

# A Tale of Regulation

by William L. Anderson

When we speak of regulation, we often apply the lessons on a macro-economic scale (“regulation costs the economy X billions of dollars a year”) or examine how it affects a particular industry, like oil. However, regulation is not merely something imposed on the large firms or spread evenly across the economy; it is something that robs *individuals* of money, property, and even their freedom.

The church that my family and I attend has learned something about the current regulatory regime. Our congregation is small: morning attendance of more than about 70 people is rare, and no more than 25 come to the Sunday evening service. Most members and others who attend regularly are people of modest means, although a few medical doctors are among us.

For many years we managed church dinners and Sunday-school classes in a large room adjoining the sanctuary. To accommodate the four different classes, along with the nursery, we used large sliding dividers that, while blocking some sight lines, hardly kept out the noise. Thus Sunday school was a cacophony, particularly to one not used to the situation.

After enduring this state of affairs for a number of years, the congregation decided last year that it was time to expand the building. The addition was to be a rather

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simple affair—about 1,800 square feet that would house a nursery and some new classrooms.

At one time this project would have been completed easily and with relatively small expense. The church would have raised up-front money, gained financing (or paid cash), hired a contractor, and had a few congregational meetings. Then construction would have begun, with the building finished soon afterwards. The modern regulatory process, unfortunately, ensures that such a happy ending is not the normal state of affairs.

It is difficult to know where to begin, since we were able to experience the combined local *and* federal regulatory hell (a fitting word even if this is about a church expansion). The town of LaVale, Maryland, where our church is located, requires that a state-licensed architect be retained for the construction of any building larger than 100 square feet. This is the equivalent of requiring a vascular surgeon to deal with a cut finger, but no doubt architects love this regulation.

Our church had a gravel parking lot for the three decades of its existence. The new addition was being built to serve the current membership, and although we hoped that it would help bring in new members, no one thought the sanctuary would be filled each Sunday morning. However, our local zoning board, armed with dictates from Congress and the Environmental Protection Agency, declared that with the building of a new structure—

small as it would be—we also would have to bring our parking lot into conformity with the federal Clean Water Act and the local code. In short, the governments' actions would cost the church at least \$120,000 over what was required for the building.

To bring the lot up to snuff, we were ordered to pave it and surround it with a large concrete curb to channel rainwater into catch basins. This was to keep water from rushing directly into street drains and flowing “unfiltered” into nearby Braddock Run. To put this in perspective, by the time Braddock Run reaches our neighborhood, it usually is reddish brown, having carried silt and other material from some abandoned coal mines. Our parking lot's contribution of rainwater would have no effect on the quality of the creek.

To satisfy the local zoning code, the regulators ordered us to make the lot large enough to accommodate 120 cars, which they estimated would carry 600 people. That's the magic number the authorities calculated could fit into every room (excluding bathrooms) and the narthex of the newly expanded church. While we were optimistic that the new wing would make the church more attractive, we did not share the city government's optimism that the building would be crammed with people every day. The existing lot could hold 30 cars, more if some double-parked. That would have meant expanding it by 90 spaces for the phantom worshippers. (The other morning I counted 35 cars, including those parked in front of the building.)

## Plowing Up the Lawn

While we finally were able to persuade the regulators that their order was unreasonable, we still had to double the lot size, requiring us to plow up our lovely lawn, install expensive new lights, and put up with more mud than had accumulated on our parking lot in all the years of the church's existence. Those of us with young children attracted to mud had to engage in the ritual of washing the Sunday clothes again and again.

The regulatory maze delayed occupation of the addition three months past the Christmas target date, and the parking lot was still a quagmire in late March, thanks to the cold winter and late snowfall. But the concrete curbing that supposedly will protect Braddock Run from pollutants was finished. This painful portion of our church life is finally in the past.

Of course, there is the bill. We will have to pay it for years to come, and the extra costs due to regulation are substantial. Perhaps the original cacophony was not so bad after all, given that it was preferable to the cacophony of orders and regulations coming from individuals who are permitted by the state to sit on high and make life harder for everyone else—all in the name of protecting people, the environment, whatever.

In reality, they have protected no one and no thing except their own power. Perhaps that is the real reason we have so much regulation in modern society. We do not need such legal harassment, but those who do the harassing certainly need the employment and the trappings of power. It would be illegal outside the protection of state employment to burden anyone like that.

Those who justify the sort of intrusive government regulation that we endured this past year say that it improves our quality of life. The amount of pollutants that could have flowed into Braddock Run had a monsoon hit while we were having church services has now been reduced at the margin, they would say. (That's debatable.) Instead of gravel, we have the privilege of walking and driving on a paved surface. Furthermore, we won't have to depend on streetlights as we make our way to the church on Sunday evening.

Yet people forget that had we wanted those things we would have been willing to include them in our original plans—and pay for them. Instead, the local government told us that if we wanted a new building, we had to have these unwanted extras. That's equivalent to forcing everyone who purchases a new automobile to buy a Mercedes Benz instead of a Chevy Lumina. □