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**REMINDER: U.S. DOT RANDOM DRUG AND ALCOHOL TEST RATES FOR 2019**

Each year the Federal Motor Carrier Safety Administration (FMCSA) sets the minimum employee random drug and alcohol testing rates that employers must incorporate into their driver and HAZMAT employee drug testing program. The test rates are the minimum percentage of employees who are subject to U.S. DOT drug and alcohol requirements who must undergo a random test during the upcoming calendar year. The number of random tests conducted by employers for 2019 must equal at least 25 percent for drugs and 10 percent for alcohol. These are the same rates required in 2018.

Click [here](#) to read PMAA's Regulatory Report.

**SUPREME COURT RULES YAKAMA NATION EXEMPT FROM PAYING FUEL TAXES**

On Tuesday, the Supreme Court ruled 5-4 that fuel taxes are not owed by a business owner of the Yakama Native American Tribe that is located in Washington state. Justice Neil Gorsuch voted along with the four more liberal justices in favor of tribal treaty rights in a case between the Washington Department of Licensing and the Cougar Den gas station in White Swan on the Yakama Reservation.

The legal case that began in 2013 ended with the determination that the Cougar Den business owner did not owe the state more than three million dollars in fuel taxes. Specifically, an 1855 treaty between the Yakamas and the U.S. exempted the tribe from paying state fuel taxes, even for fuel imported from elsewhere to be sold on the reservation. The case was founded on gas that the Cougar Den brought in from Oregon. The case was based on the interpretation of a "right to travel" clause in the Yakama Treaty of 1855, and the justices interpreted the clause to mean Cougar Den is free to move its fuel in and out of the reservation.

**PRESIDENT'S BUDGET PLANS TO ELIMINATE LIHEAP AND WEATHERIZATION ASSISTANCE**

While reference to LIHEAP was not in the President's Budget that was released last week, there is confirmation in one of the supplemental documents that were released yesterday would once again eliminate the Low-Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance and State Energy Program. Fortunately, the President's budget is dead on arrival in Congress.

In recent years, the LIHEAP program has provided more than three billion dollars annually to states in support of their fuel assistance programs. WAP works to ensure the health and safety of low-income and middle-class households by increasing the energy efficiency of their homes and reducing energy costs. Through weatherization improvements and upgrades, households save on average \$283 or more every year.

PMAA is a participant in the National Energy and Utility Affordability Coalition (NEUAC) which urges Congress to fully support LIHEAP funding.

**EPA ISSUES MORE SMALL REFINERY WAIVERS**

Recently, the EPA approved five additional small-refinery exemptions from the 2017 compliance year under the RFS. The five new exemptions increased the volumes of gasoline and diesel fuel exempted from the RFS in 2017 and boosted the number of exempted RIN credits. The announcement was immediately met with opposition from biofuel groups which argued that the refinery waivers indirectly reduce the ethanol mandate and drive down RIN values, therefore, weakening the market for E15. Biofuel groups have urged the EPA to account for the biofuel gallons lost due to small refinery waivers by increasing the ethanol mandate as part of the upcoming reset of the RFS.

Click [here](#) for more information.

**PMAA URGES CONGRESS TO SUSPEND THE 2020 AND 2021 HEALTH INSURANCE TAX**

PMAA joined other members of the "Stop The HIT" Coalition last week in sending a [letter](#) to House and Senate Leadership, urging Congress to suspend the Health Insurance Tax (HIT) for 2020 and 2021.

Coalition members stressed that Congress suspend HIT as part as the current tax extenders package or other must-pass legislation. Doing so will provide cost-savings relief and continued stability for small business owners and their employees, seniors and consumers struggling under the weight of rising healthcare costs. Congressional action for 2020 and 2021 can provide families nearly \$1,000 in savings on their premiums over the next two years.

There is broad support for HIT relief across the country and on Capitol Hill. HIT relief legislation has been introduced in both the House and Senate on a bipartisan basis since 2013 and has been signed into law by both President Obama and

President Trump. Current suspension legislation (S.172) is sponsored by Senators John Barrasso (R-WY), Cory Gardner (R-CO), Tim Scott (R-SC), Jeanne Shaheen (D-NH), Doug Jones (D-AL) and Kyrsten Sinema (D-AZ) and H.R. 1398 is sponsored by Reps. Ami Bera (D-CA), Josh Gottheimer (D-NJ), Jackie Walorski (R-IN) and Kenny Marchant (R-TX).

### **PRESIDENT'S PROPOSED CLIMATE SECURITY COMMISSION RECEIVES SUBSTANTIAL SUPPORT**

On Monday, 100 plus organizations and individuals sent a letter of support for the proposed President's Commission on Climate Security. The Commission would be directed by Dr. William Happer of the National Security Council staff and would consist of a small number of experts on climate-related science and national security. It would conduct a transparent, independent, high-level review of the Fourth National Climate Assessment and other official reports relating to climate and its implications for national security.

According to the supporters of a Commission, "Serious problems and shortcomings have been raised repeatedly in the past by highly-qualified scientists only to be ignored or dismissed by the federal agencies in charge of producing the reports. Among major issues that have been raised and that we hope the commission will scrutinize: the models used have assumed climate sensitivities to CO2 concentrations significantly higher than recent research warrants; the models used have predicted much more warming than has actually occurred; predictions of the negative impacts of global warming have been made based on implausible high-end emissions scenarios; the positive impacts of warming have been ignored or minimized; and surface temperature data sets have been manipulated to show more rapid warming than has actually occurred. An underlying issue that we hope the commission will also address is the fact that so many of the scientific claims made in these reports and by many climate scientists are not falsifiable, that is, they cannot be tested by the scientific method."

Further, "The conclusions and predictions made by these reports are the basis for proposed energy policies that could cost trillions of dollars in less than a decade and tens of trillions of dollars over several decades. Given the magnitude of the potential costs involved, we think that taking the insular processes of official, consensus science on trust, as has been the case for the past three decades, is negligent and imprudent. In contrast, major engineering projects are regularly subjected to the most rigorous and exhaustive adversarial review."

Signers of the letter also suggested that the National Academies of Science and Engineering would be appropriate bodies to conduct an initial review of the Commission's report.



**Women In Carwash™** offers a taste of the new business environment that women in the car washing industry are creating. Anyone and everyone who enjoys being surrounded by successful women are welcome to attend. The conference is made possible thanks to sponsorship of progressive companies like P.D. McLaren Ltd and Parkland Industries. The speakers have been carefully selected to focus on the practical challenges and opportunities that operators and business leaders encounter every day such as Stress Management, Personality Profiling, Branding, Conflict Resolution and Negotiating Skills. You'll be inspired, motivated and energized by educational sessions, networking opportunities as well as some after-hours fun! And you'll leave with practical tools to strengthen your business.

We anticipate a sold-out event. Visit [www.womenincarwash.com](http://www.womenincarwash.com) and register now!

### **PLAN TO ATTEND THE 2020 WPMAEXPO**

The logo for WPMAEXPO features the letters 'WPMA' in a bold, italicized, sans-serif font, followed by 'EXPO' in a larger, outlined, sans-serif font.

Mark your calendars for February 18-20, 2020. Make plans now to attend the 2020 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

## **MARK YOUR CALENDARS FOR UPCOMING EVENTS**

**May 2-3, 2019** – Nevada (NPM&CSA) – Big Dogs – Las Vegas, NV

**June 4-6, 2019** – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Fairmont, MT

**June 20, 2019** – Utah (UPMRA) Summer Golf Classic - South Mountain Golf Course, Draper, UT

**June 17-20, 2019** – Washington (WOMA) Convention – Suncadia Resort, Cle Elum, WA

**August 5-7, 2019** – Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, ID

**August 19-21, 2019** – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

**September 11-13, 2019** – Utah (UPMRA) – Convention – Zermatt Resort, Midway, UT

**February 18-20, 2020** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

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**Petro Pete: “A bus station is where a bus stops. A train station is where a train stops. On my desk, I have a work station...”**

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## **CLASSIFIED ADS**

### **FOR SALE**

2001 Kenworth T800 fuel truck and trailer with 2001 Onnen tanks. 12,800 gallons total capacity. \$82,000. Please call Guy or Justin at 208-765-2266 if interested.