

April 26, 2019

WR-19-17

### U.S. Representative Greg Pence to Address PMAA's Spring DC Conference



PMAA is pleased to have Rep. Greg Pence (IN) address petroleum marketers attending PMAA's DC Conference and Day on the Hill during the Board of Directors Meeting on May 10 from 10:00am to 10:15am.

[U.S Representative Greg Pence](#) represents Indiana's 6th District, where he lives with his wife Denise in Columbus. He is a proud husband, father, grandfather, Marine officer and small businessman who will ensure Indiana's 6th District continues its strong tradition of leadership in Congress.

Joining the Marine Corps in 1979 in his hometown of Columbus, Pence considers his role in Congress as a new opportunity to serve the community, state, and country that he loves. Pence understands that the 6th District needs a leader who will prioritize constituents and ensure Hoosiers always have a seat at the table.

Pence serves on the House Transportation & Infrastructure Committee, and the House Committee on Foreign Affairs in the 116th Congress. "My priorities will always include job creation, economic growth, and the protection of our conservative values in Washington," Pence said.

PMAA looks forward to hearing Rep. Pence's perspectives and to the Q & A that will follow his presentation.

### Annual Hazmat Registrations for 2019-2020 Registration Year Due July 1

**BACKGROUND:** The U.S. DOT's Pipeline and Hazardous Material Safety Administration (PHMSA) requires hazardous material transporters to register and pay a fee each year in return for a certificate of operation. PHMSA began mailing the 2019-2020 registration information to HAZMAT transporters earlier this month. Only those with expiring DOT PHMSA HAZMAT registration certificates must re-register before July 1, 2019 or risk losing authority to operate and pay substantial civil penalty.

PMAA members should check their HAZMAT certificate for the expiration date as multiple year reservations are offered and 2019 may not be your expiration date. The validity of HAZMAT registration certificates is checked at roadside inspections.

Click [here](#) to view the compliance bulletin.

## **New Report Indicates Workforce Drug Use Increasing**

The rate of U.S. general workforce drug positivity hit a 14-year high in 2018, according to a new drug testing analysis released April 11 by Quest Diagnostics. Positivity rates in the combined U.S. workforce increased nearly 5 percent in urine drug tests, from 4.2 percent in 2017 to 4.4 percent in 2018, climbing to the highest level since 2004 (4.5 percent). They now are more than 25 percent higher than the 30-year low of 3.5 percent recorded each year from 2010-12. The Quest analysis of workforce drug positivity is based on more than 10 million U.S. drug tests in 2018. The data does not specifically break down drug testing for truck drivers. The Quest data also show:

- Increases in marijuana positivity across nearly all employee testing categories.
- Increases in post-accident test positivity for on-duty incidents in the general U.S. workforce, outpacing those for all other testing reasons, including pre-employment screening.
- The rise in urine specimens reported as invalid suggests more efforts to "cheat the test." The positivity rates for drug testing done with hair samples was significantly higher for the general U.S. workforce than for urine tests, according to Quest. For 160,000 drug tests using hair samples, the positivity rate was 10.9 percent in 2018, up from 10.3 percent in 2017. "Our in-depth analysis shows that marijuana is not only present in our workforce, but use continues to increase," Barry Sample, senior director of science and technology for Quest, said in a statement.

### *Marijuana*

Marijuana continues to top the list of the most commonly detected illicit substances across all workforce categories, including CDL drivers with HAZMAT endorsements. The rate of marijuana positivity increased in nearly all workforce categories. In the general U.S. workforce, marijuana positivity increased nearly 8 percent in urine testing (2.6 percent in 2017 versus 2.8 percent in 2018) and almost 17 percent since 2014 (2.4 percent). For the safety-sensitive workforce including CDL drivers with HAZMAT endorsements, marijuana positivity grew nearly 5 percent between 2017 (0.84 percent) and 2018 (0.88 percent) and nearly 24 percent since 2014 (0.71 percent).

### *Opiates*

In the general U.S. workforce, the positivity rate for opiates in urine drug testing declined across all opiate categories. Among the general workforce screening for opiates (mostly codeine and morphine), positivity declined nearly 21 percent between 2017 and 2018 (0.39 percent versus 0.31 percent), the largest drop in three years and a nearly 37 percent decrease since the peak in 2015 (0.49 percent). In the safety-sensitive workforce including CDL HAZMAT drivers, positivity for post-accident urine testing jumped more than 51 percent year over year (3.1 percent in 2017 versus 4.7 percent in 2018) and increased by nearly 81 percent between 2014 and 2018. The jump in 2018 was largely driven by the addition of prescription opiates to the FMCSA drug testing panel, where the post-accident positivity for the semi-synthetic opiates (hydrocodone and/or hydromorphone) and for oxycodone (oxycodone and/or oxymorphone) was 1.1 percent and 0.77 percent, respectively.

Post-accident positivity in the general U.S. workforce climbed 9 percent year over year, from 7.7 percent in 2017 to 8.4 percent in 2018, and 29 percent over five years. The post-accident positivity rate has risen annually since 2011 in the general U.S. workforce and since 2010 in the federally mandated, safety-sensitive workforce, including CDL drivers with HAZMAT endorsements.

Increases in post-accident positivity among safety-sensitive workers, including CDL drivers with HAZMAT

endorsements, strongly indicate to employers that employee drug use may increase the risk of workforce accidents or injuries. Quest representatives said the analysis suggests that employers committed to creating a safe, drug-free work environment should incorporate strategies that monitor drug use above and beyond pre-employment drug screening. Between 2015 and 2017, the transportation and warehousing sector experienced the largest overall positivity increase of any sector, in large part due to significant increases in cocaine and marijuana positivity. Year over year cocaine positivity increased more than 22 percent from 2015 to 2017 (0.22 percent in 2015, 0.25 percent in 2016 and 0.27 percent in 2017). Marijuana positivity increased by more than 33 percent over the same time frame, according to Quest.

### **Natural Gas Could Receive Jones Act Waiver from the Trump Administration**

This week, Bloomberg News reported that President Trump is considering waiving the Jones Act to allow foreign vessels to transport liquified natural gas (LNG) to Puerto Rico and the Northeast. According to sources in an Oval Office meeting on Monday, Larry Kudlow, the director of the National Economic Council, pushed for waiving the Jones Act while Trump trade adviser Peter Navarro and Transportation Secretary Elaine Chao argued to maintain the Jones Act. Click [here](#) to read the article.

Signed into law by President Woodrow Wilson in 1920, the Jones Act regulates maritime commerce in U.S. waters and between U.S. ports. This nearly 100-year-old law requires that all goods transported between U.S. ports be carried in U.S. owned ships, built and registered in the U.S., and manned by U.S. citizens. The Jones Act was temporarily waived from September 1 to September 19, 2005 following Hurricane Katrina's landfall which allowed foreign vessels to carry crude oil between U.S. ports. In the summer of 2011, President Barack Obama waived the Jones Act to accelerate crude oil and refined product shipments to the U.S. due to the Libyan uprising causing the loss of over two million barrels of crude oil supply. In 2017, President Trump issued a 10-day waiver to the Jones Act for Puerto Rico in order to speed recovery following Hurricane Maria, as he did for Texas and Florida following the devastation caused by Hurricanes Harvey and Irma.

PMAA has supported efforts in the past to repeal the Jones Act which could bring more competitively priced refined products to consumers. However, waiving the Jones Act only for natural gas would lead to an unlevel playing field in the marketplace. PMAA argues that if the Jones Act is waived, it should include both petroleum and refined petroleum products.

### **Minimum Wage Bill Would Cost \$48 Billion Annually**

This week, the Congressional Budget Office (CBO) released an [analysis](#) of Rep. Bobby Scott's \$15 minimum wage "Raise the Wage Act," which shows the Act would cost private businesses \$48 billion a year and that state and local governments would have to pay an additional \$3 billion to workers each year.

In March, the House Education and Labor Committee voted along party lines to pass the Democratic bill, H.R. 582, that would phase in over five years an increase to the hourly federal minimum wage to \$15, up from the current \$7.25, and would index future hikes to inflation. The Act would also eliminate existing lower minimums for tipped workers, workers with disabilities and workers under the age of 20.

The bill is expected to be passed by the Democratic-controlled House. Speaker Nancy Pelosi (D-CA) and Education and the Workforce Committee Chairman Bobby Scott list raising the minimum wage as a top

House priority for Democrats this Congress. President Trump endorsed a \$10 hourly wage minimum near the end of his presidential campaign, but he has not shown interest since then, and it's doubtful that the Raise the Wage Act would be approved by the Republican Senate.

PMAA along with many Republicans and business advocates have concerns that a high wage hike could cause hardships for some employers and that market or state and local governments should set wages, not the federal government. Twenty-nine states and Washington, D.C. have minimum wages higher than the federal \$7.25.

### **D.C. Circuit Court of Appeals Denies Request to Expand NE Ozone Transport Region**

Because EPA can use "good neighbor" control requirements and Section 126 controls petitions to combat upwind pollution, this week the D.C. Circuit Court of Appeals upheld EPA's decision to deny a request to expand the Northeast Ozone Transport Region (OTR) to include nine more states.

The OTR states want to expand the region to include Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia and the parts of Virginia that are not already in the OTR, but the EPA's ruling and this week's Circuit Court ruling will not allow for that expansion.

If the request were to be granted, it would require the states to further reduce ozone-related pollution within their borders, even if they already meet national air quality standards.

### **Tremendous Support for the May 2019 Silent Auction**

PMAA Small Business Committee (SBC) PAC Co-Chairs Brad Bell and Tim Keigher thank Jerry Leemkuil and Federated Insurance, Tim Keigher and Nebraska Petroleum Marketers and CSA, Gerry Ramm and Petroleum Marketers Oil Company, John Hill and The Utah Petroleum Marketers and Retailers Association, and Traci Nelson and West Virginia Oil Marketers and Grocers Association for donating to the 2019 PMAA SBC PAC Silent Auction!

Jerry Leemkuil and Federated Insurance donated a Yeti Hopper Cooler. It's the only personal cooler that's game for full days in the tree stand, early mornings in the duck boat or afternoons on the water. Also, they donated a golf package starting with a golf umbrella for shelter from the high intense sun or the rain, look like a golf pro by wearing a Nike cap, Titleist golf towel, two RTIC 30oz tumblers for hot or cold beverages and two dozen Pro-V1 golf balls to improve or stay on top of your game.

Tim Keigher and NPCA donated a bottle of Basil Hayden's 10-Year-Old Bourbon. It's aged in barrels longer to create another layer of complexity and deeper flavor for whiskey lovers. What would make your bourbon complete is sit back and enjoy a Macanudo Café Gigante cigar. The Macanudo is one of the finest triple-fermented tobaccos into a Connecticut shade wrapper, resulting in a beefy 60-ring smoke that's just as creamy and smooth at this larger size. These mild handmade cigars are expertly crafted for an easy draw. A Macanudo wood ashtray is also included.

Gerry Ramm and PMOCO donated a Dooney & Bourke Pebble Leather Lexington Tote. Keep your look coolly classic with the delightful day bag from Dooney & Bourke. Supple leather is accented with signature detailing and contrast trim, while the beautifully lined interior features a roomy middle zip compartment for enhanced organization. Metal feet ensure the bag sits firmly on any surface and helps keep it scratch-free. Ladies keep your look effortlessly on trend.

John Hill and UPMRA donated Ian Finley Earrings and a shot glass. Ian Finley is a Utah/Arizona artist that designed and handcrafted these pair of sterling silver earrings which are set with beautiful carnelian gemstones, that deliver a rush of sunny warmth and flash of autumn brilliance. The carnelian is a stone of motivation, endurance, leadership and courage. It is also worn to enhance passion, love and desire. Also, a shot glass with the classic red Alta snowflake logo from Utah.

Traci Nelson and WVOM&GA donated a 7419 Cobalt Swirl Vase. Blenko Glass Company has been a family owned business since 1893. They have skilled craftsmen, exquisite color, and imaginative designs. The 7419 Cobalt Swirl Vase collection brings to life an elegant marbling of Cobalt and Crystal glass reminiscent of flowing drapery. A dignified and robust vase yet subtle and pure in form, elevating the display of the simplest to grandest bouquets.

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.

### **PMAA PAC Silent Auction Opens for Pre-Bidding!**

We are excited to announce that a selection of our silent auction items is available for remote pre-bidding on your mobile phone! Our Silent Auction will be open from 12 noon Eastern today, Friday, April 26 and close at 8:30am Friday, May 10. 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 Text2Bid platform on their mobile phone.

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.

#### **To access the bidding platform:**

- Text the word PMAA to 71760
- Click the text message link you will receive by reply
- Follow instructions to complete your registration

Once you have accessed your account, browse by category or item name to begin bidding. On each item, you will see various options:

- **Bid:** Bid at the pre-assigned increment
- **Watch:** Clicking "Watch" will put this item in your "My Items" box in the menu for easy access

- **Set Auto-Bid:** Allows you to set a maximum bid. As others bid on this item, the system will automatically increase your bid, up to your maximum bid limit.

As you enter a winning bid or are outbid, you will receive a message alerting you of your status. You will be notified at the end of the Silent Auction if you are a winning bidder! C2Auctions will be on-site between 8:30am and 10:00am for checkout on Friday, May 10 for those that can pick-up up their items in person.

### **Announcing our Washington Conference Partner Sponsors!**

PMAA wants to extend a huge THANK YOU to our current Washington Conference 2019 Partner Sponsors: Federated Insurance, Renewable Energy Group, RAI Trade Marketing Services Company, Spirit® Petroleum, Oil Price Information Services (OPIS), Worldpay and Altria Client Services!

Connecticut Energy Marketers Association is pleased to announce and give a special THANK YOU to their Platinum Sponsor, Global Companies LLC for the Reception honoring our 2019 PMAA Chair Sharon Peterson.

We appreciate the loyalty and support of each of our PMAA Corporate Partners and their continuous commitment to the petroleum industry. For more information on our Partner Programs and / or to be a Washington Conference Partner Sponsor, please contact [Susan Isard](#).

### **PMAA Washington Conference and Day on the Hill is Almost Here!**

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. Denton Cinquegrana, Chief Oil Analyst for Oil Price Information Service (OPIS) will be addressing the group during the Opening Session. 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 be sure to make these appointments immediately, if you have not already done so!** 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. Board members and marketers will hear from U.S. Representative Greg Pence (IN) at the Board of Directors meeting.

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 in the coming days!**

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! We look forward to welcoming you to DC soon!

### **The Mobile App for PMAA Washington Conference 2019 is Coming Soon!**

PMAA Washington Conference 2019 is going mobile with an event app! We teamed up with CrowdCompass to build an app that will make this year's experience a lot more valuable for our attendees. This app will include networking, schedules, social media and much more at the palm of your hand.

Our app will soon be live. Watch your inbox – more info is on the way. Stay tuned for the app release details and more info on how you can use the app to enhance your event experience. All registered attendees will be receiving an email on how to download the app. We would encourage you to download it prior to you arriving in Washington, DC as there will be limited Wi-Fi at the conference.

### **2019 PMAA Marketers Defense Fund (MDF) Raffle**

#### ***Purchase Your Tickets for an Opportunity to Own A Ring Video Doorbell 2.***

Get your PMAA Marketer Defense Fund (MDF) raffle tickets now for a chance to win a Ring Video Doorbell 2, security and protection for any home. Never miss another visitor when you can watch over your home and answer the door from your phone, tablet and PC. It includes Lifetime Theft Protection.

**(A Ring Protection subscription is required to access stored videos. A free 30-day trial of Ring Protect is included – Ring Protect plans start at only \$3 a month after trial ends).**

The MDF will hold a raffle during the Day on the Hill Washington, DC May 8-10 conference and the raffle winner will be identified during the PMAA board meeting on May 10. The winner does not have to be present to win. If you are not attending the conference, you will be notified the week following the May drawing if you are the owner of the Ring Video Doorbell 2.

Click [here](#) for more information on the MDF and how to contribute.

Tickets are \$25 each or five for \$100. Advanced tickets are available until May 7. Ticket sales will continue at PMAA's conference in Washington, DC until the drawing on May 10. Tickets can be purchased with personal or corporate funds by MasterCard, VISA, American Express, cash or check (checks should be made out to the PMAA Marketer Defense Fund). To purchase tickets before May 7, please contact [Susan Isard](#) or 703-351-8000.

### **NACS Show Housing and Registration Now Open!**

***Atlanta: October 1-4, 2019***

#### **What is the NACS Show?**

The NACS Show provides the most comprehensive representation of products and services for the convenience and fuel retailing industry. Retailers come to the NACS Show to discover proven ideas and strategies that enable them to increase sales, attract new customers, build their brand and improve their bottom line. Suppliers exhibit at the Show to establish a presence in the convenience channel,

obtain sales leads, increase product exposure and introduce new products. Last year, over 25,000 people attended the NACS Show from almost 70 countries and more than 1,200 companies exhibited. For more information, [explore this year's NACS Show](#).

As convenience and fuel retailing's premier industry event, the NACS Show attracts more than 23,500 industry stakeholders from around the world. Buyers and sellers come together to conduct business and learn from one another — all in an environment rich with new ideas and partnerships. The NACS Show is the place to network and connect with convenience and fuel retailing industry peers and experts. The 400,000 sq. ft. expo is where you will discover thousands of the latest products and services that c-stores sell and use every day. The expo is segmented into six categories: Fuel Equipment & Services, Food Equipment & Foodservice Programs, Candy/Snacks, Facility Development & Store Operations, Merchandise and Technology. Each area of the expo gives you a one-of-a-kind, hands-on experience that can't be matched anywhere else.

PMAA's Fall Meeting at the NACS Show will be held on October 6-7 at the Hyatt Regency Atlanta. Please view our [Conference Schedule](#) and PMAA's NACS Housing Link [here](#).