

U.S. Department of Labor

Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers'
Compensation
Washington, D.C. 20210



January 13, 2015

INDUSTRY NOTICE No. 149

TO: ALL AUTHORIZED CARRIERS REPORTING WORKERS' COMPENSATION POLICIES COVERING EXPOSURES UNDER THE DEFENSE BASE ACT, AND OTHER INTERESTED PERSONS

SUBJECT: ELECTRONIC REPORTING OF ISSUANCE OF POLICIES AND ENDORSEMENTS AND NOTICE OF CANCELLATIONS OF POLICIES PROVIDING COVERAGE UNDER THE DEFENSE BASE ACT, AN EXTENSION OF LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT

Authorized carriers are required to report the issuance of policies and endorsements under the Longshore and Harbor Workers' Compensation Act and its extensions, including the Defense Base Act (DBA), to the Department of Labor's Office of Workers' Compensation Programs (OWCP). 20 CFR § 703.116. The current manner of submission of these reports with respect to DBA employers is by mailing a paper, signed original DOL Form LS-570 to the District Director, OWCP and/or submitting a monthly list in Microsoft Excel format to the National Office.

In addition, carriers are prohibited from cancelling a policy of insurance under the Longshore and Harbor Workers' Compensation Act and its extensions prior to the expiration date specified in the policy unless the carrier satisfies the notice requirements under the Act and regulations. 33 U.S.C. § 936(b); 20 C.F.R. § 703.114. To cancel an insurance policy prior to its specified expiration date, the carrier must provide both the insured and the District Director with 30 days advance notice of the proposed cancellation.

It is our intention to eventually phase out hard-copy reporting to OWCP of policy issuance, endorsement, cancellation and renewal information and replace it with electronic data interchange (EDI) to the national office of OWCP's Division of Longshore and Harbor Workers' Compensation (DLHWC). *See Industry Notice #138 issued January 3, 2012.* DLHWC has been using the EDI method for Longshore policy data for the last few years. However, DBA policy data has not been included in these transmissions.

We have authorized the National Council on Compensation Insurance, Inc. (NCCI) to act on the DBA carriers' behalf to collect, translate and electronically transmit reports of DBA policy issuance, endorsement, and notices of cancellation, in approved format for EDI transmission to DLHWC. Carriers who submit Defense Base Act insurance policy data to DLHWC through NCCI are not required to report policy issuance and endorsements to the District Director using [Form LS-570](#), nor will it be necessary to send policy information to the National Office directly.

PLEASE NOTE that with respect to notice of cancellation, electronic submission through EDI transmission from NCCI to DLHWC does not eliminate the requirements under the Act and regulations for 30 days advance written notice to the insured of an intended policy

cancellation. To cancel an insurance policy prior to its specified expiration date, the carrier must provide both the insured and the District Director with 30 days advance notice. Notice to the District Director of cancellation may be satisfied by EDI data transmittal from NCCI to DLHWC. The date indicated in the electronic data field "Cancellation Mailed to Insured Date" will be considered the date of notice to the District Director. However, notice to the *Insured* of cancellation must be delivered to the insured or be sent by mail.

We emphasize that each authorized DBA Carrier acts on its own behalf to submit this information by electronic means. The Carriers and NCCI are not under contract with the US Department of Labor. Please direct any technical questions to NCCI.

If you have any questions relating to this notice, please contact Richard Stanton at 202-354-9631 or stanton.richard@dol.gov. Thank you for your cooperation.

ANTONIO RIOS
Director, Division of
Longshore and Harbor
Workers' Compensation