July 18, 2011 by [Michelle Capezza](#)

Department of Labor's EBSA Provides Extension to Applicability Dates for Retirement Plan Fee Disclosures

On July 13, 2011, the U.S. Department of Labor's Employee Benefits Security Administration issued a final regulation under ERISA to extend and align the applicability dates for retirement plan fee disclosure rules (i.e., the service provider fee and conflicts of interest disclosures to plan fiduciaries as well as the participant-level fee disclosures). The service provider disclosures may now be provided no later than April 1, 2012 (an extension from January 1, 2012 as indicated in prior guidance). There may also be additional guidance before the end of this year as to what those disclosures must include but the Department of Labor has indicated that any changes to last year's interim final regulations pertaining to these disclosures should not require additional compliance time or another extension. In addition, the new guidance provides that the initial participant-level fee disclosures can be provided after the effective date of the service provider disclosures (no later than May 31, 2012 for a calendar year plan). This provides an extra month to comply with these rules. Further, the initial quarterly statements can now be provided by August 14, 2012 (an extension of three months from the last issued guidance). These extensions will hopefully afford plan sponsors and administrators the requisite additional time for compliance with and coordination of responsibilities with respect to these two requirements.

It is worth repeating that plan sponsors and fiduciaries of 401(k) plans and pension plans will need to evaluate the reasonableness of the service provider fee disclosures that they will receive and be prepared to terminate contracts/arrangements with service providers that do not comply with the rules. In addition, fiduciaries of 401(k) plans will need to be prepared to organize and distribute the participant-level fee disclosures in accordance with the requirements of those rules.