COSTCO WHOLESALE

December 11, 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

Attn: Regulatory Information Number 1210-AB27

Dear Sirs:

Thank you for the opportunity to respond to the Request for Information on Title I of the Genetic Information Nondiscrimination Act of 2008 (GINA). We wish to express our serious concerns regarding the impact of the interim final rules on employer sponsored wellness and disease management programs and to request that you rescind the regulations.

Costco Wholesale, the third largest retailer in the country, currently provides health care benefits to over 93,000 U.S. employees and their families. Our company strives to provide our employees with a robust health care benefits package, even with the significant rise in health care costs over the last decade. As a part of our ongoing strategic plan, we have implemented a health and wellness initiative, dedicated to providing innovative solutions to the rising costs of our health care benefits and improving the health of our employees. Within this initiative, we provide voluntary health assessments to identify employees with health risks, and to offer programs and benefits to reduce those risks. Health risk assessments provide opportunities for referral to preventive care, disease management programs, health promotion and other behavior change initiatives. All of these programs are critical in slowing the rising cost of our health care benefits, by matching employees to available programs that will assist each individual employee or family member, to motivate them to proactively maintain and improve their health.

In the voluntary health assessments, employees are asked questions about their family medical history. This information provides vital information to identify employees who may particularly benefit from our wellness and disease management programs. Without the family history information, we would lose a key piece of information that would indicate future risk for many disease states, such as heart disease, cancer, diabetes and other chronic conditions. For many individuals, this is the only key risk factor that may be identified early. We know from research in the field of chronic disease, that early intervention has a positive effect on health care costs and outcomes.

Through research and experience, we are aware that incentives have been shown to drive employees to complete health assessments and wellness interventions. It is important that these incentive options remain in place to motivate employees and their families to complete a health assessment and optional wellness programs.

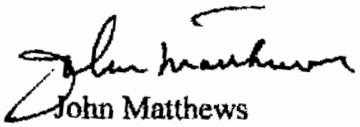
999 Lake Drive • Issaquah, WA 98027 • 425/313-8100 • www.costco.com

The rules, as currently written, would severely limit our ability to deliver effective voluntary health and wellness programs to our employees who are in most need of these offered services. The rules will have serious unintended consequences impairing our ability to improve quality, care coordination, medical outcomes and lower health care costs.

Thank you, again, for your consideration of these important issues.

Sincerely,

Costco Wholesale



John Matthews
Sr. VP Human Resources & Risk Management

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. Equal 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