

Thousands of Pages and Rules in the *Federal Register*

The *Federal Register* is the daily repository of all proposed and final federal rules and regulations. Although its number of pages is often cited as a measure of regulation's scope, there are problems with relying on page counts.⁴⁹ The wordiness of rules will vary. A short rule may be costly and a lengthy one may be relatively cheap. The *Federal Register* also contains many administrative notices, corrections, rules relating to the governance of federal programs and budgets, presidential statements, and other material. They all contribute bulk and bear some relation to the flow of regulation, but they are not strictly regulations. Blank pages also sometimes appear and inflate page counts. In previous decades, blank pages numbered into the thousands owing to the Government Publishing Office's imperfect prediction of the number of pages that agencies would require.

But it is worthwhile to track the *Federal Register's* page counts and related tallies as a gross measure of regulatory activity. If the *Federal Register's* page counts were to increase at the relatively modest rate of 71 pages that occurred on January 26, and the relatively low numbers since, low page counts may signal reduced regulatory activity.⁵⁰

Federal Register Pages

At the end of 2016, the number of *Federal Register* pages stood at 95,894, 19.4 percent higher than the previous year's 80,260 pages (see Figure 9). This count was President Obama's highest level, as well as the highest level in the history of the *Federal Register*. Both 2010 and 2011 had

been the all-time record years, at 81,405 and 81,247, respectively. The 79,435 count in 2008 under President George W. Bush holds the fifth-highest title. Of the 10 all-time high *Federal Register* page counts, seven occurred during the Obama administration. (For a history of *Federal Register* page totals since 1936, see Appendix: Historical Tables, Part A.)

Federal Register Pages Devoted to Final Rules

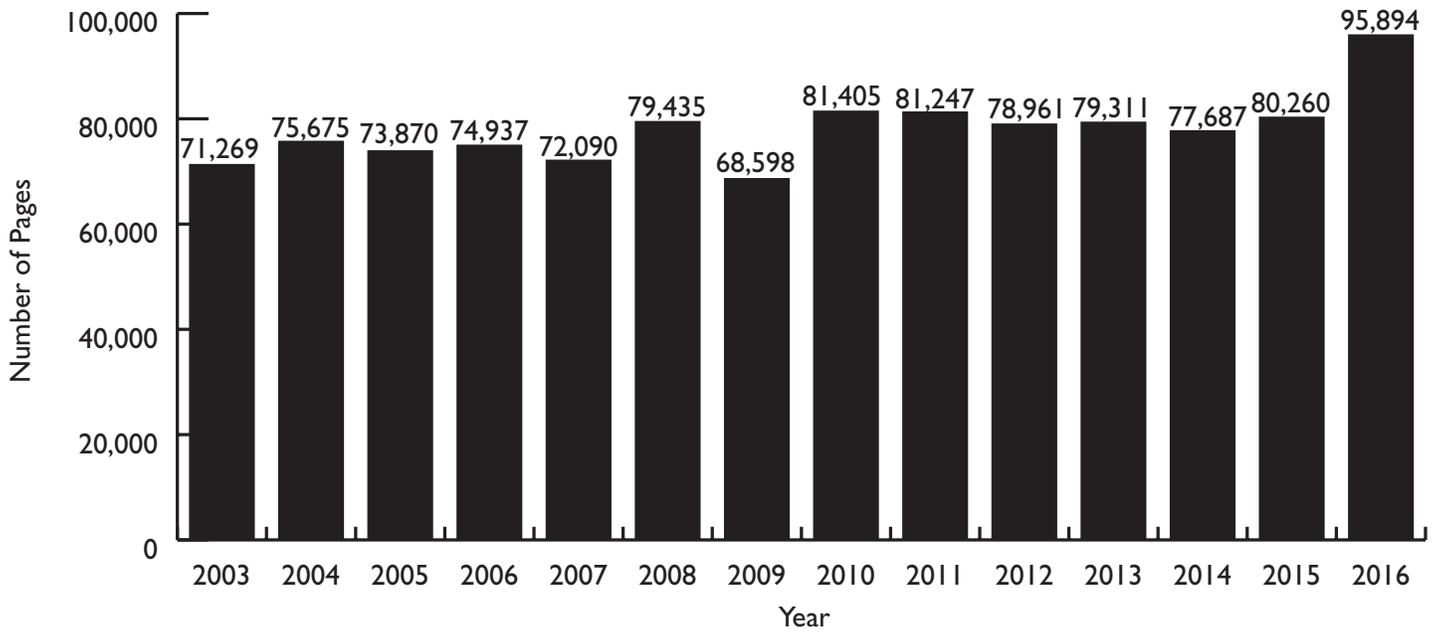
Isolating the pages devoted to *final* rules might be more informative than gross page counts, because it omits pages devoted to proposed rules, agency notices, corrections, and presidential documents (although those categories can have regulatory effects too). From 2015 to 2016, the number of pages devoted to final rules jumped 56.5 percent, from 24,694 to 38,652. This new record shatters 2013's record high of 26,417 by 46.3 percent, capping the already comparatively high levels characterizing the Obama administration (see Figure 10).

Over the decade since 2007, the number of *Federal Register* pages devoted to final rules has increased by 10.5 percent. Meanwhile, the page count of proposed rules was 21,457 in 2016 compared with 2015's 22,588. Pages of proposed rules peaked at 23,193 in 2011, and they stand at a relatively high level now compared with the early 2000s and especially the 1990s.

Another way of looking at *Federal Register* trends is by pages per decade (see Figure 11).

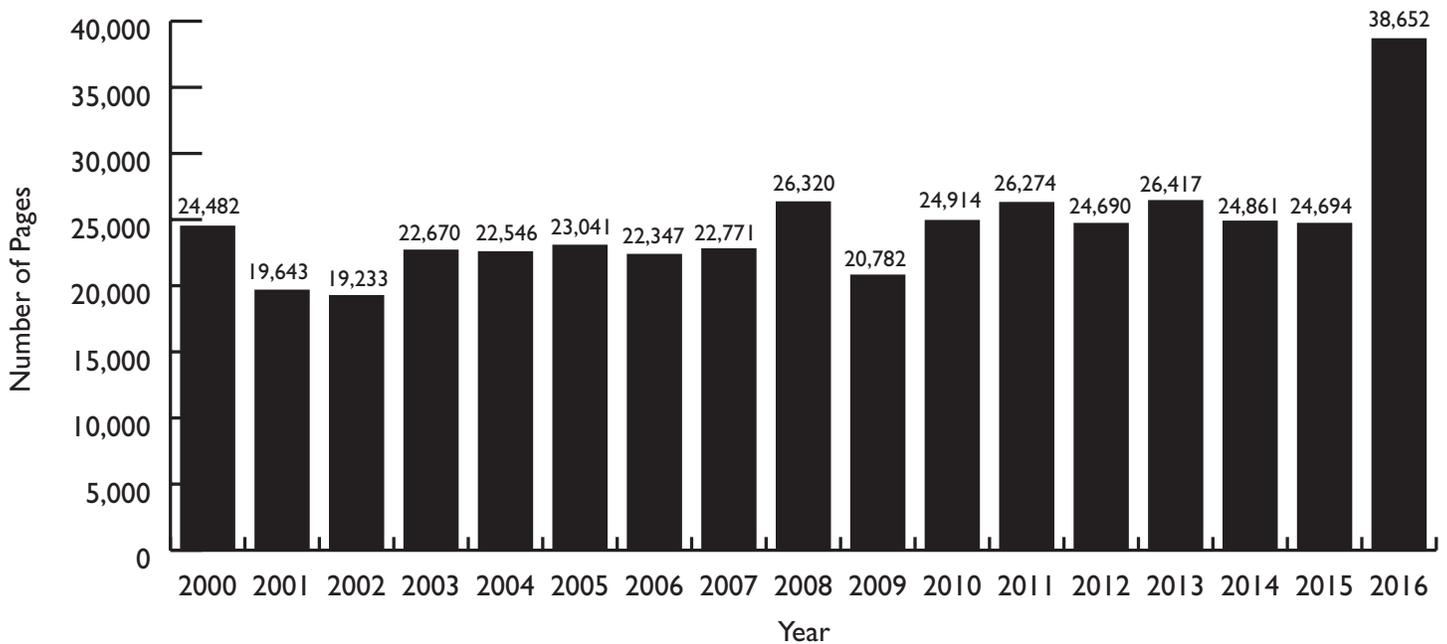
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Figure 9. Number of *Federal Register* Pages, 2003–2016



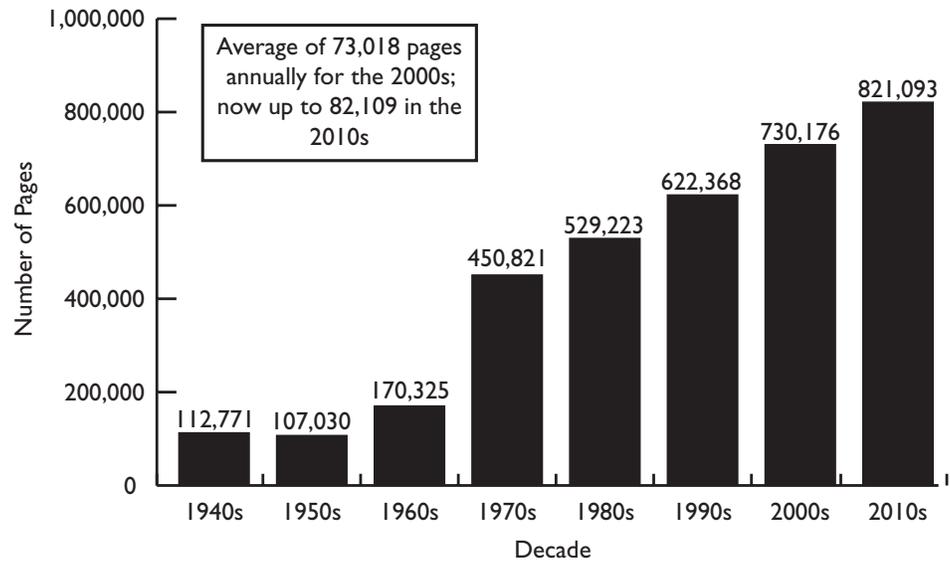
Source: National Archives and Records Administration, Office of the Federal Register.

Figure 10. *Federal Register* Pages Devoted to Final Rules, 2000–2016



Source: National Archives and Records Administration, Office of the Federal Register.

Figure 11. *Federal Register Pages per Decade ...*
821,093 Pages Projected for the 2010s



Source: National Archives and Records Administration, Office of the Federal Register.

2010s is a projection based on the past seven years' average. Years 2000–2009 average 73,000 annual pages; this decade averages more than 82,000 pages yearly.

If page counts hold in the current ranges, we can expect to see a considerable increase for the current decade. The last bar of Figure 11 projects the average of the past seven years of 82,109 pages for the decade as a whole (the projection at the moment is 821,093). Decade page counts could easily top 1 million in the 2020s.

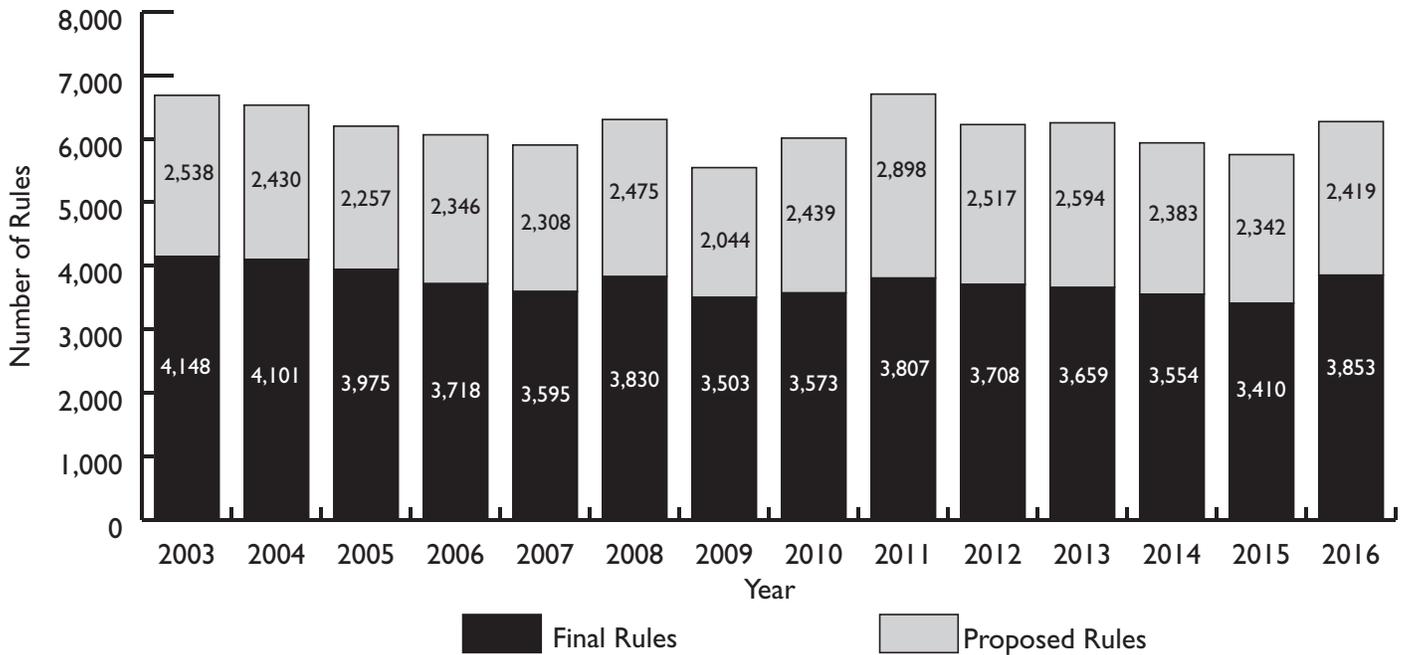
Number of Proposed and Final Rules in the *Federal Register*

Putting aside page counts, final rules in 2016 increased from 3,410 to 3,853, the highest total during the Obama administration, and the highest since 2005. The following section describes the Unified Agenda of federal regulations and examines some of the possible reasons for recent declines, such as election year considerations and informal substitutes for formal regulations that may require new forms of monitoring.

The number of final rules currently being published is lower than it was throughout the 1990s, when the average annual total of final regulations was 4,596. It is also lower than during the early years depicted in Figure 12. The average for the first decade of the 21st century, 2000–2009, was 3,948. Among those final rules in 2016, 315 were deemed “significant” under Executive Order 12966, a broader collection than the “economically significant” rules we will explore later. Several hundred “significant” final rules are now the norm. The past couple of decades saw a low of 163 in 2006 and a high of 444 in 2011.

In 2016, 2,419 proposed rules appeared in the *Federal Register*. Interestingly, even though there were 1,131 fewer pages of proposed rules during 2015–2016, the number of proposed rules in the pipeline in 2016 was greater by 77. The 2,517 proposed rules of 2012 and the 2,898 proposed in 2011 were on the high side compared with the recent

Figure 12. Number of Proposed and Final Rules in the *Federal Register*, 2003–2016



Source: National Archives and Records Administration, Office of the Federal Register.

decade as a whole. Should that pace resume, high numbers of proposed rules (and page counts) signify likely future increases in final rules. Still, in the 1990s, far more proposed rules in the pipeline were published in fewer pages. (For the numbers of proposed and final rules and other documents issued in the *Federal Register* since 1976, see Appendix: Historical Tables, Part B.)

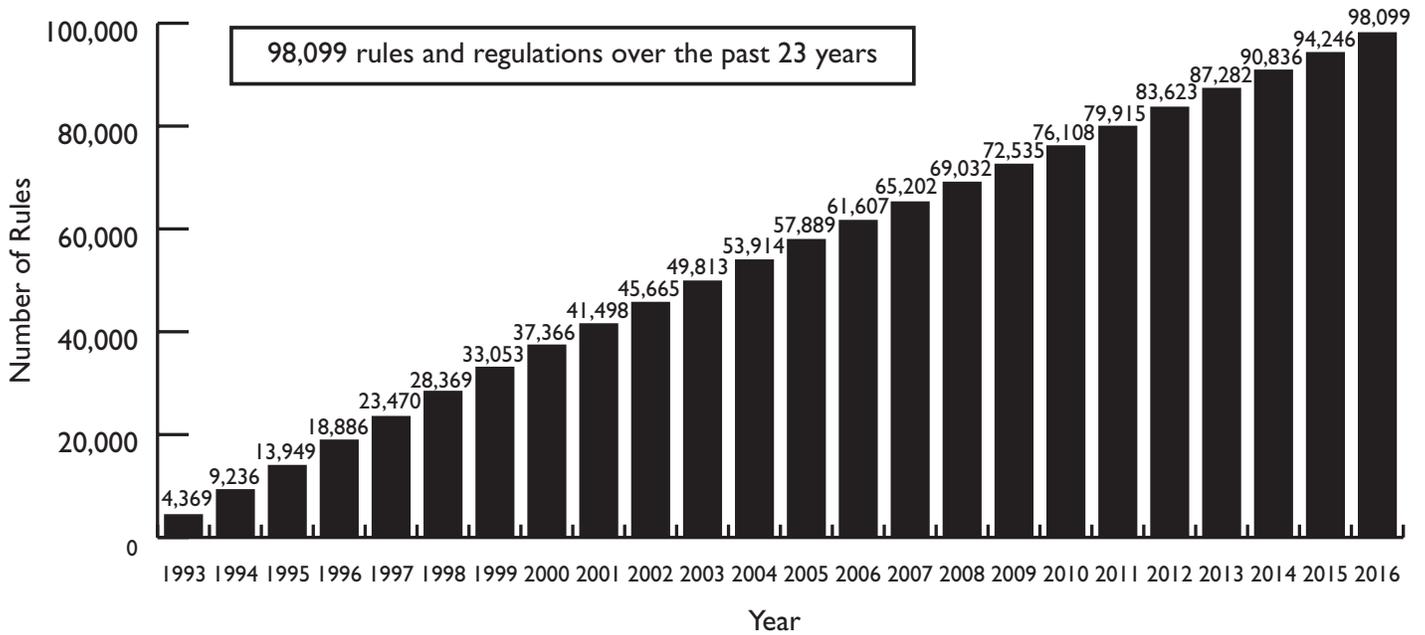
Cumulative Final Rules in the *Federal Register*

The annual outflow of at least 3,400 final rules—and often far more—has meant that 98,099 rules have been issued since 1993, when the first edition of *Ten Thousand Commandments* was published (see Figure 13). Going back to 1976, when the *Federal Register* first began itemizing them, 195,189 rules have been issued.

The Expanding Code of Federal Regulations

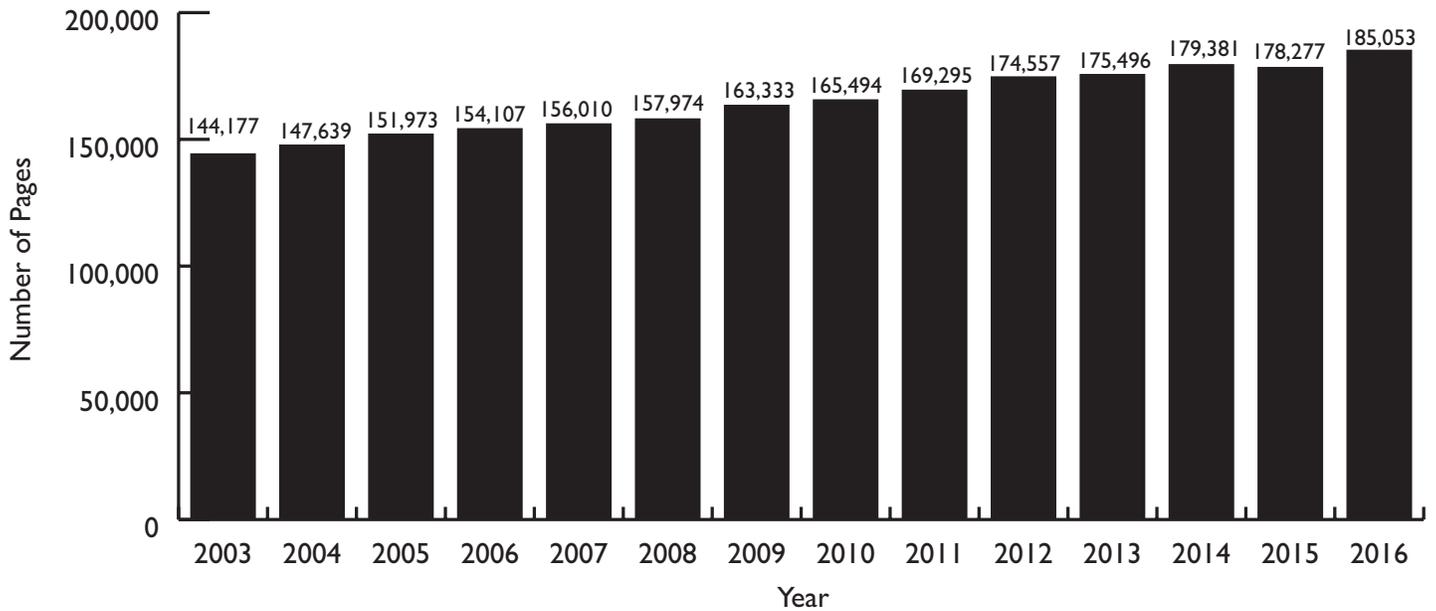
The page count for final general and permanent rules in the *Code of Federal Regulations* (CFR) is more modest than that of the *Federal Register*, but it is still considerable. In 1960, the CFR contained 22,877 pages. Since 1975, its total page count has grown from 71,224 to 185,053 at the end of 2016, including the 1,170-page index—a 160 percent increase. The number of CFR bound volumes stands at 242, compared with 133 in 1975. (See Figure 14. For the detailed breakdown numbers of pages and volumes in the CFR since 1975, see Appendix: Historical Tables, Part C.) In recent years, traditional rules and regulations have given way to new forms of mandates, which are important to track.

Figure 13. Cumulative Final Rules Published in the *Federal Register*, 1993–2016



Source: National Archives and Records Administration, Office of the Federal Register.

Figure 14. *Code of Federal Regulations*, 185,053 Total Pages in 2016, 2003–2016



Source: National Archives and Records Administration, Office of the Federal Register.