



Office of Commissioner
Rohit Chopra

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

STATEMENT OF COMMISSIONER ROHIT CHOPRA

*Regarding the Request for Comment on the Funeral Rule
Commission File No. P034410*

February 4, 2020

Planning – and paying – for a funeral for a loved one is a difficult experience for many Americans. I look forward to closely reviewing the FTC’s Funeral Rule and our enforcement strategy, given the rate of noncompliance found in the agency’s undercover inspections.¹

I am particularly interested in an examination of the Funeral Rule Offenders Program (FROP), a program launched in 1996 and operated by the National Funeral Directors Association (NFDA), an industry lobbying group. When our undercover inspections find that funeral homes are not providing families with information required under the law, these funeral homes are almost always given the opportunity to pay fees to the government and to NFDA in order to enroll in the FROP and avoid a formal enforcement action by the FTC. The FTC also withholds the names of these lawbreaking funeral homes from the public when announcing the results of funeral home inspections, a privilege that no other industry under FTC jurisdiction enjoys.

During this rule review, we will need to assess whether this arrangement is appropriate.

¹ In our inspection results announced in 2018, over 20% of funeral homes inspected were found to be in noncompliance. FTC Undercover Inspections of Funeral Homes in 11 States Test Prompt Compliance with Funeral Rule Disclosure Requirements, FEDERAL TRADE COMMISSION, (April 18, 2018), <https://www.ftc.gov/news-events/press-releases/2018/04/ftc-undercover-inspections-funeral-homes-11-states-test-prompt>.