

August 30, 2019

WR-19-33

Multi-State Hours of Service Waiver Granted

Yesterday, the Federal Motor Carrier Safety Administration (FMCSA) granted an immediate regional Hours of Service waiver for the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. The emergency declaration applies to all states and jurisdictions listed in the letter. This waiver covers all fuel deliveries in the states and jurisdictions listed because they support the "emergency" which in this case is maintaining adequate fuel supply in those areas. Short answer all fuel deliveries are covered. Important: The FMCSA waiver covers interstate shipment of fuel in and out of the states and jurisdictions listed in the waiver letter. The FMCSA waiver does not cover intrastate only shipments (deliveries that stay within the boundaries of single state). State governors must issue waivers for intrastate shipments within their boundaries. State Governors typically issue such waivers when FMCSA waivers are put into effect. Click [here](#) to read the notice.

The FMCSA issued the interstate waiver at PMAA's request. PMAA will continue to work closely with the FMCSA and other federal agencies to ensure emergency preparedness and response waivers are in place in anticipation of, and in response to, Hurricane Dorian landfall.

FMCSA also announced it will not enforce the Temporary Operating Authority Registration fee for carriers requesting temporary authority to provide direct assistance to the affected areas. Click [here](#) to read the notice.

The RFS Drama Continues

Last week, the Trump Administration announced a tentative plan that would increase renewable fuel blending quotas for 2021 to make up for a portion of the 4.2 billion gallons of renewable fuel lost over the past several years due to small refinery exemptions. However, many biofuel groups are seeking higher gallon-based commitments from the White House and want more immediate reallocation commitments to offset blending volume lost to the waivers. Specifically, the biodiesel industry is seeking a 387-million-gallon increase to the 2020 advanced biofuel quotas, as well as a 330-million-gallon increase to the 2021 biomass-based diesel quota.

Then, on Monday, a coalition of biofuel companies sent a letter to President Trump urging him to stop granting small refinery waivers because the exemptions are hurting their businesses. According to the letter, the 85 small refinery exemptions granted by the Trump Administration over the past three years caused a sharp decrease in the demand for biofuels and forced several biofuel plants to close.

Under the RFS, refiners must meet volumetric renewable fuel blending obligations set by the EPA each year. Refiners unable to meet their blending obligations may make up the difference by purchasing credits from blenders who surpassed their annual blending quotas. Small refineries with a capacity of less than 75,000 barrels per day can receive waivers if they can demonstrate that RFS blending compliance would cause them significant economic harm. In 2018, the Trump Administration issued 35 small refiner waivers for 2017 RFS compliance. The administration recently issued another 31 waivers for 2018 RFS compliance waivers. The most recent batch of waivers was quickly criticized by biofuel groups because the growing number of small-refinery waivers reduce overall annual blending obligations, reduce demand for renewable fuels and drive down RIN values. As a result, biofuel producers have closed a number of manufacturing facilities.

EPA Administrator Andrew Wheeler defended the small-refinery waivers explaining “Often times these refineries are located in the Rocky Mountains and other regions where they are the only supplier in their region. We have to issue these regulations on the refiner itself.” Although many ethanol producers believe that larger refineries should blend more ethanol to make up for the gallons lost to the waivers. Wheeler said that reallocating the lost gallons to other refiners could have a rolling impact leading to waiver requests from blenders unable to take up the slack. Wheeler insists that small refinery waivers have not driven down demand for renewable fuels.

Court Upholds Obama-Era Ozone Standard

Last week, the U.S. Court of Appeals for the D.C. Circuit unanimously upheld the Obama Administration’s decision to tighten the National Ambient Air Quality Standard (NAAQS) required under the Clean Air Act from 75 parts per billion of ozone to 70 parts per billion.

The ruling rejected industry claims that the new 70 parts per billion ozone standard is unattainable. In 2015, PMAA advocated to maintain the existing 75 parts per billion ozone standard by joining other associations in sending a [letter](#) to Congress expressing our opposition to the ruling on the reduced 70 parts per billion ozone standard established by the EPA through the rulemaking process. Under the previous 75 parts per billion standard, 474 counties in the United States were in nonattainment. It was estimated that, under the standard of 70 ppb, 958 counties would be forced into nonattainment status.

A county in nonattainment means that the air quality in the region does not meet the standards of the National Ambient Air Quality Standards (NAAQS) and could therefore be subject to less federal funding. Additionally, it causes extra hurdles for counties including infrastructure development problems and regulations on emissions of existing businesses within the region, forcing them to pay for costly emission reducing equipment to try and reach attainment status. In many cases, this would likely require reformulated gasoline and/or lower Reid vapor pressure (RVP) fuels.

PMAA Sends Letter to Congress Addressing Regulations on PFAS

This week, PMAA joined 15 other associations as part of a coalition in sending a letter to Congress regarding provisions in S. 1790 and H.R. 2500, known as the “National Defense Authorization Act for Fiscal Year 2020,” related to regulations of per- and polyfluoroalkyl substances (PFAS). PFAS are fluorinated chemicals that have been used in many commercial and industrial applications for decades, including in fire suppressants. These bills would direct EPA to take regulatory and other actions to address PFAS under several environmental statutes.

Specifically, when reviewing the bills, the coalition called on Congress to:

- Reject provisions that circumvent existing regulatory authorities and regulate PFAS as a single class;
- Support provisions that provide regulatory agencies with the proper oversight and funding necessary to evaluate and address specific priority PFAS; and
- Adopt an extended timeline for the phase out of Aqueous Film-Forming Foam (AFFF)

Click [here](#) to view the letter to Congress.

Announcing Our Fall Meeting Partner Sponsors!

PMAA wants to give a huge THANK YOU to our Fall Meeting 2019 Partner Sponsors: Federated Insurance, RAI Trade Marketing Services, Renewable Energy Group, Inc., Altria Client Services, Spirit® Petroleum and Meridian Associates, Inc.

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

Have You Considered Marketing Your Product or Service in PMAA Online Buyers' Guide?

The Petroleum Marketers Association of America ("PMAA") exclusive PMAA Buyers' Guide (the "Guide") — the premier resource of relevant products and services for petroleum professionals — is available at the [PMAA website](#).

PMAA partnered with Overland Park, Kansas-based Strategic Value Media, a leading nationwide provider of print and digital media solutions for national, state and local trade and membership associations, to produce the Guide. PMAA is proud to provide its members with this useful and easily accessible year-round resource.

"This comprehensive Guide offers access to a vast network of industry suppliers," said Rob Underwood, President of PMAA. "We are very pleased with the fine work SVM has done with this Guide, which will now greatly assist industry professionals in making educated purchasing decisions throughout the year. The response to this Guide by the industry has been nothing short of outstanding."

The 2019 version of the [Guide](#) features updated and expanded company and product listings, in addition to other valuable information relating to the petroleum industry. The Guide provides PMAA members and other industry professionals with an efficient way to browse for goods and services. The Guide also offers petroleum suppliers and companies exceptional visibility by showcasing their products and services to a targeted, industry-specific buyer group.

If your company or business has not yet taken advantage of this exceptional opportunity to highlight your products and services in the Guide, it is not too late! To learn more about advertising your products or services in this exclusive Guide, please [email](#).

Make Your FINAL Plans Now to Join PMAA and NACS in Atlanta in September

Book your hotel reservations now for the 2019 NACS Show, October 1-4, 2019! The official housing agency for the 2019 NACS Show has up to 43 hotels offering discounted rates exclusively for NACS Show guests. NACS [secure online housing website](#) is available 24/7, and offers real-time availability with full hotel descriptions, amenity listings, distances from each hotel to the NACS Show venue, the Georgia World Congress Center, maps, and other information to help make your decision easier. Reservation acknowledgements will be emailed to you at the time you make your reservation. Effective on or about September 6, 2019, you will need to contact the hotels directly to make a room reservation.

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.

The General Session on Tuesday, October 1 from 3:45 pm – 5:00 pm will feature **Keynote Jim Knight**. The General Session on Friday, October 4 from 8:00 am – 9:00 am will feature **Julie Jackowski and Keynote Daymond John**. All Speaker information for the 2019 NACS Show is now available [here](#). All NACS sessions will take place at Georgia World Congress Center.

In addition to online registration and housing, the [NACS Show website](#) features the latest information about exhibitors, housing, speakers, educational sessions and more. **Please note that the NACS Show registration is separate from the PMAA Meeting Registration.**

PMAA's Fall Meeting will be held on September 30-October 1 at the Hyatt Regency Atlanta. Click [here](#) for our **event website** for all details including registration with secure event payment processing through Cvent. If you have attended a PMAA Conference in the past, you will be receiving an invitation soon. Responding to this event email is the recommended method to register or decline.

2019 PMAA Marketers Defense Fund (MDF) Raffle at PMAA's Fall Meeting

*Purchase Your Tickets for an Opportunity to Own **a Bose SoundLink Revolve Portable Speaker with Charging Cradle & a Travel Protection Case***



Get your PMAA Marketer Defense Fund (MDF) raffle tickets now for a chance to win a Bose SoundLink Revolve Portable Speaker, one of the best performing Bluetooth speakers yet. It delivers true 360-degree sound for consistent, uniform coverage. Bose has a set standard for excellence, and you will experience a level of performance that will keep you listening all day. It's meant to go where you go. The wireless speaker is durable, water-resistant, and easy to grab and go—with a rechargeable battery that plays up to 12 hours. You can connect it to your device, such as a smartphone, tablet, MP3 player, and laptop, via Bluetooth.

The PMAA Marketer Defense Fund (MDF) will hold the raffle during the Atlanta, Georgia September 30-October 1 conference and the raffle winner will be identified during the PMAA board meeting on October 1. 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 October drawing if you are the fortunate owner of the Bose SoundLink Revolve Portable Speaker.

A marketer can make corporate contributions by check or credit card to this program and there is no limit on the amount of contribution. The contributions are used to support PMAA lobbying goals. 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 September 27. Ticket sales will continue at PMAA's Fall Meeting in Atlanta, Georgia until the drawing on October 1. Tickets can be purchased with personal or corporate funds by MasterCard, VISA, American Express ([please donate here](#)), cash or check (checks should be made out to the PMAA Marketer Defense Fund). To purchase tickets before September 28, please contact [Susan Isard](#) or 703-351-8000.

Federated Insurance Employment Practices Network HR Question of the Month

Federated Insurance's HR Question of the Month focuses on employment-related practices liability issues. This month's question is: **Interview Questions - What Can Employers Ask?** We want to make sure we're not asking any interview questions we shouldn't or aren't allowed to be asking of candidates. Specifically, can we ask how much a candidate was earning at his/her last job(s)? What if we've heard that someone has a history of harassment (or making claims of

harassment) at a prior place of employment -- can we inquire about that? Please click [here](#) to read the response.

For additional information or to discuss this in further detail, please contact your [Federated](#) regional representative or PMAA's National Account Executive [Jon Medo](#) at 800.533.0472.

Federated is a PMAA Corporate Platinum Partner.

PMAA Member Services Spotlight Featuring: Laborchex
Empowering PMAA Members to Compete with Anyone

More and more companies are doing pre-employment screening. To do that, they use background screening firms known as CRAs (consumer reporting agencies). Laborchex is defined as a "Consumer Reporting Agency" under the Fair Credit Reporting Act, Title 15 U.S.C. §1681a (f) (FCRA).

Laborchex provides PMAA Members a robust and scalable platform that is constantly evolving, our intelligent software talks to criminal databases, courthouse libraries, motor vehicle records, drug screening labs and federal agencies, while at the same time providing streamlined workflow management and powerful analytical tools.

Please read how you can have a dynamic screening platform through Laborchex work for your company by clicking [here](#). ***Please note that the general information provided is not a substitute for legal advice. Please consult with your legal counsel regarding these topics and other general employment questions.***

Laborchex, a PMAA Vendor and a [PMAA Corporate Bronze Partner](#) who has been serving clients nationwide since 1991, provides a program of background checks for PMAA members. For more information and to discuss your needs, please email PMAA's Consultant [Kym Lewis](#) or call her directly at 800.880.0366 or [visit](#).