



Ashton J. Ryan, Jr.

President Chief Executive Officer

October 20, 2010

Russell G. Gordon
Technical Director
Financial Accounting Standards Board
P.O. Box 5116
Norwalk, CT 06856-5116
Via email: director@fasb.org

Re: FASB Multi-Employer Pension Disclosure File Reference No. 1840- 100, "Disclosure of Certain Loss Contingencies" and File Reference No. 1860-100, "Disclosure about an Employer's Participation in a Multiemployer Plan"

Dear Mr. Gordon:

We are aware that FASB is proposing that construction employers who contribute to multiemployer defined benefit pension plans would have to routinely disclose estimates of their withdrawal liability in their audited financial statements.

Our construction industry clients who would be subjected to this unnecessary, unwarranted, and misleading annual disclosure are greatly concerned that the unintended severely adverse consequences, combined with the highly negative cost-benefit analysis of implementing the rule, most surely warrants FASB's reconsideration of these various proposals under the unique set of laws and regulations that structure the withdrawal liability regime in the construction industry. We also understand that FASB has proposed this broad scope set of disclosures, the same across all industries (irrespective of the special laws governing various industries) out of concern for users of financial statements - for public companies, investors and , and for private construction companies, sureties and commercial lenders.

Based on our many years of lending to construction industry employers who contribute to multiemployer defined benefit plans, we can assert an unqualified opinion that the FASB proposals are entirely unnecessary for our lending decisions, would be unduly burdensome, and would present the great risk and administrative burden for our clients, with absolutely no corresponding benefit or utility for our lending decisions. In the past so many years of our commercial construction lending practice, our bank hasn't incurred any loan defaults because of sudden, undisclosed withdrawal liability assessments. Accounting regulations must respect the contours of pension plan legal structure set out by Congress; to ignore that for administrative rulemaking convenience runs counter to public policy. Moreover, the practice runs counter to actual experience - banks don't need speculative, misleading, out-of-date disclosure of information to make sound lending decisions. The status quo in this respect has served us very well; and the proposed change plays great hazard by serious unintended negative consequences in many ways with a very valuable sector of the American industry and economy, and with that the pension plans themselves and the many hardworking individuals and their families who rely on those plans and have worked hard to earn those benefits.

We understand that FASB was motivated to explore this radical change because of recent accounts of widespread funding distress occasioned by unprecedented stock market collapses in 2001 and 2008, taken together in the context of funding improvement reforms enacted in 2006. We are not asking FASB to ignore these unprecedented conditions; rather, we are asking that FASB not exacerbate those problems. Simply and respectfully put, our view is that inadvertently the FASB's overbroad disclosures for construction plans run directly counter to the intent of those laws, not in concert with them. These plans are resilient, they will recover, assets will recover, hours will rebound, demographics will turn up, and the traditional very sound condition of the vast majority of these plans will be restored because of the PPA reforms and other remedial measures, not because of misleading disclosure. And for those in deeper distress, FASB's current disclosure and recognition rules when withdrawal claims are reasonably probable is and has been more than adequate to protect our lending interest, and we suppose sureties too. For investors, the only very remote chance of unanticipated mass withdrawal has never happened, as the big plans that are imploding now are open and notorious problems that already are covered by the current disclosure rules as well. Indulging an earnest observation, in some sense, one of the greatest external risks of extrinsic shocks to these plans now is the risk of illconceived accounting regulation and misleading disclosures imposed on contributing employers contrary to hard and fast legal rules that mitigate against those losses maturing in the way the disclosure would indicate.

We respectfully request that the FASB Board seriously reconsider these proposals in the interest of sound accounting disclosure policy, in addition to all the reasons set forth above. We would be more than willing to participate in further discussion or elaboration of our views with FASB staff and Board members at your earliest convenience.

Sincerely,

President and CEO

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