



Anne J. Zeisler
Executive Director

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VIA ELECTRONIC FILING

Office of Regulations and Interpretations
Employee Benefits Security Administration
Attention: Electronic Disclosure by Employee Benefit Plans, RIN 1210-AB90
Room N-5655
U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210

Re: The IATSE National Health & Welfare Fund's Comments on Proposed Regulations Regarding Electronic Disclosure by Employee Benefit Plans

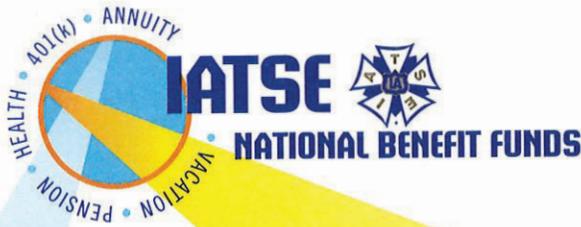
To Whom it May Concern:

The IATSE National Health & Welfare Fund ("IATSE Health Fund") respectfully submits these comments on the Department's proposed regulation regarding electronic disclosure by employee benefit plans. The proposed regulation was published in the *Federal Register* on October 23, 2019 (RIN 1210-AB90). The purpose of this letter is to encourage the Department to expand the proposed regulation to cover disclosures from employee welfare benefit plans.

By way of background, the IATSE Health Fund is a multiemployer health plan covering over 31,000 participants and almost 50,000 lives (participants, spouses, and children). The IATSE Health Fund covers individuals engaged in various aspects of behind the scenes production work in the entertainment industry, including motion picture, television, live theater, award shows, exhibition and trade shows, symphonies, ballet, sports networks, local television stations, and amusement parks. These individuals often work on different locations and on irregular schedules.

In order to make information to participants in a convenient manner, the IATSE Health Fund has a website with public information available 24/7, including Summary Plan Descriptions, forms, Summaries of Benefits and Coverage, and other benefit descriptions and information. The website also includes information about the affiliated IATSE National Pension, Annuity and Vacation Funds (together with the IATSE Health Fund, the "Funds"). The website also has a secure participant portal that participants can register for and obtain specific information about their eligibility and benefits. More than 37,000 of the Funds' participants have registered with the secure participant portal. In just the two-month period from June 26 to August 21, 2019, the Funds' website recorded 34,989 login sessions, 17,054 unique visits, and 144,991-page views. Although these statistics cover all of the Funds, certainly a significant portion related to the IATSE Health Fund.

In recent years, the Funds' Participant Services Center ("Services Center") established a dedicated email address to allow participants to communicate electronically with the Funds' Office. In the 12-month



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period ended July 31, 2019, the Services Center received 15,000 email inquiries (and approximately 38,000 calls and voicemail messages).

While Plan participants regularly communicate electronically using computers and mobile devices in their daily lives, given the nature of their work, they do not typically access documents at specific locations, and accessing the Funds' electronic information system is not an integral part of their employment duties. Thus, the IATSE Health Fund can only make limited use of the existing safe harbor for electronic disclosure under the Employee Retirement and Income Security Act of 1974, as amended ("ERISA").

The IATSE National Health Fund agrees with the Department's analysis that an additional safe harbor is advisable to facilitate electronic disclosure of those documents required to be provided to participants, beneficiaries, and other individuals entitled to such documents ("Covered Individuals") under ERISA. Accordingly, the IATSE Health Fund supports reasonable regulations that would do so. A plan administrator's ability to satisfy ERISA's disclosure requirements by providing electronic access or delivery of required documents, other than to those Covered Individuals who affirmatively elect to receive physical copies, would significantly reduce costs and the administrative burden of mailing physical copies on a large scale. Moreover, given the pervasive availability of, and access to, electronic communication platforms, the IATSE Health Fund believes that electronic access or delivery is reasonably calculated to ensure actual receipt of the information in the required disclosures.

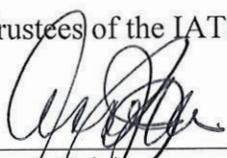
In addition, the IATSE Health Fund strongly believes that the considerations described above apply to ERISA-covered employee welfare benefit plans no less than they do to retirement plans. Accordingly, the IATSE Health Fund encourages the Department to expand upon the proposed regulation so that the final regulation applies the same type of safe harbor to employee welfare benefit plans, and to coordinate with the Treasury Department and Department of Health and Human Services where applicable. This will promote efficient administration and allow welfare plans to use more of their assets to provide benefits, a critical issue in light of the rising cost of healthcare.

The IATSE Health Fund thanks the Department for the opportunity to provide these comments, and respectfully requests that the Department take them into consideration before finalizing the proposed regulation.

Sincerely,

Board of Trustees of the IATSE Health Fund

By:



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