

# New DOL/EBSA Opinion Letter Program Offers a Path to Clarity for Plan Sponsors

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On June 2, 2025, the U.S. Department of Labor (DOL) [announced](#) a significant expansion of its compliance assistance tools by launching an Opinion Letter Program across five key enforcement agencies, including the Employee Benefits Security Administration (EBSA). This initiative aims to provide employers, plan sponsors, and other stakeholders with clear, tailored guidance on complex issues related to employee benefit plans.

Deputy Secretary of Labor Keith Sonderling emphasized the importance of this program, stating,

“Opinion letters are an important tool in ensuring workers and businesses alike have access to clear, practical guidance.”

## Understanding the EBSA’s Role

The EBSA is responsible for enforcing the Employee Retirement Income Security Act (ERISA), which governs private-sector retirement and health plans. Under the new program, EBSA will issue [two types of opinion letters](#):

- **Advisory Opinions:** These apply the law to specific factual situations presented by requesters. Note that the EBSA will not issue an advisory opinion with respect to a matter that is the subject of investigation or litigation at the time the request is submitted.
- **Information Letters:** These provide general interpretations of the law without applying it to specific facts.

This dual approach allows EBSA to address both specific inquiries and broader issues affecting multiple stakeholders.

*Exercise caution.* Opinion letters have certain limitations in their application as outlined in [ERISA Procedure 76-1](#). In the case of advisory opinions, the opinion assumes that all material facts and representations set forth in the request are accurate, and the opinion applies only to the situation described therein. Your particular circumstances may be different enough to warrant a different

result. Additionally, only the parties described in the request for opinion may rely on the opinion, and they may rely on the opinion only to the extent that the request fully and accurately contains all the material facts and representations necessary to issuance of the opinion. Information letters, on the other hand, are informational only and not binding on the department. So, again, while opinion letters may be helpful, plan sponsors should consult with counsel or other ERISA experts to assess a particular opinion's application to the circumstances at issue.

## Why This Matters for Plan Sponsors?

Navigating the complexities of ERISA compliance can be challenging. The new Opinion Letter Program offers several benefits:

- **Clarity, Consistency, and Transparency:** Obtain guidance, at least from the agency's perspective, on complex issues, reducing uncertainty.
- **Compliance Assistance:** Having greater opportunity to seek and access opinion letters will help to ensure that plan administration will align with current interpretations of the law.
- **Risk Mitigation:** The ability to address plan design and compliance issues proactively can potentially avoid costly corrective measures and penalties.

## Common Issues Addressed

Plan sponsors often face recurring challenges where guidance has been limited or ambiguous. The Opinion Letter Program potentially can provide clarity on issues such as:

- **Locating Missing Participants:** Strategies for finding former employees to distribute 401(k) benefits.
- **Cybersecurity Measures:** Implementing appropriate safeguards for plan data.
- **Plan Terminations:** Proper procedures for winding down plans and distributing assets.
- **Fiduciary Responsibilities:** Clarifying the extent of fiduciary duties in various scenarios.

## Finding and Applying Opinion Letters

EBSA maintains a database of prior opinion letters. The [EBSA's Resource Center for Advisory Opinions](#), provides a tool for searching available opinion letters by year and regulatory reference.

## How to Request an Opinion Letter

Anyone can request an opinion letter, including workers, employers, employment associations, lawyers, human resource professionals, unions and industry leaders. To request an opinion letter, the requesting party or their representatives should submit a detailed inquiry to EBSA, outlining the specific facts and questions for which guidance is sought. The request should be directed to the Office of Regulations and Interpretations. More information, including submission guidelines, is available on the DOL's website.

The DOL's expansion of the Opinion Letter Program represents a proactive step toward enhancing compliance assistance for plan sponsors. By providing clear, authoritative guidance on complex issues, the program empowers employers to administer their benefit plans confidently and in accordance with the law.

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