

## A Snapshot of Tennessee Regulation in 2018

114,920 Restrictions, 8 Million Words, and 11 Weeks to Read

*James Broughel and Jonathan Nelson*

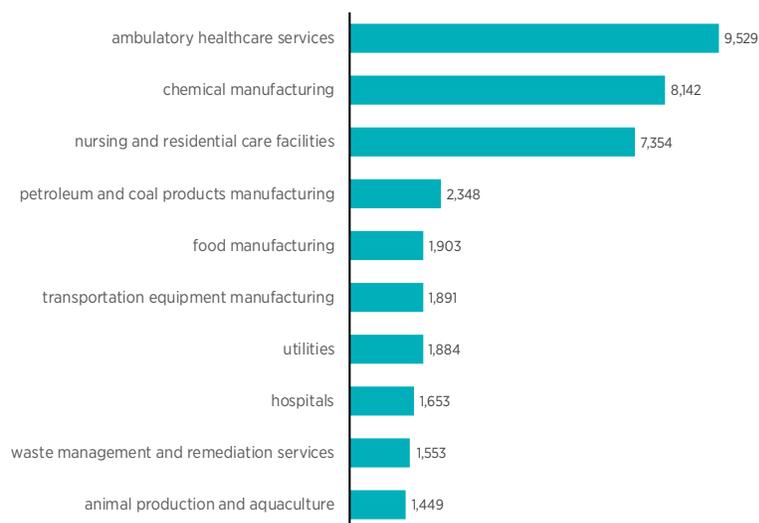
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It would take an ordinary person more than two and a half years to read the entire *US Code of Federal Regulations* (CFR), which contained more than 104 million words in 2016.<sup>1</sup> The sheer size of the CFR poses a problem not just for the individuals 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 *Effective Rules and Regulations of the State of Tennessee* (ERRST).<sup>2</sup>

Researchers at the Mercatus Center at George Mason University developed State RegData,<sup>3</sup> a platform for analyzing and quantifying state regulatory text. State RegData captures information in minutes that would take hours, weeks, or even years for a person 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. Known 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 ERRST are ambulatory healthcare services, chemical manufacturing, and nursing and residential care facilities.

State RegData also reveals that the ERRST contains 114,920 restrictions and 8 million words. It would take an individual about 447 hours—or more than 11 weeks—to read the entire ERRST. 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 more than 1.08 million additional restrictions in the federal code.<sup>5</sup> Individuals and businesses in Tennessee must navigate these different layers of restrictions to remain in compliance.

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



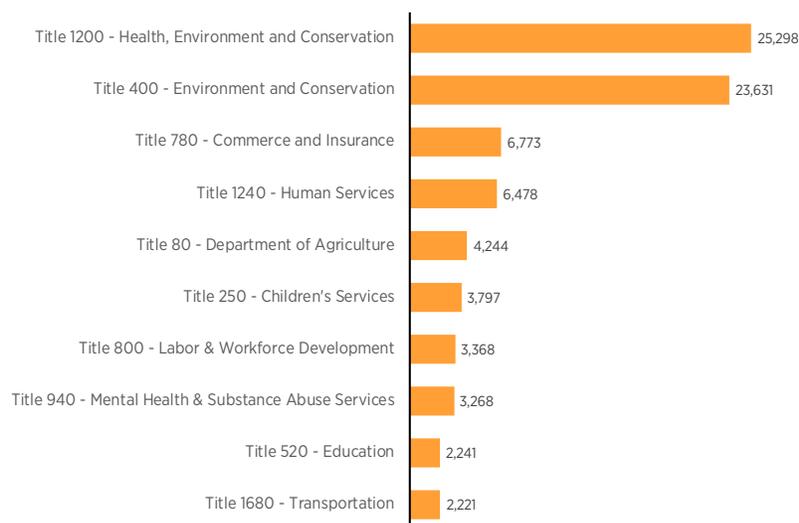
Source: State RegData, "Tennessee," <http://www.quantgov.org/data/>.

The titles of the ERRST are organized based on the type of regulation they contain. Figure 2 shows that Title 1200, associated with health, environment and conservation, contains more than 25,000 restrictions. By this measure, this is the biggest title in the ERRST. Coming in second is Title 400, also related to environment and conservation, with more than 23,000 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 CFR significantly understate the true scope of regulation in the United States. States like Tennessee 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.

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 Tennessee 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.

Figure 2. Top 10 Titles in the 2018 *Effective Rules and Regulations of the State of Tennessee*



Source: State RegData, "Tennessee," <http://www.quantgov.org/data/>.

## ABOUT THE AUTHORS

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## NOTES

1. This assumes the person reads 300 words per minute for 40 hours per week with two weeks of vacation per year. "RegData 3.0," 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. Tennessee Secretary of State, "Effective Rules and Regulations of the State of Tennessee," accessed February 28, 2018, <https://sos.tn.gov/effective-rules>.
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.
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 3.0"; 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).