

HAZARDOUS MATERIAL TRAINING COMPLIANCE NOW REQUIRED

Earlier this year, the Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued an enforcement waiver for the reoccurring hazardous material training that CDL drivers with hazardous material endorsements must undergo every three years. PHMSA issued the enforcement waiver due to the forced closures and social distancing limitations imposed by the COVID-19 emergency. PHMSA first issued the training waiver on March 23, 2020 and subsequently extended it through October 31, 2020. Last week, PHMSA issued another extension of the training enforcement waiver through December 31, 2020.

However, this most recent extension only applies to maritime haulers of hazardous materials. Hazardous material training enforcement discretion for all other industries, including energy marketers, ended on October 31, 2020. As a result, energy marketers who put off recurrent training during the waiver period are required to come into compliance immediately. Any hazardous material drivers or safety sensitive employees who missed recurrent HAZMAT training must now be trained.

As a reminder, the hazardous material training curriculum subject to the temporary enforcement waiver covered **reoccurring** training under 49 CFR 172.704 (c)(2). Reoccurring training includes:

- General Awareness/Familiarization Training
- Function Specific Training
- Safety Training
- Security Awareness Training
- In Depth Security Training
- OSHA and EPA Training

IMPORTANT! The federal hazardous materials training regulations do not require in person classroom instruction. Any method of training delivery, including web-based, self-paced computer instruction, remotely delivered classroom instruction, on the job training, or some combination of those methods that cover the required elements in 49 CFR 172 Subpart H are acceptable. For additional information or questions, contact [Mark S. Morgan](#), EMA Regulatory Counsel at (703) 281-6600.

NEW EDITION OF DOT ERG REQUIRES UPDATE OF IN-CAB EMERGENCY RESPONSE INFORMATION

Every four years, the U.S. DOT's Pipeline and Hazardous Material Safety Administration (PHMSA) publishes an updated version of its Emergency Response Guidebook (ERG) required for use by CDL drivers hauling hazardous materials. The latest version of the emergency response guide, ERG 2020, is now available. ERG 2020 updates and replaces the ERG 2016 edition currently in use by energy marketers. The ERG guidebook is intended for use by first responders during the initial phase of a transportation incident involving hazardous materials.

Click [here](#) to read the full Regulatory Report.

CORONAVIRUS RELIEF PACKAGE STILL IN LIMBO DURING A LAME-DUCK CONGRESS

The Trump Administration is taking a step back in negotiating a future coronavirus relief package. Senate Majority Leader Mitch McConnell (R-KY) who recently called on Congress to approve a relief package before the end of the year is now the lead Republican negotiator. Prior to the election, negotiations over another coronavirus relief package were handled predominately between House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin. Despite reported progress, negotiators failed to reach an agreement on the overall price tag of the next coronavirus relief package. The Trump Administration proposed a \$1.8 trillion deal; Speaker Pelosi called for funding exceeding \$2 trillion; and Senate Republicans expressed reluctance to support any package that exceeded \$1 trillion. Liability protections remain a top priority for Senate Republicans; Speaker Pelosi insists robust state and local aid is paramount for Democratic support.

House Democrats could refuse to advance a smaller COVID-19 relief package and wait for President-elect Biden to take office to reach a better deal. However, there are no guarantees since Democrats will be working with a very slim House majority and the Senate is likely to stay in GOP hands. In addition to a coronavirus relief measure, Congress must keep the government funded beyond the current December 11 continuing resolution deadline. Should Congress pass a coronavirus measure before January, an outstanding question is whether President Trump would sign the legislation into law.

RESTAURANT CLOSURES IMPACT GROWTH OF RENEWABLE HYDROCARBON FUELS

Refiners such as HollyFrontier Corp., Valero Energy Corp., Phillips 66 and Marathon Petroleum Corp. are spending millions to reduce carbon emissions by converting their existing facilities to process discarded fats such as cooking grease rather than crude oil to produce renewable hydrocarbon fuels. Unfortunately, restaurant closures and less people eating out due to the coronavirus are causing shortages of discarded fats which may impact renewable hydrocarbon fuels growth.

Click [here](#) to read the article.

TRANSPORTATION AND INFRASTRUCTURE OUTLOOK IN THE 117TH CONGRESS

President-Elect Joe Biden's recent presumed victory in the general election will push forward major shifts in US policy across a wide array of issues, including transportation and infrastructure. Broadly, Biden and his transition team have indicated a desire to work with Congress in early 2021 to enact a large-scale infrastructure package, which would include what is viewed as "traditional" infrastructure – i.e. roads, bridges, transit, etc. – but it would also likely include language relating to ports, airports, schools, broadband access, water infrastructure, and clean energy projects, and could move as a combined package or as pieces of a number of bills.

There is also broad bipartisan support in Congress for a comprehensive infrastructure package; however, there are significant differences of opinion on major issues between Republicans and Democrats, such as what elements should be included, the size of the package, and how to pay for it. House Democrats have shown support for far-reaching climate- and environment-related language, which they would likely push in a broad infrastructure package. In July, on a strictly partisan vote, House Democrats passed a \$1.5 trillion infrastructure package (the Moving Forward Act – H.R. 2), which House Transportation and Infrastructure Chairman Peter DeFazio (D-OR) has discussed with the Biden transition team. Keep in mind that H.R. 2 included language that would allow EV charging stations to be installed at rest areas, expands the controversial EV tax credit and creates \$1.4 billion grant program for states and localities to deploy EV charging stations along alternative fuel corridors. Republican lawmakers adamantly opposed H.R. 2 and with President-Elect Biden likely facing a divided government next Congress, there will be limits on what Democrats are able to accomplish with regard to electrification.

In addition to infrastructure, the 117th Congress will have to address surface transportation reauthorization. The one-year extension of the Fixing America's Surface Transportation (FAST) Act – authorizing highway, transit, rail, and vehicle safety programs – expires in September 2021. House Democrats included a surface transportation title in the Moving Forward Act, and House Republicans released their own proposal (the STARTER Act), which will serve as a starting point for their interests in any conference negotiations. Meanwhile in the Senate, Environment and Public Works Chairman John Barrasso (R-WY) and Ranking Member Tom Carper (D-DE) passed the bipartisan America's Transportation Infrastructure Act out of committee by unanimous consent. These bills will likely serve as the starting points for surface transportation reauthorization discussions in the respective chambers. Should an infrastructure package move, it is possible that surface transportation reauthorization will be included.

However, the key question for both infrastructure and surface transportation reauthorization remains the same: how will Congress pay for such a bill, and what action will be taken to find a sustainable, long-term revenue source for the Highway Trust Fund (HTF)? Will electric vehicles (EVs) finally pay into the HTF? The current state of the economy and previous COVID-relief packages indicate a greater willingness by Congress to deficit spend on infrastructure as a next step in recovery from the pandemic; however, historically, surface transportation bills have been primarily user financed. Stay tuned.

HHS DISBURSES \$3.6 BILLION IN LIHEAP FUNDS FOR FISCAL YEAR 2021

The U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services (OCS) this week announced the release of approximately \$3.36 billion of fiscal year 2021 regular block grant funding for the Low Income Home Energy Assistance Plan (LIHEAP). This funding is provided under the Continuing Appropriations Act, 2021 and Other Extensions Act, ("Continuing Resolution"), which the President signed into law on October 1, 2020 (Public Law 116-159).

The Continuing Resolution provides funding for LIHEAP until December 11, 2020. This release reflects 90 percent of the total or annualized amount of funds available under the Continuing Resolution to grantees at the beginning of the program year. A table detailing LIHEAP allocations by state can be found [here](#). Each grantee that submitted a complete LIHEAP plan for FY 2021 received 90 percent of the funding available under the Continuing Resolution, after accounting the annual updates to the LIHEAP allocation formula data used to calculate the block grant allocation amounts.

WPMA COVID-19 - CRITICAL REFERENCES FOR MEMBERS

Please visit our web site for up-to-date information related to your business and the COVID-19 pandemic. You will find the link on our home page at www.wpma.com.

MEMBERS AND ASSOCIATES - YOU CAN CONTRIBUTE!

WPMA welcomes industry-related articles for publication in the WPMA News magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaption of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at janr@wpma.com, or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Winter edition of WPMA News magazine are due before November 1st. Later submissions will be considered for the Spring issue.

WPMA EXPO

February 16-18, 2021. The Mirage Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

February 16-18, 2021 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

March 15, 2021 – Hawaii (HPMA) Golf Tournament – Oahu Country Club – Honolulu, HI

May 6-7, 2021 - Nevada (NPM&CSA) Big Dogs - Red Rock Hotel & Casino - Las Vegas, NV

June 1-2, 2021 - Montana (MPMCSA) Convention -Fairmont Hot Springs Resort - Fairmont, MT

June 21-24, 2021 - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, WA

July 17-19, 2021 - Oregon (OFA) Annual Conference - Sunriver Resort - Sunriver, OR

August 4-6, 2021 - Idaho (IPM&CSA) Convention - Sun Valley Resort - Sun Valley, ID

August 23-25, 2021 - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM

September 15-17, 2021 - Utah (UPMRA) Convention - Sheraton Park City Hotel - Park City, UT

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Petro Pete: "If you think education is costly try ignorance."

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