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# Full-service fears: Gas station owners, attendants can't distance themselves from drivers, N.J.'s laws

By: Paul Bergeron, April 14, 2020



Tim Arata's Sunoco gas station in Ridgefield Park sits in a sea of COVID-19. Just last week, he read that no fewer than 107 known cases have been identified in this 1-square-mile Bergen County village that sits a few miles from the George Washington Bridge.

Arata said it's natural for him to wonder how many people infected with COVID-19 have come into his station and interacted with his employees. And only natural to wonder why the state keeps allowing this to happen, he said.

Especially after a weekend in which Gov. Phi Murphy announced a new executive order regarding face coverings that are intended to protect the health of restaurant workers and New Jersey Transit employees.

Having an attendant who must pump all gas purchases is one more concern for service station owners and customers throughout the state, given that New Jersey is the only remaining state where gas must be pumped by an attendant and the spread of COVID-19 is on everyone's minds, Arata said.

Business is certainly slow. Arata said his revenues have fallen by 70% and, for a three-hour period Saturday, he had just one customer.

"I've been at this for 39 years and have never seen a situation like we're having," he said. "Weird and bizarre is what I'd call it, but I understand, people need to be safe."

Being safe should apply to gas station workers, too.



That's the push Sal Risalvato, executive director of the [New Jersey Gasoline, C-Store, Automotive Association](#), has been making.

Risalvato, who represents hundreds of independently owned motor fuel retailers across New Jersey, said he's been making the case to Gov. Phil Murphy for weeks that the state must temporarily relax the ban on self-service gasoline.

Risalvato said it would greatly minimize contact between motorists and gas station attendants during fill-ups and payment transactions, potentially helping to slow the virus from spreading.

"A temporary suspension of the laws that prohibit motorists from pumping their own gas would allow motorists to fill their own tanks and take their own hygienic precautions in order to avoid spreading coronavirus," he said.

"This is as simple as providing sanitizing wipes for customers to wipe gas nozzles, which is exactly what grocery stores are doing with shopping carts. It is otherwise impossible for gas attendants and motorists to maintain the 6-foot social distance that is currently required."

Risalvato said he has sent three emails, three texts and two formal letters each to three senior staff members of Murphy's administration since March 15, a week after Murphy declared a state of emergency and public health emergency.

It's mostly fallen on deaf ears, Risalvato said.

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Officials in the Murphy administration did not offer a comment on the issue Monday.

Murphy's only public response to relaxing the ban thus far came March 30, two days after Oregon — the only other state that bans public pumping of gas — relaxed its ban.

"We've given no thought to changing that for the time being," he said during his daily briefing.

Later, he tweeted:

PLEASE NOTE: We have no plans to turn our gas stations into self-serve at this time.

Please DO NOT pump your own gas.

Prohibiting motorists from pumping their own gas has been a longtime characteristic of the state — in place since 1949, when the Retail Gasoline Dispensing Safety Act and Regulations was enacted. It was created because station owners were worried that self-service pumps would take away business; that disallowing motorists from pumping their own gas would enable them to charge more at the pump; and because of the fire hazards directly associated with dispensing fuel.

Politicians, fearing political backlash, have run from the issue for decades.

Murphy has said it's a New Jersey thing. Former Gov. Chris Christie said it's something he doesn't see changing.

And, in 2015 — the last time a proposal to lift the ban was introduced — state Senate President Steve Sweeney (D-West Deptford) said it had no chance of passing.

"I will oppose any attempt to rescind the law that has effectively served the best interests of the state's motorists for decades," he said.

Risalvato said those feelings don't take into account the current pandemic. More so, he describes the law's absurdity by pointing out that drivers operating vehicles using diesel gas are allowed to pump their own fuel — because the state views gasoline and diesel differently.

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The request to relax rules on pumping gas has nothing to do with eliminating jobs, proponents said. After all, many gas stations jobs already have been cut back due not only to the drop in demand — but also to an unwillingness of attendants to work.

That's what Kashmir Gill has found. Gill operates 65 service stations statewide. He said his 650-person workforce has dwindled to fewer than 200 in six weeks, as attendants have decided they'd rather not face the public because of the risk.

Gill owns or operates Sunoco, BP, ExxonMobil and Phillips 66 stations, but said he is concerned when he hears that three stations in Central Jersey have closed (some just temporarily) in the past month after learning that an attendant contracted the virus.

Gill said he has had to reduce hours at many of his locations — and worries how doing so impacts the people who need gas the most: essential workers.

“Due to staffing and demand, many of our 24-hour stations have been reduced to 14-hour workdays, and 90% of our BP stations are closed at night,” Gill said. “You have all of these essential workers — front-line hospital workers — working crazy hours, including at night. They need to be able to put gas in their vehicles.”

Gill said relaxing the rules on pumping gas would make it easier for him to stay open. Even more, he said, it would give gas station attendants the same added protection that has been given to others serving the community during the crisis.

“We're doing everything we can to reach out to the governor to have him relax the self-serve ban,” Gill said. “He's done so much to protect these health-care workers — and they are heroes — and so are grocery clerks and other essential employees serving the community — but what about gas station attendants? They can't just stand 6 feet away from the customers, but they have no choice and little protection.”

Even more, Risalvato has said the gas station owners have pledged that they will not furlough any employees if the governor relaxes the rules.

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Alberto Baragan works as an attendant at a BP station in Dover. COVID-19 is personal for him. Baragan said he's lost a cousin to the virus and has a sister, 38, who is ill and has been hospitalized.

“I've got to start thinking about what's important: Taking care of my family,” he said. “With my job, I have to be face-to-face with customers, but I try to stand apart.”

It doesn't always help. Baragan said customers don't take distancing as seriously as he does.

“They make jokes about it all,” he said. “And, when I step back away from them, they give me the look of ‘What, you think something's wrong with me?’”

Arata said he sees firsthand every day the struggle to maintain proper distance while serving customers.

“People will get out of their cars and do it themselves — anything to avoid a transaction,” he said. “Others won't leave their cars at all and use hand signals. If they are paying with

cash, they will slip a \$20 bill in their window, roll the window closed, then wait for the attendant to arrive before cracking the window just enough to free the dollar bill so the attendant can grab it.”

Arata says everyone should be concerned.

“There’s a lot of risk,” he said. “I’ve got to worry about my employees. If any of them get sick, I’m going to flip the switch and shut my station down.”

One of his attendants is a 61-year-old man, a demographic profile considered a prime candidate to contract COVID-19. Arata said the man can’t afford to stay home.

“Most of these attendants need to come to work,” he said. “They are living paycheck to paycheck; there aren’t a lot of other jobs out there for a person with his background and work experience.”

Arata said his station is going through boxes of Latex gloves and hand sanitizer, the remnants you can usually see strewn on the ground near the pumps.

“I’d buy masks and full equipment for my employees, but I can’t,” Arata said. “There is none available.”

Gill said his service stations that include convenience stores have hung a plastic sheet shield between the cash register and customer. They have halted lottery ticket sales and coffee sales.

“That’s what we can do to play our part,” Gill says. “But, then, you look at our customers, and 90% of them aren’t wearing any mask at all.”

Arata stressed masks are just one part of the problem.

“When you think about it, we’re breaking Murphy’s law every day — the one about staying 6 feet apart from one another,” he said. “But you know, you can’t pump gas from 6 feet away.”