

“Nation’s Worst Insurance Ripoff”

Credit life insurance is “the nation’s worst insurance ripoff,” according to a report released in June by the National Insurance Consumer Organization (NICO) and the Consumer Federation of America (CFA). The study concludes that consumers are overcharged nearly \$1 billion annually for this insurance and that few need it.

The report, entitled “Credit Life Insurance: The Nation’s Worst Insurance Ripoff,” was prepared by Stephen Brobeck, Executive Director of CFA, and James Hunt, a Director of NICO. It urges state insurance departments to require insurers to increase the proportion of premium dollars paid out as benefits to consumers (i.e., raise and enforce higher minimum loss ratios).

Specific findings include:

- Only 43 percent of the \$2.1 billion in premiums collected in 1988 was paid out in claims. Since this loss ratio should be at least 75 percent, policyholders were overcharged \$910 million in this year alone.
- Overcharges are greater in some states than others. As the chart below indicates, in several states payout ratios are less than 30 percent, while in other states they are at least 70 percent. Consumers are especially taken advantage of in Southeastern states.
- Credit life insurance is not needed by most borrowers. Most consumers are



CFA Executive Director Stephen Brobeck (right) and NICO’s Bob Hunter (left) released a study calling for reforms in credit life insurance.

already protected by other life insurance policies or by other assets. The families of those with neither may have higher priorities than repaying the debt if the borrower dies.

The report explains that these high prices are permitted by a market with virtually no competition. “Borrowers either don’t know they’ve purchased the product, think it is required, or are manipulated in other ways by sellers,” said Brobeck. “That is why many banks, fi-

nance companies, and car dealers sell credit life to over 90 percent of those financing installment purchases.”

The incentive to lenders is that they receive generous commissions from credit life insurance companies. These commis-

sions can exceed 70 percent of premiums. The only effective way to end this ripoff is for state insurance departments to regulate credit life insurance more effectively by raising and enforcing minimum loss ratios.

“States must require that, at minimum, 70 percent of premiums be paid out in claims, and they must enforce this standard,” said Bob Hunter, President of NICO. “Some states, such as New York and Maine, already have. The others must resist pressure from banks, finance companies, and car dealers and follow suit.”

The report is being released nationally by CFA and NICO and locally by 15 CFA member organizations: Arizona Consumers Council, CALPIRG (San Diego), Consumer Action (San Francisco), Georgia Consumer Council, Idaho Consumer Affairs, Consumer Affairs Association (Kansas), MASSPIRG, NJPIRG, North Carolina Consumers Council, Cleveland Consumer Action, Oregon Consumers League, OSPIRG (Oregon), Concerned Consumers League (Milwaukee), Wisconsin Consumers League, and Virginia Citizens Consumer Council.

Committees Approve Indoor Air Bill

Legislation to create a federal program to combat indoor air pollution (S. 657) was reported out of the Senate Environment and Public Works Committee in late April on a voice vote. A companion measure in the House (H.R. 1530) was approved by the House Science Subcommittee on Natural Resources in March.

Both bills would authorize \$48.5 million a year through fiscal year 1993 to the Environmental Protection Agency, other federal agencies, and states to support programs to improve government research and monitoring of indoor air contaminants and mitigation techniques.

An important focus of the measure would be the collection of reliable scientific information about contaminants, with EPA directed to draw up a list of pollutants and their health effects. The bill names EPA as lead agency on indoor air pollu-

tion and establish an office of indoor air quality within that agency.

As amended in Senate subcommittee, the bill would shift away from health-based standards and toward a “best available technology” approach for dealing with a range of pollutants.

“Indoor air pollution poses a serious threat to public health,” said CFA Product Safety Director Mary Ellen Fise. “This legislation represents a vital first step toward a comprehensive examination of this major hidden health hazard.”

Despite this progress and the support of Senate Majority Leader George Mitchell (D-ME), who is a sponsor of the Senate measure, the legislation faces a number of obstacles, particularly in the House, where it has been jointly referred to three committees—Science, Education and Labor, and Energy and Commerce.

CHARGES FOR CREDIT LIFE INSURANCE BY STATE

States	Credit Life Charges on 48-Month \$10,000 Loan at 12% APR			Loss Ratio Claims as % of	
	Single Premium	Finance Charge	Total Charge	Single Premium	Total Charge
ME	\$123	\$ 32	\$155	71%	56%
NY	124	33	157	70	56
VT	135	36	171	65	51
NJ	183	48	231	62	49
MA	186	49	235	47	37
NH	193	51	244	59	46
UT	205	54	259	55	44
CA,HI,MN,WI	206	54	260	55	44
RI	209	55	264	54	43
AZ,PA	228	60	288	50	40
OH	244	64	308	47	37
MI	249	66	315	46	36
DC	254	67	321	45	36
CT,IL,ND,TX,WY	259	68	327	44	35
VA	268	71	339	43	34
OR	286	76	362	40	32
MD	291	77	368	39	31
AK,FL,ID,MO,MT,SD,WA	313	83	396	37	29
NB	334	88	422	34	27
AR,DE,IN,IA,KS,KY,NV,NM	340	90	430	34	27
TN	345	91	436	33	26
WV	351	93	444	33	26
CO,NC	367	97	464	31	25
GA	394	104	498	29	23
MS	422	111	533	28	22
OK,SC	449	119	568	26	21
AL,LA	533	141	674	22	17

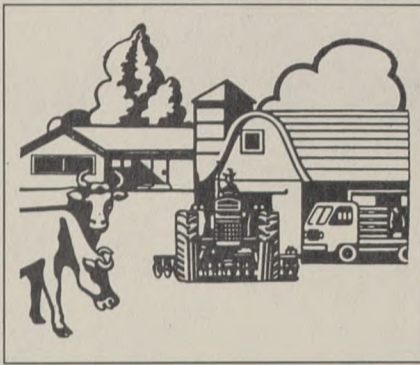
Farm Bill Contains Sustainable Ag Initiatives

As the 1990 farm bill moved through markup in May, a variety of measures were included designed to redirect the agricultural system away from heavy reliance on pesticides and other chemicals and toward a more "sustainable" approach that conserves water supply and quality, promotes food safety, and protects our natural resource base.

"This bill is still wide open," said CFA Legislative Representative Peggy Miller. "But, so far, these provisions stand a chance of becoming law." Others will have to be fought for on the floor, she said.

Supported by a broad coalition of environmental, agricultural policy, and consumer organizations, CFA launched an effort to include in the bill a \$231 million package of research and development and extension programs on sustainable agriculture.

The House Agriculture Subcommittee on Research included much of this package, due in large part to the efforts of Reps. George E. Brown Jr. (D-CA) and Jim Jontz (D-IN). Portions are also included in the Senate version, as a result of the



efforts of Agriculture Chairman Sen. Patrick Leahy (D-VT) and Sen. Wyche Fowler (D-GA).

These provisions include a major redirection of U.S. Department of Agriculture research and training programs to support the use of sustainable agriculture techniques; a redirection of federally funded Land Grant University funds and competitive grants to promote these public purposes; and retraining of all county extension agents in these techniques.

CFA is also supporting other important coalition efforts in the areas of:

- mandatory record-keeping by farmers who use pesticides or other chemicals that have been found to be toxic and public access to such records;
- creation of a new organic labeling program with USDA certification; and
- increased flexibility in price support programs to allow farmers to maintain their base allotment when they plant resource-conserving crops as part of a crop rotation system and receive normal payments.

In addition, the coalition is fighting to maintain and strengthen the so-called "sodbuster" and "swampbuster" provisions that link receipt of farm program benefits to conservation of fragile soils and wetlands.

The Senate bill, which is further along in the process, has already incorporated many of these provisions, but floor action may be needed to strengthen the various provisions, Miller said.

The pesticide record-keeping requirement, for example, does not provide for public access to the information on what toxics are being used. The organic labeling measure contains potentially prob-

lematic exemptions. And the provision to allow greater flexibility in the price support programs does not allow farmers to market hay or alfalfa, two of the resource-conserving crops they can plant, nor does it allow back into the program those farmers who have already begun using these sustainable techniques.

The Senate bill incorporates a stronger definition of sustainable agriculture. The House bill, on the other hand, redirects all competitive grants to include sustainable agriculture as a criterion and has far higher authorization levels for sustainable agriculture and integrated pest management.

"Despite strong, entrenched support on both committees for maintaining the status quo, Reps. Brown and Jontz and Sens. Leahy, Fowler and Richard G. Lugar (R-IN) have so far shepherded these provisions through a tough markup," Miller said. "They deserve credit for working to design a stronger sustainable agriculture system that addresses farmers' income needs while endeavoring to meet the concerns of consumers about safe food and a healthy environment."

Airport Fees Penalize Consumers

Airports' practice of imposing gross receipts fees on off-premises auto rental firms is "spreading like wildfire" at a cost of hundreds of millions of dollars to consumers, a new CFA study has found.

"Airport Pricing of Access for Off-Premises Auto Rental Companies: The Growing Pattern of Abuse" updates a 1988 study by CFA and concludes, even more strongly than the first study, "that this is an economically irrational and unfair practice that will cost consumers, especially vacation travelers, hundreds of millions of dollars as it spreads throughout the nation."

The high fees, which are justified by airports as forcing firms to pay for the

benefits they receive from the presence of the airport, fall particularly heavily on off-premises firms, which receive the fewest benefits and impose the fewest costs, the study found. As a result, these lower-priced companies are often forced to hike prices.

"These fees are grossly unfair to the average auto renter who is willing to accept the inconvenience of off-premises services in exchange for a lower rental rate," said study author Mark Cooper, CFA Director of Research.

Legislation Offers Simple Solution

Cooper released the report in April in conjunction with his testimony before a

subcommittee of the Senate Judiciary Committee in support of "The Fair Airport Access Assurance Act" (S. 1822) introduced by Sen. John B. Breaux (D-LA).

"Because of their constitutional status and antitrust exemption, airports are not subject to tests of economic rationality or fairness as standards for their behavior, and the Federal Aviation Administration has decided not to impose the just and reasonable standard of the FAA Act on the pricing of access to airports," Cooper said.

This legislation would lift the airports' exemption from the antitrust laws, thus prohibiting them from setting fees that are anticompetitive, as defined by those laws. Cooper praised the bill as "a simple,

effective solution in which private parties bear the burden of proof, and the interests of the public in promoting and protecting competition take precedence over the interests of individual airports or auto rental firms."

"Since the FAA is institutionally ill-equipped and attitudinally disinclined to regulate landside pricing, the possibility of imposing government regulation is nil," Cooper said. "Since airports have market power and a strong incentive to maximize revenues from politically unrepresented tourist travelers, exposure to the antitrust laws would be a significant step to impose discipline on the airports."

Study Finds Abuse More Pervasive, Profound

The CFA study found that the abuse has become both more pervasive and more profound in recent years.

From about half a dozen airports with fees in 1985 to two dozen in 1987, today there are close to 90 with gross receipts fees in place or in the process of being imposed. The fees are most prevalent at larger airports and, according to the airports' own survey, are in place at airports which represent half of all enplanements.

Furthermore, airports now claim geographic areas of influence in which rentals must pay the gross receipts fee, even though no contract existed between the off-premises firm and the traveler prior to deplanement; no courtesy van was used going from or coming to the airport; the rental took place far from the airport; and it occurred long after the arrival of the traveler.

The fees are not rationally based on cost, nor, in the vast majority of cases, can they be justified as providing equitable treatment between on- and off-premises firms. On a national average basis, the difference in fees for on-premises and off-premises firms is just over one percent, despite the fact that on-premises firms enjoy major advantages.

Consumers Resume Fight to Keep Product Liability Laws Strong

Manufacturers are back this year with a new bill and a new battle cry—international competitiveness—as they resume their decade-long fight to weaken the nation's product liability laws. Despite strong objections from consumer advocates, on May 22 the Senate Commerce Committee reported out legislation on a 13-7 vote.

Although this year's bills (S. 1400, H.R. 2700) do not contain some of the worst provisions of previous versions, "they still represent an unwarranted attempt on the part of manufacturers to avoid compensating innocent consumers injured by defective products," said CFA Legislative Director Gene Kimmelman.

Contrary to manufacturers' claims that inconsistent liability laws and the threat of huge damage awards are making it harder for U.S. firms to compete worldwide, "state product liability law, working in conjunction with market forces and government regulation, has helped



CFA Legislative Director Gene Kimmelman urged a Senate panel not to weaken the product liability system.

American business improve its competitiveness by forcing business to respond to consumer demand for safe, high quality products," Kimmelman said in an April hearing before the Consumer Subcommittee of the Senate Committee on Commerce, Science and Transportation.

The "predominant business problems in our marketplace involve," not product liability laws, but "cyclical fluctuations in the insurance industry that are not addressed in S. 1400. In fact," he said, "no one appears to be addressing the insurance pricing cycle."

Kimmelman urged members to reject S. 1400, since it would "weaken the positive safety incentives of state product liability law by favoring manufacturers at the expense of innocent consumers injured by defective products."

The bill may face review in Judiciary Committee before possible Senate floor consideration later this year.

Voting Record Shows Strong Consumer Support

CFA has named 63 members of Congress "Consumer Heroes" in recognition of their pro-consumer voting records during the first session of the 101st Congress.

CFA also cited two senators and five representatives as "Consumer Zeroes" for their consistent opposition to consumer interests in 1989.

"These heroes bucked the special interests in backing consumers," said CFA Legislative Director Gene Kimmelman. "Their constituents should be proud of their commitment to the public interest."

The ratings are based on 16 key votes in the House and 13 in the Senate during 1989. An analysis of the votes revealed several important patterns.

Most Votes Favor Consumers

Most importantly, as they had for the last two years, both houses of Congress voted with consumers in most votes; 61 percent of House votes and 53 percent of Senate votes supported the consumer interest in 1989. Before 1988, the highest House pro-consumer voting percentage was 55, while, prior to 1987, the highest Senate percentage was 46.

"Congress remains sensitive to the consumer interest," said CFA Legislative Representative Peggy Miller. "In particular, it sought to protect low income consumers in votes on housing, energy assistance and the savings and loan bailout."

Democrats continued to have a much more pro-consumer voting record than Republicans. In the House, 78 percent of Democratic votes, compared to only 36 percent of Republican votes, were pro-consumer. Moreover, all heroes were Democrats and all zeroes Republicans.

"We are disturbed that, despite our non-partisan voting criteria, Republicans fared so poorly," Miller said. "The only encouraging trend is that, as in 1988, Senate Republicans kept their consumer voting above 40 percent."

Senate and House heroes come from many states and from each region of the country. The eight Senate heroes come from seven states, and at least one is located in each of the nation's four regions.

1989 Congressional Heroes & Zeroes

Eight Senate heroes voted with consumers at least 85 percent of the time:

Paul Simon (D-IL)	Howard Metzenbaum (D-OH)	Frank Lautenberg (D-NJ)
Robert Graham (D-FL)	Bill Bradley (D-NJ)	Patrick Leahy (D-VT)
Tom Harkin (D-IA)	Richard Bryan (D-NV)	

Fifteen House heroes had perfect 100 percent ratings:

Byron L. Dorgan (D-ND)	Kweisi Mfume (D-MD)	Nancy Pelosi (D-CA)
Lane Evans (D-IL)	George Miller (D-CA)	Patricia Schroeder (D-CO)
Marcy Kaptur (D-OH)	Richard Neal (D-MA)	Charles E. Schumer (D-NY)
Joseph Kennedy II (D-MA)	James L. Oberstar (D-MN)	Pete Stark (D-CA)
Sander M. Levin (D-MI)	Leon E. Panetta (D-CA)	Bruce Vento (D-MN)

Forty more House heroes voted with consumers 94 percent of the time:

Chester G. Atkins (D-MA)	Charles A. Hayes (D-IL)	Gus Savage (D-IL)
Jim Bates (D-CA)	Tim Johnson (D-SD)	Gerry Sikorski (D-MN)
Anthony C. Beilenson (D-CA)	James Jontz (D-IN)	Louise M. Slaughter (D-NY)
Charles E. Bennett (D-FL)	Dale E. Kildee (D-MI)	Stephen J. Solarz (D-NY)
David E. Bonior (D-MI)	Gerald Kleczka (D-WI)	Harley O. Staggers (D-WV)
Barbara Boxer (D-CA)	John J. LaFalce (D-NY)	Gerry E. Studds (D-MA)
Joseph E. Brennan (D-ME)	John R. Lewis (D-GA)	James A. Traficant (D-OH)
John Conyers Jr. (D-MI)	Nita M. Lowey (D-NY)	Morris K. Udall (D-AZ)
George W. Crockett Jr. (D-MI)	Frank McCloskey (D-IN)	Jolene Unsoeld (D-WA)
Brian J. Donnelly (D-MA)	James A. McDermott (D-WA)	Ted Weiss (D-NY)
Thomas M. Foglietta (D-PA)	Michael R. McNulty (D-NY)	Alan Wheat (D-MO)
Sam Gejdenson (D-CT)	Joe Moakley (D-MA)	Howard E. Wolpe (D-MI)
Henry Gonzalez (D-TX)	Major R. Owens (D-NY)	Sidney R. Yates (D-IL)
Gus Hawkins (D-CA)		

Two Senate zeroes voted for consumers only 15 percent of the time:

Jesse Helms (R-NC)	Stephen D. Symms (R-ID)
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Five House zeroes voted with consumers 13 percent or less:

Bob Stump (R-AZ)	Jack Buechner (R-MO)	Dana Rohrabacher (R-CA)
Steve Bartlett (R-TX)	John Kyl (R-AZ)	

The 55 House heroes come from 22 states located in all parts of the country.

"Even though a majority of heroes represent northern states, several come from the South and the Southwest," Miller noted.

Sixteen Members of Congress Had Perfect Records

Among the eight senators and 55 representatives designated as Consumer Heroes, one senator, Paul Simon (D-IL), and 15 representatives voted with consumers on every vote, thereby compiling perfect 100 percent ratings.

Representatives and senators with the highest lifetime consumer ratings were also recognized. The 25 lifetime heroes in the House include Reps. Richard Neal (D-MA), who has a 100 percent rating; Kweisi Mfume (D-MD), at 98 percent; Lane Evans (D-IL) and Nancy Pelosi (D-CA), at 96 percent; followed by Ronald Dellums (D-CA) and Joseph Kennedy II (D-MA), at 95 percent, and Edward J. Markey (D-MA) at 91 percent, this year's recipient of a Philip Hart Public Service Award.

In the Senate, Howard Metzenbaum (D-OH) leads the 15 lifetime heroes with a 91 percent lifetime rating, followed closely by Tom Harkin (D-IA) and Frank Lautenberg (D-NJ), each with a 90 percent rating. Sen. Simon, another of this year's Philip Hart Public Service Award winners, is also a lifetime hero.

Congress Opens Financial Structure Debate

Questions raised by the savings and loan crisis and the continuing push by banks to enter insurance and securities markets have forced Congress to take a new, comprehensive look at the financial system's regulatory structure.

Although no legislative action is expected before the 1991 session, a full round of hearings is being held this session to lay the groundwork for future action.

"With the cost of the savings and loan crisis continuing to mount and the added worry of new bank failures, serious questions about the viability of the federal deposit insurance system and the regulatory structure are being raised," said CFA Legislative Representative Peggy Miller. "Simultaneously, banks, thrifts, and the commercial sector are pushing to be allowed into a wide array of financial products and securities and insurance activities."

"As these discussions progress, it is becoming increasingly clear that everything is going to be on the table next year," she said. "Consumers need to begin now to define their positions on these issues in order not to be locked out of the debate."

In April testimony before the Senate Banking Committee, Miller discussed the emerging consumer perspective on a broad range of issues. "We are faced with the dilemma of having created an enormously concentrated and interwoven fi-



CFA Legislative Representative Peggy Miller (right) and Sherry Ettelson of Public Citizen's Congress Watch were part of a consumer panel testifying on financial restructuring.

ancial structure which reaches into every part of our economy, and into the economies of most nations, and which links financially insured investments with those that are, strictly speaking, uninsured," Miller said.

"Financial concentration of this magnitude and complexity—without the constraints of equally complex, broad and tough regulations operating within well defined economic development and public policy guidelines—could decimate our en-

tire economic system as well as the savings of the people across this country," she said.

Any changes in the system, she said, "must occur within a context of public policy which addresses the broader impact of our financial structure on our overall economy and way of life and which provides our regulators with the policies and means to manipulate this system for the good of all, not just for the good of a few, as we are witnessing now."

CFAnews



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Report Urges \$50 Million for CPSC Budget

The Consumer Product Safety Commission's "severely limited budget has become an indirect culprit in the thousands of deaths and hundreds of thousands of injuries suffered each year by American consumers from unsafe products," according to a joint study by CFA and Consumers Union released in May.

"Pennies for Consumer Protection? A Report on the CPSC's 1991 Budget" calls on Congress to appropriate \$50 million to CPSC for Fiscal Year 1991 "in order to stem the erosion of this important consumer safety agency" and "ensure that consumers will be protected."

"Consumers mistakenly believe that the federal government is inspecting products, demanding safer standards, initiating quick recalls, and all in all making sure that the products they buy are safe," said CFA Product Safety Director Mary Ellen Fise, co-author of the study with CU's Kristen Rand.

"This is simply not the case," she continued. "Because of such a severe lack of funds, CPSC staff are forced to spread investigations of product hazards over several years, and in some cases are forced to turn their backs completely on fatal hazards."

Fise testified in May before House and Senate appropriations committees in support of a \$50 million budget for the agency.

OMB Proposal All-time Low

The Bush Administration, however, has requested only \$35.6 million and 513 full-



CFA Product Safety Director Mary Ellen Fise (far right) urged a House appropriations subcommittee chaired by Rep. Bob Traxler (D-MI) (left) to raise the CPSC budget to \$50 million. Joining her were Pam Gilbert of Public Citizen's Congress Watch and Lucinda Sikes of U.S. PIRG.

time equivalents (FTEs) for the agency—a budget authority \$7 million less than its budget in 1981 and the lowest personnel level in the history of the agency.

When the CPSC staff prepared its FY 1991 budget submission last year, they requested a budget of \$40.3 million and 550 FTEs as the minimum cost to conduct a viable product safety effort.

"Unconcerned that CPSC have enough funds to provide minimum basic protection for consumers, OMB reduced the agency's request. Apparently a 'kinder and gentler nation' is one where household fires burn homes to the ground, babies die on crib toys, children become permanently brain damaged in playground and bicycle accidents, and con-

sumers breathe noxious indoor air polluted by consumer products," Fise said.

"A budget limited to \$35.6 million and 513 employees will reduce the agency's ability to respond to hazards quickly and successfully, but also will threaten the safety of consumer products and ultimately result in needless consumer injuries and deaths," she said.

The study found that CPSC has "suffered from the Reagan-Bush Administration's budget scalpel like no other federal health and safety agency." Cuts to the CPSC budget in the last decade reduced its funds by one-half and its staffing level by almost one-half. While other agencies have recently received modest increases,

CPSC's "infinitesimal increases" fail to even keep pace with inflation.

Agency Decimated by Funding Cuts

The report found that inadequate funding has already decimated agency operations and that the further cuts proposed by the Office of Management and Budget for FY 1991 would:

- leave the agency no funds to contract for hazard testing and research;
- reduce the number of product hazards the agency can address, including several related to fire and burn hazards;
- cause further delays at an agency that has already fallen way behind what it should have been reasonably accomplishing in reducing product hazards; and
- reduce personnel and funding support for compliance and enforcement actions, despite the agency's own admission that "it has been years since nationwide compliance with certain CPSC regulations has been assessed."

Other areas adversely affected would include hazard identification and analysis, information and education programs, and equipment and supplies.

"By establishing the Consumer Product Safety Commission, Congress indicated its support for government's role in product safety. Now it is critical that Congress let OMB know that it meant CPSC to be a strong protector of consumers and not the deceptive shell of a consumer agency it has become."



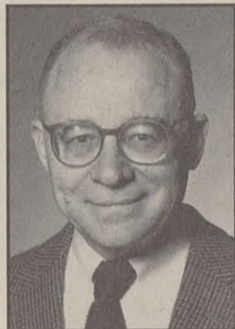
Sen. Paul Simon



Rep. Edward J. Markey



Esther K. Shapiro



Herb Denenberg

20th Annual Awards Dinner

The Consumer Federation of America will honor distinguished consumer service at its 20th Annual Awards Dinner Tuesday, June 19.

Sen. Paul Simon (D-IL) and Rep. Edward J. Markey (D-MA) will receive the Philip Hart Public Service Awards. The Philip Hart Distinguished Consumer Service Award will be presented to Esther K. Shapiro, Director of the Detroit Consumer Affairs Department. Herb Denenberg, Consumer and Investigative Reporter with WCAU-TV (CBS) in Philadelphia, will receive the Outstanding Consumer Media Service Award.

The awards dinner, CFA's major fundraising event of the year, will be held at the Capital Hilton Hotel in Washington, D.C. A 6 p.m. reception will be followed by a buffet dinner at 6:45 p.m.

For more information, contact Sheila Meade, CFA Conference Manager.

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