

March 5, 2018

ATTN: RIN 1210-AB85
Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655, U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

The Consumer Technology Association (CTA)™ appreciates the opportunity to submit comments on the proposed regulation under Title I of the Employee Retirement Income Security Act (ERISA) that would broaden the criteria under ERISA section 3(5) for determining when employers may join together in an employer group or association that is treated as the “employer” sponsor of a single multiple-employer “employee welfare benefit plan” and “group health plan” as those terms are defined in Title I of ERISA.

CTA is the trade association representing the \$321 billion U.S. consumer technology industry, which supports more than 15 million U.S. jobs. More than 2,200 companies – 80 percent are small businesses and startups with the remaining 20 percent being among the world’s best known brands – enjoy the benefits of CTA membership including policy advocacy, market research, technical education, industry promotion, standards development, and the fostering of business and strategic relationships. CTA also owns and produces CES® – the world’s gathering place for all who thrive on the business of consumer technologies. Profits from CES are reinvested into CTA’s industry services.

CTA is submitting comments in support of the proposed regulation because we believe that Association Health Plans (AHPs) can provide better benefits at lower costs for more American employees, particularly those who work for small businesses. While CTA agrees with the structure of AHPs to include the ability for these plans to cross state lines, we suggest that further consideration be given to how this will impact non-AHP plans. Care should be taken to examine the potential impact of having a smaller pool in the book of business used in states used to determine premiums. For instance if an AHP pulls a significant population of insured individuals from a certain state and the state is left with a higher ratio of high risk individuals, non-AHP plan premiums could rise significantly as a result.

As a member of the American Society of Association Executives (ASAE), CTA has thoroughly reviewed ASAE’s comments submitted on February 8, 2018. CTA supports ASAE’s comments and recommendations.

CTA thanks the Department of Labor for this opportunity to comment on the ERISA and appreciates the department’s time and consideration of the crucial issue of developing new methods to provide all US employees access to affordable health care. We would be happy to discuss our comments with you, and we look forward to working with you.