



# Please Hold Your Comments: Deep Dive Into CFPB Rulemaking

November 15th, 2024 | and [Lucy Morris](#)

## [Lucy E. Morris](#)

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### Please Hold Your Comments: Deep Dive Into CFPB Rulemaking

The CFPB has recently increased its issuance of interpretative rules, advisory opinions, CFPB circulars, and compliance aids, some of which have adopted controversial interpretative positions. The CFPB has taken the position that this guidance is not subject to the Administrative Procedure Act’s notice-and-comment requirement. As a result, this guidance may become effective upon publication to the Federal Register. Adding to the controversy, a recent U.S. Supreme Court decision in *West Virginia v. Environmental Protection Agency* struck down regulatory actions that were based on “vague” or “ancillary” statutory authority. This panel will discuss the CFPB’s issuance of interpretative rules and policy statements outside of the APA’s notice-and-comment process and whether the CFPB’s issuance of interpretative rules and policy statements could be curbed in the future.

Chair – Carmen Thomas (Partner, Nelson Mullins, Columbia, SC)

Committee: Federal and State Trade Practices

Moderator: Susan Manship Seaman (Partner, Husch Blackwell, Columbus, OH)

Speakers: Lucy Morris (Partner, Hudson Cook, Washington, DC)

John R. Coleman (Partner, Buckley LLP, Washington, DC)

Prof. Chris Peterson (Univ. of Utah College of Law, Salt Lake City, UT)

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