

House Approves Credit Card Disclosure Bill

The U.S. House voted 408 to 1 in favor of legislation to set minimum disclosure standards for credit card interest rates, fees, and other conditions in advertising, solicitations, and application forms.

The sole opponent was Rep. Philip M. Crane (R-IL), who reportedly opposed the measure on the grounds that states rather than the federal government should regulate credit card rates.

"This legislation represents an important step toward requiring credit card issuers to provide consumers with the information they need to make informed choices," said CFA Legislative Representative Alan Fox. "We are encouraged to see such overwhelming support for this consumer protection measure, and we look forward to working with the Senate Banking Committee to ensure that the final legislation provides for adequate disclosure."

APR, Fee, Grace Period Disclosures Required

The bill would require all credit and charge card issuers, including retailers, to



disclose at the time of application:

- the annual percentage rate, and means for determining the rate if it is variable;
- any annual or other fee imposed for the issuance or availability of a credit or charge card; and
- the date by which, or "grace period" during which, a consumer can avoid a fi-

nance charge by repaying any credit extended in connection with the card.

The bill also would provide special rules for telephone solicitations and "take-one" and magazine applications.

It is designed to ensure uniformity of disclosure by providing for federal preemption of any state laws imposing disclosure requirements in connection with credit card applications or solicitations. Only a few states currently have laws requiring pre-application disclosure of credit card conditions, and none of the state laws is as stringent as the bill approved by the House.

Rate Cap Defeated

Earlier, however, the House rejected 356-56 an amendment supported by CFA to establish a cap on credit card interest rates.

"Disclosure should help keep interest rates down," Fox said, "but it's not enough. Experience has shown us that the market will not be allowed to work by those with a stake in high interest rates."

He cited a period last year when the prime rate and the discount rate had fallen two points, but the Federal Reserve's figure

for average credit card interest had dropped less than four-tenths of a point.

"We have waited too long for banks to start lowering their rates," Fox said. "Clearly, state and federal legislation is needed to force rates down."

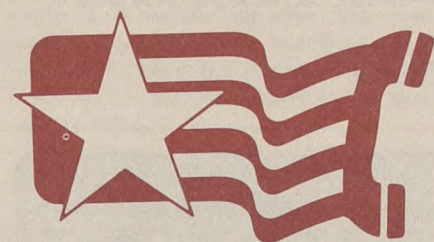
In the floor debate before the vote, Rep. Frank Annunzio (D-IL), who proposed the amendment to limit interest rates to eight percentage points above the rate on one-year Treasury bills, said a vote against the cap would be a vote "in favor of plastic loan sharks."

Rep. Charles Schumer (D-NY), sponsor of the House disclosure bill, said, on the other hand, that he believes disclosure will help bring credit card rates down. He opposed the rate cap amendment on the grounds that it would doom the bill to almost certain death in the Senate or to Presidential veto.

Senate Action Expected

S. 616, a companion measure to the House disclosure bill sponsored by Sen. Christopher Dodd (D-CT), is expected to win Senate approval, probably early in 1988.

Campaign Promotes Universal Phone Service



Link Up America

In early October, the Consumer Federation of America (CFA) joined with the Federal Communications Commission (FCC) and the United States Telephone Association (USTA) to launch a national consumer education and outreach program to achieve universal phone service.

Called "Link Up America," the campaign involves promotion by local telephone companies, consumer groups, and other state or local organizations of a new installation subsidy.

Available only to low-income households, this subsidy offsets one half of phone connection and installation charges, up to \$30. Applicants must reside at an address where there has been no phone service for at least three months and must not have received this assistance within the previous two years.

As part of the Link Up campaign, phone companies are being encouraged to reduce or waive deposit requirements for con-

sumers with good credit histories. They are also being urged to offer deferred payment schedules for the balance of installation charges.

Campaign Based on CFA Research

The Link Up America program responds to a key finding of a Consumer Federation-American Association of Retired Persons-AT&T study conducted in 1986. The research demonstrated that the most important reason low-income households do not have phones is high installation charges. (See related article, page 3.)

The campaign is designed as a consumer education and outreach program. It is being implemented at the state and local levels by coalitions that include local phone companies, consumer and community groups, service agencies, and state officials.

These coalitions are developing and carrying out strategies for signing up low-income households without phones. Current FCC estimates put the number of these households at five million.

At a news conference to announce the campaign, CFA Executive Director Stephen Brobeck stressed the importance of using the electronic media and personal contacts to communicate with these households. "Many households off the network are poor, not well educated, and suspicious of new



CFA Executive Director Stephen Brobeck

assistance programs," he said. "The fact that they don't have phones, and are not on phone company mailing lists, only complicates matters."

Because many low-income consumers are functionally illiterate, they cannot be reached by newspapers, flyers, and other publications. Yet, nearly all of them watch television and listen to the radio.

A media contact alone, however, will persuade few people to sign up for the subsidy, Brobeck warned. They must be encouraged to do so by caseworkers, legal services attorneys, ministers, and other professionals with whom they have contact, he said.

In all these contacts, Brobeck stressed, those without phones should be encouraged to call a hotline number maintained by the local phone company. These companies must assist low-income individuals in obtaining phone service, including determining eligibility.

Pilot Projects Promising

At the news conference, Brobeck also commended Bell Atlantic and Southwestern Bell for agreeing to conduct pilot projects. Particularly promising have been efforts in Arkansas involving the Arkansas Telephone Association, the Attorney General's Office, and ACORN. In each of the state's 75 counties, this coalition has organized grassroots campaigns including distribution of materials in churches, shopping areas, and homes.

Also encouraging have been efforts in West Virginia spearheaded by C&P Telephone, which assigned a staff person to organize and coordinate a statewide coalition. One of her first successes was persuading the state's Department of Human

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Consumers Win Victory on Staggers Reform

In a major victory for consumers, the House Subcommittee on Transportation, Tourism, and Hazardous Materials of the Energy and Commerce Committee voted out, by a majority of nine to six, a bill to reform the ICC's implementation of the Staggers Act.

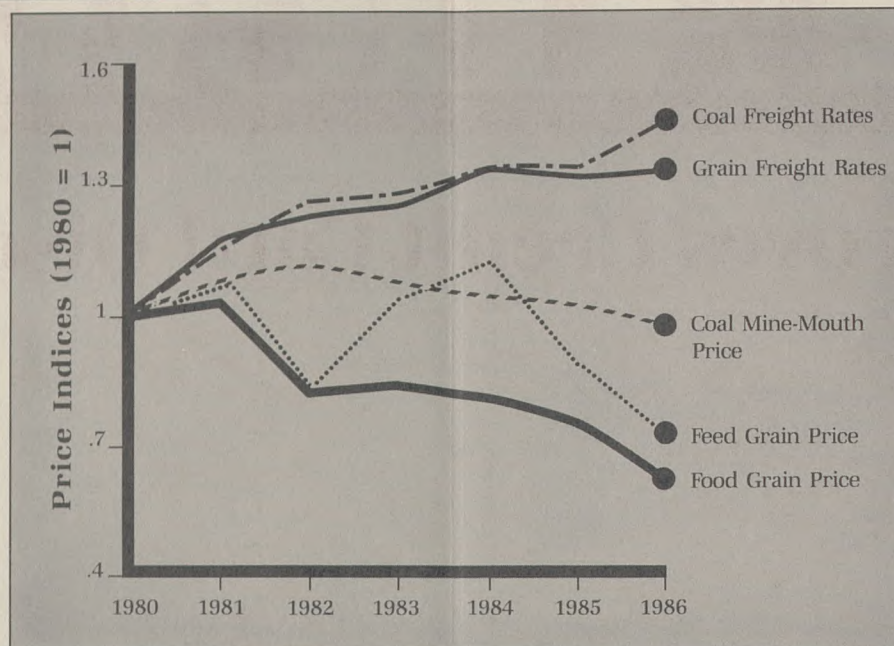
"The Interstate Commerce Commission Reform Act of 1987" received bi-partisan support, with two of the committee's six Republicans and seven of the nine Democrats voting in favor of the measure.

Compromise Struck

The bill is a compromise measure offered by Subcommittee Chairman Thomas A. Luken (D-OH) and supported by both the Consumers United for Rail Equity Coalition, of which CFA is a member, and the Coalition for Rail Fairness and Competition, which is chaired by the Procompetitive Rail Steering Committee, the National Rural Electric Cooperative Association, and CFA. The members of the Rail Fairness Coalition account for approximately one quarter of all freight transported by rail.

The compromise embodies the essential provisions of the Consumer Rail Equity Act, including provisions to:

- force the ICC to adjust its cost index for productivity;



- force the ICC to define its maximum rates in terms of least cost, most efficient alternatives;
- shift the burden of proof to the railroads in rate cases if rates exceed a specific threshold;

- provide improvements in access to competitive movement of commodities; and
- open up the commission's procedures to consumer and small business input.

"The bill is an excellent compromise which improves the prospects of enhanced consumer and captive shipper protections at the ICC," said CFA Research Director Mark Cooper. "While efforts will be made to strengthen a few provisions of the bill at full committee, we are very pleased with the outcome."

"This is a much stronger piece of legislation than the committee voted out last year," Cooper added.

Just prior to the mark-up, the Coalition for Rail Fairness and Competition released a report on the effect of the Staggers Act on bulk commodities shipping costs.

The report, entitled "Bulk Commodities and the Railroads after the Staggers Act: Freight Rates, Operating Costs, and Market Power," was written by Cooper. It concludes that rail rate increases of 30 to 40 percent for coal and grain since the passage of the Staggers Act have far outstripped changes in both railroad costs of doing business and market prices for these commodities.

Cooper documents a sharp contrast between changes in national average freight rates and railroad business costs. In the period from 1980 to 1986, for example, when freight rates for coal rose 41 percent, and freight rates for grain rose 32 percent, diesel fuel prices dropped 41 percent, the prime interest rate dropped 46 percent, and manufacturing return on equity dropped 31 percent. While railroad wage rates increased by 49 percent during that period, the total wage bill for railroads dropped 7 percent, and equipment costs rose only 16 percent.

"The statistical and econometric evidence is mounting on post-Staggers Act rates, and it clearly suggests that the exercise of market power has enabled the railroads to keep their rates up in the face of declining costs and soft commodity markets," Cooper said.

"Current policies and procedures at the ICC are completely inadequate to deal with this problem," Cooper said. "Legislation is urgently needed, not only to correct current problems, but also to prevent future abuses."

Home Equity Loan Controls Proposed

The House Consumer Affairs and Coinage Subcommittee held hearings in October to review legislation to tighten disclosure requirements on home equity loans and to ban misleading advertising about these increasingly popular consumer loans.

H.R. 3011, the Home Equity Loan Consumer Protection Act of 1987, would make home equity loans subject to the same disclosure restrictions, under the Truth in Lending Act, as other mortgage products. The bill was introduced by Rep. David E. Price (D-NC).

Loan Disclosures Required

Specifically, the legislation would require lending institutions to divulge, at the time of application and prior to the payment of any nonrefundable fees, the annual interest rates of such loans, the manner in which any changes in the rates would be made, all fees and points, and a statement clearly indicating whether the loan contains a cap on interest charges, the amount of that cap, and any possible modifications of that cap.

"H.R. 3011 is an important first step in ensuring that consumers will have much of the basic information they need to make a wise choice," said CFA Legislative Representative Alan Fox in joint testimony with Michelle Meier, Consumers Union Counsel for Government Affairs.

Fox warned, however, that the bill does not go far enough. "Disclosure legislation is important, but it only goes so far," he said. "Home equity loans are complicated instruments, the risks of which cannot be eliminated by disclosure. Substantive restrictions on product features must also be enacted."

Among the consumer protections Fox and Meier urged be added to the bill are provisions to:

- prohibit lenders from contractually reserving the right to change loan terms after the loan agreement is finalized;
- require interest rate changes to be based on an index or other variable outside the control of the lender (e.g., the lender should not be able to change the loan rate according to the decisions it makes about adjusting its own prime rate);
- limit rate increases to two points per year and five points over the life of the loan;
- eliminate negative amortization, balloon payments, and interminable debt risk by requiring fully amortizing repayment installments that will retire the debt within a fixed, reasonable time period; and
- require that teaser rates remain in effect for at least one year.

Recommendations are based on the findings of CFA and Consumers Union home equity loan surveys of more than 90 lenders. Those surveys, concluded last Spring, revealed abuses in price, repayment, and advertising.

Fox and Meier also recommended that disclosure requirements be strengthened and stressed the need for the disclosures to come early enough for consumers to use them to make decisions in selecting a lender, such as at the time the lender gives an application form to the applicant.

"We believe that legislation incorporating these substantive requirements and the disclosure requirements (with similar requirements regarding advertising) is urgently needed," Fox concluded.

Senate Passes Airline Smoking Ban

A smoking ban on a majority of domestic commercial airline flights now seems a certainty, following a U.S. Senate vote October 29 to ban smoking on commercial flights lasting 90 minutes or less. The ban would be enforced during a two-year trial period.

Under the leadership of Sen. Frank Lautenberg (D-NJ), and to the surprise of many, this amendment to the 1988 Department of Transportation appropriations bill survived an attempt by Sen. Jesse Helms (R-NC) to kill the proposal.

The measure passed by a voice vote following a last-minute compromise to reduce the trial period from three years to two and to limit the ban to flights of 90 minutes rather than two hours or less, as had originally been proposed. (Sen. Helms requested that his nay vote be recorded.)

A similar measure passed the House this Summer. (See CFAnews, August 1987.) The House bill would deny airport improvement funds to airports that allow landings by airlines that permit smoking on flights of two hours or less. The Senate bill requires that regulations be issued and enforced directly by the Secretary of Transportation. The Senate bill also carries a civil penalty for tampering with smoke alarm devices in aircraft restrooms.



The bills will now go to conference committee to reconcile differences. Sen. Lautenberg has reportedly stated that he would offer House conferees a two-year trial smoking ban on flights of two hours or less. There is speculation, however, that some House members may try to weaken the ban further.

"This legislation is a major victory for airline passengers and personnel," Sen. Lautenberg said. "We hope the smoking ban comes out of conference committee with at least a ban on flights of 90 minutes or less."

A conference date has not yet been set.

Telephone Conference Focuses on Regulation

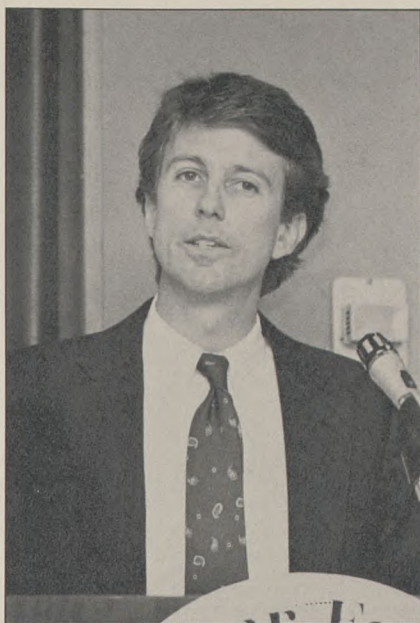
Federal Communications Commission Chairman Dennis R. Patrick urged support for the FCC's price cap proposal in a speech at the 1987 Telephone Issues for the States Conference. Patrick was a keynote speaker at the October conference, "The Consumer in a Rapidly Changing Environment," cosponsored by the Consumer Federation of America and the Telecommunications Research and Action Center.

Price cap regulation of AT&T and the Bell Operating Companies "promises to increase the efficiency and decrease the price of telephone service," he said. Consumer advocates debating the proposal in panel discussions were less optimistic, challenging Patrick's claims of decreased costs and questioning the wisdom of abandoning rate of return regulation.

Patrick Extolls Virtues of Price Cap Regulation

"By focusing on prices, rather than costs, a cap on telephone rates provides carriers with healthy market incentives," Patrick said. He cited: incentives for greater efficiency and innovation, resulting from carriers' ability to retain at least some of the profits arising from cost savings, and removal of incentives to shift costs or pad the rate base to achieve higher rates.

"The price cap proposal stands to offer one of those rare examples of a public policy that makes both the industry and the consumer better off," he said.



FCC Chairman Dennis R. Patrick

Patrick did acknowledge that the proposal "raises several difficult issues," including how to adjust the caps for productivity growth; what procedures are needed for periodic revision of price ceilings to reflect changes in costs of doing business that lie beyond the carriers' control; which services or categories of services need to be capped; how high to set the caps initially; how the proposal would affect FCC policy of geographic averaging of long distance

rates; how to adjust price caps over time; and which carriers should be covered.

Despite his optimism about price cap regulation, Patrick said the FCC was not yet committed to the price cap approach. "Our guide will be whether or not the proposal appears to increase the welfare of the user of telephone service," he said.

Consumer Advocates Skeptical

CFA Legislative Director Gene Kimmelman—in a panel discussion on "Long Distance Deregulation: Boon or Bane to Consumers?"—said that, while price cap regulation is not necessarily deregulation, it is also "unnecessary, unjustified, and probably illegal."

Rate of return regulation has been beneficial to investors, the industry, and to rate-payers, he said. "I cannot think of a case of government intervention that has been a clearer success story. But let's not stop there. Could we do a better job? That is the real question."

In a panel on "State Deregulation: New Industry Proposals and Consumer Impacts," CFA Research Director Mark Cooper also voiced the skepticism felt by consumer advocates: "This is not a cure for any disease from which the consumer or the industry suffers. What it is, is a political effort to grab higher profits for the industry," he said.

Cooper discounted as unlikely Patrick's claims that price cap regulation would

stimulate technological development, and he warned that, had price cap regulation been introduced at the time of divestiture, telephone bills today would be almost two and one-half times higher than they currently are.

"Price cap proposals represent a facade of simplicity," he said. "In the rush to close the can of worms of cost allocation, we are opening the can of worms of productivity measurement. If it is done correctly, it must include earnings limitations and careful measures of cost, thereby providing little hope of administrative cost savings. If it is done poorly, but cheaply, it will not protect the public interest."

Changing Role for Consumer Advocates

In the conference's opening address, Eli Noam, New York State Public Service Commissioner, called on consumer advocates "to renew [their] fountain of ideas" to deal with the rapidly evolving telecommunications industry.

Noam, who is on leave as professor and director of the Center for Telecommunications and Information Studies at Columbia University, warned that the industry is changing and that "the forces of change currently at work are historical and technological. What we can do is channel them and make sure that the weakest members of society don't get taken advantage of," he said.

Report Highlights Low-Income Phone Needs

CFA and the American Association of Retired Persons (AARP) recently released a public interest analysis of research on consumer telephone needs, habits, preferences, and costs. The new report emphasizes that the telephone is a necessity and that the principal reason many low-income households are without one is cost.

The report, prepared by CFA Research Director Mark Cooper, is entitled "The Telecommunications Needs of Older, Low-Income and General Consumers in the Post-Divestiture Era: A Public Interest Perspective on Recent Survey Research." It is based substantially on data collected last year in

the CFA-AARP-AT&T joint telephone research project. (See *CFAnews*, March/April 1987.) It also incorporates information from surveys in Michigan, Arizona, Utah, and Virginia, as well as research by the Bureau of the Census and the Bureau of Labor Statistics.

The report addresses the issues of affordability, telephone use, consumer information, and consumer cost. Its first major conclusion is that households without phones are an especially low-income segment of the population, and lack of service is overwhelmingly a low-income problem.

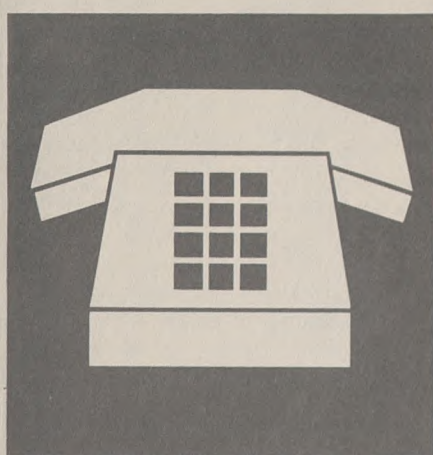
Two thirds of all surveyed households without service had incomes below \$15,000 per year, and more than four fifths had incomes below \$25,000. Lack of service is principally the result of an inability to afford service; large front end costs are the primary obstacle to access to the network.

Phones a Necessity

The report also stresses that telephones are a basic necessity of daily life. Respondents with phone service report that a fairly large number of calls were made and received. They report making 36 calls per week, approximately 144 per month. Low-income respondents made only about one quarter fewer.

Furthermore, respondents deem about 22 calls per week essential; low-income households indicate 18 are necessary. Virtually none of the respondents say they make no essential calls, and over four fifths say they make one or more essential calls per day.

These data, according to the report, may shed light on the social underpinnings of



consumer resistance to local measured service. Most plans for measured service offer much lower levels of calls for which there is not a separate charge. Frequently in the past, proposals for measured service have meant that consumers would have to pay more to maintain present levels of usage.

The research also demonstrates that, in addition to making and receiving far fewer phone calls, the large majority of households who want a phone but do not have one experience problems as a result of lack of service. Eighty percent of the problems encountered by households without service concern emergencies, lack of communications, safety, and work.

Costs Rise

The study also concludes that, since divestiture, consumer costs have increased substantially. The majority of households spend more for subscriber line charges than they save on the resulting reductions in long-distance rates and spend much more for local service.

Local bills have increased dramatically since 1973. Combining local rate increases, subscriber line charges, and long-distance usage rate reductions, the average residential bill is up considerably, at approximately twice the rate of inflation.

Link Up America

(Continued from page 1)

Services to publicize the Link Up subsidy to all welfare recipients.

Despite this promising start, Brobeck cautioned against excessive optimism. "Linking up households without phones represents a daunting challenge. Actually communicating with these homes involves a massive effort that will succeed only if phone companies commit significant resources for recruiting and processing applicants. Moreover, we are not even certain that a subsidy of up to \$30 will be sufficient to persuade many of them to sign up."

The concept of Link Up America was originally proposed by the Federal-State Joint Board to the FCC on March 12, 1987. The Commission adopted the proposal on April 16.

Joining Brobeck at the press conference were FCC Chairman Dennis Patrick; Rep. Mickey Leland (D-TX); Virginia Knauer, Special Assistant to the President for Consumer Affairs; Ed Burke, Chairman of the Rhode Island Public Utility Commission; Phil Campbell, President of Bell Atlantic; Ed Whitacre, Vice Chairman of Southwestern Bell; John Sodolski, USTA President; and Washington, D.C. Mayor Marion Barry.

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CPSC Reauthorization Bills Include Reforms

Two bills to reauthorize the U.S. Consumer Product Safety Commission were the subject of a hearing in October by the Commerce, Consumer Protection, and Competitiveness Subcommittee of the House Energy and Commerce Committee.

H.R. 3343, "The Consumer Product Safety Improvement Act of 1987," introduced by Subcommittee Chairman Rep. James Florio (D-NJ), would:

- improve the commission's regulatory structure by imposing time limits on the safety standard setting process;
- require the CPSC to rely only on existing voluntary standards (not hoped for standards) that are issued after consideration of the views of interested people, including consumers;
- require the commission to have a monitoring plan for compliance with voluntary standards;
- give interested parties the right to petition the commission and set specific time limits for a reply; and
- expand the enforcement abilities of state attorneys general.

The bill also would make changes in commission structure designed to redefine the scope of the chairman's powers. (See *CFAnews*, October 1987.)

H.R. 3443, "The Consumer Product Safety Amendments of 1987," introduced by Rep. William Dannemeyer (R-CA), would place the CPSC in the Department of Health and Human Services under a single administrator. Among other provisions, it would also repeal the current statutory provision



CFA Legislative Representative Susan Weiss

for Congressional veto of consumer product safety rules.

Consumer groups, including CFA, have strongly endorsed the Florio bill, while opposing the Dannemeyer bill. "CFA believes that the overall impact of this bill [H.R. 3443] would not enhance the effectiveness of this agency, which needs to be prodded into action," said CFA Legislative Representative Susan Weiss in testimony before the subcommittee.

CFA Supports Florio Bill

Weiss praised the Florio bill as holding "the promise of returning the CPSC to the job it is mandated to do. By tightening the agency's regulatory processes for setting

safety standards and by creating badly needed regulatory deadlines for specific products, H.R. 3343 promises to redirect the agency back on its mandated course," she said.

H.R. 3343 also requires consideration of the views of interested persons, including consumers, as a prerequisite for agency reliance on voluntary standards. "While this is certainly an important step in the right direction," Weiss said, "CFA believes it is critical that interested parties, including consumers, retailers, and academicians, be involved in the standards development process... at the earliest stage possible."

CPSC Chairman Terrence Scanlon came under heavy criticism at the hearing. Sen.

Alphonse D'Amato (R-NY) was among those to testify, calling the agency "a terrible mess" and laying much of the blame at Scanlon's feet. D'Amato pointed out that, under Scanlon's leadership, the agency "has not issued any new major safety regulations and has not filed any major enforcement actions."

Scanlon was also subjected to intense questioning by subcommittee members, including Rep. Dennis Eckart (D-OH), a co-sponsor of the Florio bill, who grilled Scanlon on personnel shifts at the agency and CPSC's failure to respond to specific product hazards.

Agency Inaction on ATVs Criticized

The commission's failure to respond to the obvious dangers posed by All Terrain Vehicles was cited throughout the hearing as one of the most egregious examples of the agency's delay and inaction. This information was brought to light in a CFA study issued last Spring, "The CPSC: Guiding or Hiding from Product Safety?" (See *CFAnews*, June 1987.)

That study pointed out that ATV-related deaths and injuries had gone from 6 deaths and 4,929 injuries in 1980 to 195 deaths and 86,400 injuries in 1986.

Sen. Albert Gore, Jr. (D-TN) is currently at work on legislation for CPSC reauthorization. Introduction is anticipated soon.

A mark-up date on the two House bills has not yet been scheduled, but there are already reports of industry action in opposition to the Florio bill.

Sen. Leahy Introduces Safe Food Standards Act

In response to rising consumer concerns about the safety of fresh meat, poultry, and fish, Sen. Patrick Leahy (D-VT), Chairman of the Senate Agricultural Committee, introduced legislation in October the intent of which is to improve inspection procedures. The legislation was prompted by studies by Leahy's staff revealing that "many of the inspection procedures upon which we rely today have not been substantially improved for years."

Some consumer advocates, however, are not convinced that the bill, as currently written, will accomplish Leahy's stated objectives.

The major provisions of S. 1813, the "Safe Food Standards Act of 1987," include:

- testing of meat, poultry and fish products for bacterial contamination, with fines for packing plants that do not comply with standards to be developed;
- development of procedures to trace meat products from the packing plant back to the producer;
- establishment of a voluntary program to inspect animal feed for bacterial or chemical contamination; and
- education of consumers on proper cooking and handling of meat products.

Consumer groups, including CFA, are calling for immediate hearings on S. 1813 and the issues it raises. Poultry and meat inspections are grossly inadequate, while fish and shellfish currently are not subject to any mandatory federal inspection, despite the fact that they can transmit bacteria, viruses, and toxins. The Leahy bill provides for fish inspections but only addresses microbial contamination.

Some consumer advocates, including Deborah Schechter at the Center for Science in the Public Interest, are concerned that S. 1813 does not go far enough to protect consumers. The bill went through many drafts before reaching its present form, which is considerably more flexible than previous drafts on such matters as voluntary versus mandatory standards. "CSPI is happy that this issue is being addressed by the Senate, but we are concerned that S. 1813 may not afford the consumer protection we need," Schechter said.

Public Voice for Food and Health Safety, however, has praised Sen. Leahy's efforts to reduce foodborne illness, saying the bill "addresses critical food safety problems endangering the health of Americans."

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