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September 20, 2010

Mr. Russell G. Golden
Technical Director
Financial Accounting Standards Board
301 Merritt 7
P.O. Box 5116
Norwalk, CT 06586-5116

Via Email: director@fasb.org

Dear Mr. Golden:

Thank you for the opportunity to provide brief comments regarding the Disclosure of Certain Loss Contingencies Exposure Draft ("the Draft") issued on July 20, 2010. As an association with almost 600 firms signatory to our 11 collectively bargained Agreements with building trades unions, ECA is especially concerned about the impact the Draft will have on companies that participate in multi-employer pension plans. Collectively, those firms contribute to over 30 different multi-employer pension Funds (many to which ECA appoints Trustees and is thus Fiduciarily Responsible) providing benefits to over 70,000 union members. This puts us in a particularly unique position to view the possible ramifications of the Draft.

Principally, many of the Draft proposals simply do not fit our industry! As you are aware, the construction industry has particular rules regarding withdrawal liabilities and how that liability may or may not be assessed to individual firms. The Draft does not appear to take into account any of these special rules. Withdrawal from a construction industry pension Fund only occurs under very specific circumstances, with much narrower rules than other industries. Multi-employer Plans in the construction industry have been treated differently for good reasons, including the transient nature of both our workforce and the contractors themselves. Many workers enter and leave employment by particular firms on a regular basis. This leads to many unknowns within the Draft. For example: What benchmark should a contractor use to assess the percentage of the company's employees covered by the Plan (and which Plan if the employee is covered by multiple) and the percentage of active and retired participants employed by the company?

In addition, particularly because of the structure which creates multi-employer Plans (each arising as they do out of one or more collective bargaining agreements), while readily available information about funding improvement and rehabilitation plans or negotiated future increases is appropriate, speculating about how any given employer may be affected by changes under consideration, but not adopted, is pure conjecture. Also, general Plan information is not

necessarily a good proxy for the liability of any particular employer. In addition to the blurring created by the specific rules on what constitutes actual withdrawal in the construction industry, factors related to all of the other contributing employers impact any individual employer.

An additional area of difficulty with the Draft involves irrelevant data. Because each plan has its own fiscal year, etc., much of the information required under the Draft will likely be out-of-date - depending on the fiscal year of the employer and the pension plan - perhaps by as much as two years. With swings in the financial market, changes in employment levels within the construction industry and movements in relative employment levels between various contributing employers, data could change significantly in a short period of time. Stale data is not relevant.

Lastly, an issue that exponentially increases the problems created by the Draft: The vast majority of signatory construction industry firms are party to more than one collective bargaining agreement, sometimes over various geographies, and often with more than one trade. As a result, they may be contributors to many Pension Funds, sometimes for the same employees. These factors serve to exacerbate the costs that would be necessary to comply with the Draft rules, multiply the speculative nature of several of the disclosure items and further reduce the relevance of the information. All of the additional required paperwork, aggravated by factors noted above, also has the potential to delay the issuance of the employer's financial statements. This could likely severely impact their relationships with both their banking and bonding institutions, thus causing undue harm to the employer's business situation.

In summary, we believe adding confusing, misinformed and downright irrelevant data to an employer's financial statements does not provide any additional benefits to the readers of those statements and in fact misleads them as to the actual facts. Read in its strictest sense, we believe the Draft to be unreasonable and dangerous in this regard.

Please feel free to contact ECA to provide any additional information. Thank you for the opportunity to provide comments on these important issues.

Yours truly,

Todd G. Helfrich
Managing Director