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Annual EPCRA Tier II Reports Due March 1st

From PMAA

EPA EPCRA Tier 2 reports must be filed by March 1, 2020 for the 2019 reporting year. Facilities that store over 10,000 pounds of hazardous chemicals onsite at any point during the previous calendar year must file an EPCRA tier II report. This means any amount of petroleum product stored on site, in bulk plants (above ground and underground), marinas, wholesale fleet fueling facilities, skid tanks and heating oil tanks used to heat facility buildings must be counted towards the 10,000-pound reporting threshold.

Also, retail gasoline facilities with 75,000 gallons or less of gasoline storage capacity and 100,000 gallons or less of diesel fuel storage capacity are exempt from EPCRA reporting requirements. Retail gasoline facilities with storage capacities greater than the 75,000/100,000-gallon reporting threshold do not qualify for this exemption. Instead, these facilities must apply the 10,000-pound threshold to determine whether an EPCRA Tier II report must be filed.

Click [here](#) to view the full Compliance Bulletin.

FMCSA Reduces 2020 Unified Carrier Registration Fee for Interstate Carriers

From PMAA

The Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule that reduces the annual registration fees paid by interstate motor carriers under the Unified Carrier Registration (UCR) plan. The rule is important to all petroleum marketers and heating fuel dealers who operate cargo tank vehicles and transports that cross a state boundary. The UCR does not apply to intrastate carriers. The UCR was created by the Unified Carrier

Registration Act of 2005.

UCR replaced the former Single State Registration System for registering and collecting fees from operators of vehicles engaged in interstate commerce. The fees are being reduced because the UCR program brought in more revenue from registrations that it is allowed to collect annually by each statutory mandate. FMCSA said it is reducing the 2020 annual registration fees collected by states for motor carriers, brokers and freight forwarders by 14.45 percent below the 2018 registration level. The fees will remain at the same level for 2021 and subsequent years unless revised in the future.

The FMCSA estimates it will collect \$111,777,060 from UCR registration in 2020. The rates are graduated based on the number of trucks a carrier has in its fleet. The revenue collected through the UCR program is redistributed back to the states for motor carrier safety programs. The following fee reductions were made to the 2020 UCR:

2020 UNITED CARRIER REGISTRATION ORIGINAL AND FINAL REDUCED FEE

Number of Vehicles	1-2	3-5	6-20	21-100	101-1000	1000+
2020 Fee (Original)	\$60	\$180	\$357	\$1,248	\$5,946	\$58,060
2020 Fee (Reduced)	\$59	\$176	\$351	\$1,224	\$5,835	\$56,977

To see individual state UCR revenue entitlement shares for 2020 click [here](#).

Use of Legalized Marijuana or CBD Oil Strictly Prohibited Under U.S. DOT Drug Testing Regulations

From PMAA

The U. S. Department of Transportation (DOT) Office of Drug and Alcohol has clarified the agency's drug and alcohol policy concerning the legalized use under state laws of CBD oil and legalized marijuana by CDL drivers. The policy is important to petroleum marketers because it addresses how the state legalization of CBD oil and marijuana for medical and recreation purposes is treated under U.S. DOT drug testing requirements for CDL drivers (49 CFR Part 40).

Both CBD oil and marijuana contain THC, a banned Schedule 1 substance under U.S DOT regulations. CBD oil derived from hemp contains 0.3% concentration of THC. THC concentrations in marijuana may range from anywhere between 5% and 30%. The U.S. DOT drug testing regulations do not authorize the use of Schedule I drugs for any reason. Therefore, a medical review officer (MRO) conducting driver drug tests will not issue a negative test result simply because the THC detected in a driver's urine specimen was from

the legalized recreational use of CBD oil or marijuana. In addition, an MRO will not issue a negative drug test based upon information that a physician recommended that the employee use medical marijuana where states have passed medical marijuana initiatives. Instead, THC from these (or any other) source will result in a positive test for the driver.

What Do U.S. DOT Regulations Require?

- Use of THC is forbidden for a regulated driver, no matter the source. As a result, medical and recreational marijuana and CBD oils, even if legal under state law, are banned under federal law.
- Since THC is banned under DOT drug testing regulations, a medical review officer (MRO) must not take the medicinal use of a CBD oil into consideration when determining a drug test result.
- A positive drug test result requires the motor carrier to remove the driver from safety-sensitive functions until specific steps in the DOT return-to-duty process are successfully completed. After a positive test, the driver must:
 - Be evaluated by a substance abuse professional,
 - Complete prescribed drug rehabilitation treatment, and
 - Have negative results for follow-up testing

Communicate Cautions to CDL Drivers

A driver's career may be in jeopardy if a drug screen comes back positive. To avoid any misunderstandings surrounding the use of CBD oils and legalized medical or recreation use of marijuana, employers should communicate the following to CDL drivers:

- Trace amounts of THC from CBD oils or marijuana may show up in a DOT urine specimen for many days after use,
- MROs will not accept CBD oil or marijuana as a valid medical explanation for a positive DOT drug test, and

Enforcement authorities may consider CBD oil in a commercial vehicle as possession. Officers are unable to determine the concentration of THC in the oil, and there has been no official guidance for them to follow.