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Drug Switching Puts Patients At Risk

Pharmaceutical companies are increasingly pressuring doctors and pharmacists to make substitutions for prescribed drugs, often at the expense of patient health, CFA, Citizen Action, and the New York City Public Advocate's Office charged at an August press conference.

"Drug companies have taken control over the kind of prescription drugs that patients can obtain in our medical system," said CFA Chairman retired Sen. Howard Metzenbaum.

"Notwithstanding the efforts of the American medical profession to prescribe the right drugs, the drug companies now have more control over drugs used by Americans than does the medical profession," he added.

CFA, Citizen Action, and New York City Public Advocate Mark Green held the press conference in August to draw attention to the types of problems that can arise when Pharmaceutical Benefit Managers (PBMs) are owned by or have strategic relationships with drug companies and to urge government action to address these problems.

PBMs are companies that administer the prescription part of health insurance plans. The services they provide may include:

- developing formularies, the list of the prescription drugs that are preferred for use by the health plan;
- negotiating discounts with drug manufacturers; and
- developing pharmacy networks to serve the plan's enrollees.

Most Americans Covered By PBMs

Research indicates that over half of the American public is enrolled in a prescription plan administered by a PBM, and the number is growing.

In this highly concentrated industry, the five largest PBMs control 80 percent of the PBM market, and the three largest PBMs are owned by drug companies. Other PBMs, while not owned by drug companies, have formed strategic relationships with drug companies.

"The average American does not know about formularies or PBMs. But when all is said and done, pharmaceutical companies have moved in and bought up the PBMs," Sen. Metzenbaum said. "Unfortunately, our government has yet to move to do something."

At the press conference, Green released his office's latest report on the PBM industry, which found that drug substitutions forced by PBMs have a decided effect on patient care.

Based on a survey of 248 physicians in New York, the study found that:

- 89 percent of the doctors who responded to the survey reported that drugs they wanted to prescribe were not covered by a health plan's formulary;
- 83 percent had been contacted by health plans or pharmacists and asked to change prescriptions;
- 76 percent believed that such therapeutic substitution diminished the quality of care; and
- more than half said patients had problems after the prescription had to be switched.

Similarly, 74 percent of the 151 New York pharmacists who responded to a survey said they believe therapeutic drug substitutions diminish the quality of medical care, and 79 percent said they were uncomfortable making such substitutions.

"This is little more than pharmaceutical payola," said Green, who earlier this year released a report documenting inducements offered by PBMs to pharmacists as part of a drug switching strategy.

"Improving the market share, rather than improving medical care, has become the guiding hand in much of the PBM-directed drug selection. What should be a professional medical decision made by a doctor and patient has now become a business decision that may have as its bottom line the deterioration of the patient's health."

Government Action Needed

These costs to the quality of care come without promised benefits in the form of lower prices, the groups said, citing several public and private studies which have found no proof that PBMs have driven drug prices down or are cost-effective.

They also cited a study by the Inspector General of the Department of Health and Human Services, which concluded that public and private health care providers give only minimal oversight to PBMs.

The groups called on the Federal Trade Commission, the Food and Drug Administration, Congress, and state legislatures to become more involved with these issues.

The FTC should "recognize the anti-competitive impacts of the recent mergers and order structural relief," said Citizen Action Public Affairs Director Ed Rothschild.

Citizen Action and CFA were among several consumer groups which filed a petition with the FTC in July of 1996 asking the Commission to re-open its 1995 consent decree governing the purchase of PCS by Eli Lilly and to extend appropriate terms of the PCS-Lilly merger to the prior mergers of Merck-Medco and SmithKline Beecham-DPS.

The groups argued that rising prices for prescription drugs and increased industry concentration and anti-competitive practices suggested that the terms of the consent agreement were insufficient to protect the public interest.

FTC has undertaken an investigation and will not comment until it is completed.

Rothschild also called on the FDA to "assert jurisdiction over communications by PBMs as if the communications were provided by the parent drug companies," and he called on Congress "to conduct a thorough investigation of this industry and its practices" as part of its current review of managed care.

FDA Overhaul Bill Could Exacerbate Problems

FDA Reform legislation currently under consideration in the Senate could make the problem worse, said CFA Legislative Director Mary Rouleau.

If anti-consumer provisions in the Senate bill are adopted:

- companies would be able to actively promote drugs on the formulary for uses other than those for which they have been approved as safe and effective by the FDA;
- companies would be able to make claims about the relative cost-effectiveness of their product to managed care companies and formulary committees under a lower standard than currently prevails for scientific support behind such statements; and
- patients could be switched to new drugs that have not been tested as extensively for safety and effectiveness.

"We are bringing more drugs to market faster,"said CFA Legislative Director Mary Rouleau. "It is imperative that decisions about which drugs to use are kept in the hands of qualified medical professionals and that those drugs be adequately tested for the use prescribed."

Poor Pay High Price To Cash Checks

Neighborhood check cashing outlets in some cities have begun offering so-called "payday loans," advancing cash on post-dated personal checks and charging triple-digit annual interest rates for the service, according to a report released by CFA in August.

The report also found that the already high fees charged by neighborhood check cashers to turn paychecks and government benefit checks into cash have risen sharply in the last ten years.

"Check cashers take the place of banks for many consumers who, for a variety of reasons, do not have accounts or use check cashers as a convenience," said CFA Director of Consumer Protection Jean Ann Fox, author of the report.

The 12 million American households that do not have a bank account but still have to get checks cashed, pay their bills, and find a safe place for their money, "pay a very high price for the convenience of services sold by check cashing outlets," she said.

The study – entitled "The High Cost of 'Banking' at the Corner Check Casher: Check Cashing Outlet Fees and Payday Loans"– surveyed 111 check cashers in 23 of the nation's largest urban areas, including 26 check cashers in 15 cities who advertise payday loans in Yellow Page listings.

Among the worst abuses uncovered by the report relate to these so-called payday loans, Fox said.

Under a typical payday loan, a consumer writes a post-dated check for $115 and receives $100 in cash. The check casher agrees to hold the check until the next payday, at which time the consumer can allow the check to be sent to the bank, redeem it by bringing in $115 in cash, or "roll it over" by paying the fee to extend the loan for another two weeks.

To measure the cost of these loans, CFA computed the effective annual percentage rate (APR) for $100 payday loans on checks held seven days and 14 days.

On payday loans held for seven days, the effective APR at the 26 outlets ranged from 521 percent to 1,820 percent. For payday loans held 14 days, the annual interest rates ranged from 261 percent to 913 percent.

"The high price of payday loans isn't the only problem," Fox noted. "Consumers who pay the fee but can't scrape up the money to pay off the loan become caught in a downward spiral of debt. Some check cashers threaten borrowers who can't make good on their checks with filing criminal charges for bad check writing."

"Payday loans are a transfer of wealth from the poor and poor-risk borrowers to the predatory and the powerful," she added. "Apparently, America hasn't come very far from turn-of- the-century 'salary-buyer' and 'loan sharks.'"

Fees Increase Sharply

The study also found that the average cost of cashing paychecks has gone up 44 percent since CFA first surveyed

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CONSUMER FEDERATION OF AMERICA

Bells' Long Distance Applications Denied

In an important victory for consumers, the Federal Communications Commission announced in August that it was denying Ameritech's application to offer long-distance service in Michigan.

The agency concluded that Ameritech, the second Baby Bell to apply to enter the long-distance market and the second to be denied, had not done enough to open its local markets to competition. Earlier in the summer, the agency also denied SBC's application to offer long-distance services in Oklahoma.

"What these decisions make clear is that the Department of Justice and the FCC are taking section 271 seriously, and that's important," said CFA Research Director Mark Cooper. "The section 271 proceedings are the last chance for local competition, and they are going to at least give us a shot."

Section 271 sets the local competition standards Bell companies must meet before they can offer long-distance service in their home regions. Among the requirements are full implementation, on a non-discriminatory basis, of a 14-point competitive checklist.

In an August letter to the FCC, Cooper argued that "the failure to meet the 14-point checklist in Michigan, the numerous operational problems, and the absence of meaningful facilities-based competition for residential customers should be enough to warrant a denial of Ameritech's application."

"Congress understood that dismantling the century old monopoly in local service would be the most difficult public policy task undertaken by the Telecommunications Act of 1996," he explained. "It understood that consumers have a huge stake in the introduction of competition into the local telephone market."

That is why they included the extensive requirements for opening local markets to competition before allowing the local companies into the long-distance market, he said.

"True competition for consumers is the acid test of section 271," Cooper wrote. "Ameritech Michigan fails that test."

In denying the Ameritech application, the FCC issued a 200-page document clarifying the conditions the Bell companies must meet to satisfy the local competition requirements.

While the guidelines could have been more rigorous, they do continue to emphasize the importance of breaking the local monopoly as a condition of entering the in-region long-distance market, Cooper said.

The FCC's authority under section 271 has also given the agency the leverage it needs, following an unfavorable court decision, to continue to press the policies outlined in its interconnection rules, he said.

In July, a St. Louis appeals court ruled that the FCC had exceeded its jurisdiction when it attempted to set the prices at which local Bell companies must offer interconnection services to potential competitors. That authority resides with the states, the court ruled.

However, in an important win for consumers, the court did not challenge the public policy content of those rules, as the Baby Bells had requested. That has left states free to apply the pro-competitive policy the FCC articulated in its rules, and many have done so.

Furthermore, the FCC has continued to press its inter-connection policy by suggesting that it does not believe there can be effective competition at the local level unless services are priced in accordance with the policy the agency outlined in its inter-connection order.

"Since the FCC's authority to rule on the competitiveness of the local market is unequivocal under section 271, this gives the agency significant leverage to bring about the pro-competitive policies adopted in the inter-connection order," Cooper said.

The FCC also imposed conditions on the merger of Bell Atlantic and NYNEXdesigned to increase the likelihood that competitors will enter the local market in the massive new region created by that merger.

CFA and other consumer groups opposed the merger on the grounds that it eliminated the most likely competitor in each of the Bell companies' local markets and thus would significantly hinder the emergence of competition and the lower prices to customers that competition would bring.

Among other things, the newly merged company agreed to charge competitors prices that are based on forward-looking costs, as opposed to embedded costs, for the first four years.

Cooper praised the agency for at least trying to impose some pro-competitive conditions on the merger, but those conditions "don't take away the fundamental problems with the merger," he said.

"The problem was that once the Justice Department and the New York Attorney General decided to allow the merger to go forward, there wasn't an awful lot the FCC was going to be able to do," Cooper said.

"The encouraging news in all these cases, however, is that the FCC appears to be making a real effort to bring about local competition," Cooper said. "Whether they will be successful is another question."

House Panel Approves Weak Auto Salvage Bill

The House Commerce Committee approved legislation in July that, in the name of establishing federal title and registration requirements for salvage vehicles, could actually increase the likelihood of consumers' unknowingly purchasing such cars.

Each year, more than 2.2 million vehicles are wrecked and declared a total loss. Many of these cars are then bought at auction, refurbished to conceal the prior damage, and sold to unsuspecting consumers without safety inspections or disclosure of the prior history.

"The sale of undisclosed rebuilt wrecks costs consumers and automobile dealers more than $4 billion a year," said CFA Public Affairs Director Jack Gillis. "Even worse, these cars represent huge safety threats."

While consumer groups support federal legislation to address this problem, H.R. 1839, the "National Salvage Motor Vehicle Consumer Protection Act of 1997," "has numerous serious defects" that would "actually support the sale of more vehicles with undisclosed salvage damage to unwitting consumers," said attorney Bernard E. Brown in June testimony on behalf of CFA to the House Subcommittee on Telecommunications, Trade, and Consumer Protection.

As a result, the bill is opposed by consumer groups, including CFA, as well as the National Association of Attorneys General.

The following are among the many serious problems with the legislation:

- it does not require prominent disclosure at the time of resale that the car is a rebuilt wreck;
- it sets an extremely high threshold for defining a car as a "salvage" vehicle, requiring damage costing 80 percent of its value to repair to trigger the definition;
- it does not require safety inspections before allowing the rebuilt salvage back on the road; and
- it does not require disclosure of major damage that falls short of the salvage definition to subsequent buyers.

In addition to these weaknesses, the bill would preempt stronger state protections, while denying injured consumers the right to sue for damages.

CFA, Center for Auto Safety, Consumers for Auto Reliability and Safety, the National Association of Consumer Advocates, Public Citizen, and U.S. Public Interest Research Group wrote to members of the House and Senate in early September criticizing the approach taken in H.R. 1839.

"This bill suffered from severe conceptual flaws from the outset," including its "reliance on lengthy and complicated mandates to state governments to implement numerous complex and expensive measures, and its plan to enforce these measures by providing federal felonies for violation of as-yet-nonexistent state statutes," they wrote.

Because of questions about the constitutionality of the bill, it was amended at the last minute before committee mark-up to make compliance optional on a state-by-state basis.

"The entire bill was revealed to be so flawed that its supposed primary accomplishment – national uniformity in titling methods relating to salvage vehicles – had to be abandoned," the groups wrote.

"Frankly, it is difficult for us to imagine why there is so much pressure to move legislation through Congress that is so sloppy, and so harmful to the consumers it is supposedly intended to protect," they added.

Instead, the groups urged members to pattern reforms on the "far better, tested, simpler alternative system" in the federal odometer statutes, which require disclosure of the true mileage on vehicles in each sale.

"That system, with suitable modifications, would promise uniform disclosures with minimal or no state mandates, involvement, or costs," they wrote. In contrast, H.R. 1839 would "only create additional bureaucracy and needlessly add tothe cost of governing with significant net loss in protections to society."

"These vehicles are dangerous to drive, not only for their drivers and passengers, but also for the occupants of other vehicles with which they collide," Gillis said. "Congress should use this opportunity to make sure that any person buying a car has full information about its history and that improperly rebuilt or unsafe salvage vehicles are not allowed on our highways."

Efforts To Curb Deceptive Lease Ads Still Fall Short

The Federal Trade Commission has expanded its efforts against deceptive auto leasing advertisements to include ads run by dealers, but the agency has yet to act against a number of manufacturers and their dealers.

The FTC told CFA in early September that it had met with the five major manufacturers who are covered by settlement agreements with the FTC governing their advertising practices and urged them to require their dealers to meet the same disclosure standards.

"While we commend the FTC for following up on our suggestion to go after deceptive ads by dealers, we are disappointed that the commission still has not seen fit to bring in the other manufacturers," said CFA Chairman retired Sen. Howard Metzenbaum.

"In particular," he said, "we are disappointed that only one of the big three auto makers is currently covered by the FTC settlement."

In February, the FTC and a number of state attorneys general finalized settlement agreements with General Motors, Mitsubishi, Honda, Isuzu, and Mazda designed to improve disclosure of lease costs in auto leasing advertisements.

Under the settlements, the manufacturers are prohibited from featuring low monthly payments or low amounts down in large, bold print while hiding additional costs and sometimes contradictory information in the fine print. They also are required to ensure that all disclosure required by the Consumer Leasing Act be "readable and understandable."

While commending the FTC and the states for making a serious effort, through the settlements, to clean up this problem, CFA has pressed for additional reforms in light of the fact that deceptive advertisements continued to air.

"A lot of water has gone under the bridge since the February settlement agreements were announced, and consumers are still being misled by deceptive lease ads," Sen. Metzenbaum said. "Although we appreciate the steps the FTC has taken, there simply isn't any reason for them not to have been more aggressive.

"We will continue to press for additional reforms until this problem has been resolved," he said.

White House Enters State Preemption Debate

The White House announced in July that it would seek a compromise that would address the desire for uniform national standards governing securities fraud lawsuits while still ensuring that defrauded investors retain access to the courts.

"The president has set himself a formidable task," said CFA Director of Investor Protection Barbara Roper. "It is not at all clear that the advocates of 'uniform national standards' would accept legislation that seeks to protect the rights of defrauded investors."

The president made his announcement in a letter to Sen. Christopher J. Dodd (D-CT) timed to coincide with a Senate Securities Subcommittee hearing on the impact of the Private Securities Litigation Reform Act (PSLRA).

While reiterating his concern over aspects of the federal law that deny defrauded investors access to court, the president expressed confidence that his administration "will be able to formulate an appropriate response to issues raised about the effectiveness of the Reform Act and the role of federal securities law in a national market system."

"However, as I made clear during the debate on the Reform Act, it is critically important that investors who are defrauded or who are otherwise harmed by misinformation retain effective access to the courts," he wrote.

CFA, Citizen Action, Public Citizen's Congress Watch, and U.S. Public Interest Research Group wrote to the president in August praising him for raising "important issues of investor protection which have so far been ignored by the proponents of a hasty fix to an undefined problem" and urging him to "continue to play a constructive role by ensuring that the concerns of defrauded investors, and not just the special pleadings of well-heeled interest groups, have a place at the heart of this debate."

Federal Law's Effects on Investors Unknown

The groups noted in their letter that a number of important questions about the investor protection effects of the federal law have yet to be answered, including:

- whether meritorious cases are being prevented from going forward by the higher pleading standards in the new federal law;
- whether meritorious cases are being prevented from going forward because of the overly restrictive statute of limitations; and
- whether victims of fraud are recovering less under the new law, particularly in light of the lack of aiding and abetting liability.

"With less than two years of experience under the new law, and with many of the law's provisions as yet undefined by the courts, it is impossible to know the answer to any of these questions with any degree of certainty," Roper said. "Proponents of preemption who dismiss these concerns simply demonstrate their lack of concern for the rights of defrauded investors."

"Until we know whether state courts are providing the only venue where certain meritorious cases are able to go forward, it would be highly irresponsible to preempt state jurisdiction in this area and risk denying defrauded investors any means to recover their losses."

In addition to raising the above concerns about the federal law, the consumer groups questioned in their letter whether full implementation of the safe harbor would actually have the intended effect of increasing the flow of accurate information to investors.

The president had expressed concern in his letter that the provision was not being fully utilized.

Noting that some knowingly false forward looking statements and all forward looking statements made with reckless disregard for their truth were protected from liability under the safe harbor, the groups wrote that "full implementation of the safe harbor could actually undermine its stated goal, by increasing the flow of information, but diminishing investors' ability to rely on the accuracy of that information."

Congress Continues To Press Anti-Investor Measures

Despite these unanswered questions about the effects of the federal law, members of Congress continued to press a legislative approach that contains no provisions to address short-comings in the federal law or to ensure that defrauded investors are able to recover their losses in court.

In May, two similar bills were introduced in the House to preempt state jurisdiction over securities fraud lawsuits involving securities traded on a national exchange.

H.R. 1689, introduced by Reps. Anna Eshoo (D-CA) and Rick White (R-WA), would require that all class action lawsuits involving such securities be brought in federal court under the federal law.

H.R. 1653, introduced by Rep. Tom Campbell (R-CA), is broader, applying to all lawsuits involving exchange-traded securities, not just class actions.

In their letter to the president and in a similar letter to members of the Senate Banking Committee, the consumer groups acknowledged that legislative action was likely, "given the powerful interests which seek such a change," and urged that the president and responsible members of Congress work to ensure that any preemption be kept as narrow as possible.

They also outlined four changes that should be made to the federal law before its reach is extended to state cases:

- lengthening of the statute of limitations;
- restoration of private aiding and abetting liability;
- adoption of the pre-PSLRA pleading standard from the Second Circuit; and
- removal of safe harbor protection for knowingly false forward-looking statements.

Although no Senate legislation had been introduced when Congress left for its August recess, Sen. Dodd and Sen. Phil Gram (R-TX) were said to be drafting legislation that was expected to be at least as unfavorable to investors as the House Eshoo-White bill.

Check Cashing (Continued from Page 1)

check cashers in 1987, while the cost to cash a Social Security check has risen 37 percent, and the cost of cashing personal checks has more than doubled.

The average cost of cashing a paycheck is 2.34 percent of the check's face value, or $7.49 to cash a $320 paycheck, the study found.

Costs at the outlets surveyed range from 1.0 percent, or $3.20 to cash a $320 paycheck, to 6.0 percent, or $19.20. Thus, the annual cost of cashing 50 $320 paychecks averages $375.50 and ranges from $160 to $960.

Costs for cashing a Social Security check range from 0.8 percent to 6.0 percent of the check's face value, with an average cost of 2.21 percent. Thus, at the most expensive of the outlets, Social Security recipients would pay $360 a year to cash 12 $500 Social Security checks. The average cost to cash 12 $500 checks at the surveyed outlets would be $132, with a low of $48.

Costs to cash a personal check range from 1.85 percent to 16 percent, with an average cost of 9.36 percent. This equates to an average cost of $14.04 to cash a $150 personal check, with a range of costs from $2.77 to $24.

Only 12 states cap the fees check cashers charge, while another six states license these companies and require disclosures to consumers, Fox said.

"No area of financial services is in greater need of effective consumer protections," she added.

State Officials Urged To Back Reforms

To advance the goal of improved regulation, CFA has sent copies of the report to state banking regulators and attorneys general urging their support for effective state consumer protections.

Among the reforms advocated by CFA are: a ban on payday loans that do not comply with state small loan rate caps or usury ceilings; a ban on paying one loan with the proceeds of another; a prohibition against threatening borrowers with bad check criminal proceedings; and treatment of unpaid loans as unsecured debts in bankruptcy filings.

A few states already ban cash advance loans as a violation of small loan laws or state usury caps, while other states have legitimized payday lending with restrictions, Fox noted.

Even these restrictions, however, have failed to prevent at least one national bank from making these loans through check cashers, since most state small loan acts and check casher licensing laws exempt banks, and states have no control over interest rates charged by out-of-state national banks.

The report found one Pennsylvania bank making "Cash 'Til Payday" loans through a national network of check cashing outlets. The bank loans up to $200 for a maximum of 28 days for a $24 fee. A typical $100 loan for 14 days costs $12, which equates to a 313 percent APR.

To prevent further evasions of existing consumer protections, CFA urged states to include state banks under small loan interest rate limits and check casher payday loan prohibitions. In a separate letter, CFA also called on the Comptroller of the Currency to take action "to make sure national banks do not slip through loopholes in state laws against usurious payday loans."

To address abuses related to more traditional check-cashing services, CFA urged state officials to support a cap on check cashing fees and a requirement that check cashers post their fees, give itemized receipts, and post a toll-free number for filing complaints with state officials.

"Check cashers, while providing necessary services to consumers, should be restrained by fee caps and consumer protections to prevent fee-gouging and to promote informed choices," Fox wrote in her letter to state officials.

"Effective state regulation of check cashers is particularly important now that millions of consumers are moving from welfare to work," she explained. "Most consumers leaving welfare do not have bank accounts and will now need an inexpensive means of cashing paychecks."

Findings Have Implications For EFT '99

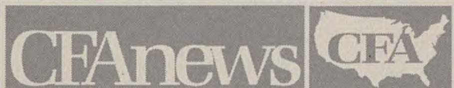
The report's findings also highlight the importance of not allowing check cashers to be defined as "authorized payment agents" permitted to receive electronic federal benefits checks under a new law, EFT '99, requiring that all federal checks be electronically deposited by 1999.

The Treasury Department, which is currently considering what role if any fringe bankers, such as check cashers, should play in the electronic delivery of federal checks to the ten million recipients who don't have a bank account, "should not force federal recipients to go to fringe bankers, such as check cashers, to receive their federal checks," Fox said.

"Surely it was not Congress's intent to put consumers at the mercy of high priced check cashers just to save the cost of printing and mailing paper federal checks," she added.

To eliminate this danger, CFA supports requiring that these funds be electronically deposited into individual low cost accounts at insured depository institutions.

Allowing federal benefits recipients access to low-cost bank accounts would "eliminate the need for them to pay check cashers exorbitant sums to cash their federal checks while introducing millions of consumers to mainstream banking," Fox said.



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Safe, Courteous Driving Campaign Launched

The Coalition for Consumer Health and Safety (CCHS) announced in August that it is initiating a campaign to promote safe and courteous driving.

The campaign will feature nationwide distribution of ten safe, courteous driving tips and joint efforts with law enforcement officials to promote enforcement of the traffic laws.

"Tens of millions of drivers, including myself, sometimes drive discourteously and, therefore, unsafely," said CFA Executive Director and Coalition Chairman Stephen Brobeck at a Washington, D.C. news conference to launch the campaign.

"Our campaign seeks to improve driving safety by raising the general standard of driving courtesy," he said.

Also participating in the news conference were Director of Illinois State Police Terrance W. Gainer, Allstate Indemnity Company President Steve Groot, and American Driver & Traffic Safety Education Association (ADTSEA) CEO Allen Robinson.

Courteous Driving is Safe Driving

"Courteous driving is at the core of driving responsibility," Gainer said. "Law enforcement officers across the United States are prepared to strictly enforce laws against dangerous driving behavior."

"The cost of discourteous, aggressive driving is thousands of lives lost, and billions of dollars in economic costs, every year," Groot said.

Members of the coalition – a partnership of 40 consumer, health, and insurer groups – developed the following ten safe and courteous driving tips:

• Concentrate on driving, not on passengers, cellular phones, or other distractions.

• Obey speed limits.

• Maintain a safe distance from the vehicle ahead.

• When entering a roadway or changing lanes, allow other drivers to maintain speed.

• Drive in the right or middle lane; pass on the left.

• Signal several hundred feet before turning or changing lanes.

• Stop at stop signs and red lights; don't run yellow lights.

• Respect pedestrian right of way in cross walks.

• Don't block intersections.

• Use horn sparingly and only to remind others of your presence.

Attitudes About Discourteous Driving Practices

	Considered Practice Unsafe	Considered Practice Reasonably Safe
Running a red light	91%	5%
Tailgating	90	3
Not stopping at stop sign	89	4
Lane shifting, forcing other cars to slow down	84	5
Entering a roadway, forcing other cars to slow down	83	3
Not signaling turns well in advance	75	7
Using cellular phone while driving	67	12
Running a yellow light	61	11
Driving more than 10 mph over the speed limit	61	18
Double-parking	59	18

Practices considered unsafe are those that survey respondents rated one or two on a five-point scale. Practices considered reasonably safe are those that respondents rated four or five.

Many members of the coalition plan to distribute wallet-sized cards containing the driving tips, as will ADTSEA, which includes most driver education programs.

"Since we need to remind drivers of the importance of courteous driving, ADTSEA will make available the safe, courteous driving tips to all of its state affiliates for distribution to local schools," Robinson said.

Erosion of Courteous Driving Found

"The assumption underlying the campaign is that unsafe driving reflects, not just the irresponsible behavior of a small minority of aggressive drivers, but also the slow erosion of safe, courteous driving standards among the majority of all drivers," Brobeck said.

Strong evidence for this decline was found in the public opinion survey conducted for CCHS by Opinion Research Corporation International.

A large majority (64 percent) of the 1,008 adult Americans surveyed believe that drivers in their own area are driving much less courteously and safely than five years ago. Only a small minority (12 percent) said drivers are driving much more courteously and safely than five years ago.

The survey also found that large to overwhelming majorities believe each of ten discourteous driving practices to be unsafe. These percentages ranged from 59 percent who think double parking is unsafe to 91 percent who think running a red light is unsafe.

By comparison, percentages finding the practices to be reasonably safe ranged from only three percent who believe tailgating is reasonably safe to 18 percent who believe double- parking or driving more than 10 miles per hour over the speed limit is reasonably safe.

"Those discourteous driving practices that people feel are the most unsafe tend to be those that are the most difficult to avoid. One cannot easily guard against a red light runner or a tailgater," Brobeck said.

The survey revealed striking demographic differences in beliefs about the safety consequences of discourteous driving.

Women and older persons are much more likely to consider discourteous practices to be unsafe. The poor and least educated are also more likely to consider these practices unsafe.

"Differences in belief about whether discourteous driving practices are unsafe may well reflect actual differences in driving courtesy and safety," Brobeck noted. "It is easier to rationalize discourteous driving if you don't believe it to be unsafe."

USDA Requests Expanded Enforcement Authority

Following the largest meat recall in the nation's history, Secretary of Agriculture Dan Glickman proposed new legislation in August that would give the U.S. Department of Agriculture expanded meat and poultry enforcement powers long advocated by food safety groups.

The Safe Food Coalition, of which CFA is a member, praised the administration for proposing legislative changes that would give the USDA authority to:

• require companies to remove contaminated products from the market;

• impose civil penalties of up to $100,000 a day on firms that fail to satisfy meat and poultry inspection laws and regulations; and

• withdraw or withhold inspection from plants that willfully or repeatedly violate the inspections laws, effectively closing those plants.

"These enforcement powers are critical, particularly now, when companies are being given greater freedom under the new inspection system to control their production and greater responsibility to keep food safe," said CFA Public Policy Associate Diana Neidle. "Without them, USDA has no effective way to penalize companies that fail to meet their safety responsibilities," she said.

Legislation containing these provisions, along with a bill providing FDA with similar authority over the rest of the nation's food supply, was expected to be introduced soon after Congress returned in September.

Currently, faced with a government request for a recall, companies hoping to minimize publicity may refuse to comply or dispute the amount of product that should be recalled. While the USDA is usually able to prevail, the process can be slow and cumbersome. The proposal would allow the government to act more quickly at the first sign of trouble.

To further strengthen the enforcement package, the Safe Food Coalition urged the addition of two other key enforcement provisions:

• giving USDA authority to trace every food animal back to its origin in order to cover every possible point of contamination; and

• providing strong whistleblower protection for plant employees who risk their jobs to report violations that may endanger human health.

"With these two additions, the legislation would go a long way toward giving the government the basic authority it needs to effectively enforce the nation's food safety laws," Neidle said. "We urge Congress to act quickly to adopt these common sense improvements to the food safety laws."

Similar legislation has been proposed in recent years, but, faced with strong industry opposition, failed to garner sufficient support.

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