

BottomLine



THE VOICE OF MIDWEST INDEPENDENT RETAILERS // VOL. 32, NO.11 // NOVEMBER 2021

Give Us a High Five
for Our 41st Annual
Turkey Drive

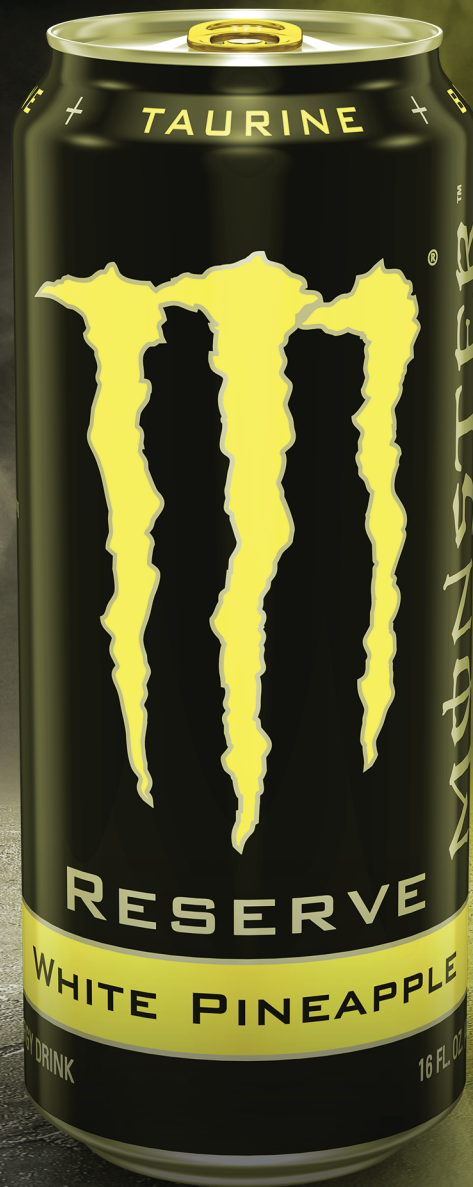
pg 12



■ Independent Retailers Week Highlighted
in Michigan // PAGE 16

■ USPS Bans the Shipment of Vaping
Products // PAGE 22

SAME BEAST



**NEW FLAVORS
UNLEASHED**

columns

02 CHAIRMAN'S MESSAGE
Regrow Your Business in 2022

04 C-STORE NEWS & VIEWS
Premarket Tobacco Product Application

06 GOVERNMENT RELATIONS REPORT
Our Purpose Shall Not Fail

08 MICHIGAN LIQUOR REPORT
A Conversation with
Commissioner Lee Gonzales

10 OHIO LOBBYIST REPORT
Back to the Past; Mandatory Masking/
Vaccinations; Redistricting

departments

14 STAFF SPOTLIGHT
Welcoming the New
Comptroller at MIRA

18 MARKET TRENDS
Not business as Usual with
Employee Shortage Still an Issue

20 SAFETY SENSE
Written and Communicated
Safe Work Practices

22 EXPRESS LINES
Industry-Wide Items of Interest

24 SUPPLIER DIRECTORY
Your Resource for Products and Services

28 MIRA CALENDAR
Upcoming Industry Events

BottomLine



THE VOICE OF MIDWEST INDEPENDENT RETAILERS
VOL. 32, NO. 11 // NOVEMBER 2021

features



COVER STORY //

GIVE US A HIGH FIVE FOR OUR 41ST ANNUAL TURKEY DRIVE

Turkey prices fluctuate year to year and have increased in recent years, but the cost has not stopped the Midwest Independent Retailers Foundation (MIRF) from making the pledge to put a turkey on the Thanksgiving table of more than 6,000 families throughout Michigan and Ohio that may not otherwise enjoy this special meal.



INDEPENDENT RETAILERS WEEK HIGHLIGHTED IN MICHIGAN

Over the years, the Association has urged the legislature in Michigan to acknowledge the independent retailer's industry. "It's becoming more and more important for our independent retailers to be recognized," said Ed Weglarz, MIRA president and CEO.



USPS BANS THE SHIPMENT OF VAPING PRODUCTS

The United States Postal Service has finalized a rule that will no longer allow vaping products to be delivered through the U.S. mail, according to Vaping360. The ruling applies to both nicotine and cannabis products and takes effect immediately.



chairman's message

CLIFTON DENHA // MIRA CHAIRMAN

Regrow Your Business in 2022

If you are reading this article, you and your business have survived the pandemic of 2020 and 2021. Good for you! What's in store for the future? Have your customers and trade areas changed because of Covid-19?

Think about your current customers and how you can sell more to them. Offering a wider variety of products and services can upgrade the per customer sale. Check out your competitors and see what they are offering that you might add to your store. Are you carrying the brands that customers are craving? Train your employees to ask the customer for companion sales.

Consider an incentive or bonus program for your front-line employees. Competition among employees can better serve your customers and improve your sales and bottom line.

Curbside pickup and home delivery are options skyrocketed during COVID-19, but those options are here to stay. You need to evaluate those services and consider the advantages and disadvantages of adding those services to your business.

Evaluate each department of your business. Consider eliminating the losers or low profit departments while expanding your higher profit centers. Try to test your new additions before jumping in with both feet.

If you are not online with a website, consider creating one to improve customer awareness of your business and what you added in the way of products and services. Make it easy for your customers to find you and what you have to offer.

Keep signage clean and up to date. Dirty, faded signage will not help you make sales.

The pandemic distracted all of us from our mission of concentrating on the target. It's time to regroup and saddle up for 2022. Get back to the basics along with the opportunities that passed you by while you were dealing with COVID-19.

As always, look through the suppliers listed in the back of this issue of *Bottom Line* for ideas to help you advance. ■

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c-store news & views

JIM GREEN // MIRA VICE PRESIDENT, PROGRAM DEVELOPMENT

Premarket Tobacco Product Application

Trying to stay on top of the FDA's progress and announcements surrounding the Premarket Tobacco Product Application (PMTA) process can seem like a lot of noise that retailers don't have time or want to be concerned with right now. For the average independent retailer dealing with labor issues, out of stocks, supply chain issues and operational issues are the priority. Retailers just want to be assured that the products they are selling are legal to sell. Unfortunately, I will not be able to answer that question this month, but we can provide a condensed update as to where the industry is at in the process.

Some of you may have seen the notice in mid-October where the FDA announced that retailers can continue to sell R.J. Reynolds Vapor Co.'s Vuse Solo closed electronic nicotine delivery system (ENDS) and accompanying tobacco-flavored e-liquid pods. This marked the first e-cigarette product under the PMTA pathway to be approved. However, it left many retailers with more questions than answers. There was no decision on the menthol-flavored products and the FDA issued 10 marketing denial orders (MDOs) for flavored ENDS products submitted under the Vuse Solo brand. The FDA would not disclose the specific flavored products. NACS, Energy Marketers of America, FMI, The Food Industry Association, the National Association of Truckstop Operators, and the Society of Independent Gasoline Marketers of America requested that the FDA release the names of the R.J. Reynolds products for which it issued marketing denial orders (MDOs).

In a perfect world the FDA would put out a complete list of products that they have issued MDOs. By the end of September, the FDA issued a total of 323 marketing denial orders (MDOs) to 260 manufacturers that submitted PMTAs. This applied to more than 1.2 million different flavored ENDS/nicotine vapor products. When these MDO's are

added to other actions taken by the FDA to refuse to accept or refuse to file PMTAs from manufacturers for flavored ENDS/nicotine vapor products, the total number of products that have been refused or denied exceeds 6 million ENDS/nicotine vapor products. NACS and the other groups asked the FDA to release a complete list of ENDS products which the agency has issues MDOs so retailers know which products must be removed from their shelves. The FDA only publish a list of manufacturers that were issued MDOs and not the products.

If there is a silver lining to the confusion, there does not seem to be enforcement at the retail level. Retailers should continue to talk to your supplier about the products you are selling and make sure they are guaranteed if they must be pulled from your shelves. The vape category is an important category. The data shows that a vape consumer has a trip frequency of 106 times per year and their market basket is \$27. Their total annual spend is over \$2,800. You want to get this category right and have products that appeal to this consumer. I recommend purchasing these products from your primary wholesaler like S. Abraham and Sons, Inc. or Team Sledd. Besides Juul and Vuse you can add the MNGO flavored disposable vape products they are stocking and feel safe.

I would like nothing more to say we are getting close to having clarity in the vape category. Now we are seeing a wave of products made with synthetic nicotine. This the next category or product trying to stay beyond the FDA's reach. These are products that some in the vaping industry argue the FDA doesn't have the power to regulate as it does other e-liquids, since it is not derived from tobacco. I believe eventually those products will be addressed by the FDA. Until then I would urge members to continue to have conversations with your supplier to ensure the products are guaranteed. Always keep in mind what recourse you have with them. If you are buying products from a guy in a van the answer is likely very little. If you are buying those products from your primary supplier who you purchase eight or ten thousand per week from then you have substantially more recourse.

MIRA will continue to monitor and update our members as we continue to get information. Be on the lookout for updates in our weekly newsletter. ■

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Requirements:

Customer must purchase the following categories:

- Cigarettes
- OTP
- Energy Supplements
- Supplies
- Coffee (If offered by retail operator)

Customer needs to average \$3,500 in total weekly purchases

Customer needs to purchase 12 out of the 13 weeks per quarter

Customer must maintain good credit standing

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Estimated Rebate*
(Annual Total Paid Quarterly)

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\$3,350

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* Based on \$1,000 non-tobacco purchases weekly

**For more information on Team Sledd, call the office at 800.333.0374
or E-mail Sheila Reilly at SReilly@TeamSledd.com**



government relations report

JUAN ESCAREÑO // MIRA DIRECTOR, GOVERNMENT RELATIONS & COMMUNITY OUTREACH

Our Purpose Shall Not Fail

"If wishes would prevail with me, my purpose should not fail with me, but thither would I hie."

– WILLIAM SHAKESPEARE

This year we are embarked on a quest to push the envelope for our membership when it comes to government relations. Last month we spent Independent Retailers Week in Michigan giving our elected officials in Lansing material and we continue to work with our community partners to expand the opportunities for our retailers.

In Michigan, MIRA continues to work on passing an appropriations bill that will help subsidize the cost of training your employees for food safety. We have been working closely with the Restaurant Association to ensure the pot of money used for food safety training is expanded so that grocers have an opportunity to reduce their food safety training cost. MIRA is pushing for clarification from the MLCC and the Michigan Attorney Generals office on ghost retailer responsibilities with spirit deliveries. We are pushing for stronger rules to ensure online platforms that set up ghost retail shops can't escape accountability. We are pushing for rules that will clarify home delivery for years to come. The rules that are implemented may not be enough so we are looking at legislative fixes to the matter.

We wrote to the Chairman of the Michigan Liquor Control Commission:

"It is our belief that defining a common carrier in strict terms for the delivery of spirits will ensure that there is accountability and transparency on the delivery of spirits.

As trade associations, we would support rules that allow for the delivery of spirits by licensed and bonded employees of the retailer, or their agent. We would also support ensuring that each driver is trained in an accredited liquor compliance course so that these

delivery agents are educated on the laws governing alcohol in Michigan."

In Illinois we are pushing the boundaries with our Link Match partnership. MIRA is deeply involved in the process to ensure the pilot program is a success for our retail members. We are working with South Suburban Mayors Association to create a permanent tax rebate for independent food retailers in Cook County. We are pushing for legislation that will be innovative and give us a pilot for other regions in the country. MIRA asked for the following:

- **Context/rationale.** Grocery stores instrumental to Cook County citizens and will always be an essential part of the community – especially during times of a pandemic. COVID pandemic highlighted the problem of food deserts – where citizens do not have access to basic necessities such as fresh fruits and vegetables, or even basic items for daily living needs.
- **Eligible stores to receive ARPA funds.** Existing grocery stores within a known food desert, or a store that is locating within a food desert, that meet the following criteria: (a) the majority of the sales floor area that is open and accessible to the public is occupied by produce, food and beverage products, and household items that are packaged for preparation and consumption for daily living needs; (b) includes full-service items including a meat, deli, and bakery department; (c) at least 65% of its employee workforce is employed on a full time basis; (d) at least 75% of its employee workforce lives within Cook County; and (e) has no more than 20 locations within Cook County.
- **Definition of "food desert".** For this section, a "food desert" is a location void of fresh fruit, vegetables, and other healthful whole foods, in part due to a lack of grocery stores, farmers' markets, or healthy food providers (see: 20 ILCS 205/205-48), and that location is included on the annual report of the Illinois Department of Public Health.
- **Use of funds.** Eligible stores that receive funds may use those funds for: (a) defray costs of building or renovation improvements; (b) upgrading HVAC systems; (c) supplement employee wages; and (d) mobile food/delivery expansion targeted to underprivileged communities. ■

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For More Information Please Contact Our Midwest Region:

BRAD MILLER Senior Director, Market Development, **630.743.9226**

MIKE CROWE Director of Sales, **412.780.0749**

CRAIG LITTLE Manager, Market Development, **262.357.4403**

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michigan liquor report

PAT GAGLIARDI // CHAIR, MICHIGAN LIQUOR CONTROL COMMISSION

A Conversation with Commissioner Lee Gonzales

In the *Bottom Line* August edition, I introduced our two newest Michigan Liquor Control Commission (MLCC) hearing commissioners: Edward Toma and Lee Gonzales. The other three MLCC members are “administrative” commissioners: Geralyn Lasher, Dennis Olshove, and yours truly. Commissioner Toma was featured in August.

Commissioner Toma provided an informative summary regarding the procedures that each hearing commissioner implements. In this column, I have asked Commissioner Gonzales to share his thoughts on MLCC’s two primary audiences: the public and the alcohol industry.

Briefly, violation hearings are comparable to criminal trials. The hearing commissioner serves as a judge, the Attorney General’s office acts as the prosecutor -- the licensee is the defendant. An assistant attorney general (AAG) presents the evidence and the case against a licensee. The hearing commissioner must maintain a neutral position in overseeing the proceedings, and then render an Order based on the findings of fact and conclusions of law. Every case is unique and must be carefully examined.

Since January 1, 2021, we have adjudicated 814 violation complaints. These violations resulted in \$347,987 in fines and 163 suspension days. The largest fine was \$10,350 and the smallest was \$50.

Commissioner Gonzales was appointed by Gov. Gretchen Whitmer for a term that began October 5, 2020 and will run through June 12, 2024. Previously, he served as deputy director of Legislative & External Affairs at the Michigan Department of Civil Rights. He is a former lawmaker. From 2005 to December 2010, he was state representative, 49th District (Genesee County); he served on the

House Appropriations Committee and chaired the Appropriations Subcommittee on Transportation. In addition to Master of Public Administration, and Bachelor of Arts degrees from U of M-Flint, he completed the Senior Executives in State & Local Government program at Harvard’s JFK School of Government.

HOW DO YOU APPROACH YOUR RESPONSIBILITIES AS A HEARING COMMISSIONER?

My *modus operandi* in all positions I have held is to know where to get help, honor the institution and to be a problem solver. We have very talented commissioners and likewise, MLCC employees are exceptionally dedicated. When I reach out to colleagues for guidance, they always come through. Among the things I have learned over the past year is we have a “team” atmosphere and very effective communication across our four divisions. This spurs *esprit de corps*, which motivates me to do my best.

As you will hear my colleagues state often, MLCC has the duty to the general public to protect their health, safety and welfare. And licensees must adhere to their responsibilities and obligations under the law. It is essential for hearing commissioners to be impartial. We must not have any preconceived notions on a case, to not take sides — and to be fair to the licensee while enforcing the law. Plus, Commissioner Toma and I pledged to protect the integrity of our hearings on behalf of the public and licensees.

PRIOR TO JOINING THE MLCC, SHARE SOME OF YOUR ACTIVITIES THAT RELATE TO YOUR WORK AS A HEARING COMMISSIONER?

Before my appointment to the Commission, I served as the principal liaison between the Department of Civil Rights and legislature and Governor’s Office. I worked diligently to build relationships. A good working relationship, whether with the legislative process or one’s constituents, depends on their ability to believe what you say.

Along these lines, MLCC has a very robust website for all stakeholders that includes a Frequently



Asked Questions page. Our website is constantly being improved to ensure it is user friendly and contains up-to-date information for all licensees and the entire alcohol industry. Providing reliable resources helps build and sustain trust with whom we engage. Our homepage can be accessed at: www.michigan.gov/lcc.

As a lawmaker, major bills I authored and signed into law by the governor included the Michigan Smoke-Free Air Law in all public places including bars and restaurants, which took effect May 1, 2010. Eleven years later we still recognize that was the right thing to do for the public's health.

That law correlates to MLCC's core responsibilities with protecting public health and safety. The mission of the MLCC is to make alcoholic beverages available for consumption while protecting the consumer and the public through regulation of those involved in the sale and distribution of these alcohol beverage products. The MLCC was created after Prohibition ended in 1933 and we are now 88 years in business.

WHAT ARE SOME OF THE LESSONS LEARNED NOW THAT YOU HAVE COMPLETED YOUR FIRST YEAR OF MLCC EXPERIENCE?

Under the Michigan Constitution, MLCC exercises complete control of the alcohol beverage traffic, including the retail sales of a key industry. Plus, MLCC's public safety purview is widespread and statewide.

As a lawmaker, I worked on public-private partnership (PPP) legislation. In my opinion, MLCC's regulatory system is, in effect, an impressive PPP that works extremely well.

In 1998, the prior and much-amended Michigan Liquor Control Act was replaced by the new Michigan Liquor Control Code, which remains the current law. So, it is time-tested. As vital stakeholders, you know that MLCC interacts closely with retailers, distributors, and suppliers in meeting consumer demand for alcohol across the state.

Although it is the Commission's duty to protect

the public health, safety, and welfare, we don't do it alone. Along with MIRA, those partnering with us include coalitions working to reduce underage drinking, business/retail associations, law enforcement, researchers, and other regional and statewide organizations.

BRIEFLY DESCRIBE THE RELATIONSHIPS WITH THE GOVERNOR'S OFFICE AND THE MICHIGAN HOUSE AND SENATE?

MLCC has great two-way communication with the legislature and the Governor's Office. Commissioners recognize our duty to administer all new laws they create regarding exercising the prescribed powers to make rules and regulations under the act to regulate the control of the alcoholic beverage traffic within the state.

For example, the MLCC helped implement new laws that assisted businesses affected by the Covid-19 pandemic, such as cocktails-to-go and social districts. The MLCC also worked within the existing law to expedite the approval of limited-term outdoor service areas to respond rapidly to the need for outdoor seating during the pandemic.

Final point. In 1998, the new Michigan Liquor Control Code was enacted into law, thus, it is time-tested. Constant improvement is our credo so we will continue upgrades to our website to better serve all licensees and other key stakeholders.

As the industry innovates, so will we. As our partners in the safety and public health systems innovate, so will we. There has been growth in our industry, and we commend MIRA's contributions and partnership.

The mission of the Michigan Liquor Control Commission (MLCC) is to make alcoholic beverages available for consumption while protecting the consumer and the general public through regulation of those involved in the sale and distribution of these alcohol beverage products. ■

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ohio lobbyist report

TERRY FLEMING // TC FLEMING & ASSOCIATES

Back to the Past; Mandatory Masking/Vaccinations; Redistricting

It feels like 2020 all over again. Just a few months ago we thought we were finished with mandatory masks and vaccinations, but here we are near the end of 2021 and Mayors all over Ohio are mandating masks for indoor customers or employees. Some businesses and schools are requiring staff or teachers to be vaccinated or they will not be permitted to work or teach. What has the Ohio General Assembly done about all this? Well, they are arguing a lot about passing legislation that would deal with all this, but as usual, there is no consensus. The more conservative members want to prohibit businesses or government from requiring masks and vaccines and leave it up to individuals. The more liberal members want the government to mandate masks and vaccines for all Ohioans. The more moderate members proposed a bill that would give businesses the ability to require masks and vaccines, but no government mandates.

The bill actually passed out of committee, but it did not have 50 votes from entire body to pass so it was sent back to committee for more work. Given the strong feelings of both sides of the issue, it's unlikely anything will pass.

Every 10 years (1981, 1991, 2001, 2011 and 2021) the Ohio General Assembly has to redraw legislative districts as required for new census numbers. A state wide

initiative was passed in 2018 establishing a seven person committee to draw the maps and required two members of the minority party to vote yes on the new map. If they couldn't get the two votes, the map would only be good for 4 years instead of 10. Of course, they didn't get the two votes so they adopted the majority map which would be in place for 4 years, or would it? Just as in past years when redistricting is done, the losers always file a suit directly to Ohio Supreme Court hoping the court will rule the map unconstitutional. Eventually, if no map is approved, then the court would draw the map, but time is of the essence as primary elections and filings are early next year.

The General Assembly was supposed to submit a map for Congressional redistricting at end of September but did not, so now the same process for state legislative districts will be used for Congressional redistricting and will end up at the Ohio Supreme Court. Meanwhile very little is being done at the statehouse as far as business legislation. MIRA, along with many other businesses, has written letters to Congress asking for a no vote on a tax increase bill that would include an increase on tobacco products. MIRA is a member of a large coalition of retailers, wholesalers and tobacco companies that are always on the alert for this type of legislation. ■



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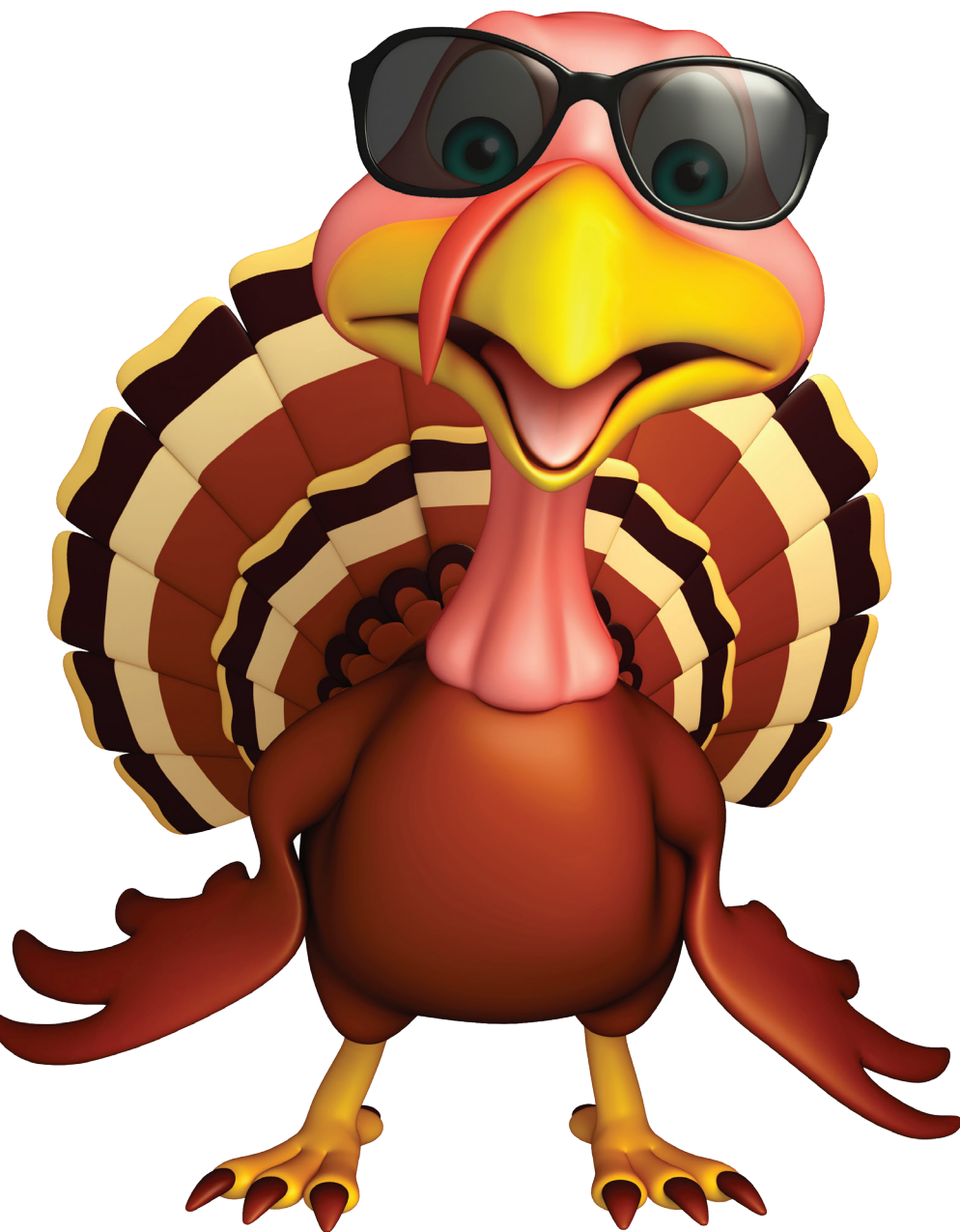
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Give Us a *High Five* for Our 41st Annual Turkey Drive



■ BY EPIPHANY COMMUNICATIONS AND COACHING*

Turkey prices fluctuate year to year and have increased in recent years, but the cost has not stopped the Midwest Independent Retailers Foundation (MIRF) from making the pledge to put a turkey on the Thanksgiving table of more than 6,000 families throughout Michigan and Ohio that may not otherwise enjoy this special meal.

Since 1980, MIRF members have provided thanksgiving turkeys to needy families and each year the list of charitable groups asking for turkeys grows. “There are more requests than we could ever fill,” said Ed Weglarz, MIRA president and CEO. “We need everyone’s help to put a turkey on the table of a family in need this holiday season. Thanksgiving is a time to reflect, give thanks, and help those who are less fortunate. We have been through some very challenging times over the last two years.”

A \$300 donation to the 41st Annual MIRF Turkey Drive will provide turkeys for 20 families. When you consider that each turkey serves about 12 people, that equals

enough Thanksgiving turkey for 240 people. You can also donate food items (canned, boxed or bottled) or other products such as clothing or household items, above and beyond – or in lieu of – your monetary donation. It is truly heartwarming to be a part of the MIRA Annual Turkey Drive.

With prices increasing, there is also a shortage of Turkeys available, which creates a bigger challenge. MIRA members, through their retail locations, have helped the Association raise money at the register enabling people to give back to the charity of their choice.

Members have said “YES” that they want to sell “High Five” paper turkeys to raise money for families in need. All donations are tax deductible and each business can generate a significant donation for Midwest Independent Retailers Foundation’s Annual High Five Turkey Drive by participating in our Retail Paper Turkey Hands program.

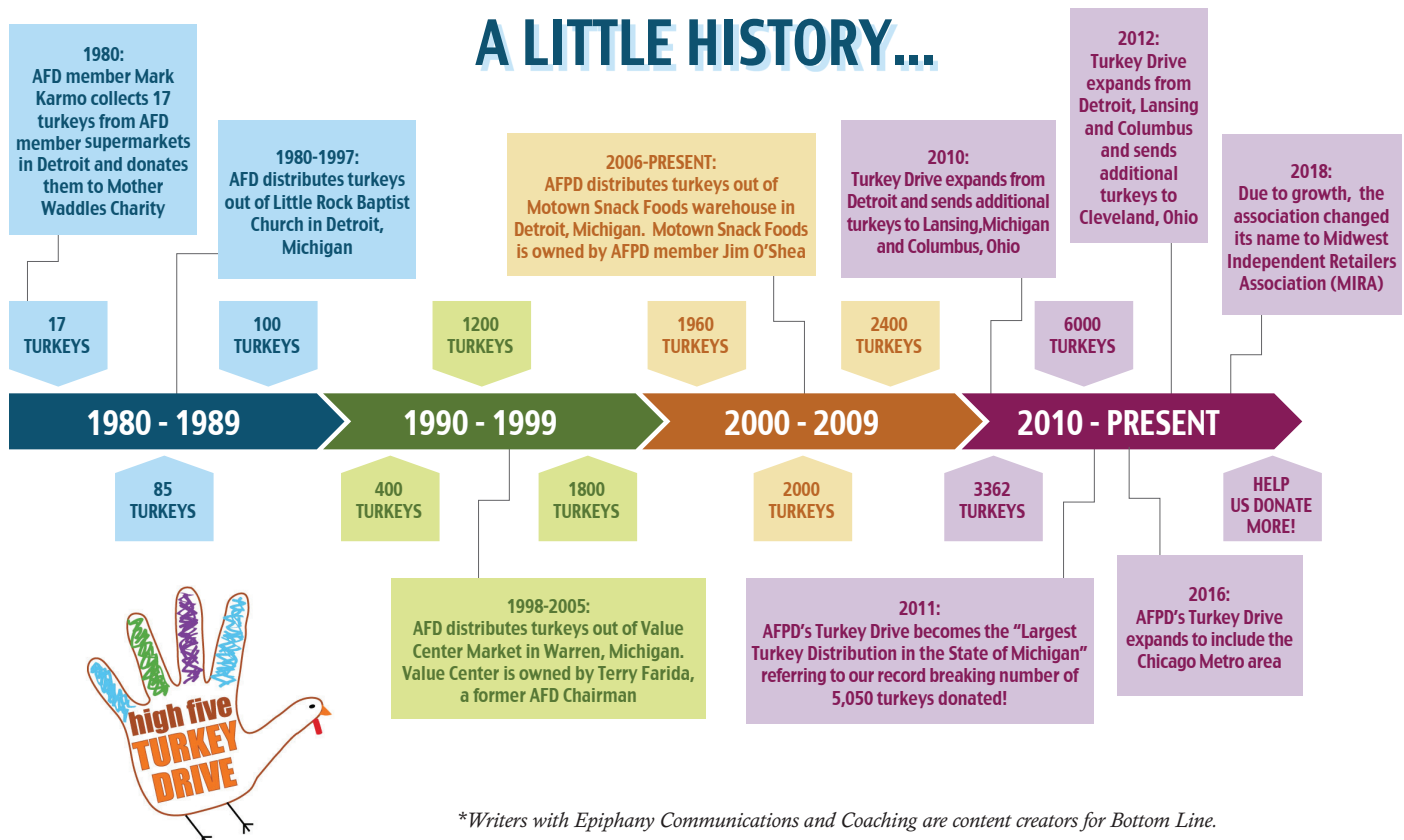
“The paper turkeys are a fun, simple way to raise funds while sending a message to your customers and the community that you care about feeding the hungry,”

said Weglarz. “Best of all, 100% of the money you raise will go toward purchasing turkeys for a charity of your choice!”

MIRF Midwest Independent Retailers Foundation sends starter packages, which includes a poster to place in your store to raise awareness and turkey hand cut-outs. Retailers place the paper turkeys at the register and have cashiers encourage customers to buy a paper turkey for a suggested donation of \$1, \$5, \$10 or even \$20.

Every \$20 you raise buys you one turkey towards your charity. The purchaser can sign the “High Five” paper turkey. “We encourage you to display it prominently in the store. Paper turkeys can be displayed on walls, windows, or hung from the ceiling to generate maximum awareness,” said Weglarz. The program started September 15th and runs through November 10th. Turkeys will be distributed on November 18th in Ohio and November 19th in Michigan.

As we get ready to launch our updated history book in 2021, we want to give you a little history of our Annual Turkey Drive:





Welcoming the New Comptroller at MIRA

■ BY EPIPHANY COMMUNICATIONS AND COACHING*

When Lisa F. Honorowski took the job as comptroller at MIRA, she was looking for a new challenge. “Every day is a new day to learn or do something different,” she said. “No one day is ever the same.”

As the comptroller, Honorowski is overseeing the daily accounting practices, such as accounts receivable and accounts payable. In addition, she will handle paying out customer rebates, payroll, account reconciliations and providing reports to MIRA’s CEO and Board of Directors.

Honorowski came to MIRA from PepsiCo where she was a sales representative. “I had the chance to work with independent business owners and understand their challenges when faced with the corporate accounts with which they are in competition,” she said.

She has a daughter who is studying nursing at Northern Michigan University in Marquette, Michigan. Lisa has two dogs, Ace, a German shephard and Indiana, a husky. When she is not working, Honorowski loves being outside. “Whether it is gardening and swimming in the spring and summer, or splitting wood and walking outside in the fall and winter,” she said, “I love the outdoors.”

She also laces up her skates and heads on the ice to either figure skate or play ice hockey. When the ice melts, she is on the water boating, “from kayaks to sailboats.”

Lisa was a figure skater as a young girl, skating at a rink in Birmingham, Michigan. “As I got older, I noticed women playing co-ed hockey with their husbands, it was almost safer because of the padding. When you figure skate, you have no protection. I decided to play hockey.”

Today, she plays at Kensington Valley in Brighton, Michigan. She plays with other women who have played for years. “It is a great place. Everyone there is so wonderful,” she said. “It is for fun and it’s a great workout. I was playing about once a week but today I



am skating as a sub.”

After high school, she would find a rink near Smith College in Massachusetts, where she was studying just to skate during open skate. “I missed skating so much while in college.”

When she is not working, she is outdoors. “I spent the weekend chopping wood to put in my wood burning stove,” noted Honorowski. “I have a huge walkthrough landscaping around the house. I love my flower pots around the pool. In the summer, I love hanging in the pool.”

She learned about MIRA while working at PepsiCo. “I am excited to begin a new chapter in my career,” she said. “I enjoy the work environment at MIRA, the people, the culture and their objectives.”

She appreciates the support of the MIRA team as she goes through a learning curve. “Everyone is wonderful here,” she said. “There is so much more to do than just the comptroller position. Learning the systems they use is keeping me busy. It is a wonderful new challenge. I love it. It is something to sink my teeth into; it is so engaging. My brain is thriving.” ■

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FOR THE
HUSTLE





Independent Retailers Week Highlighted in Michigan

■ BY EPIPHANY COMMUNICATIONS AND COACHING*

Over the years, the Association has urged the legislature in Michigan to acknowledge the independent retailer's industry. "It's becoming more and more important for our independent retailers to be recognized," said Ed Weglarz, MIRA president and CEO. "This year Juan Escareno, Director of Government Relations & Community Outreach and our lobbyists in Michigan, Matt Miner worked on getting this week on the map for 2021."

This year, the Michigan House passed HR 163 to declare September 27, 2021 – October 1, 2021 was *Independent Food Retailers Week* in Michigan. "Our sponsor was State Representative Matt Hall. MIRA also distributed gift bags with items from retailers and suppliers across the state," said Miner, Chief Executive Officer Capitol Strategies Group (CSG).

Independent Food Retailers Week came together after a year of planning during COVID-19 with MIRA staff and CSG. "It was derived as a way to highlight the contributions grocers, specialty food markets, convenience stores and other retailers bring to communities across the state," said Miner.

This year was done a bit differently. "We made an effort this year to maximize MIRA's exposure in Lansing by passing out goody bags during

Independent Retailers Week," said Juan Escareno, MIRA director of government affairs. "Every year during the last week of September, since Governor Romney, the association has worked to highlight independent retailers provide to the Michigan economy."

This year MIRA decided to reach legislators in a more direct way by not only asking them to pass a resolution supporting Independent Retailers but by handing out material that highlighted who MIRA represents. "We had Detroit centric products and a list for each legislators highlighting who our members are in their respective districts," said Escareno. "We will try to accomplish this again next year so that we can begin to build consist name recognition and support from legislators. The goal is to use a minimum number of resources to maximize the exposure MIRA gets so that when we discuss regulations and laws that impact you, they will remember who we are."

Independent retailers are primarily family owned and many are owners and operators of their businesses. They often compete with big box stores as well as chain stores. "Many of our members continued to operate in urban areas when the chain stores left," said Weglarz. "Still today, they offer services in neighborhoods where many other businesses would never think of operating. Without many

of our supermarkets in Detroit neighborhoods, we would have areas that are food deserts but because of our members, many communities have access to healthy food options."

The bill even noted how food retailers were essential during the pandemic.

"...Whereas, *Independent Food Retailers Week* provides a time to celebrate the food retail industry and its dedication to the public in their delivery of services to our state even in the midst of a global pandemic;"

The bill also included the economic impact independents have on the state. "...Whereas, according to a 2016 study, this industry contributes an estimated gross total of \$24.8 billion to Michigan's economy through its direct sales, indirect economic impact on other 2 industries, and employment; and whereas, The retail food industry directly supported 198,000 full and part time jobs along with an additional 75,000 indirect jobs; and Whereas, Businesses in the food retail industry contribute nearly \$900 million in state and local taxes to state and local governments;"

This year state Representative Matt Hall championed the cause by introducing House Resolution 163. www.legislature.mi.gov/documents/2021-2022/resolutionintroduced/House/pdf/2021-HIR-0163.pdf. ■

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INSTANT HOLIDAY FUN!



Put some play in your holiday!

Fun to give and fun to get, it's easy to see why customers think Michigan Lottery holiday Instant Games are the perfect gift to light up the season. Everyone likes the chance to win up to **\$500,000**, with **more than \$68.7 million** in total cash prizes.

There's a lot here for you, too, with **over \$7.2 million** in retailer commissions. So, stock up on the seasonal gift that offers instant winnings, instant sales and instant holiday fun!



Not business as Usual with Employee Shortage Still an Issue

■ BY EPIPHANY COMMUNICATIONS AND COACHING*

Supply managers are driving delivery trucks, supermarket managers and owners are on the register, gas station owners are working around the clock. Without enough employees, it's not business as usual. Fast food establishments and local food retailers are paying up to \$20 an hour for employees.

"Our members are nowhere near pre-pandemic business operations," said Ed Weglarz, MIRA president and CEO. "They have already increased the hourly wage higher than they ever could expect to in the food retail business. The profit margins didn't increase with the wage increases. People just don't want to work."

From suppliers to retailers, no one is exempt from feeling the negative effects of the employee shortage. "We need drivers" said Saad Abbo, president and CEO of U.S. Ice. "We are adjusting the delivery schedule, because we are short drivers. It seems like it's not getting better."

It has gotten a bit better for some retailers, but operating the business is still not what it was like prior to the pandemic. "People are still staying home," said Cliff Denha, owner of The Wine Palace. "I think people just got lazy and got used to sitting home and not working. There is no enthusiasm for work."

Cliff's business has slowed down a bit since the pandemic hit, but it's still busier than it was in 2019. "I think there are many factors to why we haven't moved totally passed this pandemic," he said. "We still have about 60-70% of our customers who are wearing masks. My brother and I don't wear masks, but I still social distance. I used to shake hands a lot with customers, while

Kelly would hug everyone. We don't do that as much anymore."

Supermarket owners are experiencing the same employee shortage as wine shops and c-stores just at a larger scale. "No one wants to work," said John Denha, supermarket owner and former MIRA Board Chairman. "We are using 'Indeed'. We have posted help wanted signs inside the store and are paying well above minimum wage and we still can't find help."

John agrees with Cliff that people are complacent and becoming accustomed to a lifestyle where they don't have to work. "The question is how can they afford it if the federal government stopped issuing these checks," said John. "We are hearing now that they are getting more money in EBT so the government moved the money from the unemployment checks related to the pandemic to increasing the amount in their welfare checks."

Although business has slowed down a bit since the pandemic started, people are still shopping while stock is low. "We can't continue to pay people to stay home, give them free insurance and money for food if we want people to go back to work," said John. "Some of my employees who do not have degrees make more than entry level college graduates."

For Cliff, it's not so much about the quantity of employees as it is about the quality of their work. "I used to have 10 stellar employees and today I have 20 satisfactory employees," said Cliff. "We would never tolerate someone coming in 15 minutes late and today we are just happy they show up. If they have a pulse and are at work, we are happy. My dad would be outraged to see how things are operating today."

The store owners are at the mercy of the employees. "They are the bosses today," said Cliff. "They call the shots. My brother and I are working longer hours and more days a week. We don't have employees like we used to rely on them to operate the business without one of us at the store at the same time."

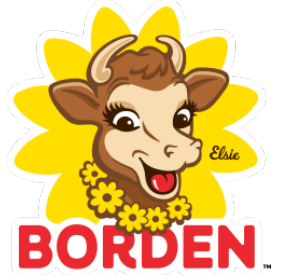
Meanwhile, gas prices are on the rise, food costs are increasing and there is still a shortage of products on the shelves. "All manufacturers and suppliers are offering less variety," said John. "When we would have 15 to 17 different types of one product, we are down to less than 10. Our shelves look emptier because companies are limiting the number of products and the variety of products they once offered."

After more than 30 years of operating a deli inside his Wine Shop in Livonia, Cliff closed down that department. "It was a difficult decision but we had to repurpose the real estate in the store," said Cliff. "We grew our liquor business. Our deli business went from 15% of our business to 1% and it was prime real estate in the store. We couldn't find employees to work inside the deli. We made the tough decision to close it and some customers were really upset but we had no choice."

Cliff is adding a walkup bourbon and scotch department where the deli once was housed inside his store.

"Customers now realize that the employment issue is directly related to the stock issue," said John. "Customers understand that without employees at all levels, we can't stock the store shelves. Why and how so many people can afford not to work are the questions we need to be asking." ■

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Egg Nog season is here!
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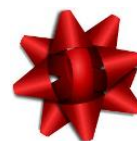
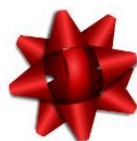
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Order: 25325
HG Borden Egg Nog
\$4.07



Order: 12192
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Written and Communicated Safe Work Practices

Through the years I have heard employers express the sentiment that their employee was injured because they were not using common sense. Even when someone says they can do the job or have had prior experience that may not be true. Common sense does not necessarily help your employee understand the true requirements of a job task.

Guidance for employees in the form of written safe work practices is important for a clear understanding of job requirements and responsibilities. The objective is to communicate safe work practices so that employees have a clear understanding of how to safely accomplish their job requirements. Both general and job-specific safe work practices must be identified, documented, and made available. Have all employees sign a statement to indicate they have read, understood, and will follow all safe work practices.

Examples of general safe work practice knowledge expected of most employees include:

- Good housekeeping
- Personal protective equipment
- First aid procedures
- Ergonomic principles
- Hazard recognition and abatement
- Emergency Action Plan

Job-specific safe work practices apply to operations and tasks that involve recognized hazards and risks associated with those specific

tasks. Job-specific safe work practices must be posted or made readily available in the work area. Examples of job-specific safe work practices include:

- Respiratory protection
- Lockout/tagout procedures
- Confined space entry
- Hazard communication
- Powered industrial truck operation
- Bloodborne pathogens, if applicable
- Personal protective equipment (PPE)
- Machine/equipment operation
- Material handling procedures

IMPLEMENTATION

After the general safety orientation, the supervisor provides new employees with job-specific safety training. Employees should not be allowed to start a job until they have received instructions on how to perform the job properly and safely.

If an employee will perform a hazardous job, the supervisor should complete a Job Safety Analysis (JSA) on that job and incorporate the JSA into the job-specific safety training. JSAs emphasize the identification and control of the potential hazards associated with each step of the job.

Safe work practices are essential for any organization because they prescribe the accepted behavior that is expected

from all employees. The safety team may be involved in the development of the employee safety handbook. The handbook includes general safe work practices and specific safe work practices that apply to each job.

Safe work practices usually are printed in an employee safety handbook. The first page of this handbook should include a Safety Policy from senior management.

When providing employees with a safety handbook, review the material with them annually and ask questions to ensure their comprehension. Training should thoroughly support all content. Have employees sign a statement certifying that they understand the safety rules and policies and agree to abide by them. Maintain this signed statement in the employee's personnel file.

The Division of Safety & Hygiene's safety, industrial hygiene and ergonomics specialists can help you develop effective strategies to make your workplace safer and healthier. They can visit your workplace or consult with you by telephone or email. These services are available for any private or public employer. BWC also offers specialized options for certain employers. You can request these services online at www.info.bwc.ohio.gov or call (800) 644.6292

For more information, please contact Jim Wirth at (614) 546.7331 or jim.wirth@sedgwick.com ■



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- Smokeless & other tobacco
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USPS Bans the Shipment of Vaping Products

The rule creates parity between vape products and traditional cigarettes



■ BY NACS ONLINE

The United States Postal Service has finalized a rule that will no longer allow vaping products to be delivered through the U.S. mail, according to Vaping360. The ruling applies to both nicotine and cannabis products and takes effect immediately.

The rule was required by updates to the Preventing Online Sales of E-Cigarettes to Children Act, which Congress passed last December to close the loophole in the current law that allowed minors to access electronic cigarettes through the internet without in-person age verification.

The new rule exempts business-to-business shipments, as well as shipping to consumers within the borders of Alaska and

Hawaii. Private citizens can ship between each other, but no more than 10 packages within a 30-day period, and the packages can't weigh more than 10 ounces. They have to use the USPS' specified services that include an adult signature requirement. Consumers also can send a "damaged or unacceptable" product back to a manufacturer or seller.

NACS championed legislative action to require online sellers of cigarettes and smokeless tobacco products to ensure that the delivery person checks the ID of an adult upon delivery and require online sellers of cigarettes to collect and remit the appropriate taxes. That legislation, the Preventing All Cigarette Trafficking (PACT) Act, became law in 2010. However, as the e-cigarette market grew,

NACS successfully advocated for the update to the PACT Act to include e-cigarettes.

NACS strongly supported the Preventing Online Sales of E-Cigarettes to Children Act because it updated the original PACT Act to include e-cigarette and vapor products, requiring online sellers of the products to ensure an in-person ID check occurs at delivery.

"NACS and its members believe it is only right that the same measures that are required to verify age when traditional cigarettes are purchased online apply to vape products," said Anna Ready Blom, NACS director of government relations. "That is why we worked so hard to help pass the update to the law." ■



Independent Retailers Being Squeezed Out of the Competition

■ BY SUPERMARKET NEWS WITH
CONTRIBUTIONS FROM EPIPHANY
COMMUNICATIONS & COACHING*

In September it was reported that the National Grocers Association (NGA) has filed comment with the Federal Trade Commission (FTC) alleging that independent grocers are being squeezed by unfair contract terms in supply and pricing due to “predatory action” by “dominant retailers.”

These privately-owned retail businesses operating in a variety of formats are responsible for generating \$255 billion to the U.S. economy, 1.2 million jobs, and \$42 billion in wages.

NGA submitted its comments to the Federal Trade Commission in response to the agency’s request for public comment on potentially anticompetitive contract terms. In its statement, NGA said retail giants like Walmart, Amazon and others leverage their market scale to impose “economically discriminatory contract terms” on manufacturers and suppliers, resulting in price, product supply and packaging discrimination against smaller retailers such as independent supermarkets.

NGA stated that Dominant players in the grocery industry have used their buyer power to impose discriminatory terms and conditions on suppliers that disadvantage smaller independent grocers and harm consumers.

“We agree with this assessment and support the efforts of the NGA,” said Ed Weglarz, MIRA president & CEO. “They highlight significant issues in their remarks to the FTC.”

Those remarks included the recent emergence of e-commerce

giants operating the same way a Big Box stores. “Because these powerful buyers are the gatekeepers to consumers, suppliers are left with virtually no leverage to negotiate,” NGA noted.

According to NGA, price discrimination in grocery has included dominant retailers — which the association has called retail “power buyers” — receiving more favorable prices than other purchasers for the same product.

“The practice of independent grocers from price promotions and lower-per-unit-cost packaging offered to large retailers and receive less favorable payment terms are not new,” said Weglarz. “There are clear discrimination practices that include independent retailers not being offered same products offered to big box stores. Some suppliers offer exclusive deals based on minimum purchases that independents can’t purchase.”

NGA noted that suppliers sometimes “brazenly deny” independents access to entire product lines without explanation, “while the same products fill the shelves of their chain competitors.”

The discrimination practice includes more practices including denial certain package sizes or promotional packages that are not offered to independent retailers making it difficult for them to compete with the chain stores. NGA noted that association reported that some manufacturers have ceased supplying large package size versions of products to independent grocers but continue to provide them to big-box chains and warehouse clubs.

“Without the same offers, our members don’t have the same buying power and can’t offer the

same products at a competitive cost compared to large chains and big box stores,” said Weglarz. “Our members having been squeezed out of the competition for years now and many have reinvented the way they operate.”

C-stores and gas stations have partnered with food chains like Tim Hortons, Dunkin donuts or have added Pizza’s ovens and chicken fryers. Supermarkets have added prepared foods and kitchens or expanded bakeries.

In its comments, the NGA urged the FTC to investigate whether dominant grocery retailers are pressuring suppliers to give them more favorable contract terms, resulting in discriminatory prices, terms and supply for independent grocers. NGA emphasized that an FTC inquiry should examine if “channels of trade” distinctions among grocery business competitors are being used to circumvent laws against economic discrimination.

“The result of this unchecked buyer power is a system that benefits a select few at the expense of everyone else, including consumers, workers and independent retailers and suppliers,” NGA wrote. “Consumers have a narrowing range of choice to shop for the goods and services they need; entrepreneurs and independent businesses struggle to start and sustain businesses; and producers such as farmers and ranchers are forced to accept unfavorable economic terms, conditions and prices imposed by the largest members of a consolidated supply chain.” ■

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D&B Grocers Wholesale. (734) 513-1715

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MICHIGAN

Feeding America West Michigan Food Bank
 (616) 784-3250
 Feeding America West Michigan Food Bank -
 Benton Harbor (269) 926-2646
 Feeding America West Michigan Food Bank -
 Cadillac (231) 779-0056
 Food Bank of Eastern Michigan (810) 239-4441
 Food Bank of South Central Michigan .. (269) 964-3663
 Food Gatherers (734) 761-2796
 Forgotten Harvest (248) 967-1500
 Gleaners Community Food Bank (866) GLE-ANER
 Greater Lansing Food Bank (517) 908-3680
 Kalamazoo Loaves & Fishes (269) 343-3663
 The Manna Food Project (231) 347-8852
 Western Upper Peninsula Food Bank ... (906) 482-5528

OHIO

Akron-Canton Regional Foodbank (330) 535-6900
 Cleveland Foodbank (216) 738-2265
 Freestore Foodbank (513) 482-3663
 Mid-Ohio Foodbank (614) 277-FOOD
 SE Ohio Foodbank & Kitchen (740) 767-4500
 Second Harvest Food Bank of Clark, Champaign and
 Logan Counties (937) 325-8715
 Second Harvest Food Bank of North Central Ohio
 (440) 960-2265
 Second Harvest Food Bank of the Mahoning Valley
 (330) 792-5522
 Shared Harvest Foodbank (513) 874-0114
 The Foodbank, Inc. (937) 461-0265
 Toledo Northwestern Ohio Food Bank ... (419) 242-5000
 West Ohio Food Bank (419) 222-7946

ILLINOIS

Central Illinois Foodbank (217) 522-4022
 Eastern Illinois Foodbank (217) 328-3663
 Greater Chicago Food Depository (773) 247-3663
 Northern Illinois Foodbank (630) 443-6910
 Peoria Area Food Bank (309) 671-3906
 River Bend Foodbank (563) 345-6490
 St. Louis Area Foodbank (314) 292-6262
 Tri-State Foodbank (812) 425-0775



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NOVEMBER 18 & 19, 2021

MIRA'S 41ST ANNUAL "HIGH FIVE" TURKEY DRIVE

As the holiday season approaches, the Midwest Independent Retailers Foundation turkey drive committee has pledged to put a turkey on the Thanksgiving table of over 6,000 needy families throughout Michigan, Ohio and Illinois that may not otherwise enjoy this special meal.

Michigan // Ohio // Illinois



JANUARY 29, 2022

MIRA'S 105TH ANNUAL TRADE DINNER & BALL

Join over 800 leaders in the food, beverage & petroleum industries at this one-and-only black tie gala. Delight in fine cuisine, dancing and entertainment and engage with colleagues and friends to celebrate the strength and vitality of MIRA and the members it serves.

Penna's of Sterling // Sterling Heights, MI



FEBRUARY 23, 2022

MIRA'S 35TH ANNUAL INNOVATIONS BUYING SHOW

MIRA's longest running trade show has retailers looking to fill their shelves for the spring and summer months.

The Annual Innovations Buying Show is known for high-quality attendees, non-stop interaction and exhibitor satisfaction. Admission for MIRA members is free. Must be at least 21 years old to attend this show.

Andiamo Warren Banquet Center // Warren, MI



MARCH 10, 2022

HISTORY BOOK VOL. 2 SIGNING

Celebrating 110 years of the Midwest Independent Retailers Association! We will have a book signing with long time members, past presidents and chairmen. Meet, greet, and join us for cocktails and hors d'oeuvres.

Shenandoah Country Club // West Bloomfield, MI

publishers statement

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CONTACT:

T: (800) 666-6233

F: (866) 601-9610

E: info@MIRAmw.org

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