



**FEDERATION OF ASSOCIATIONS  
OF REGULATORY BOARDS**

1466 Techy Road  
Northbrook, IL 60062  
847-559-3272  
847-714-9796 FAX  
FARB@FARB.org  
[www.FARB.org](http://www.FARB.org)

American Association of Dental Boards

American Association of  
State Counseling Boards

American Association of  
Veterinary State Boards

Association of Appraiser Regulatory  
Officials

Association of Regulatory  
Boards of Optometry

Association of Social Work Boards

Association of State and Provincial  
Psychology Boards

Board of Certification for the Athletic  
Trainer

Council of Landscape Architectural  
Registration Boards

Federation of Chiropractic  
Licensing Boards

Federation of State Massage  
Therapy Boards

Federation of State Medical Boards

International Conference of  
Funeral Service Examining Boards

National Association of Barber Boards of  
America

National Association of  
Boards of Pharmacy

The National Association of Long Term  
Care Administrator Boards

National Association of State  
Boards of Accountancy

National Association of State  
Contractors Licensing Agencies

National Association of State  
EMS Officials

National Board for Certification  
In Occupational Therapy

National Council of Architectural  
Registration Boards

October 31, 2017

(Submitted electronically via [ftcpublic.commentworks.com/ftc/economic-liberty](http://ftcpublic.commentworks.com/ftc/economic-liberty))

Maureen Ohlhausen, Acting Chairman  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington, DC

RE: Empirical Research

Dear Chairman Ohlhausen,

On behalf of the Federation of Associations of Regulatory Boards (FARB) and its 21 Governing Members, this letter is submitted to the Federal Trade Commission (FTC) and its Economic Liberty Task Force (ELTF) in preparation of its November 7, 2017, meeting in Washington, D.C. FARB is a not-for-profit organization whose membership is comprised of associations and federations of regulatory boards from numerous occupations and professions. The membership of FARB Governing Members is comprised of the statutorily created state boards of the various occupations and professions from all United States jurisdictions. Since its inception in 1974, FARB has been recognized by the Internal Revenue Service as exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code based upon its educational and charitable activities.

The mission of FARB is to “*advance excellence in regulation of the professions in the interest of public protection.*” This mission complements the FTC’s own interest in consumer protection through the furtherance of policies that ultimately benefit the public. These coinciding public protection missions are clearly paramount to each of our goals. Although recent political and legal movements invoke economic growth over public protection, it is a foundational construct that state regulation of licensed professionals is necessary to effectively provide consumers with a means of protection both before products and services are rendered as well as after receipt. An approach that relies on an unregulated free market is a dangerous departure from regulatory structures that have benefited consumers. While the two concepts can coexist, a healthy balance among economic growth, common sense regulation, and a recognition of states’ rights must be respected.

The stated purpose of the November 7, 2017, FTC ELTF roundtable is to “examine empirical evidence on the effects of occupational licensure.” The Event Description continues to conclude that occupational licensure imposes “costs on anyone who wants to enter or continue an occupation.” Additional conclusory statements are included in the Event Description that appear to have already concluded that state based occupational licensure is fraught with unnecessary barriers, results in fewer jobs, higher consumer prices, and retards economic growth.

FTC Chairman Ohlhausen

October 31, 2017

Page 2 of 2

To assume that no regulation of occupations eliminates barriers is too simplistic. Indeed, the workforce entering unregulated occupations are confronted with unknown, arbitrary, and subjective barriers fraught with nepotism. It is hoped that the ELTF will objectively review and analyze all data regarding the effects of occupational licensure and not confine its analysis to a strictly economic review. An economic perspective and general analysis of supply and demand and buyer beware does not adequately provide the consumer protections necessary to adequately protect the public. A balanced approach to a review of occupational licensure is necessary to ensure an appropriate assessment of the need for and effect of state based regulation that not only protects the public, but also diminishes economic inefficiencies and waste.

In fact, a recent broad based study concluded that state based licensure did not result in higher wages. This study found that state based licensure actually resulted in less arbitrary employment decisions and greater opportunities and additional employment access to the workforce, including increased access by minorities and underrepresented groups. Further, the Oregon Supreme Court recently found that state based licensure not only protects the health, safety and welfare of the consumers, but decreases inefficiencies and waste. A recognition of these various approaches and perspectives will shed additional light on this topic and expand the discussions beyond a strictly economic analysis.

FARB recognizes and respects the rights of the states to determine what occupations and professions are in need of regulation. A healthy respect for such rights is imperative in understanding the similarities and differences of occupational and professional licensure. A one size fits all approach may not fulfill the public protection needs of the states and respect must be shown for the concepts of federalism and state based regulation. As such, states have crafted a regulatory structure that sets forth standards for qualification for licensure and a means of enforcement for the benefit of the public. This recognition is essential in the ELTF deliberations as a strict economic approach emphasizes economics and numbers, rather than a respect for states' rights, recognition of the needs of society, and the specific needs of the consumers within the states.

FARB continues to promote common sense regulation and looks forward to a balanced approach and analysis by the ELTP when addressing the effects of occupational licensure on competition, consumers, and the workforce. Thank you for the opportunity to submit comments in preparation for the November 7, 2017 meeting. We look forward to a continuing dialogue with the FTC and other interested stakeholders.

Sincerely,



Dale J. Atkinson  
Executive Director & General Counsel  
Federation of Associations of Regulatory Boards (FARB)

cc: FARB Executive Board