

100 Industry Organizations Request Extension of Comment Period on FTC's Proposed Noncompete Ban

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As we [predicted](#), earlier today, 100 industry organizations submitted a [request](#) to the Federal Trade Commission (FTC) to extend the comment period for its proposed rule banning noncompetes nationwide by an additional 60 days. According to the letter, “[t]he regulated community should be given sufficient time to assess the potential consequences of the rulemaking and develop insightful comments for the Commission to consider.” The letter further states:

This rulemaking, as the FTC itself acknowledges, will impact a significant portion of the economy. Given the breadth of the rule, a sufficient comment period is needed to ensure the regulated community can fully assess its effects.

Moreover, there are significant legal questions that must be addressed by commenters. Among the issues raised by the FTC action is whether the Commission has the legal authority to issue such a rulemaking, the rule’s potential preemption of the numerous state laws and regulations on this issue, and how such preemption will alter the regulated community’s legal obligations.

Considering the potential impact of this proposal, the undersigned organizations urge the FTC to extend the comment period an additional 60 days. Doing so would ensure the regulated community can fully and confidently provide comprehensive comments to the Commission. Thank you for your consideration of this matter.

The current deadline to submit comments to the FTC is March 20, 2023. If this extension is granted, the new deadline would be May 19, 2023. As of this morning, the FTC has received more than 9,300 comments and has posted over 5,200 of them to its [website](#).

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