# CFA CFAnews

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Schroeder (D-CO)

Schumer (D-NY)

Shannon (D-MA)

Studds (D-MA)

Torres (D-CA)

Walgren (D-PA)

Wise (D-WV)

# **CFA Names Congressional Heroes**

our Senate and two House Heroes joined Consumer Federaation of America in releasing the CFA 1983 Congressional Voting Record at a Capitol Hill press conference in mid-February. The Heroes, selected for their outstanding performance on 12 Senate and 12 House floor votes, were Senators Joseph Biden (D-DE) and Howard Metzenbaum (D-OH), both of whom compiled perfect 100% records; Senator Frank Lautenberg (D-NJ), who scored 92%; Senator Claiborne Pell (D-RI), with an 83% rating; and Representatives Jim Moody (D-WI) and Bob Wise (D-WI), two of the eight freshman members of the House with 100% records in 1983. Overall, nine Senators and 29 Congressmen qualified as heroes. (See chart)



CFA Legislative Director David Greenberg introduces Senate Heroes (l. to r.) Claiborne Pell, Frank Lautenberg, Howard Metzenbaum and Joseph Biden at Capitol Hill press conference.

### CFA 1983 Voting Record

#### SENATE

HEROES		ZEROES	
Biden (D-DE)	100	Goldwater (R-AZ)	0
Metzenbaum (D-OH)	100	McClure (R-ID)	0
Lautenberg (D-NJ)	92	Tower (R-TX)	0
Tsongas (D-MA)	92	Armstrong (R-CO)	8
Bradley (D-NJ)	83	Denton (R-AL)	8
Kennedy (D-MA)	83	Laxalt (R-NV)	8
Leahy (D-VT)	83	Stevens (R-AK)	8
Levin (D-MI)	83	Symms (R-ID)	8
Pell (D-RI)	83	Zorinsky (D-NE)	8
	IIO	LICE	

Leahy (D-VT)	83	Stevens (R-AK)	8
Levin (D-MI)	83	Symms (R-ID)	8
Pell (D-RI)	83	Zorinsky (D-NE)	8
	НО	USE	
HEROES		ZEROES	
Berman (D-CA)	100	Burton (R-IN)	0
Boland (D-MA)	100	Daub (R-NE)	0
Brooks (D-TX)	100	DeWine (R-OH)	0
Dellums (D-CA)	100	Forsythe (R-NJ)	0
Donnelly (D-MA)	100	Gramm (R-TX)	0
Dwyer (D-NJ)	100	Hiler (R-IN)	0
Frank (D-MA)	100	Kasich (R-OH)	0
LaFalce (D-NY)	100	Kindness (R-OH)	0
Lehman (D-CA)	100	Kramer (R-CO)	0
Levine (D-CA)	100	Lewis (R-FL)	0
Long (D-LA)	100	Lott (R-MS)	0
McNulty (D-AZ)	100	McEwen (R-OH)	0
Markey (D-MA)	100	Oxley (OH)	0
Minish (D-NJ)	100	Paul (R-TX)	0
Mitchell (D-MD)	100	Schaefer (R-CO)	0
Moakley (D-MA)	100	Shuster (R-PA)	0
Moody (D-WI)	100	Solomon (R-NY)	0
Nowak (D-NY)	100	Winn (R-KS)	0
Ortiz (D-TX)	100		
Ottinger (D-NY)	100		
Roe (D-NJ)	100		
St Germain (D-RI)	100		

100

100

100

100

100

"These are the elected officials who stood up for consumers against unjustified raids on their pocketbooks," CFA Legislative Director David Greenberg told the press gathering. "These are the elected officials who stood up for consumers against dangerous threats to their health and safety. And these are the elected officials who stood up for consumers against attempts to weaken fairness in government."

### **Tough Choices**

Referring to the votes in the Voting Record as "tough choices," Greenberg lauded the Heroes for their willingness to confront the natural gas industry; for their support for the Consumer Product Safety Commission and the Federal Trade Commission which save thousands of lives and billions of dollars each year, yet face constant industry efforts to weaken their powers and reduce their funding; for their support for fair tax policies and for votes against taxpayer subsidies to dairy, tobacco and energy producers. Greenberg also praised their leadership to ensure that the worst victims of the recession were not left without health insurance and did not face foreclosure of their mortgages. "Many of these votes were courageous votes," worthy of the title Hero.

Unfortunately, according to Greenberg, the same cannot be said for the Congress as a whole. On these twelve votes, the Senate averaged 42%, the House 54%. Greenberg pointed out that while the consumer position prevailed on 13 of the 24 votes, most of the votes were largely defensive ones: efforts to retake ground lost in the last two years; battles with special interest groups over subsidies; bailouts and windfalls, or

attempts to treat the worst wounds of the recession.

"Even given those modest parameters, eighteen members of the House failed to cast even one pro-consumer vote and nine Senators brought up the rear with 0% and 8% scores," Greenberg said. "These are the 27 Congressional Zeroes for 1983." (See chart)

### **Bright Future**

Greenberg saved the good news for the end of the press conference. Referring to the record of the Senators and Representatives elected in 1982, he noted: "The 1983 Freshmen really hit a home run for consumers, with House members scoring 61%, 24 points above the lifetime record of their predecessors, and new Senators more than doubling the record of those they replaced, 44% to 20%."

The CFA analysis, according to Greenberg, reveals that this trend among the Freshmen crosses regional and ideological lines. "Look at the contrast between new members and their predecessors in state after state," he said. "California: 69% vs 19%. Minnesota: 92% vs 24%. Illinois: 81% vs 35%. Texas: 61% vs 28%. Look even closer at some of the states normally known for low consumer support; North Carolina: 67% vs 17%. South Carolina: 71% vs 27%. Virginia: 58% vs 13%. West Virginia: 86% vs 34%.

These numbers point to a bright future for consumers and consumer issues, Greenberg concluded. "Freshman members, by necessity, must be close to the pulse of their constituents. their outstanding consumer record is a powerful and accurate measure of grassroots sentiment. They have set a standard that their senior colleagues best pay attention to as November 1984 approaches."

### State Lemon Laws: Remedies for a Sour Deal

by Jack Gillis, CFA Public Affairs Director

EDITOR'S NOTE: Jack Gillis joined CFA in December as Director of Public Affairs. He holds the post part-time while continuing to direct his own public relations firm. Gillis is author of The Car Book, now in its fourth edition, and also edited The Product Safety Book for CFA. Under the Carter Administration, he served at the National Highway Traffic Safety Administration as special assistant to the Administrator. He resigned from NHTSA when the Reagan Administration refused to continue publication of The Car Book. Gillis regularly appears on the Today Show and other national media as a commentator on consumer and public policy issues.

ne of the hotest items on state legislative agendas is the passage of "lemon laws." Since 1982, 19 states have passed laws designed to help the owner of a "lemon" automobile. "These laws," says Evan Johnson, an attorney for the Center for Auto Safety in Washington, D.C., "provide consumers who own bad cars, with clear rights in the automobile market-place."

While state-by-state variations in the laws exist, all of the laws extend the Federal Magnuson-Moss Warranty Act's lemon remedies of replacement or refund to all vehicles, not just those carrying a full warranty. The most significant aspect of these laws is that they specifically define a lemon. In the past, the burden of proving whether or not a car was a lemon was on the consumer.

Most of the states define a lemon as a car that has been out-of-service for a total of 30 days, or has been brought back 4 times for the same repair. This definition provides consumers with a yardstick for determining whether they have a lemon before taking action.

Al Luzi, newly-elected President of CFA and head of the Milwaukee Concerned Consumers League, calls the recently passed Wisconsin lemon law an "excellent break for consumers." By specifically defining a lemon, the law gives consumers the leverage to "force, not only the manufacturers, but the legal system, to deal with the problem of lemons," he said.

Most state laws require consumers to resort to arbitration before asserting their lemon law rights if the manufacturer's program of arbitration complies with the Federal Trade Commission guidelines. This includes incorporating the arbitration program in the car's warranty.

In response to these lemon laws, some manufacturers have expanded and modified their arbitration programs. According to *Impact*, a journal of safety litigation news from the Center for Auto Safety, Ford, Nissan and VW have enlarged their arbitration programs and Chrysler has incorporated its Customer Satisfaction Board program into its warranty.

### States with Lemon Laws

California Connecticut Delaware Florida Illinois Maine Massachusetts Minnesota Montana Nebraska Nevada New Hampshire **New Jersey** New York Oregon Texas Washington Wisconsin Wyoming

While arbitration is a key component of most lemon laws, when a particular arbitration program does not comply with state and/or FTC requirements, the parties are not required to use it. Jody Forcheimer, staff attorney for CFA-member group MassPIRG, and a key player in the passage of the Massachusetts lemon law, is concerned about arbitration programs that don't conform to the law. "Unless you can get manufacturers to go on record with arbitration programs that will conform to the FTC guidelines and the law, arbitration programs may be ignored," she said.

Although the passage of lemon laws continues at a rapid pace, there has not been enough experience in those state with laws to determine their actual effectiveness. In California, one of the first states to pass a lemon law, Judith Bell of CFA-member group, San Francisco Consumer Action, said "Too many consumers still do not know about the law and the protection it offers." In states considering legislation, she recommends the incorporation of an educational campaign. "At the very least, the new car buyer should be given a simple fact sheet outlining the law in that state."

# CFA and Mobile Home Industry Issue Joint Formaldehyde Warning

The Consumer Federation of America and the Manufactured Housing Institute, in what they termed "unprecedented cooperation," agreed to the wording of a formaldehyde warning which they want the Federal government to require on all mobile homes prior to sale.

In a joint letter to the U.S. Department of Housing and Urban Development, the two groups urged HUD to mandate placement of the warning in all manufactured housing units "as soon as possible." The two groups are now in the process of deciding on how best to display the "Important Health Notice" at point of sale, and will also propose to HUD that the warning be part of the closing documents which a consumer must sign before purchase of a mobile home.

"While we disagree on some of the issues concerning formaldehyde," said Jerry Connors, MHI President, "we both believe consumers should have the information about formaldehyde contained in [the Health Notice]." MHI is currently making copies of the notice available to its member manufacturers for immediate use. MHI is the national trade association which represents home builders and supplier companies who make 75 percent of all the mobile homes produced in the U.S.

Many of the MHI members are already using an indoor air pollution notice, but according to CFA's Product Safety Director Anne Averyt, "this new warning is much more explicit about the risks of formaldehyde in mobile homes. It is written in clear language, it's brief and to the point, and it will better help consumers assess any health risks entailed in the purchase of a mobile home."

CFA and MHI worked on the health notice for more than three months before agreeing to the precisely worded statement. "We hope HUD will not only decide to require a warning," said Averyt, "but that they use the one we have agreed to. It covers nearly all the essential aspects of the issue and it has the support of both the industry and consumers."

### IMPORTANT HEALTH NOTICE

Some of the building materials used in this home emit formaldehyde. Reduced ventilation resulting from energy efficiency standards may allow formaldehyde and other contaminants to accumulate in the indoor air. Eve, nose and throat irritation, headaches, nausea and a variety of asthma-like symptoms, including shortness of breath, have been reported as a result of formaldehyde exposure. Elderly persons and young children, as well as anyone with a history of asthma, allergies or lung problems may be at greater risk. Research is also continuing on the possible long-term effects of exposure to formaldehyde. If you have any questions regarding the health effects of formaldehyde, consult your doctor.

This notice has been prepared through the cooperative efforts of the Consumer Federation of America and the Manufactured Housing Institute.

Commending the trade association's willingness to take leadership on a sensitive issue, CFA's Legislative Director David Greenberg called on HUD to "show equal concern for mobile home purchasers by acting promptly on our joint request."

# **CFA**news

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### Committee Investigates Bank Service Fees

hairman Fernand J. St Germain (D-RI) recently announced his House Banking Committee will serve as a "clearinghouse for information" as part of an extensive investigation into bank service fees.

The Congressman has called on consumers, senior citizens, regulatory agencies and public interest groups to forward to the committee any specific information about fees charged by financial institutions for checking and other banking services. "My office has been contacted by people all over the country about various unexpected charges," St Germain said. Many of the fees for basic banking service, "are imposed quietly and the general public is unaware they face the charges until they are in immediate need of some bank service. We want to know from as many customers as possible firsthand data on how these services are provided and at what cost.'

Specifically, the Banking Committee wants information on fees for cashing Social Security checks, delays in credit-

ing salary checks, and the cost of checking services. The banking fee system "is a silent, almost underground activity, that shifts millions of dollars from consumers to the banks," St Germain charged.

In urging consumers to respond to St Germain's call for information, CFA Legislative Representative Glenn Nishimura said: "Banking deregulation is creating two classes of banking customers. The 'upscale' consumer is being courted and wooed with special services, while those with small accounts are experiencing across-the-board increases in bank fees. The House Banking Committee's investigation into these increases is vital in order to document the breadth and depth of this change."



Send any information on fees and charges to: Honorable Fernand St Germain, Chairman, Banking, Fi-

nancé and Urban Affairs Committee, Rayburn House Office Building, Washington, D.C. 20515.

# Senate Fails to Kill Phone Charges

by Glenn Nishimura, CFA Legislative Representative

he question was one of equity for consumers. but the response was business as usual, as the Senate voted on January 26 to kill legislation aimed at challenging the Federal Communications Commission's (FCC) scheme of repricing telephone service. For consumers the vote means that in 1985 residential customers will begin paying an "access charge" in addition to their present phone bill.

At the core of the controversy was the FCC's decision to eliminate the contribution made by long distance carriers to support the local telephone network. In effect, this change in regulatory philosophy would shift billions of dollars of costs from large, corporate long distance callers to local phone users. And though this new "theory" purports to embrace the concept that costs should be paid by those who generate those costs, long distance users would pay virtually nothing for the use of a network without which long distance calls could not be completed.

The vote in the Senate reflected last minute concessions by the FCC. It had become increasingly apparent that while Senator Bob Packwood (R–OR) had the votes to pass legislation in the Senate, support was soft. Accurately assessing the situation, Senator Bob Dole (R–KS) and the FCC fashioned a strategy that would provide enough of an excuse to allow reluctant Senators to jump ship and send the measure down to defeat.

This strategy was to revise the FCC rule on the eve of Senate consideration of the Packwood bill. Essentially, the Commission agreed to do two things: restudy some of the issues that emerged during the debate over legislation, and delay the implementation time for the access charges on residential and small business phone users. Supporters of legislation found no solace in the FCC promises. No one expects that further investigation will change the Commission philosophy of piling all costs onto local phone users. Everyone recognizes that, while the new timetable took the issue out of election year politics, it did not change the ultimate transfer of costs. "They [access charges] are unfair and will be just as unfair 18 months from now," noted House Energy and Commerce Committee Chairman John Dingell (D–MI).

### Soft Support in the Senate

From the beginning the political line-up on the telephone legislation was unusual. In the House, strong legislation was pushed through the Energy and Commerce Committee by leading Democratic members. Republican opposition was slow in developing, but it did develop as the committee reported the bill out on a strict party line vote. On the House floor, two Republican-inspired weakening amendments were rebuffed by comfortable margins as the House went on to pass

CFA Campaign Focuses
On Savings Options

arlier this month, the Consumer Federation of America initiated a campaign to redirect consumer savings out of passbook accounts into other savings options. The focus of the campaign is the distribution of a free pamphlet, "Your Savings Options," prepared by CFA Executive Director Stephen Brobeck.

Brobeck explained that the campaign was made necessary by bank deregulation and the resulting proliferation of new savings options. "A decade ago, the only bank option for savers was passbook accounts. Today, there are also money market deposit accounts, certificates of deposit, NOW accounts, Super-NOW accounts, several credit union options and at non-bank institutions, money market funds."

According to Brobeck, "consumers still are not fully utilizing these new accounts. That's why they retain \$250 billion in passbook accounts, at a cost of more than \$7.5 billion in lost interest."

The pamphlet outlines seven factors to consider in evaluating savings options, describes five bank and two nonbank savings options, and suggests guidelines to use in choosing an account. The guidelines include the following:

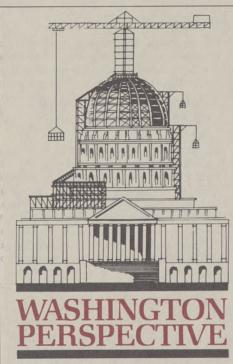
 Shift funds in passbook accounts to higher interest accounts such as



money market deposit accounts, money market funds, certificates of deposit, or credit union equivalent accounts.

- Invest in CDs if you can afford to tie up your money for the entire term of the certificate—they pay the highest yields.
- Use NOW and SuperNOW accounts only for checking, not for savings.
- In shopping around among institutions, always compare annual yields, which take into account the method of compounding as well as the interest rate. Also, avoid accounts that use a "low balance" method of computing interest, where interest is earned only on the lowest balance in the account during a period of time, usually a quarter.

The savings options pamphlet may be obtained by sending a stamped, self-addressed envelope to CFA. The Consumer Affairs Office of American Express has volunteered to send out the pamphlet in bulk quantities at no charge.



the legislation by voice vote in the waning days of the 1983 session.

But, partisan politics played out quite differently in the Senate. There, the lead sponsor, Republican Senator Packwood was forced to accept weakening amendments by the Democrats in his Commerce Committee before the bill was reported out by a 15–2 bipartisan vote. The Senate leadership declined to schedule a vote in the rush to adjourn in 1983, but reserved consideration for early 1984, giving AT&T, Senator Dole, and the FCC enough time to pull the rug out from under Packwood.

In the end, the Senate defeat can be tied to a weak effort by the Democrats. Senator Hollings, the Commerce Committee's minority leader, who would traditionally provide information and advice to other Democratic members, was practically invisible during the jockeying for support. So were other Democratic leaders. While many suspected that Dole's aim was a political

one, to avoid placing the President in a position of vetoing a bill lowering phone rates, the Democrats failed to force the issue.

So, by a vote of 44–40 (See box) the bill was tabled, as Packwood's coalition of rural Senators from both parties and traditional consumer allies could not overcome the opposition of Republicans supporting the Administration, joined by a handful of Southern and urban Democrats.

#### Action Moves to the States

The prospects for further action in Congress on this issue during the current session are practically nil. If, however, the FCC sticks to its announced schedule of implementing access charges in mid-1985, Congress will have another shot at reversing the FCC's philosophy. To succeed in 1985, residential phone users must keep pressure on Congress.

Meanwhile, divestiture and FCC initiatives continue to impact on state regulatory commission proceedings. State consumer advocates are well aware that the next two years will be crucial in assuring that residential phone users are not unjustly saddled with all costs rising out of divestiture and the FCC's zeal. Quality service at a reasonable cost must be preserved under any change in the telecommunications system. But, for the time being at least, most of the battles will have to be fought—and won—at the state level.



# OMB Threatens Lives By Starving CPSC

by David Greenberg, CFA Legislative Director

In an effort to save lives and prevent injuries from dangerous products, last year CFA led a coalition of consumer, public interest, health, and children's groups seeking a larger budget for the Consumer Product Safety Commission. That effort came up short. Now the

ANALYSIS ANALYSIS ANALYSIS ANALYSIS

practical impact of the Commission's shrinking real resources has been documented ANALYSIS in a strongly worded letter from CPSC Com-

missioner Stuart M. Statler to the House Appropriations Subcommittee on HUD-Independent Agencies

Commissioner Statler claims that the Commission has sustained greater percentage cuts in resources than any other health and safety agency in the Federal government, particularly in recent years. In Fiscal Year 1981, the agency had a budget of \$42.14 million and 889 full-time employees. These numbers were cut to \$35 million and 595 workers in Fiscal Year 1984. For 1985, OMB scaled the Commission's \$37 million request back to \$35 million, which would necessitate a reduction in staffing from

These budget cuts over the past few vears are large enough before accounting for inflation—a 17% reduction in

budget, 34% in staffing. But in real terms they are overwhelming. In real terms the CPSC is receiving less than half of its original 1974 budget.

### Undermining the Mandate and Mortgaging the Future

According to Commissioner Statler, for the Commission to operate with such limited resources is "sheer folly." To do so, he believes, undermines the mandate Congress first approved in 1972 and has repeated ever since: to protect the American public from the unreasonable risk of product injuries.

Statler proceeds in his letter to provide some examples of the "awesome array of product defects which victimize consumers in complex and often hidden ways." A systematic solution for these risks, he concludes, will of necessity be virtually ignored by a CPSC operating at either \$35 or \$37 million

- "Explosion, devastation and death" from defective gas combination control valves on heating appliances and water heaters fueled by LP gas and natural gas. Because of inadequate resources the Commission has been unable to structure an effective prevention solution and instead is forced to operate piecemeal through recalls
- The emergence of microcircuitry in a broad range of consumer products

-Statler calls this the most significant development in consumer products in this decade-will inevitably create a variety of risks and potential product hazards. The Commission has been forced to scratch a project designed to discover and head off these risks before they become a serious national problem.

• Two million homes with aluminum wiring systems built between 1965 and 1973 are 55 times more likely to be victimized by fire than homes with traditional copper wiring. Despite substantial work in the past on this problem, the agency simply cannot afford to go forward with research on a

### The Difference \$2 Million Makes

After outlining the many ways in which the CPSC budget leaves the Commission unprepared to take action on present and future product hazards, Commissioner Statler turned to a more immediate issue: the impact of OMB's slicing \$2 million from the agency's 1985 budget request. Again, Statler's analysis is exhaustive and troubling: weeks or months of delays in the assessment of new product hazards; loss of major portions of the CPSC research effort into the hazardous effects of toxic indoor pollutants; loss of research and contract funds for inquiries into metal

chimney fires and wood/coal burning heater fires; loss of funds for replacing obsolete and inoperative laboratory equipment; serious reduction in the number of injury investigations performed by field staff; and cuts in staffing to check industry compliance with toy safety standards. Sadly, the list goes on.

### **Dollar Savings Are Costing Lives** and Millions of Dollars

The ultimate irony, of course, is that an attempt to save a few million dollars in budget funds ends up costing society many times that in lost wages, medical expenses and property damage associated with product injuries and deaths that could have been prevented. CFA's study of household accident rates in the decades before and after the creation of the CPSC shows a 14 percentage point reduction in death rates and a 17 point reduction in injury rates associated with the Commission's existence. In dollar terms that means literally bil-

Put those figures together with the facts in Commissioner Statler's letter and the conclusion is as clear as two plus two: We are wasting money and allowing preventable product injuries and deaths by starving the CPSC. Unfortunately, it appears that the folks at OMB still cannot compute this simple equation.

# House Rejects FERC Plan for CWIP

onsumers won a major victory on February 9, when the House voted by a lopsided margin of 288-113 to prohibit utilities from automatically including the costs of power plant construction in current utility bills. HR 555, the Construction Work in Progress (CWIP) Policy Act of 1983, would undo a Federal Energy Regulatory Commission (FERC) rule, in effect since July 1983, which allows utility companies to charge their wholesale customers for power plant costs as the plant is being built, and years before any power is actually

"The FERC rule opened the floodgates to higher electricity rates for consumers across the country," said Glenn Nishimura, CFA Legislative Representative. "HR 555 and its companion measure in the Senate give Congress the chance to vote for lower electric bills. Along with stopping the decontrol of natural gas, the passage of CWIP legislation will head the consumer energy agenda in this session of Congress.'

The legislation is supported by a coalition led by American public Power Association and includes representatives of environmental organizations, labor, senior citizens, rural organizations, and consumer groups including CFA.

In endorsing HR 555, consumer groups argued that the FERC rule would be extremely costly for consumers, would penalize older and more mobile customers who would be charged for the cost of producing electricity they may never use, and would encourage utilities to build power plants rather than consider energy-saving alternatives.

The rule, according to Nishimura, also transfers the risk of bad management decisions from stockholders to ratepayers and tempts utility companies into corporate restructuring aimed at bypassing state regulation in order to be able to charge CWIP under FERC jurisdiction. The overwhelming vote in the House casts an immediate spotlight on the Senate," said Nishimura, where the companion measure S 1069 is pending in the Energy and Natural Resources Committee.

Whether comparable legislation can pass the Republican-controlled Senate over the stated opposition of the Reagan Administration is another matter. But in an election year, Senators may find it very difficult to vote for higher electric rates. The key is to get a bill onto the floor of the Senate," Nishimura concluded.

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