

December 21, 2018

United States Department of Labor
Employee Benefits Security Administration
Office of Regulations and Interpretations
Room N-5655
200 Constitution Ave NW
Washington, DC 20210

Submitted via www.regulations.gov

Re: NAMA Comments on Proposed Rule: Definition of Employer—MEPs RIN 1210-AB88.

Dear Sir or Madam:

The National Automatic Merchandising Association (NAMA) appreciates the opportunity to submit comments in response to the Employee Benefits Security Administration's advance notice of proposed rulemaking pertaining to Association Retirement Plans.

Founded in 1936, the National Automatic Merchandising Association (NAMA) is the association representing the \$25 billion U.S. convenience services industry, with its core membership being comprised of owners and operators of vending machine companies. With nearly 1,000-member companies – including many of the world's most recognized brands – NAMA provides advocacy, education and research for its membership.

The convenience services industry employs over 150,000 Americans -- the majority employed by small business -- contributing a total economic impact of over \$25 billion to the U.S. economy.

NAMA applauds EBSA's proposal to expand access to affordable quality retirement savings options by clarifying the circumstances under which an employer group, association or a professional employer organization (PEO) may sponsor a workplace retirement plan. This rule would be a welcome expansion to the retirement savings of small business employees by allowing employers to offer a multiple employer plan (MEP) via a trade association or business group.

Many NAMA members are small business owners who may want to give their employees retirement plans, but simply do not have the resources to sponsor a plan on their own. The proposed rule would provide opportunities for retirement savings for millions of hard-working Americans in not just our convenience services industry, but in any industry that relies heavily on the success of small businesses.

As a trade association that would consider sponsoring an Association Retirement Plan (ARP), NAMA believes that our members shared "commonality of interest" in the vending and convenience services industry would qualify NAMA as eligible to sponsor an ARP. However, a narrow reading of the commonality of interest test could erroneously exclude associations like NAMA because many NAMA members are from allied industries like vending machine manufacturers, suppliers and operators. Therefore, we urge the DOL to not adopt a narrow reading of the commonality of interest test to include the many trade associations like NAMA that have a common purpose between employer members.

Finally, as one of many national organizations that would consider sponsoring an ARP, NAMA encourages EBSA to be mindful of state-level requirements that would impede implementation of ARPs across multiple states.

We appreciate your consideration of these comments and welcome the opportunity to discuss this issue further.

Sincerely,



Eric Dell, JD, MBA
Senior Vice President, External Affairs