

Thousands of Pages and Rules in the *Federal Register*

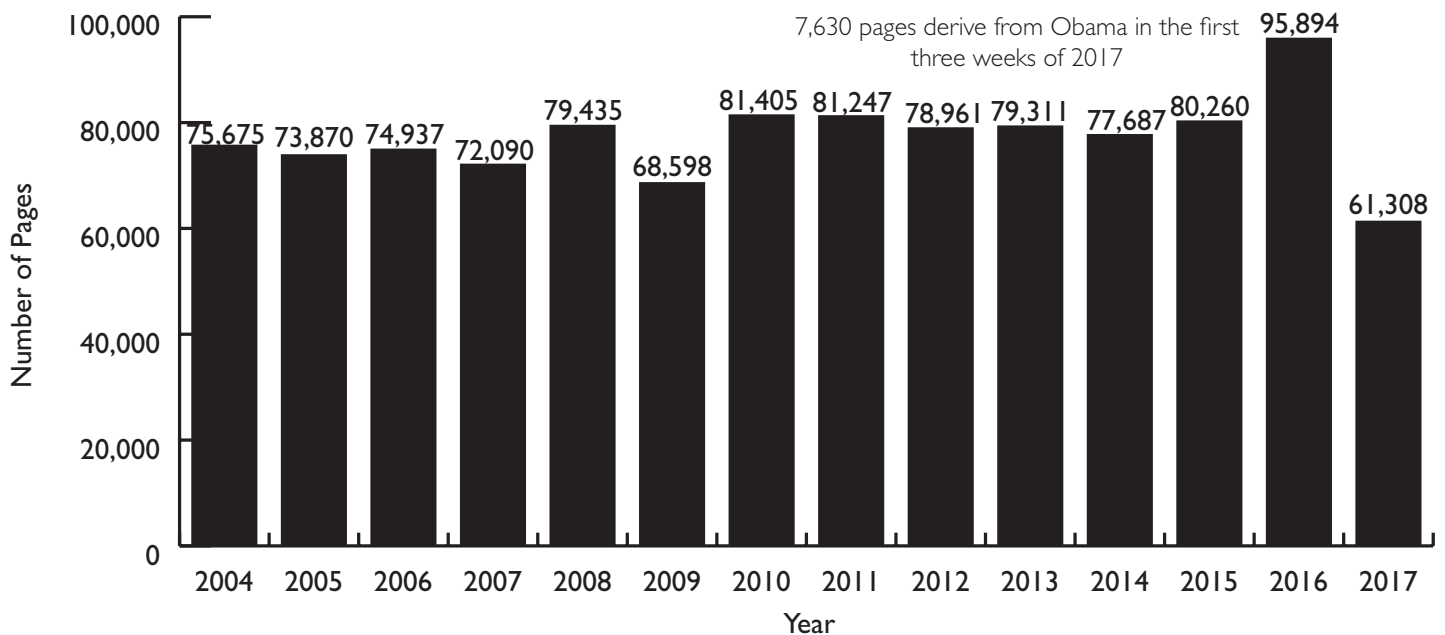
The *Federal Register* is the daily repository of all proposed and final federal rules and regulations. Although its page count is often cited as a measure of regulation's scope, there are problems with relying on number of pages. For example, a short rule may be costly and a lengthy one may be relatively 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 add bulk and bear some relation to the flow of regulation, but they are not strictly regulations. Blank pages also appear and affect 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 for publishing their rules. But it is worthwhile to track the *Federal Register's* page counts and related tallies as a gross measure of regulatory activity.

Federal Register Pages

The Trump administration's first year ended with 61,308 pages in the *Federal Register* (see Figure 9; this figure is net of the blanks

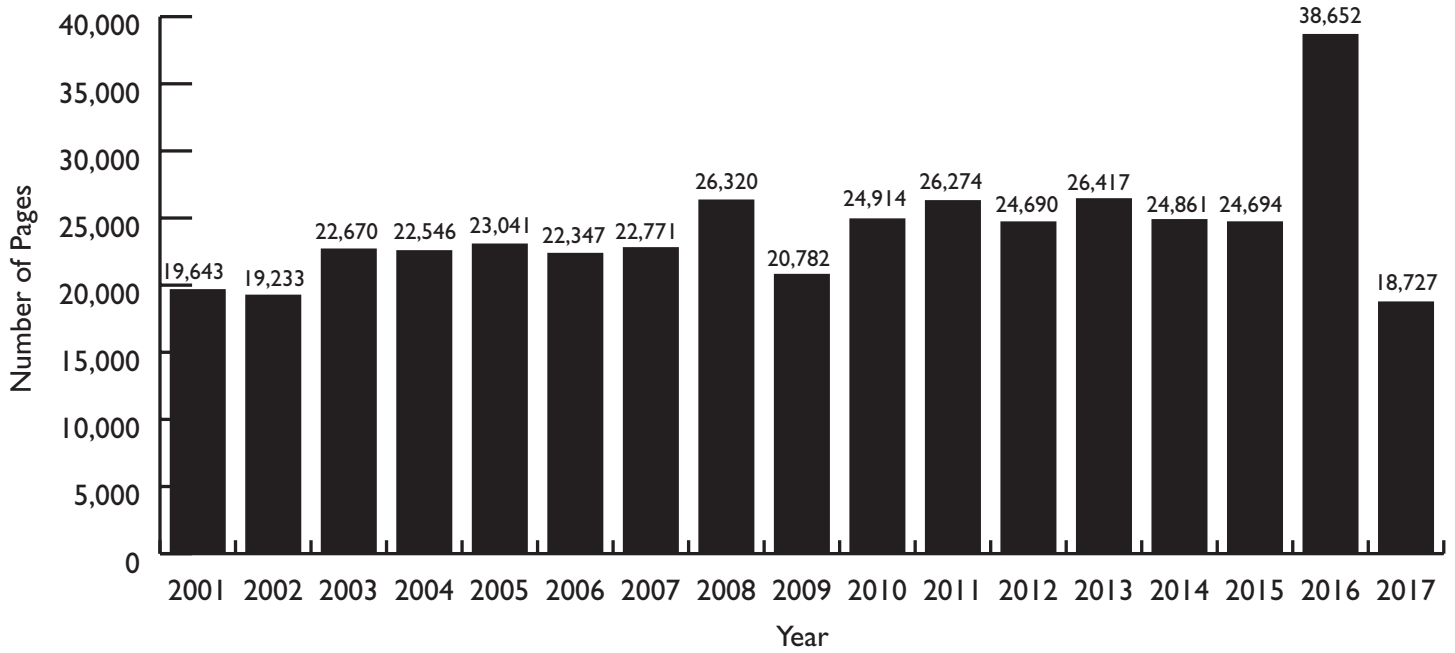
Figure 9. Number of *Federal Register* Pages, 2004–2017



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

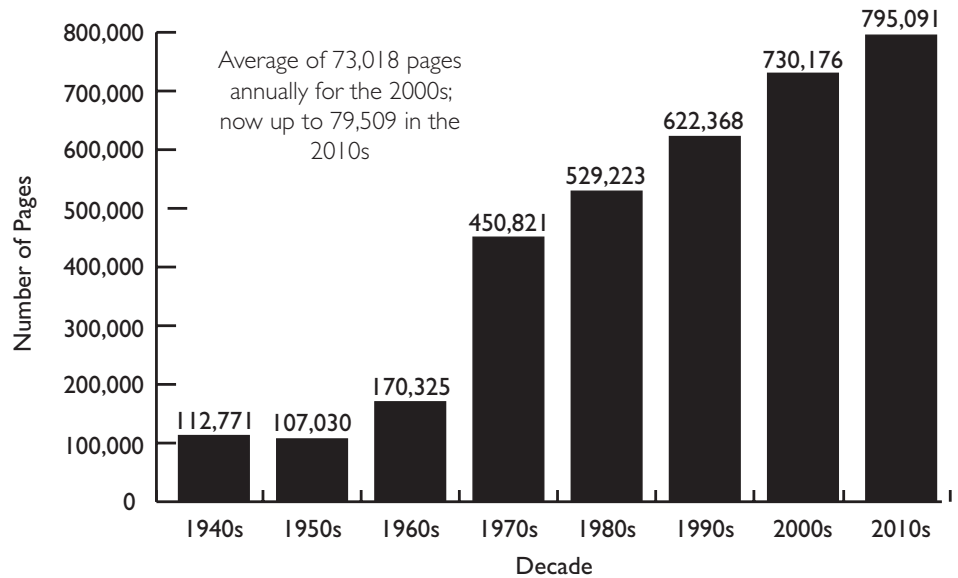
2017 page count is the lowest since 1993. Of the top-ten high *Federal Register* page counts, seven were during the Obama administration.

Figure 10. *Federal Register* Pages Devoted to Final Rules, 2001–2017



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

Figure 11. *Federal Register* Pages per Decade
795,091 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.

and skips that appear in the daily print *Federal Register*). The last time the annual page count was this low was in 1993. However, the 2017 count contains three weeks of Obama administration output, and by the time Trump was inaugurated on January 20, 2017, the Obama administration had already added 7,630 pages to the *Federal Register*, making Trump's "net" page count 53,678.¹⁰⁰

By contrast, at the end of Obama's final calendar year of 2016, the number of *Federal Register* pages stood at 95,854. Trump's count was 36 percent below Obama's. The last time a drop in *Federal Register* page counts of the Trump magnitude happened was when Ronald Reagan reduced the count from Jimmy Carter's 73,258 in 1980 to 44,812 by 1986, but that 28,446-page drop took five years.¹⁰¹

Obama's 2016 count was the highest level in the history of the *Federal Register* and a 19 percent jump over his second-to-last year's count. As Figure 9 shows, 2010 and 2011 had been the previous all-time record years, at 81,405 and 81,247, respectively. 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 doing so omits pages devoted to proposed rules, agency notices, corrections, and presidential documents (although those categories can have regulatory effects too).

Two things stand out in Figure 10: (a) the great jump from 2015 to 2016 under Obama, when the number of pages devoted to final rules jumped by 56 percent,

from 24,694 to 38,652; and (b) the drop of 51 percent from there to 18,727 pages of rules under Trump in 2017. Obama's high was a record that shattered 2013's then-peak of 26,417 by 46.3 percent. Trump's count, by contrast, was the lowest seen since 1995.

While more relevant measures than pages include underlying restrictions and actual burdens, for page counts to drop so steeply is still significant. Relevant to the discussion about controlling future regulatory costs are pages of proposed rules, those under production in the regulatory pipeline. These peaked at 23,193 in 2011, and Obama's final page count of proposed rules was 21,457 in 2016. Under Trump, *Federal Register* pages devoted to proposed rules in 2017 were 10,892, half the level of Obama's concluding years, and the lowest since 1981.

Still another way of looking at *Federal Register* trends is by pages per decade (see Figure 11). Even with Trump's cut late in the 2010s, we still will get a jump over the previous decade. The last bar of Figure 11 projects the average of the past eight years of 79,509 pages for the decade as a whole (the projection at the moment is 795,091). Last year, the projected average was 89,109 pages. Even with the Trump drop, decade page counts could easily top 1 million in the 2020s, as a glance at increases since the 1940s makes clear.

Number of Proposed and Final Rules in the Federal Register

The number of final rules published in the *Federal Register* in 2016 increased from 3,410 to 3,853, the highest total of the Obama administration and the highest since 2005. Under Trump, final rules dipped to 3,281 (see Figure 12).

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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 period 2000–2009 was 3,948. Additionally, rules issued up to the point of Trump’s inauguration were Obama’s, and there had been 207 issued by January 20, giving Trump a “net” of 3,074.¹⁰²

Rules deemed “significant”—a broader assortment than the “economically significant” rules—are worth focusing on.¹⁰³ Among Obama’s 3,853 final rules in 2016, 486 were deemed “significant” under Executive Order 12966, the highest count over the past two decades. Although several hundred “significant” final rules are the norm, Trump’s first year saw 199 by comparison (deregulatory actions among these would add to the count), compared to a low of 164 in 2006.¹⁰⁴ (Note, however, that figures in the National Archives online database have not remained consistent on these tabulations.)

In 2016, 2,419 proposed rules appeared in the *Federal Register*. In Trump’s first year, these fell to 1,834 (counting the 156 that had been issued by Obama during the first three weeks of 2017). Still, in the 1990s, far more proposed rules in the pipeline were published. (For the numbers of proposed and final rules and other documents issued in the *Federal Register* since 1976, see Appendix: Historical Tables, Part B.)

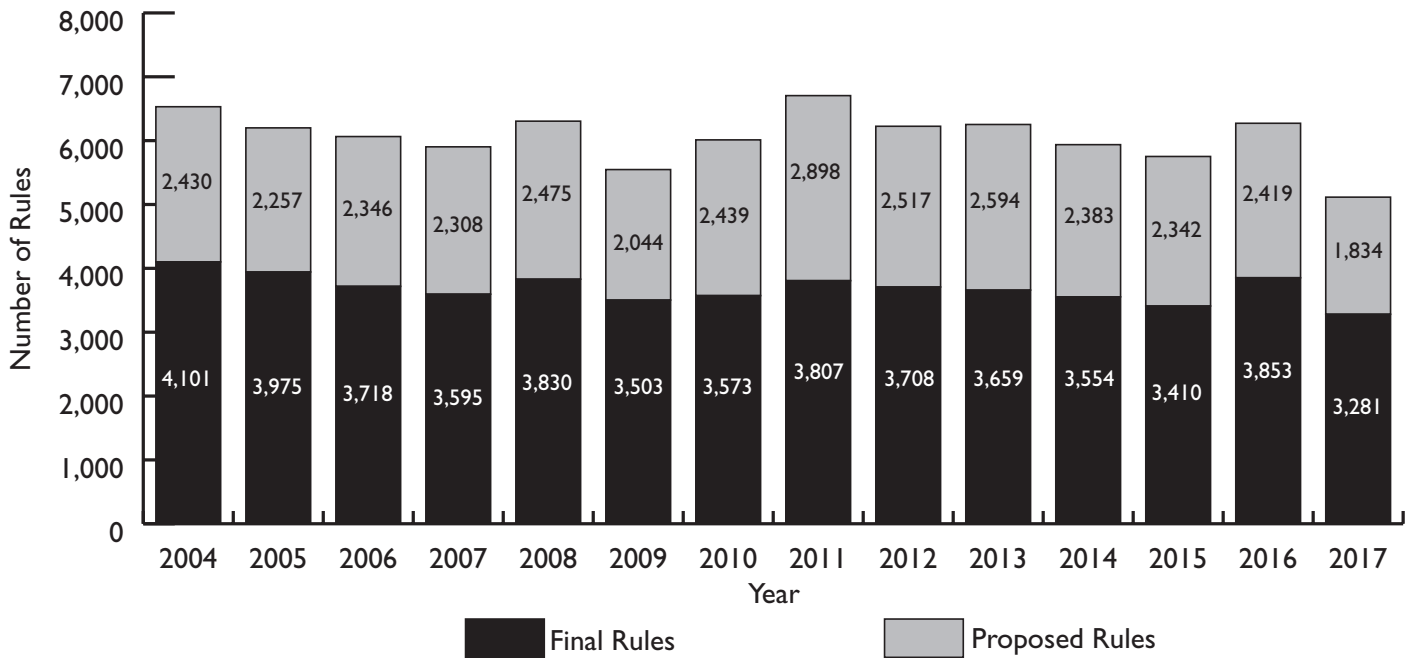
Cumulative Final Rules in the *Federal Register*

The annual outflow of over 3,000 final rules—and often far more—has meant that 101,380 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, 198,470 rules have been issued.

The Expanding Code of Federal Regulations

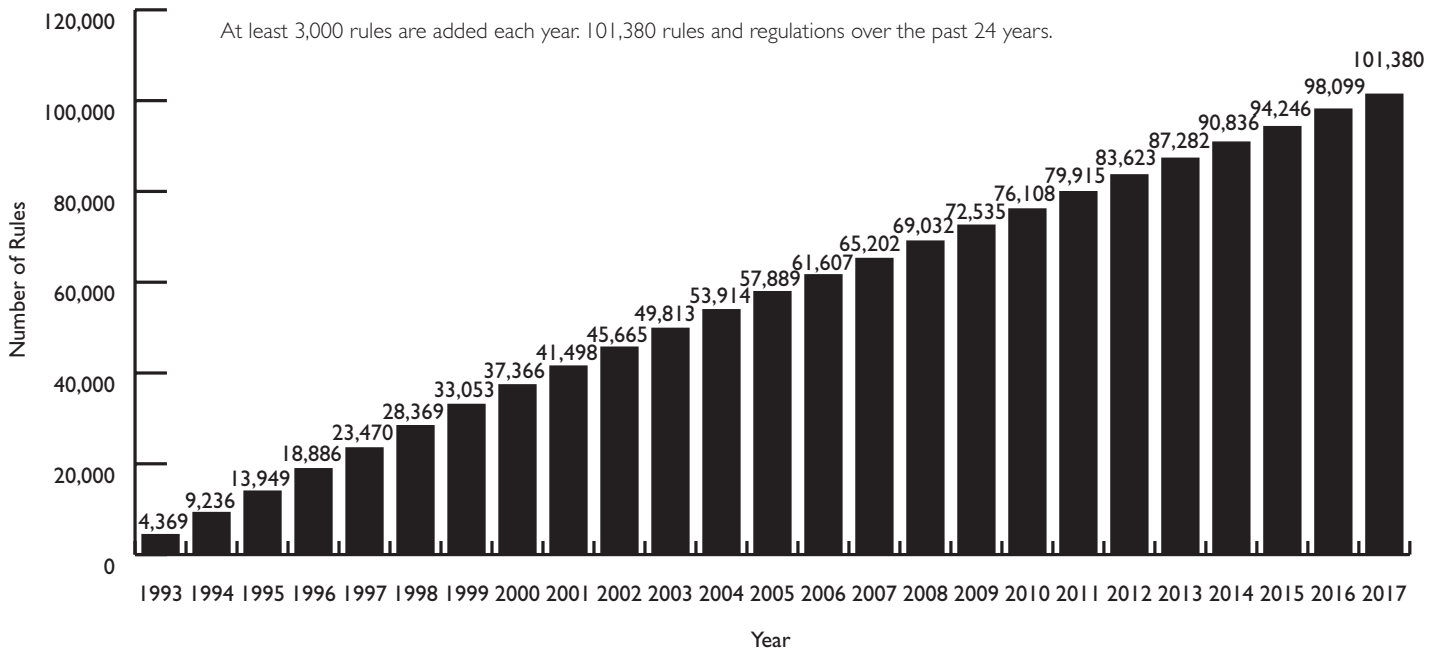
The page count for final general and permanent rules as they come to rest in the *Code of Federal Regulations* (CFR) is more modest than that of the *Federal Register*, but it is still considerable. In 1960, the CFR contained 22,877 pages. Since 1975, its total page count has grown from 71,224 to 186,374 at the end of 2017, including the 1,170-page index—a 162 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 been supplemented by various forms of executive actions and regulatory guidance documents, which are important to track as well.

Figure 12. Number of Proposed and Final Rules in the *Federal Register*, 2004–2017



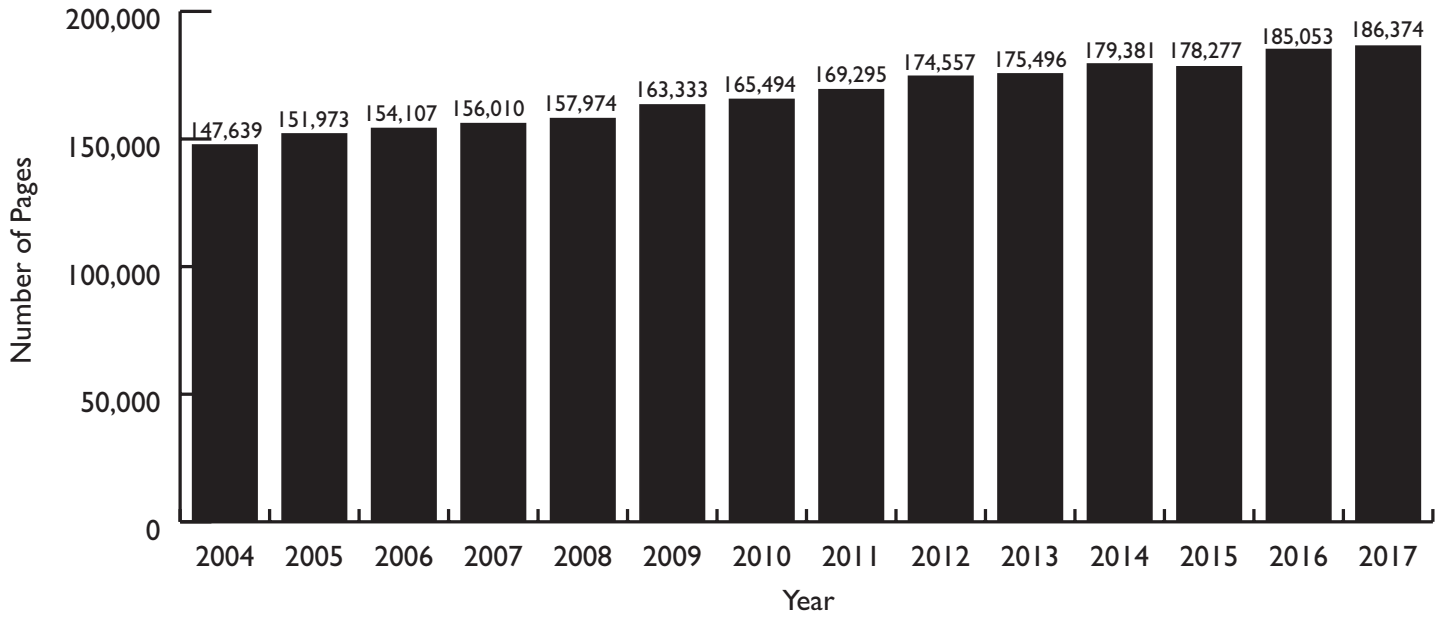
Source: National Archives and Records Administration, Office of the Federal Register.

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*, 186,374 Total Pages in 2017, 2004–2017



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