

# DOL Advisory Opinion Concludes That Farm Bureau Federation Health Plan Would Be a Single ERISA Plan and a MEWA

**EBIA Weekly (May 14, 2026)**

*DOL Advisory Opinion 2026-01A (May 1, 2026); DOL/EBSA News Release, US Department of Labor Issues Advisory Opinion on Idaho Farm Bureau Federation's Proposed Group Health Insurance Plan (May 4, 2026)*

[Advisory Opinion](#)

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The DOL has issued an advisory opinion addressing whether a proposed health plan sponsored by a statewide federation of county farm bureaus would qualify as an employee welfare benefit plan maintained by a bona fide group or association of employers under ERISA § 3(5), and whether the plan would be a multiple employer welfare arrangement (MEWA) under ERISA § 3(40). The federation, a long-standing nonprofit corporation, represents thousands of farmers, ranchers, and landowners in the state and develops agricultural policy, offers cooperative marketing and distribution, and provides scholarships and advocacy for the state's agricultural community. The federation intends to set up an employer consortium and a fully insured group health plan, allowing eligible member employers with at least two full-time workers to offer health coverage to their employees. A benefits committee, elected by and composed solely of employees of participating employers, would serve as plan fiduciary and administrator, and participating employers would retain authority to nominate, elect, and remove benefits committee members.

The DOL evaluated whether this arrangement would constitute a bona fide group or association of employers for purposes of ERISA, applying the facts-and-circumstances analysis it has used in prior advisory opinions addressing this topic. Under that framework, participating employers must share a commonality of interest and a genuine organizational relationship unrelated to the provision of benefits, and must exercise control over the plan both in form and in substance. The DOL concluded that the federation was not created solely to provide insurance, participation in the consortium and plan would be limited to employer members, and participating employers have a long history of working together to advance state agricultural interests. Control over the consortium and the plan is to be vested solely in the participating employers through their authority to elect and remove benefits committee members. Accordingly, the DOL concluded that the participating employers would, at least in form, constitute a bona fide group or association of employers, and the plan would constitute an employee welfare benefit plan. The DOL noted that whether the participating employers exercise control in substance is an inherently factual issue on which it will not rule. The DOL also noted that, as an arrangement established or maintained to provide welfare benefits to employees of two or more employers, the plan would be a MEWA.

**EBIA Comment:** Status as a single ERISA plan is significant for several reasons. If a MEWA is not an ERISA plan, each participating employer is treated as maintaining a separate plan potentially subject to ERISA compliance obligations, such as furnishing summary plan descriptions and filing Form 5500s, rather than those requirements applying at the MEWA level. Also, due to ERISA preemption, a MEWA that is an ERISA plan is somewhat less encumbered by state regulation than one that is not an ERISA plan. Keep in mind that advisory opinions may be relied upon only by the parties identified in them, although they do provide valuable insight into the DOL's interpretation of ERISA and DOL regulations. For more information, see EBIA's ERISA Compliance manual at Sections XIX.C ("ERISA Definition of MEWA"), XIX.D ("Is There an ERISA Plan at the MEWA Level or at the Participating Employer Level?"), and XIX.H ("Disclosure Obligations for MEWAs and Participating Employers"). See also EBIA's Cafeteria Plans manual at Section IX.G ("Issues Raised by Employer's Participation in a Multiple Employer Welfare Arrangement (MEWA)").

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