

Department of Justice  
Anticompetitive Regulations Task Force  
Antitrust Division  
450 5th St NW, Ste 8700  
Washington, DC 20001

Submitted via: [www.Regulations.gov](http://www.Regulations.gov)

Re: Docket No. ATR-2025-0001

May 27, 2025

### **Introduction**

The organizations below appreciate the opportunity to provide comment<sup>1</sup> in response to DOJ's request for comments regarding **the Department of Justice, Anticompetitive Regulations Task Force, ATR-2025-0001**. We represent a variety of public protection and interest organizations united in the belief that regulations and a transparent and fair regulatory process are critical to protecting the public. We write to urge the Department of Justice (DOJ) to take a holistic view of regulatory benefits, including but not limited to competition, when assessing regulations under this initiative, to consider relying on studies that have concluded regulations do not have an overall negative impact on competition, and to take into account the demonstrated impact of regulations to drive competition, technology, and innovation.

### **Singular Focus of Review is Problematic**

We want to ensure that actions taken by the Anticompetitive Regulations Task Force pursuant to the request do not repeal existing regulations that are crucial to protecting the American people. Congress has passed dozens of laws intended to protect the public, such as the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, the Mine Safety and Health Act, the Food Safety Modernization Act, the Consumer Product Safety Improvement Act, the Fair Housing Act, and others. Congress' intent in enacting those laws was to direct federal agencies to issue implementing regulations to safeguard the public. None of those laws give federal

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<sup>1</sup> Press Release, U.S. Dep't of Justice, Justice Department Launches Anticompetitive Regulations Task Force (Mar. 27, 2025), <https://www.justice.gov/opa/pr/justice-department-launches-anticompetitive-regulations-task-force>.

agencies the discretion to repeal or weaken regulations based solely on their potential impacts on marketplace competition.

### **Leading Study Documents that Regulations do not Negatively Impact the Economy**

We also write to encourage DOJ to consider the 2018 leading study on regulatory impact, economic dynamism, and small business formation, “Is Regulation to Blame for The Decline In American Entrepreneurship?,” authored by Professors Alexander Tabarrok and Nathan Goldschlag.<sup>2</sup> Tabarrok and Goldschlag, economists at George Mason University, examine whether regulation is the cause of the significant decrease in competition, as measured by creation of new businesses, that the American economy has experienced over the previous three decades. Despite beginning with the hypothesis that regulation is associated with the decline in business formations, the authors found that there was **“no statistically significant effect on startups or job creation and a slightly positive effect on job destruction rates. In short, no evidence for a negative effect of regulation on dynamism.”**

### **Regulations Can Protect the Public and Promote Competition**

Finally, we support regulatory protections because of the benefits they provide to hardworking Americans and society more broadly, including making products safer and more affordable, workplaces safer, and markets more fair. There is also a long history demonstrating that regulations have led to an increase in competition in specific industry sectors. We support regulation because of the protections they provide the American people, and we urge that DOJ take into account the many examples where regulation has had a direct and positive effect on competition.

For example, the Federal Trade Commission, which is charged with policing competition in the marketplace, has put in place numerous regulations that promote competition over the course of its history. These range from regulations that allowed for more competition in the eyeglass market to allowing employees more freedom to leave jobs and start their own business by prohibiting employers from using so-called non-compete clauses in employment contracts. The

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<sup>2</sup> Nathan Goldschlag & Alex Tabarrok, *Is Regulation to Blame for the Decline in American Entrepreneurship?*, 33:93 Economic Policy 5-44 (January 2018), <https://doi.org/10.1093/epolic/eix019>.

Federal Communications Commission's (FCC) 1995 regulation related to phone number portability<sup>3</sup> also increased competition. The FCC noted that before the rule, more than 80 percent of customers would be unlikely to change their carrier if it required them to get a new phone number.<sup>4</sup> The FCC's rule requiring that phone carriers allow customers to keep their phone number when changing providers "promotes competition between telecommunications service providers, foster[ing] lower local telephone prices and . . . stimulat[ing] demand for telecommunications services and increase economic growth."<sup>5</sup>

## **Conclusion**

The Department of Justice's comment request is premised on the claim that regulation hurts competition and the economy. Yet, numerous studies show the opposite--that regulation is not to blame for reduced competition, and in fact, can promote competition. Repealing regulations that protect the public due to claims that those regulations are "anticompetitive" will hurt consumers, workers, the environment, the public's health and safety, and much more. We oppose any efforts by DOJ to target regulatory protections for repeal based on supposed impacts to competition without also considering the original purpose of those regulations and the public benefits that would be lost if those regulations were repealed.

Sincerely,

Americans for Financial Reform

CA Alliance for Consumer Education (CACE)

Center for Digital Democracy

Center for Economic Justice

Center for Progressive Reform

Coalition for Sensible Safeguards

Consumer Action

Consumer Federation of America

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<sup>3</sup> The FCC initiated rulemaking in 1995 and Congress then required carriers to offer number portability consistent with FCC regulations in the Telecommunications Act of 1996. *See* Federal Communications Commission, "First Report and Order and Notice of Proposed Rulemaking in the Matter of Telephone Number Portability," (July, 1996), [https://transition.fcc.gov/Bureaus/Common\\_Carrier/Orders/1996/fcc96286.txt](https://transition.fcc.gov/Bureaus/Common_Carrier/Orders/1996/fcc96286.txt).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Consumers for Auto Reliability and Safety  
Delaware Community Reinvestment Action Council, Inc.  
Demand Progress Education Fund  
Endangered Species Coalition  
Environmental Defense Fund  
Georgia Watch  
Government Information Watch  
Inland Ocean Coalition  
Interfaith Center on Corporate Responsibility  
National Association of Consumer Advocates  
National Consumers League  
National Health Law Program  
National Employment Law Project  
Oceana  
Ocean Conservation Research  
Oregon Consumer Justice  
People Power United  
Public Citizen  
Public Knowledge  
SEIU  
Southern Environmental Law Center  
The Center for Science in the Public Interest  
20/20 Vision  
Union of Concerned Scientists  
United Steelworkers (USW)  
Virginia Citizens Consumer Council  
Woodstock Institute