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Governor Northam Closes "Non-Essential" Business for One Month

A short time ago, Governor Northam issued an executive order ([found here](#)) requiring all non-essential business to close for thirty days, effective at midnight tomorrow. We have asked the governor's office for clarification because the order specifically exempted retail gasoline/diesel/convenience operations from closure but not transportation and distribution.

If business offering professional rather than retail services remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such business must adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, the limitation of no more than groups of 10 persons at one time, and apply the relevant workplace guidance from state and federal authorities.

The Department of Homeland Security issued guidance last week on what includes an essential business and its provisions include these operations of petroleum and convenience marketers:

Petroleum workers:

Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport

Crude oil storage facilities, pipeline, and marine transport

Petroleum refinery facilities

Petroleum security operations center employees and workers who support emergency response services

Petroleum operations control rooms/centers

Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing

Onshore and offshore operations for maintenance and emergency response

Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Workers supporting groceries, pharmacies and other retail that sells food and beverage products.

[Here is the DHS guidance.](#)

PMAA, NACS, SIGMA, and NATSO Jointly Request Federal RVP Waiver

In light of the demand destruction created by the COVID-19 health pandemic, all national petroleum-related associations have come together to petition EPA for a waiver of the Reid Vapor Pressure (RVP) requirements. These requirements for summer-blend fuels ordinarily begin on May 1 at the terminal level and June 1 at retail. Simply put, there is a tremendous amount of winter blend fuels remaining in tanks, terminals and pipelines. If terminal operators cannot take the summer grade fuel, pipelines will back up which will eventually lead to refineries shutting down production. As soon as we have information on this request ([found here](#)) we will forward it to you.

FMCSA Allows States to Grant Automatic Extension of Expiring CDLs, CLPs and Medical Certificates

From PMAA

The Federal Motor Carrier Safety Administration (FMCSA) issued emergency guidance yesterday permitting state licensing authorities to automatically extend certain CDL credential renewal deadlines required under federal regulations. This guidance is important to petroleum marketers and heating fuel dealers because it ensures that CDL credentials expiring during the COVID-19 declaration of national emergency will remain valid. CDL credentialing that may be automatically extended under the FMCSA guidance include:

- Commercial Driver's Licenses (CDL)
- Commercial Learner's Permit (CLP)
- CDL Driver Medical Certificates

State licensing agencies may extend the expiration dates for CDLs, CLPs and medical certificates if the facilities that issue those credentials have been closed, have restricted

access, or for individuals who are unable to access those facilities because of COVID-19 concerns. Ordinarily, state licensing agencies would be found in substantial noncompliance with FMCSA requirements and lose federal highway funds by extending expiring deadlines. The FMCSA guidance allows the period of extension to last so long as the national declaration of emergency issued for the COVID-19 is in effect.

However, the FMCSA guidance does not address expiring hazardous material endorsements or provide for a transition period for drivers to renew medical certificates, CDLs and CLPs once the emergency declaration is over. Without a transition period for renewal, CDLs, CPLs and medical certificates will expire automatically when the emergency declaration expires. As a result, thousands of drivers across the country would find their driving status reclassified as "non-qualified" on the same day.

PMAA has reached out to the FMCSA, the TSA and PHMSA requesting a renewal extension for expiring HAZMAT endorsements and a CDL credential renewal transition period to ensure uninterrupted driver qualification status.

It is important to note that the FMCSA guidance only gives permission for states to extend expiring CDL credentials if they choose. The choice to do so or not is left up to each individual state.

The FMCSA Guidance to state licensing agencies can be found [here](#).