

Publications

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FTC Submits List of “Anticompetitive” Regulations in Response to Trump Deregulation Order

Key Takeaways:

- The FTC submitted a list of over 125 regulations it deems anticompetitive, targeting rules from agencies that the FTC believes hinder competition.
- While the FTC lacks authority to make changes, its recommendations (which were not publicly disclosed) could prompt White House pressure on federal agencies to act.
- Companies should expect continued enforcement of antitrust law. The FTC is prioritizing case-by-case action over rulemaking — particularly on non-competes — and may pursue similar enforcement strategies in other areas.

Deregulation has been a central focus of the second Trump Administration. In April, President Trump issued Executive Order 14267, “Reducing Anti-Competitive Regulatory Barriers,” directing the Federal Trade Commission (FTC), Department of Justice (DOJ) and other agencies to identify anticompetitive regulations.¹ Last week, FTC Chairman Andrew Ferguson responded with the Commission’s list of regulations to repeal or modify.²

While the report’s legal impact remains uncertain, it signals a broader effort to unwind federal rules viewed as stifling competition — and may prompt further agency-level action under White House pressure.

Inside the Report

The full report has not been released, but Chairman Ferguson described its contents in a letter to the Office of Management and Budget. According to the letter, the report identifies “over 125 regulations” that the FTC considers anticompetitive, in consultation with the DOJ and other agencies. The regulations span multiple industries and originate from a wide range of federal agencies — including the Department of Transportation, the Consumer Product Safety Commission, the Department of Education and the Department of Agriculture³ — but all hinder competition and should be altered accordingly, in the view of the FTC.

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What the Report Means in Practice

The FTC does not have the authority to change other agencies' regulations, and some of the regulations listed have already been withdrawn or placed under consideration for change — so the report's immediate impact remains unclear.⁴ Still, if the White House finds the recommendations persuasive, there may be pressure on agencies to revisit the identified rules or others like them. The list is also not exhaustive, as the FTC will continue to solicit submissions of anticompetitive regulations and submit supplemental reports as needed.⁵

Effects on Antitrust Enforcement

This push for deregulation does not mean that the FTC is stepping back from antitrust enforcement. The letter aligns with the FTC's approach under Chairman Ferguson: a preference for case-by-case enforcement over broad rulemaking. For example, the FTC announced Sept. 5 it would no longer defend its rule banning non-compete clauses, instead leaving "the legislating" to Congress and the states. Yet in the same statement, Chairman Ferguson said the FTC would "aggressively" pursue enforcement actions against unlawful non-competes — and highlighting the agency's newly brought case on the same.⁶

The takeaway: while the FTC may be shifting its energy away from rulemaking, it remains focused on vigorously enforcing antitrust law.

Companies should remain alert to evolving agency priorities, including areas where enforcement may outpace regulation. Polsinelli will continue to monitor developments and is available to provide compliance advice as the regulatory landscape changes.

[1] <https://www.federalregister.gov/documents/2025/04/15/2025-06463/reducing-anti-competitive-regulatory-barriers>

[2] Letter from Chairman Andrew N. Ferguson to the White House's OMB Director regarding Anticompetitive Regulatory Barriers, September 16, 2025, available at: https://www.ftc.gov/system/files/ftc_gov/pdf/Anticompetitive-Regulations-Ferguson-Letter.pdf

[3] *Id.* at 2-3

[4] *Id.* at 3

[5] *Id.*

[6] Statement of Chairman Andrew N. Ferguson Joined by Commissioner Melissa Holyoak Regarding Ryan, LLC v. FTC, September 5, 2025, available at: https://www.ftc.gov/system/files/ftc_gov/pdf/ferguson-holyoak-statement-re-noncompete-acceding-vacatur.pdf at 3