

# DOL Proposes Regulations on Required Paper Delivery of Retirement Benefit Statements

EBIA Weekly (March 5, 2026)

*DOL Proposed Rule: Requirement To Provide Paper Statements in Certain Cases—Amendments to Electronic Disclosure Safe Harbors, 91 Fed. Reg. 9213 (Feb. 25, 2026)*

Available at <https://www.govinfo.gov/content/pkg/FR-2026-02-25/pdf/2026-03723.pdf>

The DOL has proposed regulations implementing the ERISA § 105(a)(2)(E) requirement that at least one benefit statement per calendar year for individual account retirement plans, including 401(k) plans, be furnished on paper. (Defined benefit plans generally must furnish at least one paper statement every three calendar years.) The paper requirement was added by the SECURE 2.0 Act for plan years beginning after December 31, 2025. It does not apply to plans that furnish statements in accordance with the DOL’s 2002 safe harbor for electronic delivery of ERISA-required documents, in cases where a participant or beneficiary has requested electronic delivery of benefit statements and the statements are so delivered, or to one-participant retirement plans.

The proposal would modify both the 2002 safe harbor and the 2020 “notice-and-access” and email safe harbor alternatives. Here are highlights:

- **2002 Safe Harbor.** The 2002 safe harbor would be revised to require, prior to the electronic delivery of any pension benefit statement, the provision of an initial notice, on paper, informing individuals of the right to request that ERISA-required documents be furnished to them on paper. This would apply to participants who first become eligible (and beneficiaries who first become eligible for benefits) after December 31, 2025. Individuals without work-related computer access must already receive an explanatory statement prior to consenting to electronic delivery; the initial notice regarding paper delivery could be furnished in conjunction with that statement if provided on paper.
- **2020 Safe Harbor Alternatives.** Benefit statements required to be furnished on paper under ERISA would be excluded from the definition of “covered document” for purposes of the safe harbor alternatives. Participants and beneficiaries could request that benefit statements be furnished electronically rather than on paper. Each paper benefit statement would have to explain how to request electronic delivery and provide plan contact information, including a phone number. No fee could be charged for delivery of any paper benefit statements; these statements would be carved out from the rule otherwise providing that only one paper copy of a document need be furnished free of charge.

The preamble indicates that, pending the issuance of final regulations, the DOL will not take enforcement action against plan administrators that comply in good faith with a reasonable interpretation of the proposal.

**EBIA Comment:** Given the good faith compliance standard—and the fact that the statutory requirement is already in effect—plan administrators should review the proposal and consider implementing it sooner rather than later, although the requirements may change once finalized. (Comments on the proposed regulations are due by April 27, 2026.) For plans that use the 2002 safe harbor, no action is needed for participants and beneficiaries

who were already eligible as of December 31, 2025. But it may be advisable to review materials provided to newly eligible participants and beneficiaries in those plans and modify them in accordance with the proposal, and to do the same with notices and processes of plans that use the 2020 safe harbor alternatives. Note that the paper delivery requirement applies only to benefit statements, not all ERISA-required materials. For more information, see EBIA's 401(k) Plans manual at Sections XXVI.L ("Quarterly Benefit Statements") and XXVIII.G ("Electronic Delivery of SPDs and Other ERISA-Required Documents").

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