

[FTC Should Ease Document Requests, Ohlhausen Says](#)

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Law360, Fort Wayne (February 2, 2017, 5:45 PM EST) -- Newly appointed acting head of the U.S. [Federal Trade Commission Maureen Ohlhausen](#) said Thursday she would work in the near term to review and streamline the agency's informational requests during investigations to reduce their strain on businesses. Document requests impose large compliance costs on the companies that must respond to them, and the agency should lighten the load for legitimate businesses, Ohlhausen said, speaking at a consumer protection conference in Atlanta. "Under my leadership, the FTC will take these concerns seriously," she said. "The FTC must remain able to collect the information we need to enforce the law, but I am certain that we can do this while reducing the burden on businesses, particularly third parties who are not under investigation." A report released last month on the presidential transition by the [American Bar Association's](#) antitrust section highlighted a recent trend toward overly broad information and document requests from competition regulators, Ohlhausen said. Throughout her tenure, she said, she would work to reduce unnecessary regulatory burdens on businesses. Though enforcement actions by the FTC attract headlines, the agency also has other mechanisms at its disposal to pursue its goals, such as policy advocacy, business and consumer education, and research, Ohlhausen said. "On my watch, all of these tools can and will be used to carry out the FTC's consumer protection and competition missions," she said. On the consumer protection side, Ohlhausen also said she would re-focus the agency on pursuing fraud enforcement and make sure enforcement actions address concrete consumer injury. The FTC should refrain from acting on speculative injury and subjective harm, she said. President Donald Trump last week [designated](#) Ohlhausen to be acting chair of the FTC. She had been serving as an FTC commissioner since she was sworn in in 2012 and replaced Edith Ramirez, who announced her resignation as FTC chair last month. As

the only remaining Republican commissioner, Ohlhausen's appointment to the interim position was expected. Democrat Terrell McSweeney is the other remaining commissioner. As a commissioner and now as acting head of the FTC, Ohlhausen has become known for her pro-business stance and as a strong dissenting voice to some of the agency's most high-profile actions. For example, she voted against the agency's suing to block [Sysco Corp.](#) from merging with [US Foods Inc.](#), a lawsuit that was ultimately successful. She has also voiced some trepidation when it comes to using antitrust law to police intellectual property enforcement. The FTC has the potential to be greatly reshaped under the Trump administration. Ramirez's departure will leave three commissioner spots open. By law, no more than three commissioners can come from any one party, which means that Trump would have to nominate at least one Democrat to fill the open seats. McSweeney, a former aide to Vice President Joe Biden, has a term that runs until September 2017. --Editing by Emily Kokoll.