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MAGAZINE
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ICCFA members in good standing may call him to discuss cremation-related legal issues for up to 20 minutes at no charge to the member. The association pays for this service via an exclusive retainer.

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► Lemasters will participate in the government and legal panel at the **ICCFA Fall Management Conference**, October 27-30, in Scottsdale, Arizona. 1.800.645.7700

CREMATION PROCEDURES

Everyone who runs a crematory knows that cremation produces more than human remains.

The human remains are returned to the family, but what should be done with the casket hardware, pins, pacemakers and other non-organic materials removed prior to or left behind by the cremation process?

How to handle the disposition of artificial devices after cremation

What should be done with artificial devices following cremation? This may not be the question I'm asked the most these days, but it's certainly in the top 10.

The cremation process results in human remains plus a certain amount of leftover "stuff"—everything from casket hardware to cremation container parts, staples, screws, pins and prostheses. For the purposes of this article, everything just listed shall be referred to as non-organic materials.

While cremation operators have all sorts of methods for disposing of these non-organic materials, the question is, are these methods considered acceptable?

The cremation industry, in my opinion, has done a less than creditable job in settling on an acceptable method. Don't misunderstand me; I'm not saying the industry has not provided any disposal methods—it has, but the follow-through has been less than stellar, and there are new methods which have yet to be addressed.

The problem of disposition of non-organic materials is partly a matter of providers not agreeing on one acceptable method. Current methods run the gamut from simple to burdensome, from ethical to questionable.

This is a controversial issue at the moment, and this article is not meant to provide a final answer. There is not enough room in this magazine to discuss every option, every reason or every procedure.

What I *am* going to do is discuss several common solutions in practice today, review the pros and cons associated with each and list some key procedures to make sure the option you choose is properly communicated.

Despite the number of questions I get on the issue, there are cremation providers who do not take the time to develop any procedure at

all for the disposition of non-organic materials. Recently the University of Michigan did a study to determine what (if anything) is done with pacemakers retrieved from the deceased.

(As an aside, note that it is illegal in the United States to recycle a pacemaker for human use. There are groups starting to recycle pacemakers for human use outside of the United States, and also for use within the country in pets.)

Out of 100 funeral directors surveyed, 84 said they either discard the pacemaker or store it without any intent to do anything with it. I've seen this latter approach myself firsthand. On a recent visit to a crematory, the operators showed me two cloth-covered caskets filled with non-organic materials. Their question to me: "What do we do now with this stuff?" Well, what *do* you do?

This article will cover the following methods:

- biohazard treatment;
- disposal in a landfill;
- interment; and
- recycling, the newest method.

The article will describe each process and identify a few pros and cons associated with each. Most important, this article will identify some key points to consider no matter which method you choose to implement.

The pros and cons of each option

Biohazard treatment: In terms of simplicity, biohazard treatment, or "red bagging," is probably the easiest method of the four listed above. It involves placing non-organic material into a properly labeled red bag. When the red bag is full, it is picked up by your local biohazard dealer.

One thing this method has in its favor is the fact that it mimics the process used on the

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funeral home side. Because it is already used and accepted in the funeral home setting, there is precedent for it being an accepted form of disposal in the industry.

The biggest con associated with this disposal method is cost. Disposing of biohazard material on a large scale is quite costly and can become impractical.

Biohazard treatment is not the most recommended disposal method for non-organic cremation remains, but many in the industry use it for light disposal. For example, a cremation provider may use this method to dispose of pacemakers and small items such as staples.

The next method is disposal in a landfill. This method simply involves collecting materials until a set amount has been accumulated, and then burying these non-organic materials in a landfill. Though this method is not talked about as much as biohazard treatment, it is practiced.

The primary benefit of this method is typically cost. Compared to the other traditional methods of disposal, landfill burial is the least costly.

The biggest drawback of this method is public perception. Those who use it typically do not brag about their practices.

While accepted in the industry, landfill disposal has a whiff of disrespect about it, even though the same items, including pacemakers, end up in landfills after being disposed of by people other than crematory operators.

To understand the potential perception problem, think about the need for discretion in dealing with flowers placed on a grave. Even though it is common practice for a cemetery to discard cut flowers after a graveside service, the method of discarding them is so important.

For example, if flowers are left to lie on the grave for a few days and then respectfully disposed of in a secluded area, no problem.

But if flowers are removed from the grave the same day and thrown into the dumpster, get ready for complaints.

In both cases, the flowers end up in the same place, but how and when the flowers get there makes a difference.

Burial. Burying the non-organic materials is the next option. As far as industry acceptance, this is probably highest on the list. Nevertheless, it is also probably one of the least implemented options.

The procedure is simple. The provider collects all non-organic material after each and every cremation. The provider may collect the materials in a casket, a vault or any other container. Once the container is full, it is buried in a cemetery.

The pros are twofold. First, this is the current industry-accepted standard. Second, handing the material in this fashion seems respectful.

The two negatives are the time and money involved in this method. The process of collecting, storing, transporting and burying the material is time-consuming. On top of the time, it can be quite costly to pay for a grave space, an outer burial container and a grave opening and closing.

Recycling. The fourth method on our list, the most recent one, is recycling. There has been lots of talk surrounding this method, but little analysis and guidance.

The procedure itself is quite simple. Most of the recycling companies provide containers for the crematory to fill with non-organic materials.

Once the containers are full, the crematory provider can either schedule a pickup directly from the recycling company or mail the container directly to the recycling company. The recycling company sorts the different materials, determines the weight and then calculates how much to pay for the materials.

The pros of recycling include going green, being cost effective and making charitable donations. In today's society, everyone wants to be green. Why wouldn't the crematory want the same?

Touting a method of recycling non-organic materials may be a real positive in today's environmentally friendly society.

On top of being green, this is a very cost-effective method. Every business wants to save money, and with recycling companies paying for everything, this is

very cost-friendly to the cremation providers. Furthermore, there is an option for the money generated from recycling to be donated to a charity. Helping others is always a good thing, so this is definitely a pro.

Despite all the pros, the recycling process does come with a large negative. Selling non-organic materials that were once part of a deceased person ranges from presenting an ethical dilemma to being illegal, depending on the state.

Many in the industry have opined that selling of these items is unacceptable. The rebuttal to this is that so long as no money is given to the crematory, the procedure is acceptable. Again, this is the dilemma, the ethical question.

Some states do not allow crematories to accept money for recycled non-organic materials. More problematic, many states do not address the issue of disposition of non-organic materials after cremation and say nothing about the recycling option. This vagueness in the law leaves many to question the potential legal implications.

As far as recycling is concerned, I think if you choose to do it, the only acceptable method involves donating all proceeds to charity. While this sounds like a simple and obvious choice, it raises more issues.

Disclose and document

Once you choose a process, make sure your procedure is outlined in your Cremation Procedure Manual. If there is ever an issue of how you handle the disposition of non-organic materials, make sure you have documentation. Not only should you document your crematory's procedure, you should document every time you dispose of non-organic materials.

Beyond documentation, make sure your method is clearly stated on your cremation authorization and disposition form—especially if you choose recycling. Transparency is very important here. Here is some sample language addressing recycling in a cremation authorization and disposition form:

“The funeral home is to dispose of all such non-organic material through various

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If you decide to use recycling to dispose of non-organic cremated remains, have the family sign an additional waiver/release/consent specifically relating to the choice of recycling.

disposal methods including recycling; however, the funeral home shall not sell any devices or foreign material from cremation and any proceeds generated from recycling shall be donated to the following charity. ...”

Some firms actually market their recycling program to the public. They not only explain the recycling option, but also talk about the charity that benefits from the money generated by all recycled materials.

If you decide to use recycling to dispose of non-organic cremated remains, have the family sign an additional waiver/release/consent specifically relating to the choice of recycling. This form should provide an opt-out provision in case the family does not want to participate in the recycling option.

Some people in the industry are recommending a separate form for this. I believe your current cremation authorization and disposition form can be adapted to include the required language, making things easier for families as well as providers.

Overall, the issue of disposition of artificial devices, metals, etc., is unresolved. Each provider will have to consider his or her options and then decide on a plan that fits his or her situation.

Whatever option you choose, be sure that you review your local laws, discuss your procedure with everyone in your organization and, most important, have make sure you disclose and communicate your procedure to the families you serve.

A simple rule of life is this: If you aren't comfortable telling someone (in this case the family you are serving) how you do something, then chances are it's not the right thing to do.

Be open and honest about your procedures. If you are not comfortable discussing your program, whether it involves biohazard treatment, the landfill, burial or recycling, with the families you serve, chances are your program is not right for you. □