

October 17, 2025

Andrew N. Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580

Dear Chairman Ferguson:

The undersigned civil society organizations write to you in response to the Federal Trade Commission's (FTC) solicitation of public comment on its proposed Strategic Plan for Fiscal Years 2026–2030.¹ Given the plan's purpose to set forth the FTC's priorities and to provide transparency into the agency's own standards of performance, we are concerned that it aims too low both for protecting consumers and competition and for assessing the FTC's success in achieving even the less ambitious objectives. We urge you to revise the Strategic Plan to fulfill the FTC's statutorily mandated mission, to provide meaningful protection for consumers, and to subject the agency to more robust accountability standards.

I. Weaknesses in Proposed Performance Metrics

The draft plan would delete a number of critical agency performance metrics adopted by the FTC in recent years² to produce bold action on behalf of the public and to focus on meaningful, cost-efficient benefits for the American people rather than busywork. Specifically, the draft plan proposes the following:

- With regard to the FTC's consumer protection efforts, the proposal would delete the agency's current goals to measure the "percentage of matters following up on Commission market-wide policy initiatives, e.g., Notices of Penalty Offenses, Policy Statement on Negative Option Marketing, workshops, and reports" and the "percentage of matters seeking significant remedial, precedential, or deterrent effects across the marketplace."
- With regard to the FTC's antitrust enforcement to protect competition and open markets, the proposal would delete the agency's current goals to gauge the "percentage of antitrust matters seeking significant remedial, precedential, or deterrent effects across the marketplace" and the "percentage of full-phase investigations that (1) proceeded to litigation that ultimately halted or deterred lawbreaking or resulted in greater clarification of the law, or (2) ended when a merger was abandoned in anticipation of an FTC challenge."

¹ Fed. Trade Comm'n, *FTC Invites Public Comment on Draft Strategic Plan* (Sept. 26, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-invites-public-comment-draft-strategic-plan>.

² Fed. Trade Comm'n, *Strategic Plan For Fiscal Years 2022-2026* (Aug. 26, 2022), archived at https://web.archive.org/web/20240925030024/https://www.ftc.gov/system/files/ftc_gov/pdf/fy-2022-2026-ftc-strategic-plan.pdf.

- With regard to the FTC's vital efforts to address corporate misconduct that targets historically underserved communities, the proposal would terminate all related agency objectives and performance metrics.
- With regard to external evaluations of the FTC's work, the proposal would eliminate all performance metrics on the American public's satisfaction with the FTC's Consumer Response Center call center and website, with the FTC consumer education websites, and with the FTC's official website at <http://www.ftc.gov>.

Although the proposed plan contains performance goals to measure the FTC's financial benefits for consumers, we are concerned that overall the new metrics reflect a troubling lack of ambition and misunderstand the realities of corporate malfeasance today. For example, the draft plan would stop measuring the FTC's efforts to stop corporate wrongdoing conducted in languages other than English, as if unscrupulous companies that rip off consumers and honest competitors can be expected to do so only in English.

Additionally, the proposed plan would replace the substantive metrics for the FTC's consumer protection work with the "number of orders enjoining unfair, deceptive, or otherwise unlawful practices as a result of consumer protection law enforcement actions." We are concerned that this substitution will mask a shift by the agency from consumer protection enforcement based on rulemakings to a heavier reliance on scattershot case-by-case enforcement. The latter whack-a-mole approach costs the agency more taxpayer dollars, time, and resources while doing comparatively little to resolve legal uncertainty for businesses and covering only a fraction of the corporate lawbreaking that is proliferating in the modern economy. The FTC's scattershot enforcement of the consumer protection and antitrust laws also makes the agency more vulnerable to corruption, such as shakedowns of corporate executives for political donations to top Administration officials and their allies in exchange for favorable treatment.

II. Troubling Trends Under Chairman Ferguson's Leadership

The FTC's strategic plan should establish meaningful benchmarks against which progress towards fulfilling the agency's statutory mission can be fairly and effectively measured. However, as explained, the proposed performance metrics create the appearance that the FTC's new leadership does not want the FTC to do much more than tread water during its tenure—nor to be held accountable for meeting even its watered-down objectives. The actions that the FTC has taken so far this year only reinforce this perception.

First, the FTC has recently taken steps that appear designed to let companies escape consequences for violating the very laws the agency is charged with enforcing:

- Throughout this year, the FTC has dismissed, reopened and vacated, or closed enforcement cases that the agency had previously brought against companies or their

executives over their corporate wrongdoing,³ including Chevron/Hess⁴ and PepsiCo.⁵ The Administration has also stated its intention to revisit hard-won consent decrees in AI cases—including potentially the widely praised Rite Aid consent decree,⁶ and the FTC has failed to undertake or finalize consent decrees in other industries in desperate need of regulation, such as the data broker market.⁷

- The FTC has abandoned important rulemaking efforts, failing to carry forward the commercial surveillance rulemaking led by the Khan FTC or to take action to restore the click-to-cancel rule—in the process allowing consumers' rights to be eroded.
- In September, the Director of the FTC's Bureau of Consumer Protection signaled an intention to deemphasize unfairness enforcement in the privacy context, despite the victories the FTC has obtained over the last few years using this authority.⁸ Neglecting unfairness enforcement not only leaves consumers without vital protections, it is also a dereliction of the agency's mandate under Section 5 of the FTC Act, which charges the agency with addressing both deceptive and unfair trade practices.
- The FTC also appears to be curtailing or abandoning data minimization remedies, despite broad bipartisan consensus that such measures are essential to address privacy harms at the source. This was made especially plain by the FTC's failure to bring a claim under Section 312.7 (which restricts collection of children's data) in its action against Apitor, even though Apitor's conduct apparently violated this provision.

The FTC's recent actions, combined with the proposed plan, thus send the wrong message to consumers, the business community, and the agency's dedicated staff: that under this FTC, corporate misconduct will go relatively undetected and unpunished at the expense of consumers and fair competition. We also take note that Chairman Ferguson is currently withholding from the public his list of regulations across the federal government, presumably including the FTC, that he has recommended to the White House for deletion.⁹ The fact that the new Administration

³ Public Citizen, *Tracker: Corporate Enforcement at Risk* (updated Sept. 5, 2025), <https://www.citizen.org/article/corporate-enforcement-trump-tracker/>.

⁴ Demand Progress Education Fund, et al., *Letter re: Chevron/Hess Petition to Reopen; Docket No. C-4814* (May 12, 2025), <https://www.regulations.gov/comment/FTC-2025-0029-0015>.

⁵ Stacy Mitchell and Reggie Rucker, Institute For Local Self-Reliance, *Stacy Mitchell Condemns FTC's Dismissal of Case Against PepsiCo for Advantaging Walmart* (May 23, 2025), <https://ilsr.org/article/independent-business/stacy-mitchell-condemns-ftcs-dismissal-of-case-against-pepsico/>.

⁶ Bruce D. Sokler, et al., *Does Trump's AI Action Plan Handcuff the FTC and Antitrust Enforcement? — AI: The Washington Report*, Mintz (Aug. 15, 2025), <https://www.mintz.com/insights-center/viewpoints/54731/2025-08-15-does-trumps-ai-action-plan-handcuff-ftc-and-antitrust>.

⁷ See, e.g., Fed. Trade Comm'n, *FTC Takes Action Against General Motors for Sharing Drivers' Precise Location and Driving Behavior Data Without Consent* (Jan. 16, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-takes-action-against-general-motors-sharing-drivers-precise-location-driving-behavior-data> (still unfinalized nine months later).

⁸ Christopher Mufarrige, Dir. of Bureau of Consumer Prot., Fed. Trade Comm'n, *Prepared Remarks For The National Advertising Division Annual Conference 2025* (Sept. 17, 2025), https://www.ftc.gov/system/files/ftc_gov/pdf/mufarrige-nad-speech.pdf.

⁹ Fed. Trade Comm'n, *FTC Recommends Anticompetitive Regulations for Deletion or Revision* (Sept. 17, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-recommends-anticompetitive-regulations-deletion-or-revision>.

is hiding governmental decisions of this magnitude from public oversight further fuels suspicion that the agency's agenda is driven by undisclosed political or corporate considerations.

III. Conclusion

The FTC's Strategic Plan should be an instrument for accountability, transparency, and ambition on behalf of the American people. As such, we ask you to restore the performance metrics on substantive consumer protection and antitrust matters. We also urge you to resume with meaningful unfairness enforcement in the privacy context. Only by doing so can the FTC fulfill its statutory mission and maintain the trust of the public it serves.

Thank you for considering our views.

Sincerely,

20/20 Vision
Arkansas Community Organizations
Center for Digital Democracy
Consumer Action
Consumer Federation of America
Demand Progress Education Fund

Electronic Privacy Information Center
National Consumers League
Oregon Consumer Justice
Oregon Consumer League
Public Citizen
UnidosUS