Hazardous Materials Endorsement: Energy Marketers of America Letter Requesting Temporary Regulatory Relief from TSA/DOT for CDL Fuel Drivers

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The Energy Marketers of America ("EMA") submitted an October 29th letter styled:

Request for Regulatory Relief from Renewal of the Hazardous Materials Endorsement for CDL Fuel Drivers ("Request").

The Request was submitted to officials of the United States Department of Transportation, Federal Motor Carrier Safety Administration, and United States Department of Homeland Security (collectively, "Agencies").

The letter asked that the Agencies:

… provide temporary relief from the Hazardous Materials Endorsement (HME) renewal requirements for commercial drivers licensed to transport motor fuels and heating oil during the ongoing Government shutdown.

EMA states that the Transportation Security Administration processing functions for HMEs are disrupted by furloughs and reduced staffing, and fuel haulers whose HMEs are expiring are experiencing significant obstacles in completing renewals. Concern is expressed that such delays are creating compliance risks and operational disruptions across the liquid fuels distribution sector.

The letter further notes:

- CDL drivers transporting fuels must maintain a valid HME to remain compliant with federal law.
- Renewal of these endorsements requires a TSA Security Threat Assessment.
- The TSA Security Threat Assessment is currently impeded by the Government shutdown.
- Once the HME is expired, drivers are legally barred from operating fuel-hauling vehicles.

EMA requests that TSA (in coordination with DOT and the Federal Motor Carrier Safety Administration) grant a temporary exemption or extension pursuant to 49 U.S.C. § 114(q) and 49 U.S.C. § 5103(b) of at least 90 days beyond the date of HME expiration for drivers affected by the Government shutdown, or until normal renewal processing resumes.

EMA describes itself as a federation of 48 state and regional trade associations representing family-owned and operated small business energy marketers throughout the United States. The organization states that

its members supply 80 percent of all finished motor and heating fuel products sold nationwide including renewable hydrocarbon biofuels, gasoline, diesel fuel, biofuels, heating fuel, jet fuel, kerosene, racing fuel and lubricating oils.

The Arkansas Oil Marketers Association is a state member of the Energy Marketers of America.

A copy of the letter can be downloaded here.