Pipeline and Hazardous Materials Safety Administration Stakeholder Feedback Solicitation/Elimination of Regulatory Burdens: Energy Marketers of America (Formerly PMAA) Comments



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Energy Marketers Association of America (formerly PMAA, "EMA") submitted July 29th comments to the Pipeline and Hazardous Materials Safety Administration ("PHMSA") in response to its stakeholder feedback solicitation on the elimination of regulatory burdens related to the supply of domestic energy resources (particularly motor fuels and heating oils). See Hazardous Materials: Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency [Docket No. PHMSA-2025-0032 (HM-265B)].

EMA addressed its comments to the PHMSA Office of Hazardous Materials Safety - Standards and Rulemaking Division.

EMA describes itself as:

…a federation of 48 state and regional trade associations representing small business fuel distributors and retailers across the United States.

EMA marketers are stated to be responsible for supplying 80 percent of all finished motor and heating fuel products nationwide—operating approximately 60,000 retail stations, distributing motor fuels to another 40,000 gas stations, and delivering heating fuel to more than five million homes and businesses.

The Arkansas Oil Marketers Association is a state chapter of EMA.

The EMA comments identify three areas that are appropriate for reform within the Hazardous Materials Regulations ("HMR") to "reduce undue compliance burdens on small businesses in the downstream energy sector." EMA states that:

…Cross-agency collaboration with the U.S. Environmental Protection Agency (EPA) to correct inefficiencies in leak testing, resulting from updated cargo tank vapor tightness metrics, should be prioritized to avoid supply chain disruptions and price increases.

The three areas addressed in the comments include:

1. PHMSA Should Work with EPA to Reincorporate Efficiencies in Cargo Tank Leakage Testing Under Part 180, Subpart E
    1. Referencing EPA's 2023 amendments to the Clean Air Act National Emissions Standards for Hazardous Air Pollutants for gasoline distribution which are stated to have introduced testing complexities that undermine PHMSA's flexible regime.
2. PHMSA Should Extend the Lowest Flash Point Exception to E15 Gasoline Blends Under Part 172, Subpart F
    1. Authorizing cargo tank vehicles to display the placard for the petroleum distillate fuel with the lowest flash point transported during different trips on the same day is legally compelled and sound policy/removing the requirement to change placards with each load when hauling multiple fuels of differing flashpoints in alternating trips provides meaningful economic benefits without reducing any margin of safety.
3. PHMSA Should Develop a Risk-Based Approach to Hazardous Materials Registration Fees Under Part 107, Subpart G.
    1. Proposed fee increase for small business registrants to support the Hazardous Materials Emergency Preparedness (HMEP) grants program imposes disproportionate cost burdens on small fuel marketers while missing an opportunity to improve the overall efficiency of the hazardous materials registration system.

A copy of the EMA comments can be downloaded here.