

## A Snapshot of Idaho Regulation in 2018

61,848 Restrictions, 5.0 Million Words, and 7 Weeks to Read

*James Broughel*

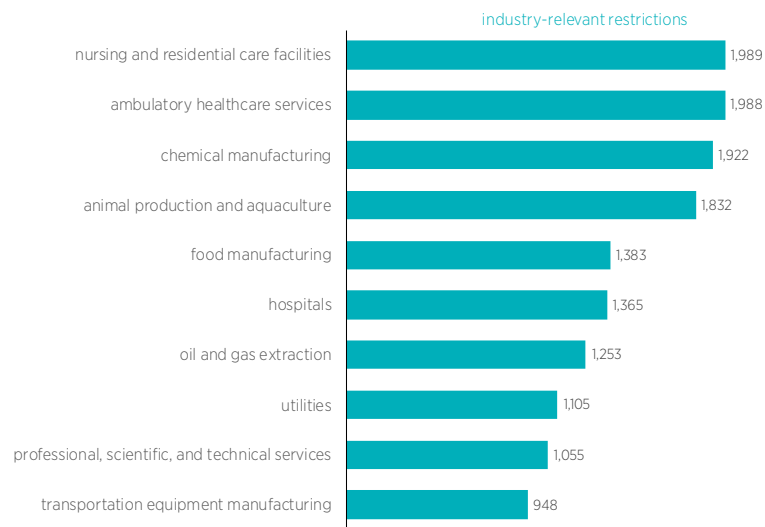
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It would take an ordinary person more than two and a half years to read the entire US *Code of Federal Regulations* (CFR), which contained nearly 104 million words in 2017.<sup>1</sup> The sheer size of the CFR poses a problem not just for the individuals 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 large body of federal regulation. A prime example is the online version of the 2018 *Idaho Administrative Code* (IAC).<sup>2</sup>

Researchers at the Mercatus Center at George Mason University developed State RegData, a platform for analyzing and quantifying state regulatory text.<sup>3</sup> State RegData captures information in minutes that would take hours, weeks, or even years to obtain by reading and counting. 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. Referred to as regulatory restrictions, the words and phrases *shall*, *must*, *may not*, *prohibited*, and *required* can signify legal constraints and obligations.<sup>4</sup> As shown in figure 1, the three industries with the highest estimates of industry-relevant restrictions in the 2018 IAC are nursing and residential care facilities, ambulatory healthcare services, and chemical manufacturing.

State RegData also reveals that the 2018 IAC contains 61,848 restrictions and 5.0 million words. It would take an individual about 277 hours—or almost 7 weeks—to read the entire IAC. That’s assuming the reader spends 40 hours per week reading and reads at a rate of 300 words per minute. By comparison, there are almost 1.09 million additional restrictions in the federal code.<sup>5</sup> Individuals and businesses in Idaho must navigate these different layers of restrictions to remain in compliance.

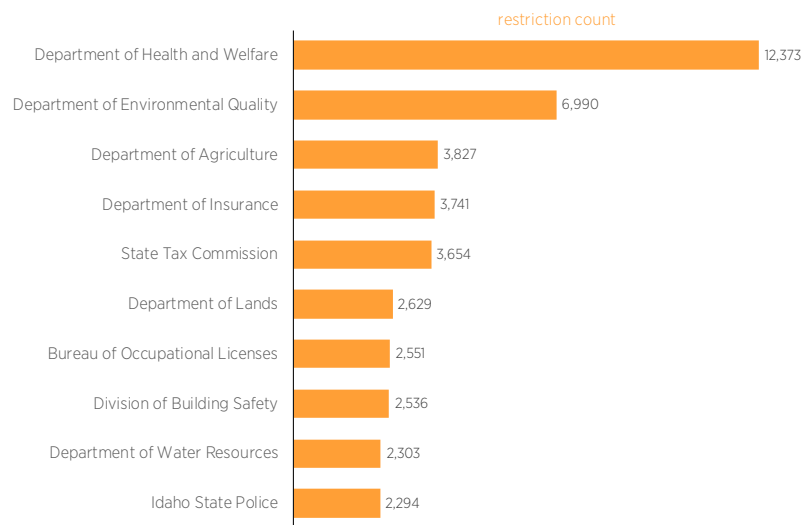
Figure 1. Top 10 Industries Targeted by Idaho State Regulation in 2018



Source: State RegData (Idaho data), <https://quantgov.org/state-regdata/>.

The sections of the IAC are organized by state agency or department. Figure 2 shows that the section associated with the Department of Health and Welfare contains more than 12,000 restrictions. By this measure, this is the biggest regulator in Idaho. Coming in second is the Department of Environmental Quality, with almost 7,000 restrictions.

Figure 2. Top 10 Regulators in Idaho in 2018



Source: State RegData (Idaho data), <https://quantgov.org/state-regdata/>.

Federal regulation tends to attract the most headlines, but it is important to remember that the nearly 104 million words and 1.09 million restrictions in the federal code significantly understate the true scope of regulation in the United States. States like Idaho write millions of additional words of regulation and tens of thousands of additional restrictions. State-level requirements carry the force of law to restrict individuals and businesses just as federal ones do.

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.<sup>6</sup> Meanwhile, the effects of state regulation remain largely unknown. If this snapshot of Idaho regulation in 2018 is a good indicator, then the states are also active regulators, suggesting that the full impact of regulation on society is far greater than that of federal regulation alone.

## ABOUT THE AUTHOR

James Broughel is a research fellow at the Mercatus Center at George Mason University. Broughel has a PhD in economics from George Mason University. He is also an adjunct professor in the economics department and the law school at George Mason.

## NOTES

1. This assumes the person reads 300 words per minute for 40 hours per week with two weeks of vacation per year. “RegData 3.1,” QuantGov; Patrick A. McLaughlin, Oliver Sherouse, Daniel Francis, Michael Gasvoda, Jonathan Nelson, Stephen Strosko, and Tyler Richards, “RegData 3.0 User’s Guide,” accessed February 15, 2018, <https://quantgov.org/regdata/users-guide/>.
2. Idaho Office of the Administrative Rules Coordinator, “Idaho Administrative Code,” accessed June 1, 2018, <https://adminrules.idaho.gov/rules/current/>.
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, December 20, 2017. Data for Idaho are available at State RegData (Idaho data), <https://quantgov.org/state-regdata/>.
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.
5. “RegData 3.1”; McLaughlin et al., “RegData 3.0 User’s Guide.”
6. 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).