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September 21, 2026

Keith Sonderling
Acting Secretary
Office of the Secretary
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: Electronic Disclosure by Group Health Plans Under ERISA
RIN 1210-AC35 29 CFR Parts 2520 and 2560

Dear Acting Secretary Sonderling:

On behalf of the consumers, nonprofits, newspapers, greeting card publishers, magazines, catalogs, and small businesses we represent, Keep US Posted respectfully urges the Department of Labor ("DOL") to reject the proposed rule, "Electronic Disclosure by Group Health Plans Under ERISA," and preserve existing disclosure protections and require affirmative consent before switching participants who rely on paper to electronic delivery.

While the proposed rule projects $400 million in annual savings for health plans, it shifts the cost onto participants by making access to coverage information even more complex. Digital access should expand participants' options, not require additional steps to retain their preferred delivery method. Using an online portal is not permission to stop paper delivery, and silence is not an expression of preference. Switching participants to electronic delivery should require their affirmative consent, especially when they face unreliable internet access, cybersecurity threats, or dependence on caregivers.

DOL's responsibility to workers extends beyond health benefits to their livelihoods, which could be negatively impacted by the proposed rule. The proposed rule would greatly reduce postal revenue — straining the Postal Service's struggling finances and pressuring an industry that supports nearly 8 million jobs. The DOL should weigh savings for health plans against the consequences for workers, families, and businesses nationwide.

The Proposed Rule Favors Industry

While the DOL estimates the proposal will save health plans $402 million annually, the true measure is how much of the savings would reach participants. The DOL's mission includes protecting workers' benefits and rights, but making health plan disclosures more difficult to access would undermine the protections the DOL is responsible for upholding. The proposed rule would negatively impact participants who continue to rely on paper or even simply want to receive disclosures via mail in addition to electronically. The DOL should not count inaction as evidence that a default switch serves anyone. Participants who take no action may still prefer paper, and remaining enrolled in electronic delivery does not establish that the change serves their needs.

Digital tools can help people who choose them without shifting the burden to those who rely on paper or prefer to have access to both mailed and digital information. Savings for health plans should not come at the expense of dependable access to essential disclosures. Participants deserve reliable access to the information they need to understand their health benefits and exercise their rights. The DOL should evaluate delivery requirements according to whether they provide dependable access to disclosures, including for participants who desire or depend on paper copies.

Silence does not confirm consent or establish that a participant saw a notice, understood it, and can reliably use electronic delivery. Providing an email address for employment or plan administration should not be treated as a choice to stop receiving paper disclosures. A missed disclosure can leave participants unaware of coverage changes, claim denials, or appeal rights. Participants should not have to discover a missed notice while trying to resolve a medical bill or obtain care. The DOL should identify what shortcomings in voluntary enrollment require a default change, and compare whether recipients find, understand, and retain disclosures under each approach. Delivery rates and low opt-out rates cannot establish those outcomes. Failure to opt out may instead reflect inattention, confusion, or difficulty changing an existing delivery preference.

Do Not Assume Access to, or Comfort with, Technology

The DOL should not act on the assumption that a widely adopted technology is available to every participant. The "Digital Divide" is still wide, and even if the gap is closing, disparity still exists both in access and adoption. About 19 million seniors — about 32 percent of American adults age 65 and older — lack broadband internet service at home, and 78 percent own a smartphone — leaving 22 percent without one.[1] While that figure does not mean everyone without a smartphone lacks internet access, it's also critical to note that the same survey also reports that 16 percent of U.S. adults own a smartphone but do not have home broadband service.[2] In addition, the FCC's latest telecommunications assessment found that approximately 13 percent of rural residents and 12 percent of people on Tribal lands still lack access to fixed terrestrial broadband at 100 Mbps download and 20 Mbps upload.[3]

In addition to access or adoption of technology, the DOL should also account for unpaid help that families may provide. Checking emails, recovering passwords, and locating disclosures can consume caregivers' time and compromise a participant's independence. People without trusted assistance may face even greater difficulty.

Address Fraud Risks

The DOL should consider the existing prevalence of cyber-fraud, phishing, and impersonation before making electronic delivery the default for participant disclosures. The FBI recorded more than 191,500 phishing and spoofing complaints — making it the most frequently reported complaint category overall. Adults age 60 and older submitted 48,064 of those complaints. Reported losses across all age groups exceeded $215 million.[4] Even the FBI's complaint center has been frequently impersonated,

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[1] AARP: Aging Connected 2025.
[2] Pew Research Center: "Mobile Fact Sheet," November 2025.
[3] Federal Communications Commission: "Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion," August 2026.
[4] FBI Internet Crime Complaint Center: "Internet Crime Report," 2025.

with the agency warning in July that criminals use fraudulent websites and AI-generated videos to pose as IC3 representatives to exploit previous fraud victims by offering assistance.[5]

Although these findings do not establish that electronic disclosures cause fraud, they underscore the need to evaluate how default electronic delivery could complicate participants' efforts to distinguish legitimate notices from scams — and could open the door to give scammers more perceived legitimacy if they pose as health plan administrators. Either way, an email announcing an available health plan document may resemble a phishing attempt. Participants should not have to face cybersecurity risks to obtain essential disclosures, especially when FTC guidance advises people not to click links or download attachments in unexpected messages.[6]

The DOL should preserve paper delivery unless participants affirmatively choose electronic delivery. The proposal requires action when an electronic address fails, but a valid address does not establish that someone read or understood a notice. The DOL should evaluate missed notices and barriers to obtaining disclosures, not merely whether a message was delivered. Any electronic-delivery system should offer secure access through a known website, usable account recovery, and prompt paper delivery when access fails.

Protect USPS & The Public Depending on It

Beyond the obvious negative consequences for participants, the proposed rule poses another huge threat to the broader American public with its potential negative impact on USPS. Savings for health plans could come at the cost of greater burdens on participants and broader consequences for the public.

Postmaster General David Steiner predicts the agency could face a cash crisis and financial insolvency by 2031, and according to USPS leadership, the DOL's proposal and the Securities and Exchange Commission's Regulation E-Delivery proposal together could cost USPS up to $3 billion annually at a time when USPS is already cutting costs, including the recent suspension of retiree pension payments. In addition, reduced postal revenue could place additional pressure on USPS and the affordability and reliability of service for households, small businesses, and communities nationwide. The documents allowed to default to e-delivery under the proposed rules are the most profitable products for USPS.

USPS is a vital economic engine as well as a fundamental communications channel. The postal industry generates approximately $1.9 trillion in revenue and supports nearly 8 million jobs.[7] Additional financial pressure on USPS could increase existing pressure for postage increases, which have already climbed nearly 50 percent over the past five years, or service changes — affecting families, nonprofits, newspapers, and small businesses that rely on mail.[8] People who still need paper disclosures could face a second disadvantage if the network delivering those disclosures becomes less affordable or dependable. The proposed rule would impair the viability of USPS and hurt the economy. Delivering fewer documents does not reduce the cost of maintaining that network by an

[5] FBI Alert Number I-072026-PSA, July 2026.

[6] Federal Trade Commission, Protect yourself from phishing scams, April 2025.

[7] U.S. Postal Service: "Postmaster General David Steiner Highlights USPS Progress, Growth Strategy and Foundational Role in American Commerce," May 2026.

[8] U.S. Postal Service: Rates for Domestic Letters Since 1863.

equivalent amount, especially since USPS is the only courier that can — or will — deliver to every address, no matter how rural or remote.

We urge the DOL to examine its underlying assumptions through consultation with USPS and the Postal Regulatory Commission to thoroughly understand the impact of the proposed rule. The connection between postal finances and equitable access deserves explicit consideration in the DOL's public interest analysis.

Retain Paper Delivery to Maintain Consumer Protections

The DOL should retain existing disclosure protections and preserve affirmative consent for participants who rely on paper in consideration of the unintended consequences for plan participants. The proposed rule could undermine access to essential health plan information and hurt the interests of plan participants — as well as USPS and the U.S. economy. Making e-delivery the default should require participants' informed permission — not merely their failure to object. Participants should retain control over how they receive essential health plan disclosures.

We therefore ask the DOL to abandon the Proposed Rule in its current form and require affirmative consent before switching participants who rely on paper to electronic delivery. Any reconsideration should be informed by further research into whether participants can reliably obtain, understand, and act on disclosures under the proposed approach. The DOL should take no final action before assessing the financial burdens that a change in default delivery could impose on millions of participants.

We urge the DOL to preserve access and affirmative choice, protect equitable participation, and account for the cumulative harm that the proposed rule could cause USPS and the communities it serves. We thank the DOL for considering our comments and would welcome the opportunity to discuss these concerns further.

Respectfully submitted,
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