



Funeral Consumers Alliance of Maryland and Environs

Protecting a consumer's right to a meaningful, dignified, and affordable funeral.

November 5, 2012

Comments on Proposed Action
Title 09 Department of Labor, Licensing and Regulation
Subtitle 34 Office of Cemetery Oversight

Regulation of Crematories

The Funeral Consumers Alliance of Maryland and Environs commends the Department of Labor, Licensing and Regulation and its Office of Cemetery Oversight for writing a comprehensive set of regulations on crematories that will protect consumers while establishing reasonable requirements for crematory owners and staff. We are pleased to have the opportunity to offer specific comments on the proposed regulations published October 5, 2012.

The position of "crematory operator" in the Office's proposed regulations is called a "crematory supervisor" in the proposed regulations of the Board of Morticians and Funeral Directors. Use of the same title for what appears to be different positions likely will be confusing to death care practitioners in the state as well as consumers. We believe "crematory supervisor" seems a more apt position title as the individual likely will be supervising the facility as well as possibly some staff.

In Permit and Registration Process and Fees, we disagree with allowing a registered crematory operator to run two crematories because, as the proposed regulations clearly spell out, there are many processes and procedures that each crematory must follow, and expecting one person to effectively oversee day-to-day operations of two facilities is unrealistic and begging for problems to occur. Also, the crematory operator's role is particularly important since the proposed regulations don't specify requirements including training for any staff at crematories other than the operator.

In the same section, subsection .05 Permit -- Requirements for Registration for a Registered Crematory Operator, it seems reasonable to add a requirement that a registered crematory operator have at least a high school diploma or its equivalent. We like the requirement that three previous employers be listed on the application to be a registered crematory operator.

In the same section, subsection, .05 C, we also very much like the requirement that a crematory operator applicant must reveal if he/she ever had a license, certification, registration or permit denied, suspended or revoked by any

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jurisdiction, been convicted of a felony, been convicted of a misdemeanor related to ownership or operation of a crematory, had a civil judgment within five years related to ownership or operation of a crematory, been convicted of violating a usury provision in Maryland, or been convicted of an unfair and deceptive trade practice in Maryland. And requiring that copies of relevant documentation relating to the above also be provided is reasonable and appropriate.

Since it seems quite likely some crematories may have more than one person working there, we believe it makes sense for the regulations to specify requirements including training for crematory technicians.

We note that the proposed Office regulations state that permits must be renewed every two years. The proposed crematory regulations of the Board of Morticians and Funeral Directors do not state how often permits must be renewed. Ideally, the Office and Board will agree on permit length as the two sets of regulations need to be consistent on this.

Also in Permit and Registration Process and Fees, subsection .11 Hearings, the only hearing topic listed is permit denial. Why not specify a range of violations to be considered in disciplinary hearings with various sanctions and penalties spelled out, as in the proposed crematory regulations of the Board of Morticians? Doing so would provide crematory owners and operators with a fuller understanding of what is and isn't allowed, while also encouraging operators to avoid allowing such violations to occur.

Under Inspections, Complaints and Discipline, section .02 Inspection by the Office, we commend the Office for now specifying a crematory may be inspected on at least a biennial basis.

In the same section, we continue to question the requirement that "a permit holder shall be available to accompany the inspector during the inspection and sign the inspection report" as this might allow a permit holder to avoid or otherwise delay inspection by intentionally being unavailable when an inspector arrives.

In the same section, we particularly like that:

- only one body may be cremated in a single cremator at one time,
- a cremator shall be cleaned completely after each cremation,
- there may be no co-mingling of human remains and pet remains in refrigeration units or vehicles,
- separate cremators shall be dedicated for the cremation of human remains and the cremation of pets,
- there may be no co-mingling of cremated human remains with other human or pet cremated remains, with "scooping" from a bucket of co-mingled cremated remains specifically prohibited,

- each crematory must have (within the room housing the cremator) a sink with hot and cold water, as well as the equipment necessary to thoroughly clean the floor with water and an appropriate sanitizing agent,
- cremated remains may not be held pending payment of any fees, and
- the Office may require immediate correction of a deficiency if the Office considers the correction necessary in the interest of public health.

We commend the Office for adding a number of important provisions to the Cremation Procedures section that make it more complete as well as comparable to the proposed crematory regulations of the Board of Morticians.

We also are pleased that the Cremation Procedures specifically require that human remains designated for cremation must be cremated within 48 hours after receipt or kept in a refrigerated facility, and that permit holders may not require that human remains be cremated in a casket or be embalmed before cremation.

We like the inclusion of a comprehensive Code of Ethics in the proposed crematory regulations that is virtually the same as in the proposed regulations of the Board of Morticians and Funeral Directors. However, we are concerned the Code of Ethics lists some laws that must be complied with, but not others (such as environmental laws)? An easy way to address this deficiency would be to add several words to (8) so it reads, "Comply with all applicable local, State and federal laws and regulations including those regarding the final disposition of human remains."

Please feel free to contact me if you have a question on any of the comments contained in this submission.

Respectfully,

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