

# MPA/MACS FACTS

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**March 24, 2020**

## **MPA/MACS RECOMMENDS MEMBERS STOP ACCEPTING EMPTY CAN/BOTTLE RETURNABLES**

**MPA/MACS is advising retailers to no longer accept empty returnable bottles and cans.** The Michigan Beer and Wine Wholesalers Association, Midwest Independent Retailers Association, Michigan Retailers Association are also advising their membership to halt collections immediately. Speedway has also informed MPA/MACS they have stopped collections as well.

MPA/MACS has received numerous questions and concerns about receiving bottle and can returns at convenience stores. MPA/MACS has been in contact with Government officials and still do not have further clarification on how retailers should handle cans and bottles returns. The health and safety of customers, employees and their families has to be the number one priority. The COVID-19 virus can live on surfaces for days, putting employees and their families at risk every time they collect empty returnable. We know members are making every possible effort to ensure their employees are able to do their jobs in the safest possible way while complying with the recent stay at home orders.

### Sample Signage to Post in Your Stores:

At this time we are no longer able to process your bottle & can returns. The health and safety of our customers, employees and their families is our number one priority. Thank you for your continued support of our store.

## **GOVERNOR'S STAY AT HOME ORDER REQUIRES NOTIFICATION REQUIREMENT**

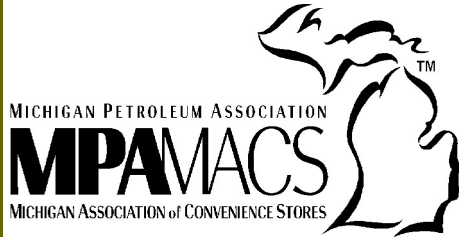
As was reported in the March 23 MPA/MACS Facts, Governor Whitmer put in place a stay at home order to slow the spread of COVID-19. Within her Executive Order (2020-21) was a requirement for employers to notify employees that are deemed critical infrastructure workers. Businesses must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm.

## **PMAA, NACS, SIGMA and NATSO SEND LETTERS REQUESTING SUMMERTIME RVP FUEL WAIVER AND EMV DELAY**

The Petroleum Marketers Association of America (PMAA), National Association of Convenience Stores (NACS), Society of Independent Gasoline Marketers of America (SIGMA) and National Association of Truck Stop Owners (NATSO) sent letters requesting a delay in the EMV liability shift deadline, as well as a waiver for the summertime Reid vapor pressure (RVP) fuel requirements, due to the coronavirus health pandemic.

MPA/MACS, PMAA joined NACS, SIGMA, NATSO and the Merchant Advisory Group is sending letters to Visa, Mastercard, AmEx and Discover requesting for a delay in the EMV liability shift deadline for automated fuel dispensers (AFD) due to the health pandemic. In the requests, the associations ask that the deadline be extended from October 1, 2020 deadline to a later date to be determined after the health crisis comes to an end. To view the EMV delay letter go to: [https://www.convenience.org/Media/Daily/2020/Mar/24/3-NACS-Asks-for-Delay-of-EMV-Deadline\\_Payments/Joint-Association-Letters-on-EMV-Delay-and-COVID-1.pdf](https://www.convenience.org/Media/Daily/2020/Mar/24/3-NACS-Asks-for-Delay-of-EMV-Deadline_Payments/Joint-Association-Letters-on-EMV-Delay-and-COVID-1.pdf)

PMAA also joined NACS, NATSO and SIGMA in sending a letter to the EPA requesting the agency to issue a waiver for the summertime RVP fuel requirements. The waiver request comes in response to the lack of demand for fuel due to the health pandemic. To view the summertime RVP waiver letter go to: [https://www.pmaa.org/pmaa\\_today/attachments/RVP\\_Waiver\\_Request\\_032420.pdf](https://www.pmaa.org/pmaa_today/attachments/RVP_Waiver_Request_032420.pdf). **MPA/MACS has made this request to state officials.**



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## FMCSA ALLOWS STATES TO GRANT AUTOMATIC EXTENSION OF EXPIRING CDLs, CLPs AND MEDICAL CERTIFICATES

The Federal Motor Carrier Safety Administration (FMCSA) issued emergency guidance 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 non-compliance 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. **Michigan has not been given permission yet. MPA/MACS has contacted the Michigan State Police Motor Carrier Division and believes a decision from them is forthcoming.**

## PHMSA ISSUES ENFORCEMENT WAIVER FOR CDL HAZMAT DRIVER REOCCURRING TRAINING

The Pipeline and Hazardous Material Safety Administration (PHMSA) announced today that the agency will not take enforcement action against any motor carrier or offeror who is unable to provide reoccurring hazardous material training that all CDL HAZMAT drivers (and all HAZMAT employees) must undergo every three years. The PHMSA announcement may be viewed at: [https://www.pmaa.org/regulatoryreport/attachments/PHMSA\\_Training%20exception\\_Covid\\_3.23.20.pdf](https://www.pmaa.org/regulatoryreport/attachments/PHMSA_Training%20exception_Covid_3.23.20.pdf). The enforcement waiver is in effect for 90 days beginning March 23, 2020.

PHMSA said the enforcement policy is needed because most reoccurring driver training and testing takes place in large classroom settings that are no longer safe given the corona virus outbreak. Specifically, the temporary enforcement waiver covers only **reoccurring** training under 49 CFR 172.704 (c)(2). The training and testing categories under subpart 172.704 that are subject to the temporary enforcement waiver include: General Awareness/Familiarization Training; Function Specific Training; Safety Training; Security Awareness Training; In Depth Security Training; OSHA and EPA Training. PHMSA also noted that although the reoccurring training enforcement waiver is in effect, the agency **encourages** the utilization of alternative training delivery methods including; web-based training, self-paced computer instruction, remotely delivered classroom instruction, on the job training even where testing is not possible. However, PHMSA is not **requiring** the use of alternative training methods.

**IMPORTANT!** The enforcement waiver does not apply to initial driver training. PMAA is seeking an enforcement waiver for initial training as well.