you didn’t know. This is one of them,” said Kantor.

The U.S. Government is planning to withdraw the changes to the rule and limit the CWA’s jurisdiction over the issue, therefore benefiting a number of convenience store operators.

## **Trade and NAFTA**

Since the beginning of the election campaign that made him the 45<sup>th</sup> President of the United States, Donald Trump has made ‘trade’ one of the pillars of his program. After walking away from trade deals with China, South Korea and others, the North American Free Trade Agreement (NAFTA) deal is currently being renegotiated between the U.S., Canada and Mexico.

“The most important (deal) for us is NAFTA due to the interchange of petroleum products between Canada, the U.S. and Mexico,” commented Kantor.

This Wednesday the fifth round of NAFTA negotiations starts in Mexico City. The most contentious U.S. demands are on dairy, automotive content, dispute panels, government procurement and a sunset clause, reports Bloomberg. After Wednesday, there are still two more bargaining sessions for the three countries to agree the renegotiation of the deal.

Jon Taets ended the discussion by encouraging retailers to get involved with their congressional representatives and local authorities to show them the effects that public policies have on their needs and businesses.