



Ben Carson: Stacked up, total pages of regulations from 2015 are 3 stories high

By Lauren Carroll, Sean Gorman

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There are too many government rules stifling small businesses, said neurosurgeon-turned-Republican presidential candidate Ben Carson at a Fox News debate in Des Moines, Iowa.

"Last year, there were an additional 81,000 pages of government regulations," he said at the Jan. 28 debate. "If you stack that up, it would be a three-story building."

A few readers asked us if Carson's claim was accurate, both the number of pages and subsequent height, so we decided to take a crack at it.

Ream by ream.

Carson's 81,000 pages figure refers to the number of pages that were published in the Federal Register, a daily journal of the U.S. government that contains agency rules, proposed rules and public notices. In each edition, the Register posts a running tally of the pages printed so far the year. The final total at the end of December is often used as a gauge of regulatory activity during the year.

The Federal Register's final tally for 2015 was 82,036 new pages of regulations, just over the figure Carson cited. According to the Competitive Enterprise Institute, a free market-focused policy group, this is a record.

So far in Obama's term, the government has published 555,882 pages of new regulations total. During the comparable period of former President George W. Bush's term, the Register published 533,593 pages.

Carson is right that 82,036 pages stacked up would, in fact, just about reach the height of a three-story building.

Using standard printer paper as our gauge — 250 pages per inch — 82,036 pages would be about 330 inches tall, or 27 feet. Carson's campaign sent us the same arithmetic.

But there's a big catch to these numbers: A large percentage of these pages don't actually contain regulations or final rules.

Deeper meaning

The Register also includes notices about agency meetings and public comment periods, presidential documents and other items that are not considered rules.

From 2010 through 2014, just 31 percent of pages actually contained rules, according to Federal Register data.

Overall Register page counts "may not be an accurate proxy for regulatory activity or measure of regulatory burden for several reasons," the nonpartisan Congressional Research Service said in November 2014 report.

The report noted that many of the pages "typically have little, if anything to do with federal regulations," and many pages dealing with final rules don't contain any regulatory language but rather explanations about public comments on the rule. The CRS noted, for example, that a 2013 rule enacted as part of the Affordable Care Act filled 137 pages, but only 16 pages detailed the rule itself.

The Register page count is often cited because it's easy to find, Cary Coglianese, a law professor and director of the Penn Program on Regulation at the University of Pennsylvania, told PolitiFact Virginia for a similar fact-check.

"I wouldn't use it as an indication of the level of regulation because it's so prone to having so much else in it," Coglianese said. "The other thing to keep in mind is, just because you know something about the number of pages, (that) doesn't tell you the wisdom of having those pages. It might be those pages are helping to save people's lives or keeping banks from failing or airplanes from crashing."

Peter Van Doren, a senior fellow at the libertarian Cato Institute, was also leery of citing the page count, telling PolitiFact Virginia that it's his "least favorite" way to measure regulation.

Other analysts have said the overall page count gives a general idea of the country's regulatory environment, including one from the conservative American Enterprise Institute and another from the libertarian Cato Institute. James Gattuso, a senior fellow at the conservative Heritage Foundation, told PolitiFact Virginia for a 2011 article that the annual page count "as a very broad measure" indicates more regulatory activity now compared to past years.

Our ruling

Carson said, "Last year, there were an additional 81,000 pages of government regulations. If you stack that up, it would be a three-story building."

The Federal Register published a little over 81,000 pages in 2015, and this many pages stacked on top of each other would reach about three stories high. However, many of these pages do not contain regulations. In recent years, only about 31 percent of Register pages contain final rules.

The statement has an element of truth but ignores critical facts that would give a different impression, so we rate it Mostly False.

Peter Van Doren is editor of the quarterly journal Regulation and an expert on the regulation of housing, land, energy, the environment, transportation, and labor.