



April 19, 2019

WR-19-16

**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Last month, the Food and Drug Administration (FDA) issued draft guidance that would effectively ban flavored e-cigarette sales in convenience stores.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 Additionally, the draft guidance would ban sales of certain flavored cigars.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 preseason outlook will be released on May 23 on NOAA's [Climate Prediction Center](#) 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.

New Contributions for the May 2019 Silent Auction

PMAA Small Business Committee (SBC) PAC Co-Chairs Brad Bell and Tim Keigher thank Bill Fleischli and the Illinois Petroleum Marketers Association/Illinois Association of Convenience Stores and Emily LeRoy and the Tennessee Fuel & Convenience Store Association for donating to the 2019 PMAA SBC PAC Silent Auction!

Bill Fleischli and IPMA/IACS donated A Chicago Bulls 6-Time NBA Champions Tickets to History Canvas Print. If you are a diehard Chicago Bulls fan, you're going to love this 11'x33" 6-Time NBA Champions Tickets to History Canvas Print. It is a wood frame with stretch mounted canvas. It is officially licensed and made in the USA.

Emily LeRoy and TFCA donated a Judith Bright Wrapped Cleo Clasp. Judith Bright is committed to creating unique artisanal jewelry that is both heirloom-quality and affordable. Sculpting each piece by hand in the studio, she can deliver meticulous craftsmanship and the opportunity for customization within her line of designs. In this way, she brings a conscientiousness and a sense of meaning to each piece of jewelry she creates. Authenticity, accountability and kindness are the touchstones of everything she does.

We want to remind you about our new format for the Annual Silent Auction and Raffle. This will be our first year with C2Auctions. They will be organizing the PMAA Small Business Committee (SBC) PAC Silent Auction and the Raffle during our PMAA Day on the Hill Conference. All PMAA members will be eligible to participate from anywhere in the United States as long as they download the C2Auction App on their mobile phone. We will provide a mobile link to all PMAA Association Executives prior to the event.

The purpose of mobile bidding is to make the PMAA SBC PAC Silent Auction more competitive and fun by notifying bidders the instant they are outbid. A notification informs the bidder that they are no longer winning, and to increase their bid or begin bidding on a new item. The ability to react in real-time means more bids.

Last year there was tremendous support in contributions for the auction and PMAA SBC PAC Co-Chairs Brad Bell and Tim Keigher urge your participation this year as well! Brad and Tim wish to remind you that donations can include use of personal vacation properties.

The Auction will take place in conjunction with PMAA's Washington Conference on May 8 during the welcome reception. If you have items that you would like to contribute for the Silent Auction, please contact [Sabrina Pitcher](#) at 703-351-8000.

Federated Insurance: It's Your Life

Stay Bonuses: Retain Key Employees

The unexpected loss of an owner is a big shock to a business. The sudden change can cause a ripple effect that threatens the entire organization. Some forethought might help avoid uncertainty in business succession while satisfying the owner's wishes.

Take the following example:

Bob is the third generation to run his family business. His son and daughter, who he hopes will be the fourth generation, are active in the business, but neither have all the necessary skills to take over and successfully run the business if Bob should die suddenly. There are three key employees who could keep the business successful until the children are ready to take over. The employees know Bob wants his children to take over and have no designs on ownership themselves.

Bob is concerned that they might not want to stay if he dies.

Bob has key person life insurance coverage on himself to provide cash flow to cover debt and some money to compensate for his loss, as long as his key employees stay with the business. However, he is concerned that this might not be enough to retain his valuable employees.

To read more about implementing a Stay Bonus program, please click [here](#). For additional information or to discuss this in further detail, please contact your Federated regional representative or PMAA's National Account Executive Jerry Leemkuil at 800.533.0472. **Federated is a PMAA Corporate Platinum Partner.**

Please Make Your Final Plans Now for PMAA's Washington Conference and Day on the Hill

PMAA's annual Washington Conference and Day on the Hill will be held in our Nation's Capital of Washington, DC from May 8-10. Our industry continues to have dozens of important legislative and regulatory issues to discuss and the Day on the Hill continues to be the primary focus of this conference. Please make your final plans to attend this important and productive forum to meet with your members of Congress and network with other marketers from across the country!

The meeting will begin with an Opening Session / Issues Briefing and Region meetings during the afternoon of May 8. Our welcome reception, including our fun and popular PAC silent auction fundraiser in a new format, concludes the day! On the morning of May 9, marketers will head to Capitol Hill for visits with their Congressional delegations after a buffet breakfast and issues briefing for those who were not able to attend the opening session. **Please make your Congressional appointments!** There will be a hospitality suite and luncheon on the Hill. On the evening of May 9, we will honor our 2019 PMAA Chair Sharon Peterson. Our conference will conclude after the PMAA Board of Directors meet on May 10 following a buffet breakfast and committee meetings.

Please click [here](#) for our *event website* for all details and registration with secure event payment processing through Cvent. We are expecting a record turnout and would appreciate you and your members to make your final plans. ***We encourage you to complete your online registration for the meeting prior to making your travel arrangements.*** Several of our sessions are nearing capacity. ***Please do not delay as we anticipate a waitlist for some of our sessions. Online registration will close soon!***

It is your chance to make a positive difference for our industry! Please make your final plans now to attend this important and productive conference to meet with your members of Congress and network with other marketers from across the country!

We look forward to welcoming you to DC in May!

Two Important Notices from Worldpay *Required TLS v1.2 Security Upgrade*

Avoid a disruption in transactional processing

As we have notified you in prior messages, the PCI Security Standards Council has declared that SSLv3, and early versions of TLS no longer meet minimum security standards due to security vulnerabilities for which there are no fixes. To read about upcoming tests and what you can do to prepare, please click [here](#).

New Site and Terminal Boarding Changes

Worldpay is nearing the completion of the transition to the Core platform. Beginning April 30, 2019, new sites and additional terminals will no longer be boarded on the previous Worldpay platform. Boarding on the new platform is available now. The current boarding processes will be shut down on April 30, 2019. All new sites and additional terminals going forward will be boarded on the Core platform. To read what you can do to prepare, please click [here](#).

Should you have any questions, please reach out to your designated Worldpay Account Manager or PMAA's Worldpay Enterprise Relationship Manager, [Glenda Preen](#) at 972.325.1801. Worldpay is a PMAA Corporate Silver Partner and Vendor.