



A Snapshot of West Virginia Regulation in 2017

125,700 Restrictions, 8.4 Million Words, and 12 Weeks to Read

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December 2017

It would take an ordinary person more than two and a half years to read the entire *US Code of Federal Regulations* (CFR), which contained more than 104 million words in 2016.¹ The sheer size of the CFR poses a problem not just for the individuals and businesses that want to stay in compliance with the law, but also for anyone interested in understanding the consequences of this massive system of rules. States also have sizable regulatory codes, which add an additional layer to the enormous body of federal regulation. A prime example is the online version of the 2017 *West Virginia Code of State Rules* (CSR).²

A tool known as State RegData³—a platform for analyzing and quantifying state regulatory text—was developed by researchers at the Mercatus Center at George Mason University. State RegData captures information in minutes that would take an ordinary person hours, weeks, or even years to obtain. For example, the tool allows researchers to identify the industries that state regulation targets most by connecting text relevant to those industries with restrictive word counts. Known as regulatory restrictions, the words and phrases *shall*, *must*, *may not*, *prohibited*, and *required* can signify legal constraints and obligations.⁴ As shown in figure 1, the three industries with the highest estimates of industry-relevant restrictions in the 2017 CSR are utilities, ambulatory health care services, and mining (except oil and gas).

1. This assumes the person reads 300 words per minute for 40 hours per week with two weeks of vacation per year. “RegData 3.0,” QuantGov; Patrick A. McLaughlin, Oliver Sherouse, Daniel Francis, Michael Gasvoda, Jonathan Nelson, Stephen Strosko, and Tyler Richards, “RegData 3.0 User’s Guide” (working paper, 2017).

2. West Virginia Secretary of State, *Code of State Rules*, accessed October 5, 2017.

3. State RegData is part of a broader project called QuantGov, which seeks to quantify legal text. See Patrick A. McLaughlin and Oliver Sherouse, “QuantGov—A Policy Analytics Platform,” QuantGov, October 31, 2016.

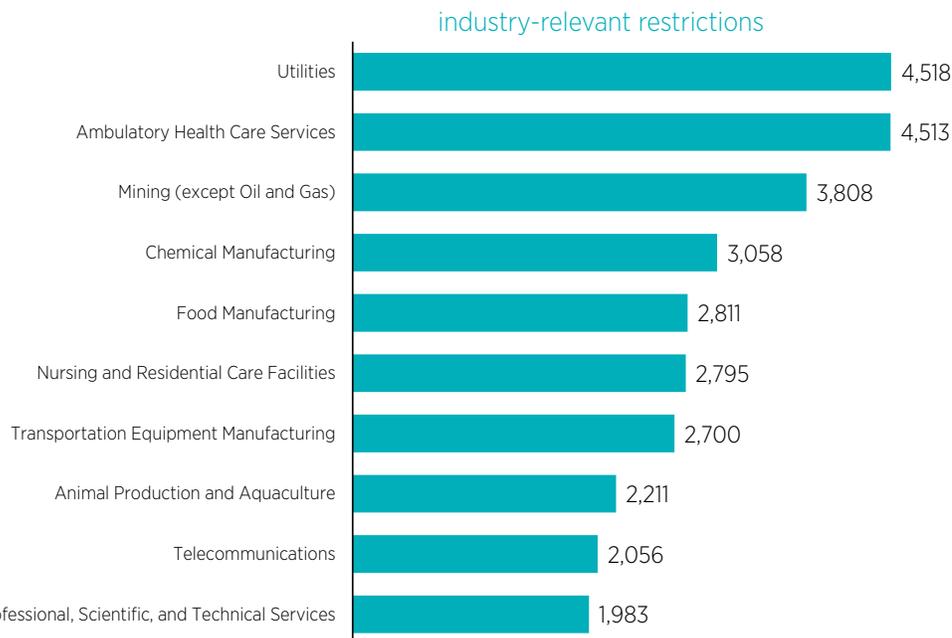
4. Restrictions can also occur in legal text for other purposes, such as for definitional purposes. At times, restrictions may relate to government employees rather than the private sector.

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State RegData also reveals that the CSR contains 125,700 restrictions and more than 8.4 million words. It would take an individual 469 hours—or almost 12 weeks—to read the entire CSR. That’s assuming the reader spends 40 hours per week reading and reads at a rate of 300 words per minute. For comparison, there are more than 1.08 million additional restrictions in the federal code.⁵ Individuals and businesses in West Virginia must navigate these different layers of restrictions to remain in compliance.

Figure 1. The Top 10 Industries Targeted by West Virginia State Regulation in 2017



Source: State RegData, “West Virginia,” <http://www.quantgov.org/data/>.

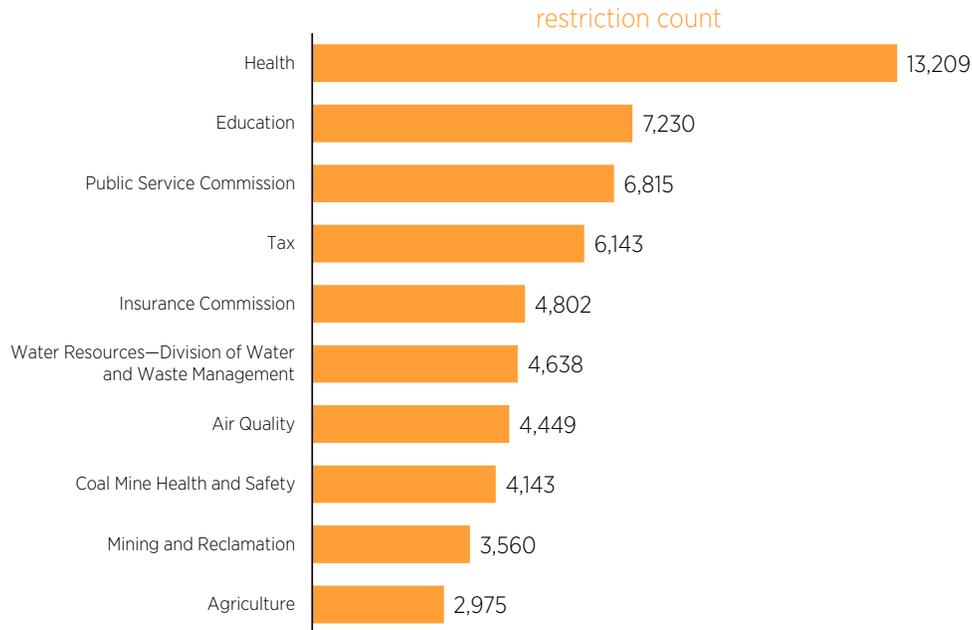
The sections of the CSR are organized based on the types of regulations they contain. Figure 2 shows that the section of the CSR associated with health contains more than 13,000 restrictions.⁶ By this measure, this is the biggest section in the CSR. Coming in second is education, with more than 7,000 restrictions.

Federal regulation tends to attract the most headlines, but it is important to remember that the more than 104 million words and 1.08 million restrictions in the federal code significantly understate the true scope of regulation in the United States. States like West Virginia write millions of additional words of regulation and hundreds of thousands of additional restrictions. State-level requirements carry the force of law to restrict individuals and businesses just as federal ones do.

5. “RegData 3.0”; McLaughlin et al., “RegData 3.0 User’s Guide.”

6. Section names are kept consistent with the organization of the online CSR. Some sections are relevant to agencies that fall within the same department. For example, the Division of Water and Waste Management and the Division of Air Quality are kept separate here, consistent with the online CSR, even though both are within the Department of Environmental Protection. Similarly, Health is a separate category from Health and Human Resources and from Human Services, even though the Bureau for Public Health is a subagency with the Department of Health and Human Services in West Virginia.

Figure 2. The Top 10 Sections of the West Virginia *Code of State Rules* in 2017



Source: State RegData, “West Virginia,” <http://www.quantgov.org/data/>.

Researchers are only beginning to understand the consequences of the massive and growing federal regulatory system on economic growth and well-being in the United States.⁷ Meanwhile, the effects of state regulation remain largely unknown. If this snapshot of West Virginia regulation in 2017 is a good indicator, then the states are also active regulators, suggesting that the true impact of regulation on society is far greater than that of federal regulation alone.

7. See, for example, Bentley Coffey, Patrick A. McLaughlin, and Pietro Peretto, “The Cumulative Cost of Regulations” (Mercatus Working Paper, Mercatus Center at George Mason University, Arlington, VA, 2016).

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