



AMERICAN BENEFITS  
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# NEWS RELEASE

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## Council urges DOL to allow more flexibility of required benefit plan disclosures, expanded electronic delivery

WASHINGTON, D.C. – In [testimony before the U.S. Department of Labor’s ERISA Advisory Council today](#), the American Benefits Council identified a set of principles for evaluating the many health and retirement benefit plan disclosures currently required under the law.

David Kritz, a general attorney specializing in employee benefits with Norfolk Southern Corporation, testified on behalf of the American Benefits Council and cited the following criteria:

- **Flexibility**, particularly regarding the form and delivery of disclosures, will help plan sponsors communicate effectively with participants, although model language (where appropriate) can help ensure that plan sponsors have met the regulatory requirements.
- **Effective electronic disclosure** can provide needed information to plan participants and beneficiaries in a form that is easily accessible, searchable, low in cost and available around the clock while still meeting statutory notice requirements.
- While there are certain pieces of information that we want to be sure are provided to all participants, we should encourage **innovative voluntary communications** that supplement or complement mandated disclosures.
- The goal with mandated disclosure should be to **simplify and streamline** – not to pile on.

- **Avoid litigation risks.** If changes are made to the disclosure regime, it is critical that plan sponsors have comfort that they can provide disclosures in a way that is not subject to second-guessing.
- **Avoid unnecessary costs,** which are almost always passed on to participants (directly or indirectly) and can eat into Americans' retirement savings.

"We support the goal of identifying workable solutions that will result both meaningful relief to plans and employer plan sponsors and improve the utility and access of such disclosures for plan participants," Kritz concluded.

For more information on retirement policy matters, or to arrange an interview with Council staff, contact Jason Hammersla, Council senior director of communications, at [jhammersla@abcstaff.org](mailto:jhammersla@abcstaff.org) or by phone at 202-289-6700 (office) or (202) 422-4652 (cell).