Using Regulatory Insight to Conduct Regulatory History Research

To determine if a regulatory agency examined certain questions or made certain decisions during the regulatory process, you might have to conduct regulatory history research. This tutorial shows you how to use ProQuest’s Regulatory Insight database to do this.

As with any legal research problem, where you start depends on what kind of information you have at the outset. For this tutorial, we are going to look at the regulatory history of the “Dolphin Safe” tuna labeling requirements as mandated by 16 USC § 1385, The Dolphin Protection Consumer Information Act.

Since we have a citation, the usual recommendation would be to use that as a starting point. But if you use ProQuest Regulatory Insight’s “Search by U.S. Code” feature, you will frequently end up with a lot of false positives. Instead, look up by Public Law Number. Scrolling to the bottom of the law on Westlaw shows us the Public Laws that created and amended this section.

Go to Regulatory Insight and choose “Search By Number,” then go to the form for Public Law Numbers. We will start with the law that created The Dolphin Protection Consumer Information Act, PL 101-627.

The first thing you might notice about the regulatory history of this law is that it has a broader scope than the simple labeling of tuna products meant for consumption. Infant nutrition, fishery conservation, migratory species, and other topics appear in the overview page. The record also contains a scan of the original pages of the Federal Register.

When we examine the regulations brought about by the first amendment to the code section, Public Law Number 105-42, we see that the title tells us that the legislative mandate of this amendment was much more focused than the original law. There are only two entries in the Federal Register referring specifically to the Dolphin Safe label. The first is a proposed rule, complete with specifics on the design of the label itself, and opening of the comment period. The second shows the final rule and, relevant to anyone with an interest in the regulatory history of the rule, the citizen comments and responses from the National Marine Fisheries Service.

The final amendment shows some of the functionality that has been added to Regulatory Insight – for Federal Register articles posted after January 1, 2017, the original citizen comments are archived alongside the regulatory history as published in the Federal Register. For the purposes of our research on Dolphin Safe tuna labeling, however, the final amendment does not make any additional changes to this part of the law.

If you are starting with a Code of Federal Regulations citation, you can also use the search by number feature. Due to the large volume of documents surrounding regulations, it is advisable to start with a citation rather than keyword searching.

If you have questions or require further assistance, please consult a librarian.