



PEPSICO



Cindy Sloat
Director, Health & Wellness

December 18, 2009

Office of Health Plan Standards & Compliance
Assistance
Employee Benefits Security Administration
Room N-5653
United States Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

RE: Regulatory Info Number: 1210-AB27

Subject: Rescind the Final GINA Rules

I am writing this letter on behalf of PepsiCo to encourage you to consider rescinding the final GINA (Genetic Information Nondiscrimination Act) rules or at a minimum make an exception for wellness and disease management programs.

PepsiCo is committed to helping our more than 60,000 employees and their families improve and manage their health. For this reason, we provide state of the art wellness programs (e.g., smoking cessation and weight management), and comprehensive disease management programs (e.g., heart disease and diabetes) to our employees and their dependents. In order to ensure that our wellness programs are properly designed to address our employees' and their families' health needs, we offer Personal Health Assessment tools.

We have been providing these programs and participation incentives for many years and have specific data, as well as anecdotal evidence, of their effectiveness. Based on this evidence, we believe that improving the health of employees is one of the best ways to bend the trend of health care costs while creating a cherishing environment for our employees.

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The final GINA rules will have a significant adverse impact on our programs because these rules will not allow us to collect the data that is critical to assessing our employees' and their dependents' health management needs. Specifically, we feel that family medical history is critical for assessing health risks and that offering financial incentives to participate in Personal Health Assessments is the **best** way to drive meaningful levels of participation. As proposed, the regulations will increase the cost and complexity of operating these programs, making them harder to justify.

We are asking for your support, so that we can continue to maintain meaningful wellness programs to address the health care needs of our employees and their dependents and to help us control health care costs through their improved health. We appreciate your consideration of our views.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia A. Sloat".

Cynthia A. Sloat, Director
Health and Welfare Benefits