November 13, 2009

Office of Health Plan Standards and Compliance Assistance

Employee Benefits Security Administration, Room N-5653

United States Department of Labor

200 Constitution Avenue, NW

Washington D.C. 20210

Attention: Regulatory Information Number 1210-AB27

On behalf of Lowe's Companies, Inc., I want to thank you for the opportunity to respond to the Request for Information on Title I of the Genetic Information Nondiscrimination Act of 2008 (GINA). In addition, I write to express our serious concerns about the adverse impact of the interim final rules on employer-sponsored wellness and disease management programs and to request that you rescind the regulations.

As an employer, Lowe's employs over 250,000 employees, and provides health coverage options to our full and part time employees and their eligible dependents. To help employees better understand and manage their health risks we offer free, voluntary health assessments to all our employees, and have done so since 2005.

The health assessments identify employees with health risks, and help us offer programs and benefits that reduce those risks under our health and employee wellness programs. Health assessments provide opportunities for referral to disease management programs, health promotion, medication management, and other behavioral change initiatives. All of these programs are critical in slowing the rising cost of health care by making certain that care is matched to what will work best for the employee, and motivating them to proactively maintain and improve their health. In addition, we have plans in the near future to extend the availability of free health assessments to our dependent spouse/domestic partner population covered by a Lowe's medical plan option because we believe it is also important to help this covered group understand and manage their health risks too.

Implementing the rules in their current form will severely limit our health and wellness plan partners to identify those employees who can most benefit from care management programs that promote wellness, help maintain health and manage chronic disease. The rules have serious unintended consequences impairing our health and wellness partners' abilities to help make our employees' lives better by helping them better manager and perhaps improve their health.

1000 Lowe's Boulevard Mooresville, NC 28117

Thank you for your consideration of these important issues.

Sincerely,

Bob Ihrie,

Senior Vice President –Employee Rewards and Services

Cc: The Honorable Timothy Geithner, Secretary, U.S. Department of Treasury

The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services

The Honorable Hilda Solis, Secretary, U.S. Department of Labor

Stuart J. Ishimaru, Acting Chairman, U.S. Equal Employment Opportunity Commission

Robert Kocher, MD, Special Assistant to the President, National Economic Council, The White House

Ezekiel Emanuel, MD, Special Advisor for Health Policy, Office of the Director, Office of Management and Budget

Maureen Ausura, Senior Vice President, Human Resources, Lowe's Companies, Inc.

Scott Mason, Vice President, Government Affairs, Lowe's Companies, Inc.

Kyle Wendt, Vice President, Benefits, Lowe's Companies, Inc.