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House Consumer Support Drops Sharply

The overall pro-consumer voting record of members of the U.S. House of Representatives dropped sharply last year, falling below 60 percent for the first time since 1987, according to a CFA report on 1991 congressional voting trends released in February.

Because voting records had been unusually high in the previous three years, however, the House average of 55 percent was still relatively high. The overall Senate voting record was virtually unchanged from the previous year.

In both houses of Congress, there were particularly notable drops in the pro-consumer voting records of freshmen and Republicans. Furthermore, in contrast to last year when there were four Republican Heroes, there were none in 1991.

The report cited two factors as contributing to the drop:

- The upcoming presidential election led to an increase in partisan and interest group politics, which caused some Republican voting records to drop and resulted in close votes on critical consumer protection legislation.

Four members of Congress compiled 100 percent pro-consumer voting records in 1991.

- Tough economic times created greater sympathy on both sides of the aisle for promoting business's interests at the expense of consumers and a reduced willingness to expand programs for low income consumers.

Two members each of the House and the Senate voted with consumers on every vote, compiling 100 percent voting records. They are: Sen. Howard Metzenbaum (D-OH), Sen. Paul Simon (D-IL), Rep. John Dingell (D-MI), and Rep. Patsy Mink (D-HI).

Twenty members of Congress — including 11 representatives and nine senators — were named Consumer Heroes by CFA in recognition of their strong consumer voting records during the first session of the 102nd Congress. This is down from 55 in 1990 and 63 in 1989.

CFA also cited 16 representatives and seven senators as Consumer Zeroes because of their consistent opposition to consumer interests.

The ratings are based on 18 key votes in both the House and the Senate in 1991.


Sen. Howard Metzenbaum


Sen. Paul Simon


Rep. John Dingell


Rep. Patsy Mink

1991 CONGRESSIONAL HEROES & ZEROES

Nine Senate Heroes voted with consumers at least 89 percent of the time, including two who had 100 percent records:

- Howard Metzenbaum (D-OH)
- Paul Simon (D-IL)
- Patrick Leahy (D-VT)
- Brock Adams (D-WA)
- Joseph Biden (D-DE)
- Joe Lieberman (D-CT)
- Daniel Patrick Moynihan (D-NY)
- Paul Wellstone (D-MN)
- Timothy Wirth (D-CO)

Eleven House Heroes voted with consumers at least 94 percent of the time, including two who had 100 percent records:

- John Dingell (D-MI)
- Patsy Mink (D-HI)
- Neil Abercrombie (D-HI)
- William Clay (D-MO)
- Ronald Dellums (D-CA)
- Dennis Eckart (D-OH)
- Lane Evans (D-IL)
- Joseph Kennedy II (D-MA)
- Dale Kildee (D-MI)
- Kweisi Mfume (D-MD)
- Howard Wolpe (D-MI)

Seven senators who voted with consumers less than 12 percent of the time were named Consumer Zeroes:

- Orrin Hatch (R-UT)
- Jesse Helms (R-NC)
- Steve Symms (R-ID)
- Larry Craig (R-ID)
- Jake Garn (R-UT)
- Phil Gramm (R-TX)
- Mitch McConnell (R-KY)

Sixteen House Zeroes voted with consumers less than 12 percent of the time:

- Christopher Cox (R-CA)
- John Doolittle (R-CA)
- David Dreier (R-CA)
- Dana Rohrabacher (R-CA)
- Bill Zeliff (R-NH)
- Wayne Allard (R-CO)
- Richard Armey (R-TX)
- Richard Baker (R-LA)
- Thomas Bliley, Jr. (R-VA)
- John Boehner (R-OH)
- William Dannemeyer (R-CA)
- Porter Goss (R-FL)
- Alex McMillan (R-NC)
- Charles Taylor (R-NC)
- Don Young (R-AK)
- Richard Zimmer (R-NJ)

(Copies of the 1991 Congressional Voting Record are available for $10, paid in advance, from CFA. Non-profit organizations may purchase the report for $5.)

"This was a difficult year to vote with the consumer interest," said Peggy Miller, CFA's Voting Record Manager. "These Consumer Heroes stood by consumers in the face of a strong push by special interests for increased industrial concentration and decreased consumer protections."

The following are among the overall trends revealed by the vote analysis:

- The overall House voting record dropped from an alltime high of 68 percent in 1990 to 55 percent in 1991, the largest single-year decline since CFA began compiling voting records in 1971. The Senate record of 55 percent was only one point lower than in 1990.
- Voting records dropped in every category analyzed in the House. Particularly sharp declines were seen among House freshmen, whose average went from 74 percent in 1990 to 52 percent in 1991, and among House Republicans, whose average dropped from 49 percent in 1990 to 30 percent in 1991. The scores of freshman Democrats dropped 15 percentage points, from 84 percent to 69 percent, while the scores of freshman Republicans plummeted 27 points, from 54 percent in 1990 to just 27 percent in 1991.
- The voting average among Senate freshmen dropped from 59 percent in 1990 to 43 percent in 1991. This decline was driven by Republican freshmen, whose 1991 average of 21 percent was ten points lower than the 1990 average of freshman Republicans. The pro-consumer voting records of Senate Republicans overall also declined, from 37 percent in 1990 to 29 percent in 1991.
- Although their voting records were lower than in 1990 in both houses, Democrats continued their overall strong support for consumers, supporting consumers 71 percent of the time in the House and 74 percent of the time in the Senate.

Representatives and senators with the highest lifetime voting records are also recognized in the report. The 18 lifetime heroes in the Senate are led by Sen. Metzenbaum at 91 percent, followed by Sens. Brock Adams (D-WA) and Frank Lautenberg (D-NJ) at 90 percent.

Twenty-seven House lifetime heroes are led by Rep. Mink, at 100 percent, followed by Reps. Lane Evans (D-IL) and Kweisi Mfume (D-MD) at 96 percent.

The issues covered by CFA's 1991 Voting Record include such long-standing consumer concerns as: product safety, telecommunications, health, affordable financial services, campaign finance reform, corporate accountability, food safety, antidiscrimination, pollution control, and other governmental issues.

Playgrounds Need Safety Checkup

Calling on parents and community leaders to join forces to protect American children, CFA released a major playground safety report in late January, detailing safety measures to be adopted by states, municipalities, and other entities responsible for playgrounds.

Each year, nearly 150,000 children require hospital emergency room treatment for injuries sustained on public playgrounds. At least 17 children die annually as a result of playground-related incidents.

"Every day, American children look forward to going to their local playground and having fun. Unfortunately, many of them are dashing out to playgrounds that are unsafe, and the consequences can be tragic," said CFA Product Safety Director Mary Ellen Fise, co-author of the report.

The "CFA Report and Model Law on Public Play Equipment and Areas" contains detailed provisions addressing safety and design requirements for all play areas and equipment, as well as separate requirements specifically intended for play areas and equipment for preschool-age children and for school-age children.

The report is designed to provide those who use, purchase, and design play equipment with the information they need to make good decisions. "Our goal is for children to be able to play on playgrounds that are both safe and developmentally appropriate," said Melanie Morrison, CFA technical consultant and co-author of the report.

The document presents safety and design criteria in the form of model law provisions that can be adopted by states, cities, counties, recreation and parks departments, child care licensing agencies, or other entities responsible for public outdoor play areas.

"It is our hope that the CFA provisions will be adopted, in whole or in part, as requirements for new playgrounds and that jurisdictions will take them into account when refurbishing, remodeling, or maintaining existing playgrounds," Fise said.

The federal government has failed to set national standards for the design and construction of outdoor play equipment. Although the U.S. Consumer Product Safety Commission did recently publish a new "Handbook for Public Playground Safety," compliance with the guidelines provided is voluntary.

"Voluntary compliance with these limited and very general recommendations is not good enough," Fise said. None of the requirements presented in the CFA report conflicts with the CPSC recommendations, Fise added, and some of the CPSC recommendations are presented in the model law as requirements.

CFA Product Safety Director Mary Ellen Fise (right) and technical advisor Melanie Morrison announce the release of a major playground safety study at a Washington, D.C. news conference in January.

The CFA report, however, expands on the CPSC handbook, setting more stringent specifications in some cases, providing more detailed information in most cases, covering several issues not addressed in the CPSC handbook, and giving greater attention to developmental issues.

In order to help parents evaluate their local playground, CFA also developed a Parent's Checklist, which sets out 12 important factors to examine. Parents are encouraged to use the checklist and report unsatisfactory results to the owner or operator of the playground.

The 100-page CFA playground safety report is available for $20, paid in advance, by writing to CFA, 1424 16th Street, N.W., Suite 604, Washington, D.C. 20036. The checklist is available free to individuals who send a self-addressed, stamped envelope to CFA Playground Checklist at the same address.

Refinancing Rule Penalizes Consumers

Consumers who refinance their loans could lose all their refinancing profits under an outdated, unfair "Rule of 78's" accounting method, according to a CFA report released in February.

In contrast to the accurate actuarial method used on first mortgages, the Rule of 78's allows the lender to charge a hidden penalty on prepayment/refinancing loan packages. The penalty is the difference at the time of prepayment between the amount of interest paid by the consumer under the Rule of 78's computation and the amount paid under the actuarial method.

The consumer always pays more under the Rule of 78's. The penalty increases if the loan term is longer, the rates higher, or the amount of the loan larger. The penalty is largest roughly one-third of the way into the loan payments.

"With bankruptcies quadrupling and interest rates dropping — forcing massive debt restructuring and refinancing — the Rule of 78's is costing consumers billions of dollars nationwide," said Peggy Miller, CFA Banking Director and author of the report.

The following are among the types of loans for which creditors use the Rule of 78's: loans for cars, recreational vehicles, and boats; second mortgages and home equity loans; loans for mobile home purchases; personal loans; debt restructuring loans; and credit insurance products (mortgage, life, and disability).

First mortgages are rarely precomputed loans so would, in almost all cases, not be subject to the Rule of 78's.

The rule of 78's was designed in 1935 to be used before calculators or computers existed. Its simplification of the computation method, however, allows lenders to keep more interest than is rightfully theirs when a loan is refinanced or paid off early, by attributing a higher percentage of the first monthly payments to the payment of interest rather than principal.

"The Annual Percentage Rate (APR) on these loans is meaningless, because lenders take more interest in the early months than the APR implies," Miller said.

Consumers whose current loan contracts allow the use of the Rule of 78's might not benefit from refinancing because of the heavy penalties incurred when paying off their current loans, she added. On a $37,000, 20-year loan at 10 percent APR, for example, the hidden penalty for refinancing after eight years of payments would be $3,948.

Furthermore, because more interest is paid early, the interest rate equivalent for remaining payments could equal the lower rate the consumer is seeking in refinancing the loan, she added. "If this is the case, there would be no reason to refinance."

Only federal credit unions are prohibited from using the rule. Sixteen states have passed laws abolishing the use of the rule for new loans, but old loans may still be subject to it. Another 14 states have somewhat restricted use of the rule.

Miller called for federal action to prohibit use of the rule in light of conflicting court rulings regarding the applicability of the state laws.

The report was prepared with assistance from the National Consumer Law Center and the Virginia Citizens Consumer Council. Copies are available for $10, paid in advance, from CFA, 1424 16th Street, N.W., Suite 604, Washington, D.C. 20036.

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CONSUMER FEDERATION OF AMERICA
1424 16th Street, N.W., Washington, D.C. 20036
(202) 387-6121

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NAIC Creates Consumer Participation Program

At the December meeting of the National Association of Insurance Commissioners (NAIC), state regulators established a dedicated fund of $50,000 from its own budget to assist consumer representatives by reimbursing them for travel to NAIC meetings. Those who receive grants from the fund will provide a consumer perspective when state regulators debate issues affecting consumers.

The fund will be administered by a seven-member Consumer Participation Board of Trustees. Five of these Trustees will be insurance regulators — Nebraska's William H. McCartney, Virginia's Steven Foster, California's John Garamendi, Colorado's Joanne Hill, and Georgia's Tim Ryles.

The remaining two Trustees will be consumer advocates. CFA Executive Director Stephen Brobeck and Consumers Union's Mary Griffin have recently been selected to these positions.

In accepting the NAIC position, Brobeck said: "The establishment of this consumer participation program represents a milestone in the life of the insurance regulatory community. It will help ensure responsible, informed consumer input to insurance regulators as they make decisions affecting one of the nation's largest industries."

McCartney, who is also NAIC President, first proposed the program within the regulatory association. He explained its importance: "Given the limited budgets of non-profit organizations, most consumer representatives found it difficult to travel to our meetings, where the bulk of our substantive work occurs. The new fund will help address that problem and provide regulators with consumer input that we value and need."

One event that hastened the establishment of this fund was the introduction of a far-reaching proposal by Garamendi that was supported by consumer groups. That proposal, which most regulators thought was too ambitious, created additional support for McCartney's initiative.

Senate Passes Strong Cable Bill

The Senate gave overwhelming approval January 31 to a strong bill to reregulate the cable television industry and reign in runaway costs. After rejecting a weakening amendment 35-54, the Senate voted 73-18 in favor of S. 12, legislation endorsed by CFA.

The bill will promote significant rate reductions for all tiers of cable service where rates are found by the Federal Communications Commission and local authorities to be unreasonably high. The bill also restricts prices charged for cable installation, service changes, and equipment used to receive cable programming, and it increases public authority over cable customer service.

In addition, S. 12 promotes competition by encouraging local governments to grant multiple cable franchises and by requiring cable-owned networks to sell cable programming under fair prices, terms, and conditions to nonaffiliates. This nondiscrimination provision, along with the rate protections, were among the pro-consumer provisions that would have been deleted by the weakening amendment.

"By opposing weakening amendments and supporting the cable legislation, the Senate demonstrated a commitment to improving cable service, bringing down unreasonably high cable rates, and making alternatives to cable — like satellite dish video distribution — available at fair prices throughout the country," said CFA Legislative Director Gene Kimmelman.

The battle now turns to the House, which passed similar but somewhat weaker cable legislation on a voice vote in 1990, only to see it die in the Senate as the result of end-of-session delaying tactics.

Two bills have been introduced in the House: H.R. 1303, which is identical to the legislation passed by the House in 1990; and H.R. 3380, introduced in October by Reps. Dennis Eckart (D-OH) and Jim Cooper (D-TN). The Eckart-Cooper bill contains the strongest consumer protections of any of the bills, allowing regulation of more cable services and giving broader authority to local governments to implement regulation than the Senate bill.

"The overwhelming Senate vote increases the likelihood of House action and makes S. 12, rather than the weaker H.R. 1303, the baseline for action," Kimmelman said.

In the four years following deregulation, basic cable prices increased at nearly three times the rate of inflation—56 percent, according to the General Accounting Office. In the past year, cable rates jumped approximately 10 percent, once again three times faster than inflation.

In contrast, cable rates inched up only about half as fast as inflation before deregulation.

"The House now has an opportunity to save consumers as much as $6 billion per year," Kimmelman said. "The vote may be one of the few chances Congress has this year to demonstrate that it understands and is willing to respond to the economic woes of average working Americans."

The president, who opposes reregulation and favors allowing the phone companies to compete with cable, has threatened a veto. The impressive vote for S. 12, however, makes it questionable whether he could sustain a veto against such strong bipartisan support.

Nationwide Branching Proposals Revived

The ink had barely dried on the narrow bank insurance fund refinancing bill passed by Congress last year before proposals to permit interstate branching and expanded powers for banks were back on the table.

In late December, the Office of Thrift Supervision issued a proposed rule to allow federal savings associations to branch nationwide. In February, the Treasury Department announced that it would be reintroducing the financial restructuring bill rejected by Congress last year.

In particular, Treasury Secretary Nicholas F. Brady called for quick action to pass the interstate branching provisions, which received substantial support during the financial restructuring debate last year.

Two bills have been introduced in the House: H.R. 4170, sponsored by Reps. Bruce F. Vento (D-MN) and Chalmers P. Wylie (R-OH); and H.R. 4202, sponsored by Reps. Peter Hoagland (D-NE) and Bill McCollum (R-FL). In the Senate, Sen. Christopher J. Dodd (D-CT) has introduced S. 2207.

Each of these bills contains some, but not adequate, protections needed to prevent increased consolidation and suction of deposit dollars out of local communities if branching is allowed.

Despite Brady's call for quick action, neither Senate Banking Chairman Donald W. Riegle, Jr. (D-MI) nor House Banking Chairman Henry B. Gonzalez (D-TX) seemed anxious to take up the issue, but that could change overnight if conflicting industry interests are reconciled.

Meanwhile, the OTS proposal is the first sign that federal regulators plan to move ahead aggressively to allow branching, with or without the support of Congress.

In comments on the proposed rule submitted to OTS in January, CFA called on the agency to postpone a decision on the rule until it has had an opportunity to review studies currently being conducted on the costs and efficiencies of branching and the impacts of mergers and branching on consumers. The former study is being conducted by the Atlanta Federal Reserve Board, the latter by CFA.

OTS has provided only 30, rather than the usual 90, days for public review and comment.

"The impacts of this proposed rule on our economic structure would be sweeping and irreversible," said CFA Banking Director Peggy Miller. "At a minimum, a decision on the rule should be postponed until all the facts about its potential impacts are in."

This is particularly important, Miller added, because studies already released have demonstrated that the efficiencies expected out of branching and consolidation "are not as prevalent as expected, and that cost savings, where they occur, are used for market expansion instead of being passed on to consumers."

Should the agency determine to go ahead with its rule-making, Miller outlined a number of critical changes which should be made to the rule before it is finalized, most of which were considered during Congress's deliberation of the financial restructuring bill last year.

The following are the key changes CFA proposed:

- setting higher capital standards for institutions that engage in branching to ensure that weak institutions do not use branching to expand, increasing the exposure of the deposit insurance fund;
- creating mechanisms to ensure that deposits are loaned back into the community and state in which the branch resides at a level proportionate to the level of local loans made by thrifts headquartered in that state;
- restructuring the Community Reinvestment Act requirements to apply to individual branches;
- setting concentration limits and community benefit requirements for institutions that decide to branch;
- mandating the provision of basic banking and check-cashing services to address the increased fees that have typically resulted from branching; and,
- since branching will allow the spread of securities sales in thrift lobbies, instituting consumer protections against deception in the offering of securities.

"There is an enormous gap in this rule," Miller said. "It ignores the plight of half the consumers in the United States, who are finding thrift products increasingly unaffordable and unavailable, and it ignores the impact of this lack of available credit on incomes and on the flexibility of our economic structure."

Radon Projects Launched in Five States

Pilot projects have been launched in five states to convince homeowners to test for the presence of radon and to mitigate when high levels of the radioactive gas are found.

The program, which is being administered by CFA under a grant from the Environmental Protection Agency, provides funds, training, materials, and technical support to state groups, which implement the program in their local communities.

In Colorado, Massachusetts, and Minnesota, the program is being implemented by the state's Public Interest Research Group (PIRG). Wisconsin Consumer's League (WCL) is operating the program in that state, and, in Michigan, the program is being run by the Center for Public Interest Research.

The goal of the program is twofold: to increase testing and, where appropriate, mitigation in the five target states; and to determine what methods are effective in motivating homeowners to test and mitigate.

"We are hopeful that these pilot programs will generate high rates of radon testing in the five states," said Kristy Miller, Acting Chief of Public Information for EPA's Radon Division.

All five groups are working with EPA-approved radon testing laboratories to provide test kits and test results to homeowners at cost. In addition, each state is using a combination of mass media exposure to increase public awareness of the need to test for radon and direct communication strategies to stimulate higher rates of testing and mitigation.

Wisconsin Consumers League convinced a local television weatherman to do a week-long series on radon testing which included publicity for WCL's program and resulted in 2,500 calls. In addition, WCL has succeeded in getting EPA's radon public service announcements placed on radio and television stations.

To follow up on that publicity with direct outreach, WCL has made presentations to community groups and has hosted a booth at a local home show where they spoke to approximately 700 families and sold nearly 100 test kits.

When early canvassing efforts produced disappointing results, the Minnesota program expanded its efforts to include door-to-door sales of test kits. As part of this effort, MPIRG has recruited a youth group and church fellowships to sell the kits in their neighborhoods as a service project. MPIRG also has initiated a telephone campaign to sell the test kits and is organizing block parties at which MPIRG volunteers make presentations about the radon testing program.

The Colorado program was able to capitalize on a study showing high levels of radon in many of the state's schools and an editorial in the *Denver Post* admonishing parents concerned about radon in schools to test and mitigate their homes as well.

To follow up, CoPIRG obtained the support of the state PTA, which has agreed to place radon educational material and test kit ordering information in the state PTA newsletter. CoPIRG volunteers are also attempting to get on the program of PTA meetings around the state.

In Michigan, the Center for Public Interest Research has concentrated on winning support from state political leaders, who test their homes and then join volunteers in making presentations on radon testing at community forums. The Michigan group also is working with legislators to get March declared radon testing month, which they will then use to build media attention for the program.

MassPIRG has focused its campaign on community college towns, using campus forums, endorsements from campus and community leaders, and media coverage to educate the public about the need to test for radon.

"Once we have evaluated the various strategies used for effectiveness and cost-efficiency, we will be able to perfect both the techniques and the materials used so that the programs can be readily copied in other locations," said CFA Product Safety Director Mary Ellen Fise.

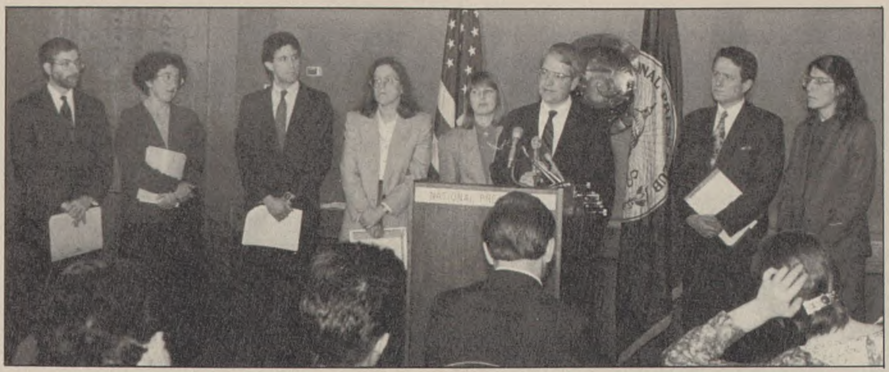
America is Becoming a Safer Place

As a result of advocacy successes and public education, America is becoming a safer place, according to the second annual statistical report released in January by the Coalition for Consumer Health and Safety.

"The Nation's Health and Safety: A Status Report, 1991" updates statistical information in the Coalition's seven issue areas: motor vehicle safety, home and product safety, indoor air quality, food safety and nutrition, cigarette consumption, alcohol consumption, and AIDS.

It finds that important progress has been made, but millions remain at risk.

"We have demonstrated that we know how to make the world a safer, healthier place," said CFA Executive Director Stephen Brobeck, who chairs the coalition. "Failure to forge ahead with these proven strategies would lead to tragic and unnecessary deaths, injuries, and illnesses."



The Coalition for Consumer Health and Safety released its second annual status report on the nation's health and safety at a January news conference. Pictured from left to right are: Marc Rosenberg, Insurance Information Institute; Patricia Taylor, Center for Science in the Public Interest; Cliff Douglas, American Lung Association; Mary Ellen Fise, CFA; Caroline Smith DeWaal, Public Voice for Food and Health Policy; Stephen Brobeck, CFA; Steven Moskey, AEtna Life and Casualty; and Carol Stroebel, Advocates for Highway and Auto Safety.

The Good News

The report identifies the following as among the most dramatic recent successes:

- Motor vehicle fatalities were down for the second year in a row in 1990, reaching the lowest number in 30 years. The fatality rate — deaths per 100,000 people — also reached a record low, of 17.9.
- The number of deaths and injuries associated with home products dropped slightly, to an estimated 21,500 and 3.2 million respectively in 1990.
- After a decade of cuts or, at best, holding steady, federal spending on consumer health and safety is up, in some cases significantly.

Furthermore, the report finds evidence that, in response to effective public education campaigns, Americans are making healthier individual decisions.

- Far fewer Americans smoke today than smoked a decade ago — 31.5 percent of men and 27 percent of women in 1985, compared to 41.6 percent and 32.5 percent respectively in 1976.
- Adults are drinking somewhat less. The 1988 per capita alcohol consumption was the lowest its been since 1969.
- More people are wearing safety belts — 59 percent in 1991, compared to only 11 percent in 1983.

The Next Challenge

Despite these important successes, a huge population remains at risk.

- Although the percentage of adults who smoke has dropped steadily over the past several decades, 49 million Americans continue to smoke. The decrease among blacks has been slower than among whites, and the decrease among women has been slower than among men.
- Almost eight million junior and senior high school students are weekly drinkers, and 32 percent of high school seniors reported in 1990 that they had consumed five or more drinks at one sitting during the previous two weeks.
- Each year, approximately 45,000 people are killed in automobile crashes. Despite this fact, 41 percent fail to take the basic precaution of wearing their safety belts.
- The majority of Americans continue to eat foods that are too high in fat and too low in fiber. On average, Americans obtain 36.3 percent of their daily calorie intake from fat, well above the U.S. Dietary Guideline recommendation of no more than 30 percent.
- Despite the overall decline in household product-related deaths and injuries, the number of deaths and injuries associated with several products identified by the Coalition as particularly hazardous continued to rise.
- Both the number of reported cases of AIDS and the number of AIDS deaths rose by more than 20 percent in 1990, to 42,557 reported cases and 24,603 deaths.

The Coalition is distributing the report to key federal and state policymakers, including members of the executive branch, all members of Congress, all 50 governors, attorneys general, and state public health officials.

The 41-page statistical source book brings together information on mortality and morbidity, economic costs, the causes of health and safety threats, and related federal expenditures in the seven subject areas listed above.

Copies of the report are availabe for $10, paid in advance, from CFA, 1424 16th Street, N.W., Suite 604, Washington, D.C. 20036.

ATV Recall Sought

In January, CFA joined with three other groups in asking a federal court to require a recall and refund for adult-sized all-terrain vehicles (ATVs) purchased in the last four years for use by children.

The request was filed in the D.C. federal district court in response to a December court order asking CFA, U.S. Public Interest Research Group, Public Citizen, and the American Academy of Pediatrics for proposals to improve the effectiveness of the ATV consent decree — reached four years ago between the Consumer Product Safety Commission (CPSC) and ATV distributors — in reducing ATV-related deaths and injuries.

ATV crashes have killed more than 1,794 people and seriously injured more than 550,000 others since 1982. Approximately 40 percent of the victims are children under 16. According to CPSC estimates, there will be an additional 239 deaths and 48,100 injuries from ATVs in 1992 alone.

"Despite the fact that almost 100 children die and 20,000 are injured each year riding ATVs, the CPSC has refused to take further action," said CFA Product Safety Director Mary Ellen Fise.

The four groups submitted documents to the court in September, charging that the consent decree was not working and asking for a ban on the sale of ATVs for children. In response, the court stated: "The decision of CPSC not to invoke its rulemaking authority to implement more stringent regulations represents an unwillingness or inability to recognize what appears to be an obvious need for exercise of its expertise."

The court asked the groups for additional proposals for improving the decree and has allowed the groups, the CPSC, and the ATV distributors to submit additional evidence on the matter by April 1, 1992.

In a January submission, the groups asked the court to: require the ATV industry to recall and provide a refund for any adult-sized ATV that was purchased for a child since the consent decree went into effect; supplement the warnings required by the consent decree to ensure that children do not operate adult-sized ATVs; and order the ATV industry to increase its efforts to ensure that dealers do not sell adult-sized ATVs for children.

The consent decree requires ATVs to be labeled to warn purchasers that children under 16 should not ride adult-sized ATVS, and it requires manufacturers to use their best efforts to ensure that dealers abide by these age recommendations. Nationwide surveys conducted by CPSC and U.S. PIRG have found, however, that there is widespread noncompliance with the provisions of the agreement, particularly those related to children.

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