

DOL Announces Temporary Non-Enforcement Policy Concerning the Paper Delivery of Benefit Statements

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PRACTICES Employee Benefits and Executive Compensation

The DOL issued Field Assistance Bulletin No. 2026-02 (the “**FAB**”) announcing an ERISA non-enforcement policy (the “**Non-Enforcement Policy**”) with respect to the SECURE 2.0 Act requirement that retirement plan sponsors furnish participants paper benefit statements summarizing the participant’s total accrued plan benefits. As background, defined contribution plan sponsors must provide at least one paper benefit statement each calendar year and defined benefit plan sponsors must provide a paper benefit statement at least once every three years.

As we previously reported [here](#), the DOL issued a proposed amended retirement plan electronic disclosure regulation providing that plan sponsors may generally avoid this paper delivery requirement (i) by providing a one-time initial paper notification informing participants of their right to request paper copies of all ERISA plan documents and the ability to opt out of electronic distributions; or (ii) if the participant affirmatively opts out of receiving paper benefit statements (the “**DOL Proposal**”).

The DOL explained that it established the Non-Enforcement Policy in light of recent inquiries by plan sponsors regarding compliance with the paper benefit statement requirement and the absence of final electronic disclosure regulations. The Non-Enforcement Policy provides that, until the DOL issues additional guidance, the DOL will not take any enforcement action against plan sponsors that comply in good faith with a reasonable interpretation of the DOL Proposal and the SECURE 2.0 Act benefit statement delivery requirement.

The FAB is available [here](#).