

April 19, 2019

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WP-04-19-19

WPMA ANNOUNCES PARTNERSHIP WITH “IN OUR BACKYARD”

WPMA is proud to announce its partnership with In Our Backyard **to raise awareness of human trafficking**. The groups Convenience Stores Against Trafficking (CSAT) program provides awareness, education and life-saving materials through thousands of locations across the country. In addition to employee training on recognizing and safely reporting signs of human trafficking, CSAT also provides Freedom Stickers, which contain the National Human Trafficking Hotline number, to be posted in restroom stalls. Go to <http://www.inourbackyard.org/csat> for more information.

URGE FDA TO PROTECT YOUR SALES OF FLAVORED E-CIGARETTES AND CIGARS***McConnell Looking to Raise Tobacco Purchasing Age to 21***

Last month, the Food and Drug Administration (FDA) issued draft guidance that would effectively ban flavored e-cigarette sales in convenience stores. Stores will continue to be able to sell tobacco and mint/menthol flavored e-cigarette products but cannot sell other flavored products unless minors are prohibited from entering the stores or those products are sold in a separate section of the store that minors are prohibited from accessing. Additionally, the draft guidance would ban sales of certain flavored cigars.

Click [here](#) to urge the FDA not to ban sales of flavored e-cigarette products and flavored cigars in convenience stores. When you reach the message page, please personalize the information in parentheses and remember to remove the contents in parentheses before sending your comments. The deadline for submitting comments to the FDA is April 30.

Furthermore, Rep. Robert Aderholt (R-AL) recently introduced a bipartisan bill in the House called the “Stopping Consumption of Tobacco by Teens (SCOTT Act)” that would raise the legal age to purchase tobacco and e-cigarette products from 18 to 21 across all states and territories. Also, on Thursday, Senate Majority Leader Mitch McConnell (R-KY) announced his plans to introduce a similar bill in the Senate next month that would raise the legal age to purchase tobacco and e-cigarette products to 21, although there is an exception for those who are serving in the military. McConnell called the bill a “top priority” when the Senate returns from recess in late April, however, it is unclear if there will be enough support among other Senate Republicans to pass the bill.

Currently, 14 states and at least 450 localities have raised the legal age to purchase tobacco and e-cigarette products to 21. Both Altria, which recently purchased e-cigarette company Juul, and Reynolds American announced support for raising the tobacco age to 21.

FMCSA ONLINE DRUG AND ALCOHOL DATABASE REQUIREMENTS SET TO START ON JANUARY 1, 2020

The Federal Motor Carrier Administration (FMCSA) is establishing the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse). This new database will contain information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for CDL drivers. Congress required the FMCSA to create the Clearinghouse in Section 32402 of the Moving Ahead for Progress in the 21st Century Act (MAP-21).

The Clearinghouse will provide FMCSA and employers with the tools necessary to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations, and to ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse will enable employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations). Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later. FMCSA's Clearinghouse is scheduled to be implemented later this Fall.

Driver Requirements

Under the FMCSA program, every CDL driver who applies for a driving job must register in the online Drug & Alcohol Clearinghouse beginning January 1, 2020. FMCSA's Clearinghouse will require every driver who applies for a CDL driving job to:

- Register with the Clearinghouse
- Log on to the Clearinghouse to provide an electronic "consent" to a prospective employer to search the Clearinghouse for the full details of any prior drug or alcohol program violations.

According to the FMCSA, the Clearinghouse website is the only valid method for drivers to provide consent for employers to access their drug and alcohol history. Failing to provide timely consent may result in a driver being prohibited from performing safety-sensitive functions (hauling HAZMAT) for that employer.

Employer Requirements

The Clearinghouse will require employers to do the following:

- Query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads.
- Annually query the Clearinghouse for each driver they currently employ.

State Driver Licensing Agencies will be required to query the Clearinghouse whenever a CDL is issued, renewed, transferred or upgraded.

Have Questions? Please contact PMAA Regulatory Counsel, Mark Morgan, mmorgan@pmaa.org.

FMCSA SET TO PROPOSE IMPORTANT HOURS-OF-SERVICE REGULATION REFORMS

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced recently that it intends to propose a rule that would change federal hours of service (HOS) regulations for CDL drivers.

This is important news for petroleum marketers because PMAA is working closely with the FMCSA administrator and his staff on regulatory reforms that are important to the industry. Specifically, PMAA asked for an extension of the mileage limitation in the short-haul driver exception to recording daily HOS from the current 100-air-mile radius to a 150-air-mile radius. PMAA also asked that the 12-hour daily maximum on-duty period for drivers operating under the short-haul exception be increased to 14 hours. These two reforms would give petroleum marketers more flexibility in scheduling, virtually eliminate electronic HOS recording requirements for petroleum marketing drivers, and permit transport drivers to travel to more distant terminals while staying in compliance with the short-haul exception. PMAA also asked FMCSA to allow wait time at terminals to be counted as off-duty time.

The FMCSA filed the proposed rulemaking with the White House Office of Management and Budget (OMB) for final approval. Once the OMB approves the FMCSA's proposed rule, it will be published in the Federal Register and opened to a 30- to 60-day public notice and comment period. A final rule will be based on the public comments submitted.

INITIAL PREDICTIONS FOR THE 2019 HURRICANE SEASON

PMAA's Disaster Fuel Response Program Stands Ready to Assist

After a very busy hurricane season in 2018, scientists from the University of Colorado have predicted that the 2019 season which starts June 1 and runs through November 30th will have five hurricanes, 13 named storms, and two major (Category 3-4-5) hurricanes. Keep in mind that NOAA maintains that the best predictions cannot be made until late in May. NOAA's pre-season outlook will be released on May 23 on NOAA's [Climate Prediction Center](https://www.cpc.ncep.noaa.gov/) (<https://www.cpc.ncep.noaa.gov/>) page.

As you prepare for the potential storms, these resources may be of value: NOAA's Southeast and Caribbean Regional Collaboration Team (SECART) has announced the 2019 Resilience Webinar Series. The series will include Hurricane webinars and additional topics related to disaster resilience.

During NOAA's May 5-11, 2019 National Hurricane Preparedness Week there will be informational "Tours" occurring in NC, Mexico, Pennsylvania, Rhode Island, Georgia and Virginia.

In preparation for the Hurricane Season, PMAA's Disaster Fuel Response Program stands ready to assist businesses and First Responders in need of fuel. The Program offers an efficient way to access additional supply, trucks and drivers. More available marketers to provide supply, drivers and trucks means electricity resumes sooner, gas stations reopen faster, and that all response and recovery efforts run more efficiently.

Through the PMAA Disaster Fuel Response Program, PMAA provides marketers who are willing to supply fuel to utilities, companies, First Responders and industries that are in a disaster area or are impacted by the disaster. PMAA supports marketers who qualify for the Program with the know-how to respond to disasters effectively. Marketers know that fuel delivery is critical for providing emergency services, restoring utilities, and rebuilding after disasters. This program is a private solution to a public problem as it provides the information required to successfully participate in supplying motor and heating fuels where needed during disasters. It also provides the information that businesses and First Responders need to obtain fuel deliveries as quickly as possible. For further information about the program, please contact sstone@pmaa.org.

PLAN TO ATTEND THE 2020 WPMAEXPO

WPMAEXPO

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

October 14, 2019 - Hawaii (HPMA) - Golf Tournament - Oahu Country Club, Honolulu, HI

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

WPMA MEMBER SERVICES



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Petro Pete: “Silence is often misinterpreted, but never misquoted.”

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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.

MARKETING DIRECTOR OF CONVENIENCE STORES

Story Distributing Company a “Premiere MT Petroleum Distributor”, located in Bozeman, MT is seeking a Marketing Director of Convenience Stores to manage all aspects of the company seven top ranking Convenience Stores. Call Donna at 406-587-0702 or send resume to DonnaM@StoryDist.com.