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November 20, 2019

EXEC. SECRETARIAT
OSEC-DOL
DEPT. OF LABOR
WASH. D.C. 20210

The Honorable Eugene Scalia
Secretary
United States Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210-0002

Dear Mr. Secretary:

EMA writes in opposition to the proposed rule published on October 23, 2019 identified as RIN Number 1210-AB90, Federal Register Number 2019-22901.

The stated objective of the proposed rule is to, "significantly reduce the costs and burden associated with furnishing many of the recurring and costly ERISA disclosures." This fails to consider the digital access divide that remains a very real challenge for many Americans—particularly seniors and residents of rural and remote areas. Many geographic regions still lack reliable broadband and cannot depend on web-based communications. More than 23 percent of this nation’s citizens lack reliable internet access, and a smart phone is not an option for them.

Our nation has a retirement savings crisis, and nothing this rule proposes will help alleviate that crisis. In fact, as citizens search for Internet access to meet the requirements of this proposed rule, it will be more difficult for seniors and those who are in poverty to prepare to meet the requirements of this rule..

We fail to understand the rationale for moving forward with the proposed rule-making. Nothing is stopping current plan beneficiaries from opting into e-delivery of disclosures under current law. There is nothing stopping plan administrators from public outreach, education, and recommendation that plan participants forego paper delivery. However, if you take away access without choice, you present a much more difficult future to those senior citizens and people who do not have access to the needed tools.

We urge you to take time, put controls into the law that allow for access of all ages and socio economic groups, and reconsider your proposed rule.

Sincerely yours,

Maynard H. Benjamin
President and CEO