



A Snapshot of New York Regulation in 2017

307,636 Restrictions, 22.5 Million Words, and 31 Weeks to Read

by James Broughel and Daniel Francis

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It would take an ordinary person over three years to read the entire *US Code of Federal Regulations* (CFR), which contained over 112 million words in 2017.¹ 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 *New York Codes, Rules and Regulations* (NYCRR).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. For example, the tool allows researchers to identify the industries most targeted by state regulation by connecting text relevant to those industries with restrictive word counts (also known as regulatory restrictions). These are counts of words and phrases like “shall,” “must,” “may not,” “prohibited,” and “required” that can signify legal constraints and obligations.⁴ As shown in figure 1, the top three industries with the highest estimates of industry-relevant restrictions in the 2017 NYCRR are chemical manufacturing, food manufacturing, and ambulatory healthcare services.

State RegData also reveals that the NYCRR contains 307,636 restrictions and roughly 22.5 million words. It would take an individual about 1,250 hours—or over 31 weeks—to read the

1. “The QuantGov Regulatory Clock,” QuantGov, accessed May 24, 2017.

2. New York Department of State, *New York Codes, Rules and Regulations*, accessed May 25, 2017.

3. State RegData is a 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.

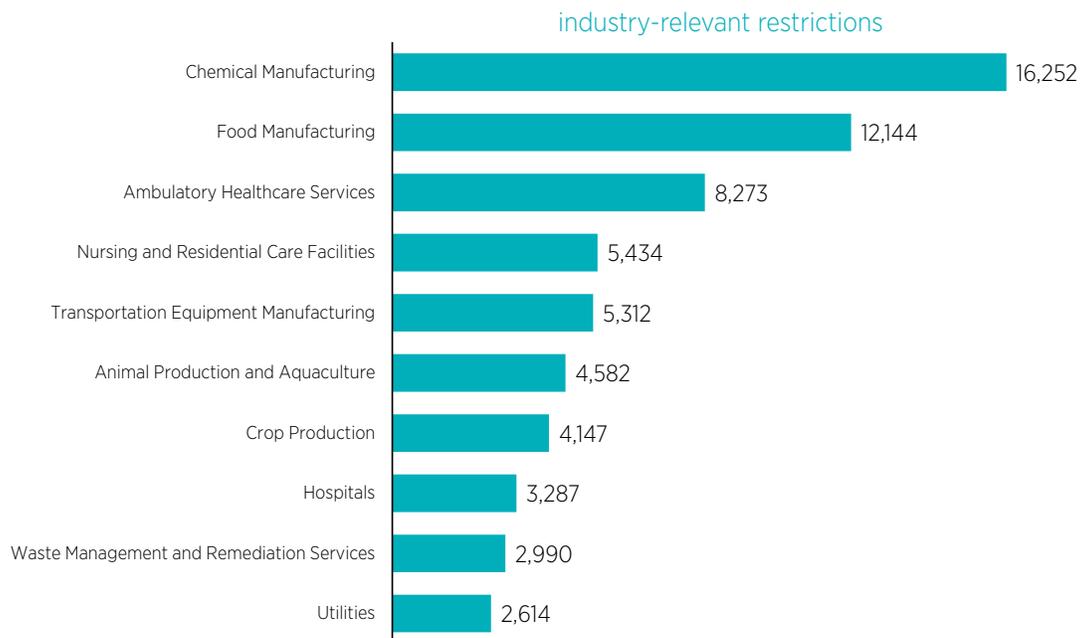
4. Restrictions can also occur in legal text for other purposes, such as for definitional purposes. At times, restrictions may relate to government employees, rather than the private sector.

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entire NYCRR. That’s assuming the reader spends 40 hours per week reading and reads at a rate of 300 words per minute. For comparison, in 2017 there were over 1.15 million additional restrictions in the federal code.⁵ Individuals and businesses in New York must navigate all of these restrictions to remain in compliance.

Figure 1. The Top 10 Industries Targeted by New York State Regulation in 2017



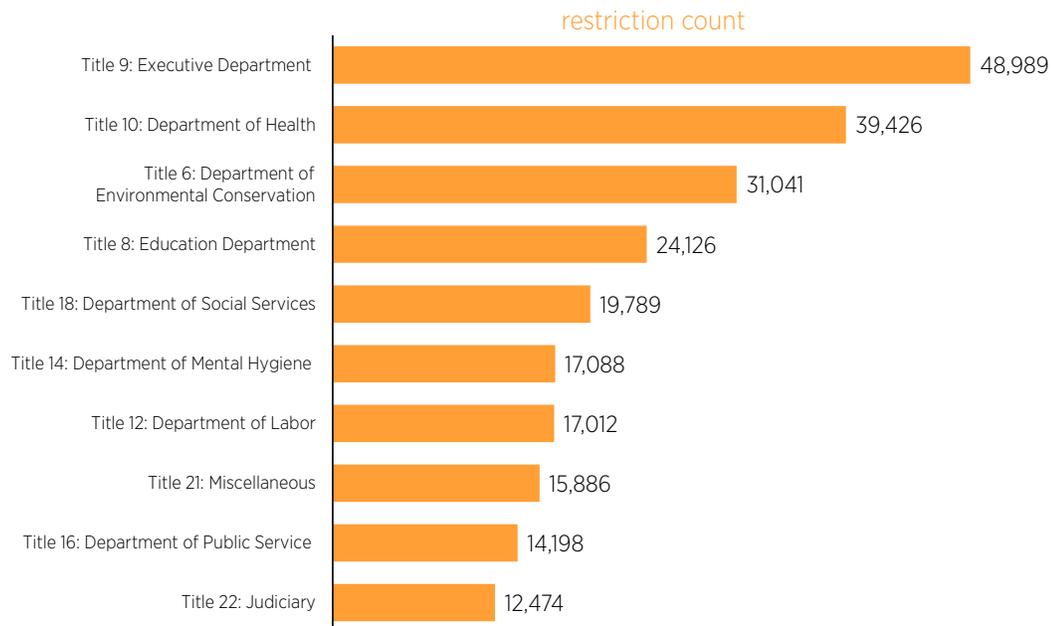
Source: “State Administrative Codes—New York,” QuantGov, <http://www.quantgov.org/data/>.

The titles of the NYCRR are assigned based on the area of regulation, or the department that writes rules, housed within the title. Figure 2 shows that title 9, from the Executive Department, contains almost 49,000 restrictions. By this measure, title 9 is the biggest title in the NYCRR. Within title 9, the most restrictive subtitles relate to the New York State Gaming Commission, the Division of Housing and Community, and the Governor’s Office (which includes executive orders). The second largest title in the NYCRR is title 10 from the Department of Health, which includes over 39,000 restrictions.

Federal regulation tends to attract the most headlines, but it is important to remember that the over 112 million words and 1.15 million restrictions in the federal code are just the tip of the iceberg when it comes to the true scope of regulation in the United States. States like New York 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. “The QuantGov Regulatory Clock,” QuantGov.

Figure 2. The Top 10 Titles in the 2017 New York Codes, Rules and Regulations



Source: “State Administrative Codes—New York,” QuantGov, <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.⁶ Meanwhile, the effects of state regulation remain largely unknown. If this snapshot of New York regulation in 2017 is a good indicator, then the states are also active regulators, suggesting the true impact of regulation on society is far greater than that of federal regulation alone.

6. 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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