

UNITED FOOD and COMMERCIAL WORKERS UNIONS and EMPLOYERS PENSION FUND
1800 PHOENIX BOULEVARD, SUITE 310
ATLANTA, GEORGIA 30349-5559

January 19, 2010

Pension Benefit Guaranty Corporation
Multiemployer Program Division
1200 K Street NW, Suite 930
Washington, DC 20005

US Department of Labor
Employee Benefit Security Administration
Public Disclosure Room N-1513
200 Constitution Avenue NW
Washington, DC 20210

As required, we have enclosed the 2010 Critical Status Notice as provided to all Plan Participants.

If you need anything further or have any questions, please let me know.

Respectfully,



Dennis A. Nast
Administrator

DAN/cb

**Notice of Critical Status
for
United Food and Commercial Workers
Unions and Employers Pension Plan**

This is to inform you that on January 5, 2010 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the United Food and Commercial Workers Unions and Employers Pension Plan (the "Plan") is in critical status for the plan year beginning January 1, 2010. Federal law requires that you receive this notice.

Critical Status

The Plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that the Plan is projected to have an accumulated funding deficiency for the plan year ending December 31, 2011, which is within the current plan year or the next three succeeding plan years.

Rehabilitation Plan and Possibility of Reduction in Benefits

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the trustees of the Plan determine that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of adjustable benefits will not reduce the level of a participant's basic benefit payable at normal retirement accrued to date. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is after February 1, 2010. But you should know that whether or not the Plan reduces adjustable benefits in the future, after February 1, 2010, the Plan is not permitted to pay lump sum benefits or any other payment in excess of the monthly amount paid under a single life annuity (such as a Social Security level income annuity) while it is in critical status. Benefits already in payment status on or before February 1, 2010 will not be affected.

Adjustable Benefits

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the Plan may adopt:

- Disability benefits (if not yet in pay status);
- Early retirement benefits or retirement-type subsidies;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Pre-retirement death benefit subsidies

Note that the Trustees intend to propose a rehabilitation plan that, if adopted by the employer, will avoid any changes in the disability or pre-retirement death benefits at this time.

Employer Surcharge

The law requires that all contributing employers pay to the Plan a surcharge to help correct the Plan's financial situation. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the Plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year and a 10% surcharge is applicable for each succeeding plan year thereafter in which the Plan is in critical status. The surcharge terminates when the employer agrees to the obligation imposed upon employers in the rehabilitation plan adopted by the Trustees.

Where to Get More Information

For more information about this notice, you may contact: the Board of Trustees of the United Food and Commercial Workers Unions and Employers Pension Plan at 1800 Phoenix Boulevard, Suite 310, Atlanta, Georgia 30349-5559 or (800) 241-7701. You have a right to receive a copy of the rehabilitation plan (once adopted) from the Plan.