

November 30, 2009

Submitted through the Federal eRulemaking Portal

Office of Health Plan Standards
and Compliance Assistance
Employee Benefits Security Administration
Room N-5653
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Attention: RIN 1210-AB27

Ladies and Gentlemen:

Delhaize provides health coverage to over 100,000 associates and family members in the United States. We have been actively involved in wellness programs for several years and so are pleased to submit this response to the request for comments on the interim final rules implementing sections 101 through 103 of the Genetic Information Nondiscrimination Act of 2008 (“GINA”). The request was published by the Departments of Labor, Health and Human Services, and the Treasury (collectively, the “Departments”) in the *Federal Register* on October 7, 2009.

The interim final rules implement provisions of GINA that prohibit group health plans from discriminating on the basis of genetic information. GINA provides that a group health plan may not (1) increase premiums or contributions for a group based on the genetic information of individuals in the group, (2) request or require an individual or family member to undergo a genetic test, or (3) request, require, or purchase genetic information prior to or in connection with enrollment or for underwriting purposes.

We have a long reputation of innovation when it comes to helping our associates make healthy lifestyle choices. Hannaford Bros. Co., one of the Delhaize subsidiaries, has earned the National Business Group on Health’s Platinum award for the Best Employers for Healthy Lifestyles for the last 3 years. Our efforts not only result in healthier associates, but they also help us control the increase in our health care costs and the out of pocket costs for our associates. This allows us to keep health insurance coverage affordable for our associates and our company.

One of the key elements of our plan is a voluntary health risk assessment. The assessment is done by a third party and is used to evaluate the health care needs of each of our associates so that they can be offered and encouraged to take steps to improve their health and to help avoid major illnesses. We reward those associates who complete the assessment with a credit against their insurance contribution. This incentive has proven successful in increasing the number of associates who take the time to complete the assessment.

It is crucial that the assessment include questions about a person's family medical history. The medical community uses this information to identify patients with higher risks for cardiovascular disease, some cancers, diabetes or other major chronic conditions. The information is important to our providers for the same reason. Many of our participants may not be seeing a doctor regularly, so the assessment is only way that they will be encouraged to take actions that will help prevent the development of other risk factors, disease and even premature death.

All individual information collected in the HRA remains confidential and is never shared with the employer, as required by the Health Insurance Portability and Accountability Act.

Wellness, prevention, and disease management programs are one of the few avenues available to our associates and us to help control our soaring healthcare costs. Moreover, these are programs that generally are met with enthusiasm by our employees, who increasingly embrace the encouragement to lead a healthier lifestyle. Some employees are especially grateful to have completed an HRA and to have found out for the first time that they are at risk for certain diseases and that there are steps they can take to minimize their vulnerability. Making our tasks in this regard more difficult, such as by preventing the use of financial incentives to garner family medical history in an HRA, is an incomprehensible action in view of the dire necessity of holding down medical costs and encouraging individuals to assume more active control of their health.

We appreciate this opportunity to provide comments and would be happy to further discuss our concerns with you.

Sincerely,

Stephen Culver
Vice President, Government Relations
Hannaford Bros. Co.

CC: Senator Susan Collins
Senator Olympia Snowe