



October 22, 2021

Member Alert: U.S. Energy Information Administration Seeks Pricing Data from Virginia Stations

Last week we were informed by a Northern Virginia based member that they had received an official letter from the US Energy Information Administration requiring them immediately furnish price information for one of their locations. A copy of the demand letter can be [found here](#). We contacted our national association, the Energy Marketers Association of America, and after research determined that responses to these requests are mandatory. However, the data must remain confidential and only reported in the aggregate. Specifically, “failure to respond may result in a civil penalty of not more than \$2,750 per day for each violation, or a fine of not more than \$5,000 per day for each criminal violation. The government may also bring a civil action to prohibit reporting violations which may result in a temporary restraining order or a preliminary or permanent injunction without bond. In such civil action, the court may also issue mandatory injunctions commanding any person to comply with these reporting requirements.”

The stated goal of the program to obtain a “representative sample of outlets surveyed in order to minimize public reporting burden. We need sufficient geographic coverage to produce national, regional, state and city estimates. A representative sample includes a selection of large, medium and small outlets.”

While the timing of this request raises many questions, there is no question that the federal government **can** demand this information and member companies are required to respond. To date I have received no other reports of companies being contacted for similar information.

Here is the information explaining the program, how data is used FAQs, and how long the reporting is required:

[FAQs for Survey Form EIA-878 - U.S. Energy Information Administration \(EIA\)](#)

Also, you may find this useful:

[Survey Forms - U.S. Energy Information Administration \(EIA\)](#)

Five Virginia Cities To Implement New 5 cent plastic bag tax on January 1, 2020

Earlier this year, the General Assembly passed and the governor signed legislation that allows local jurisdictions to adopt a plastic bag tax. So far the following locations will begin assessing the tax January 1, 2022: the cities of Alexandria, Arlington, Fredericksburg and Roanoke; and the County of Fairfax. Tax will be imposed upon plastic bags provided to shoppers in grocery stores, convenience stores, or pharmacies. The tax applies whether the bags are provided to the customer free of charge, or if the store charges the customer for the bags.

The following bags are not subject to the tax: durable plastic bags with handles that are designed to be used multiple times and are at least 4 mil thick; plastic bags solely used to wrap, contain or package the following types of goods in order to prevent damage or contamination: ice cream, meat, fish, poultry, produce, unwrapped bulk food items, perishable food items, dry cleaning, prescription drugs; and multiple bags sold in containers for use as garbage, pet waste, or leaf removal bags.

For the first two years the seller may keep 2 cents of the 5 cents for administrative cost related to remitting the tax. After 2023, the seller will be allowed to retain 1 cent per bag. The tax will be reported and payable as a part of Form ST-9 Retail Sales and Use Tax return. Returns and payments are due by the 20th day of the month following the sale occurred.

In order for the Disposable Plastic Bag Tax to be imposed in any county or city, the tax must be adopted by an ordinance enacted by its governing body. Each local ordinance imposing the tax must provide for the tax to become effective on the first day of a calendar quarter and the effective date must not be before 1/1/21. We will be monitoring this activity and report on any future consideration of this tax in other jurisdictions.

For more information, please see [Guidelines for the Virginia Disposable Plastic Bag Tax](#).