

A Snapshot of Massachusetts Regulation in 2019

160,381 Restrictions, 10.7 Million Words, and 15 Weeks to Read

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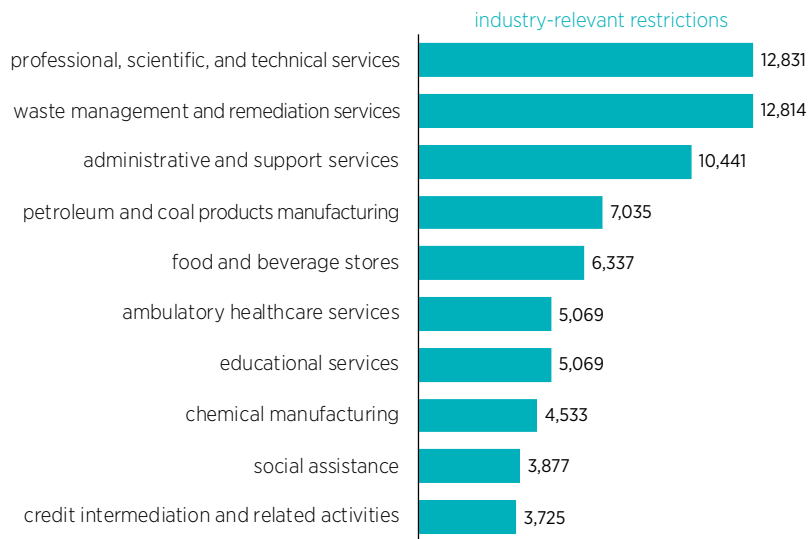
Data Analysis by Walter Stover

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It would take an ordinary person almost three years to read the entire US *Code of Federal Regulations* (CFR), which contained nearly 104 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 large body of federal regulation. A prime example is the online version of the 2019 *Code of Massachusetts Regulations* (CMR).²

Researchers at the Mercatus Center at George Mason University developed State RegData, a platform for analyzing and quantifying state regulatory text.³ 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. These regulatory restrictions are instances of the words and phrases *shall*, *must*, *may not*, *prohibited*, and *required*, and they 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 2019 CMR are professional, scientific, and technical services (which includes legal services, accounting and tax preparation, and a variety of other professional services); waste management and remediation services; and administrative and support services.

Figure 1. Top 10 Industries Targeted by Massachusetts State Regulation in 2019

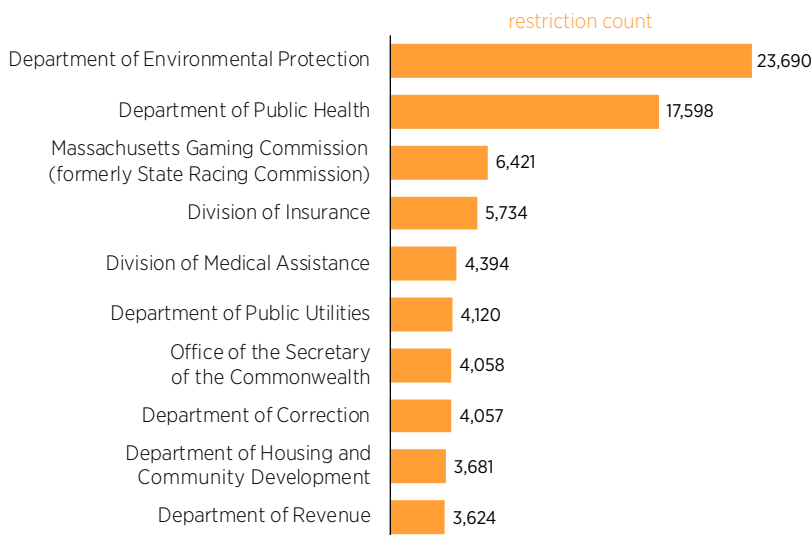


Note: Industries are classified using the RegData 3.0 industry classifier. Some previous state regulatory snapshots used earlier versions of the RegData industry classifier.

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

State RegData also reveals that the 2019 CMR contains 160,381 restrictions and 10.7 million words.⁵ It would take an individual 594 hours—or almost 15 weeks—to read the entire CMR. 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 1.09 million additional restrictions in the federal code.⁶ Individuals and businesses in Massachusetts must navigate these different layers of restrictions to remain in compliance.

Figure 2. Top 10 Regulators in Massachusetts in 2019



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

The sections in the CMR are organized by the department that oversees particular rules. Figure 2 shows that rules from the Department of Environmental Protection contain 23,690 restrictions. By this measure, this department is the biggest regulator in Massachusetts. Coming in second is the Department of Public Health, with 17,598 restrictions.

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 Massachusetts 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.⁷ Meanwhile, the effects of state regulation remain largely unknown. If this snapshot of Massachusetts regulation in 2019 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.

ACKNOWLEDGMENT

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QuantGov

This regulatory snapshot was produced in part using **QuantGov**, a policy analytics platform that facilitates analysis of the causes and effects of various government actions. The QuantGov project treats policy text as data, allowing researchers to quickly and effectively examine broad policies (as articulated in bodies of text) by using some of the latest advances from data science, such as machine learning and other artificial intelligence technology. The Mercatus Center's team of data engineers, analysts, and developers created this platform and continually utilize and update it to produce data that support a variety of research products and to provide policymakers with data that inform positive policy change. More information is available at quantgov.org.

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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 3.1,” 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. Government of Massachusetts, Trial Court Law Libraries, “Code of Massachusetts Regulations,” accessed August 15, 2019, <https://www.mass.gov/code-of-massachusetts-regulations-cmr>.
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 Massachusetts are available at <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. The estimated counts of words and restrictions in this report exclude the Massachusetts State Building Code (title 780 of the CMR) because the image-based PDF files of its chapters are not text searchable.
6. “RegData 3.1”; McLaughlin et al., “RegData 3.0 User’s Guide.”
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).