

# FCA REPORT

© 2017  
FCA-GKC



## Protecting the ‘right of sepulcher’

How to ensure that your wishes about body disposition are honored

By Audrey Snyder



Image mattjeacock

The death of a loved one can cause such grief that family members lose perspective and argue about inconsequential details. A grief-suffused death can also bring longstanding feuds to a head, and sometimes result in disputes about a deceased person’s personal belongings or even about the disposition of the body. Cremation? Burial? After the body is cremated, who gets the ashes? Should they be spread at the Grand Canyon? Sit in a vase on the mantel in the family home? Be divided equally between the children? Be buried in the family plot?

Until recently, the “right of sepulcher,” or the right to choose and control final disposition of a dead human body, was reserved first for the surviving spouse of the decedent, then for any surviving child, any surviving parent, and other relatives in order of degree of kinship: aunts or uncles, cousins, etc. The closest survivor is called the decedent’s “next of kin,” and the right for next of kin to receive a body and arrange for its burial is considered part of American common law, inherited from English law.

### Kansas & Missouri deviate

However, in 2000 in Kansas and 2003 in Missouri, the state legislatures saw fit to create a *new* priority list of persons holding the right  
*See Right of sepulcher, page 2*

## Major outreach effort informs those who most need FCA-GKC

By Steve Nicely, FCA-GKC Secretary

The following was a frustrating call I recently received from a Kansas City area hospice. (Our FCA-GKC phone message provides my number to call in case of emergencies.)

“Is this the Funeral Consumers Alliance?” the caller asked.

“Yes. I’m a board member.”

“We have a woman who just passed away. The family wants a direct cremation. Please come and pick up her body.”

“We don’t pick up bodies. We provide information to families about end-of-life issues and the funeral industry.”

The caller was unfamiliar with the FCA-GKC and puzzled. She wanted the body removed right away. I told her the family needed to call a funeral home. Before I could say any more, she said “Thanks” and hung up.

I wanted to tell her that the body did not have to be removed immediately. I would gladly have talked to a family member and offered to immediately email our latest survey of all funeral homes, listing the prices charged by virtually all funeral providers in our area for direct cremation and other services. But neither I nor the family got that opportunity.

That’s what we have been dealing with.

*See Outreach, page 4*

### Presentations available

Would your organization benefit from an unbiased presentation about important practical aspects of funeral planning? Call 816-561-6322 or email [fca.gkc@gmail.com](mailto:fca.gkc@gmail.com). We’ll schedule one of our board members for a visit, at no charge.

## **Right of sepulcher, from page 1**

of sepulcher to make these decisions. Now, in both states, the person serving as “agent” or “attorney-in-fact,” as designated in a  **durable power of attorney for health care decisions (DPOA)**, is given priority to make burial, cremation, and funeral decisions. (The Kansas law is codified in KSA 65-1734 and the Missouri law in 194.119.1 RSMo.) The right of sepulcher is the *only* portion of a health care power of attorney that survives the death of the “maker” (the person who authors and signs the DPOA before her or his death).

These are significant changes, no doubt made in response to fears that people in nontraditional family relationships could have their funeral arrangements made by family members who are estranged from them, unaware of their wishes, or in disagreement with their wishes. (See “Right of sepulcher denied,” on page 3, for one example of this.) The change in these laws allows people to appoint life partners, friends, or family members to make their funeral arrangements.

The durable power of attorney for health care decisions, however, must include *specific language* giving the agent authority to make decisions concerning disposition of the remains. A power of attorney that is silent on this topic has no legal authority.

### **What this means for your planning**

The importance of *having a practicing attorney prepare health care powers of attorney* cannot be over-emphasized. A generic, one-size-fits-all form from a hospital or the Internet is not always right for your specific needs. Only an attorney can make sure that *your* requests are incorporated into a legal document that complies with state law.

Actual *notice of the existence* of the power of attorney, and the *name of the designated agent* are of paramount importance. In Kansas, a funeral director cannot be held civilly or criminally liable for following the directions of someone else (such as next of kin) if the director “reasonably believes such person is entitled to control final disposition.” Missouri law contains similar language, allowing a funeral director to rely on directions given by a person claiming to be the decedent’s next of kin. So, if a funeral director is approached by a decedent’s mother, for instance, the director is entitled to rely on the mother’s word that she has authority to make decisions—*unless the director is aware of the provisions in the durable power of attorney and given a copy by the designated health care agent.*

When drafted correctly and presented to the correct parties early and often, a durable health care power of attorney can ensure that family members or friends are able to receive information about diagnoses and treatment, and allow for the designated agent to carry out the person’s wishes regarding the disposition of his or her body. □

*Audrey Snyder is an estate planning attorney with the Baker, Soltz & Blum law firm.*

### **Be sure to read two related articles on page 3.**



Audrey Snyder

## **The big picture**

By Frank Cockrell  
FCA-GKC President



### **Comments from the newly elected FCA-GKC president**

About 20 years ago, I became interested in the Funeral Consumers Alliance of Greater Kansas City based on the important work it undertook and the valuable services it provided to the community, leading my wife and me to join as members. More recently, a February 2012 *Best Times* article stated a need for FCA-GKC volunteers and I responded to that request, committing myself to a role in the 2012 funeral price survey effort.

That team effort led to my being elected a board member in January 2013. During the next two years I was involved in several FCA undertakings, including a 2014 funeral price survey update. In January 2016 I was asked to assume the role of board treasurer, which I accepted and carried out, followed by a request in January 2017 to assume the role of board president, which I accepted.

I realized with humility that I was joining a learned group of past presidents who had come from spiritual, medical, and journalistic disciplines, among others, and I pledged to fulfill the responsibilities of the office in a manner it previously received and deserved. Coming from a financial background, I didn’t quite expect a leadership role in an organization like the FCA-GKC.

That said, the *Wall Street Journal* recently ran a financial planning column titled “Planning Your Own Funeral Is Tough, But Do It Anyway.” Based on my exposure to the workings of FCA-GKC, I realized that the type of personal and committed planning effort alluded to in the article was a very important task because it provides an extremely vital gift to survivors. This is a subject I intend to give added attention to during my tenure in office, and I invite you to offer suggestions as to how we might provide a better focus on this objective. □

## FCA-GKC thanks newest donors

By David Johnson, FCA-GKC Treasurer

The FCA-GKC board of directors expresses sincere thanks to the following donors between November 2016 and March 2017. Because this is an all-volunteer, tax-deductible, not-for-profit organization, we couldn't do it without you.

M.M. Baker

Frank & B.J. Baron

Gary W. Beemer

Phillip Calebrese

Jack H. & Barbara D. Chaffee

G.F. & Gwendolyn S. Cockrell

Myrna M. Cooper

H.A. & M.C. Droll

Carol O. Fields

Phillip & Kitty Hampton

Roger & Kay Howa

Carol M. Howe

James C. & Virginia Kenney

Rodena Mallory

Jimmy L. Mitchell & Pammela A. Payne

Mark & Cheryl Mozer

Terry & Sandra Myers

Allen S. & Gay H. Neuls Living Trust

Steve & Marcia Nicely

Gary W. Qualls & Kathleen Kennedy

Thomas W. Scott

Sisters of Charity of Leavenworth

Irene Starr

Laraine C. Taylor

Brett C. Turnbull

Susan S. Vogel

Jane Carroll & Thomas E. Wilkes

Lloyd C. & Mary A. Young

## Vital points about right of sepulcher

- The person you choose to make decisions about receiving your body after your death, and carrying out your funeral and disposition wishes, must be *named* in your power of attorney for health care decisions.
- That person's *role* must be spelled out in the document. Being listed as your agent does not guarantee that the person will be allowed to carry out your wishes regarding the disposition of your remains unless the power of attorney *specifically* grants her or him that *role*.
- The power of attorney for health care decisions should be drawn up by an attorney. Do not rely on a generic form.
- The power of attorney for health care decisions should be in the hands of the agent you name, your hospital or hospice, and the funeral home that likely will be in charge. Do this now!

### If a funeral home doesn't cooperate

In spite of everything, we know that sometimes a funeral provider will refuse to accept the authorization of the durable power of attorney agent, claiming that its "company policy" is to follow the wishes of next of kin.

We suggest that the time to ask whether your DPOA is acceptable is when you are making plans *with a particular funeral home* for your own funeral. Ask the funeral provider to *confirm* that your DPOA will be honored regardless of the opinions of next of kin. If not, choose a funeral provider who will honor your wishes.

Once you are deceased, if the business has a policy that doesn't comply with your wishes, it may be too late to alter course. □

## Right of sepulcher denied

By Lynn Anderson, FCA-GKC Board Member



Gary DelNero

Gary DelNero, a resident of Leawood, had an experience in Nevada that illustrates the issue of right of sepulcher.

Gary's brother had designated his partner as having authority to make decisions about the disposition of his remains through a power of attorney for health care decisions, and he had expressed his desire for cremation.

During the brother's wake, however, a funeral home director pulled Gary aside and insisted that he sign a legal document saying *he* had the authority to approve the cremation.

"I was reluctant, as I felt his partner was the only one to whom my brother had given that authority," Gary said. "The funeral home director stated that the power of attorney terminated upon my brother's death, leaving the next of kin to make this decision. After arguing with them, I signed, as I didn't want any more hassle and we were all on the same page regarding my brother's wishes [for cremation]."

Later, this situation was reported in the local Nevada paper as a "gay rights issue" and the mortuary felt compelled to attend public meetings to explain its point of view. According to the mortuary, after Gary's brother's lawyer drafted the power of attorney, Nevada law changed and more current documents could have forestalled the confusion. The deceased man's lawyer, however, insisted that the work he did was valid. And Gary continues to feel that he was coerced into signing a legal document that was incorrect.

The page-one article by attorney Audrey Snyder spells out the legal realities in Kansas and Missouri. □

## **Outreach, from page 1**

The Funeral Consumers Alliance of Greater Kansas City has existed for 54 years, but too many professionals in hospices, hospitals, churches, nursing homes, health clinics, senior living facilities, and the like still do not know about FCA and the services it provides. We can blame *ourselves* for that. We need to do a better job of outreach.

This year, with the help of a \$10,000 grant from the Sisters of Charity of Leavenworth, we are engaging with many of those professionals and facilities. The grant targets agencies that serve the poor, and that includes the hospitals, hospices, and other service providers mentioned above. We are visiting a long list of them, explaining our mission and our services and providing printed material. It is heartwarming to witness their reaction. Uniformly they agree: FCA-GKC is a valuable resource that they plan to use regularly.

And maybe I've painted a darker picture of our past performance than we deserve. A recent donor sent a \$20 contribution to FCA-GKC with the following comment: "You helped me with my mom. I am forever thankful. I just read a story on NPR.org that talked about how people have a tough time getting this information. Not in KC, thanks to you." □

► *Date-Saver* ◀

**FCA-GKC Annual Meeting**  
**Friday, Nov. 3 • 2:30–4:30 p.m.**  
Kauffman Foundation Conference Center  
4801 Rockhill Road, Kansas City, Mo.

We at FCA-GKC are thrilled to announce that our speaker for the 2017 FCA-GKC Annual Meeting will be Karen L. Smith, PhD. Karen is a medical ethicist from Detroit's Henry Ford Hospital, an 877-bed tertiary care education and research hospital serving people from all over the country.

Karen is an educator of physicians and a consultant for patients and families facing ethical dilemmas during their stay at Henry Ford Hospital. She has published articles and presented on dying, terminal sedation, advance directives, and more. She also serves on the FCA national board and has been involved with various affiliates in the areas where she has lived. She will share with us her stories and thoughts on death and dying, and how to do both well.

Continuing education credit hours are expected to be available, at no charge, to meet ethics requirements for social workers.

We will hold the annual meeting at the Kauffman Foundation Conference Center again this year, on Friday, Nov 3, from 2:30 to 4:30 p.m.

We truly hope you will join us to hear Karen share her insights. More information will be on our website soon, with many additional details in our fall newsletter. Registration will be available at [Eventbrite.com](http://Eventbrite.com). □

## **Tell us your story**

The Funeral Consumers Alliance has been educating the community for more than 50 years about rights, choices, and alternatives with the funeral process.

Have we helped *you* decide on or plan funeral arrangements for a loved one? Have we answered a vital question or helped you by interceding with the funeral industry?

We are always interested in the results of our mission and our efforts, so please share your story with us. In doing so, you give other readers a nudge to seek the help they may need.

Give us a call at 816-561-6322 or email us at [fca.gkc@gmail.com](mailto:fca.gkc@gmail.com). We hope to hear from you.

## **Let us help educate your members**

Are you part of an organization that would benefit from an unbiased presentation about important practical aspects of funeral planning and myths/facts about funeral and burial practices?

The Funeral Consumers Alliance of Greater Kansas City has speakers who are eager to share and educate. Call us at 816-561-6322 or email us at [fca.gkc@gmail.com](mailto:fca.gkc@gmail.com). We'll line you up with one of our members for a visit—at no charge, of course.

We look forward to meeting and interacting with you!



### **Join us!**

We're always looking for people interested in helping with our work. Call 816-561-6322 or email [fca.gkc@gmail.com](mailto:fca.gkc@gmail.com) to help.

# Applying years of FCA-GKC lessons to my husband's funeral

By Bev McGill, Past President, FCA-GKC

This past February, my 88-year-old husband, Ron, died after a short illness. I found myself in the position of putting to work all I had learned from the years I'd spent advocating on behalf of funeral consumers as a board member and volunteer with FCA-GKC.

Ron and I had talked about what we wanted for our final arrangements, so that was good. We both wanted earth burial and we wanted modified "green burial." We had purchased our plots at Resurrection Cemetery in Lenexa years ago. It was helpful to have that done so our 12-member family could move on with our busy lives. I was fortunate that all nine of our surviving children could put their obligations aside during the week before Ron's funeral. We met every morning to make plans.

Ron's Catholic faith was very important to him, so one son took responsibility for making arrangements at Ron's church, Good Shepherd in Shawnee. Daughter Ann Marie had actually taken the first step earlier when, on a whim, she decided to talk to the parish priest. At that time we had no idea that Ron's death was imminent, but Ann Marie knew her father's funeral would be rather unusual, with refrigeration instead of embalming and with a natural burial. The priest, Fr. Jim, called Ron during her visit and assured him that all of his wishes would be carried out.

There were many tasks for a funeral involving a family the size of ours. I knew Ron wanted a plain pine casket, and I was told we could find one at Direct Casket Outlet in Independence, Mo. We bought one built with wooden dowels instead of nails and with handles made from a continuous piece of rope. The \$700 casket, which had no lining, was made by a man in his garage. Ron was wrapped in a Cathedral Window quilt made by his mother for one of our daughters, who offered it for the burial. Ron was dressed in his McGill T-shirt from a past family reunion.

Next we met with Thad Rogers, of Kansas City Funeral Directors. I'd



Bev and Ron McGill

known Thad for a long time. Ron had agreed to donate his brain for Alzheimer's research, so Thad picked Ron's body up at KU Medical Center.

We had met with a Resurrection Cemetery representative several years ago to voice our request for modified green burials. For us, that meant lowering the wooden casket directly into a grave. (If the cemetery requires a grave liner, as most do, then remove its lid, turn the liner upside down, and lower it over the casket. This allows the body to return to the earth sooner, without hampering the cemetery's surface maintenance requirements.) We met with a cemetery staff person again after Ron's death. When I asked how many modified natural burials had been done at Resurrection, we learned that Ron would be the first. Quite a distinction.

We decided to have a vigil service at the church the night before the burial and funeral Mass. The body, still in refrigeration, was not present.

The burial, attended by family members, took place in the morning before the funeral Mass. We gathered around the pine casket placed above the grave and used colored pens to write messages on the casket. The casket was slowly lowered into the grave and everyone tossed in flowers. It was a unique and wonderful final goodbye. Ron was happy with it, I know. □

## She said it was 'the very best funeral ever'

By Steve Nicely, FCA-GKC Secretary

How great is it, after 67 years of marriage, to be able to characterize her husband's funeral as "the very best funeral ever"? Pretty great.

Bev McGill, past president and board member of FCA-GKC, said that about the Feb. 17 services for Ron McGill, 88.

Married 67 years; blessed with 11 children, with nine surviving; blessed with 30 grandchildren and 21 great grandchildren. Ron McGill was the patriarch of a family of 64, not counting spouses and significant others. Bev, also 88, continues as its reigning matriarch.

Yet, somehow, Bev found time over the years for outside activism involving some rather counter-culture organizations. Mercedes Bern-Klug, who recruited Bev to the FCA-GKC board in 1995, characterized Bev's involvement in FCA as her "quirk." Bev embraced that quirk just as she had embraced the La Leche League in the 1950s and '60s in support of breastfeeding and her involvement in Kansas Advocates for Better Care on behalf of elders.

One of Bev's daughters suggested she take up bike riding as a substitute for her worthy causes. When Bev joined the FCA board, her daughter said, "First babies, then old people, now dead people. What's next, Mom?"

As a friend and neighbor whom Bev recruited to the FCA board, I attended Ron's funeral vigil and Mass. Both were rich with heartfelt testimonies of love for this father and grandfather. Finally, Bev walked to the altar on the arm of her son and, in a clear voice, thanked everyone for their presence and participation in Ron's funeral. I felt privileged to be there. □

# FCA National: What it is & why you should care

By Nancy Petersen, FCA-GKC Board Member

As many readers know, the Funeral Consumers Alliance is a nonprofit organization dedicated to protecting consumers' right to choose a meaningful, dignified, affordable funeral.

To accomplish that goal, FCA:

- offers pamphlets and newsletters on funeral choices to increase public awareness of funeral options, including how to care for your own dead without using a funeral home;
- monitors funeral industry trends and practices nationally and exposes abuses;
- serves as a consumer advocate for legal and regulatory reform, giving advice on or lobbying for necessary changes locally, statewide, or nationally;
- serves as a credible source of information for media covering death and dying issues;
- works with national organizations sharing similar concerns, to expand families' choices and control over funeral options;
- gives advice and guidance to local chapters (many of which are known as memorial or funeral planning societies);
- refers people to local funeral planning societies and regulatory agencies; and

- helps 100 local FCA chapters to stay in touch with each other and exchange ideas.

To accomplish these goals, the national organization has a 13-member national board. I currently represent FCA-GKC on that national board. I'm serving my second term, which began in June 2016.

FCA board members, who come from all around the United States, have adopted by-laws governing FCA's operations.

Our affiliates are nonsectarian, nonprofit, educational organizations. They were first started in the late 1930s because of two influences: the Great Depression and the increasing cost of funerals because of the use of embalming and more elaborate manufactured caskets.

The national board meets in person in the spring and fall of each year, generally near an affiliate program that is interested in hosting the next national convention. This allows us the opportunity to get to know the area and meet the volunteers who might be helping to organize the convention. We also meet over the phone in regular conference calls to attend to current business or follow up on board assignments.



Nancy Petersen

We support the executive director in his work on national interviews, magazine articles, concerns and complaints from people who contact us, interaction with legislators, and

advocacy programs around the country. We discuss fund raising, investments, stability of the organization, and ways to support every affiliate throughout the country to best serve its local population.

The national board works to serve every person in the country, because all individuals will eventually find themselves involved in some aspect of death care. Our hope is that affiliates and individuals will seek assistance from the organization. We want to hear from anyone who has ideas and thoughts—either directly to the national office or through an affiliate in the area. We are only as strong as the communities who support us.

Contact me (email or phone) through the FCA-GKC website, [www.funeralskc.org](http://www.funeralskc.org), or contact FCA National through [www.funerals.org](http://www.funerals.org) or 802-865-8300. □

---

## **Cremation, from back page**

section 229.1 of the Federal Environmental Protection Agency law. To paraphrase, the law says that anyone in the United States may bury remains (including ashes) at sea so long as they take the remains three miles out from shore and report the burial (or scattering) within a month to the closest EPA office.

But what about families who stand on the beach and scatter? Are they really in danger of prosecution? *No*. Burials or scatterings that take place within three miles of shore fall under the Clean Water Act rather than the EPA rules, Deep Urn said. States, not the federal government, enforce the Clean Water Act. He said he's never heard of any state that pays attention to scattering cremains on the seashore.

And what about the EPA?

"I don't care about cremated remains," he said. "We're trying to deal with real polluters."

Deep Urn said that if you interpreted the laws literally, fishermen could be prosecuted for using bait and allowing it to fall off the hook. Obviously, no one is going to prosecute that, he said, nor are they going to prosecute scattering of cremated remains.

What about the reporting requirement?

"I've never had private people [report scattering]," he said, "only funeral homes [that offer commercial scattering]."

Officials with state and national parks have also confirmed to us that they turn a blind eye when families scatter, even if it's against the rules. If funeral home personnel "warn" you about the prohibitions on scattering, it's probably safe to thank them for their kindly concern and go on your merry way. □

# Cremation trend is a focus of marketing by Catholic Cemeteries of Northeast Kansas

By Steve Nicely, FCA-GKC Secretary

Catholic Cemeteries of Northeast Kansas, operator of nine cemeteries in Wyandotte, Johnson, Leavenworth, and Shawnee counties, is engaged in a marketing campaign among Catholics within the Archdiocese of Kansas City in Kansas. The continuing growth of cremation, now the choice of 50 percent of families in this region, is a special emphasis of the campaign.

Robert W. Chenoweth, executive director of Catholic Cemeteries of Northeast Kansas (CCNK), estimated that his company sends mailings to 200,000 registered Catholics in parishes of the archdiocese on a rotating basis every three years. CCNK staff members then conduct informational seminars in parish halls about cremation and burial options.

Although the cremation interment rate in area secular cemeteries currently is more than 50 percent, the rate in Catholic Cemeteries properties is 24 percent, Chenoweth said. Still, that is more than double CCNK's rate in 2004, and the trend continues. The lower cremation rates relative to secular cemeteries reflect the traditional Catholic position favoring whole-body burial.

"It was only in 1962, for the first time in a thousand years, that Catholics permitted cremation," Chenoweth said. "Cremation was viewed as a denial of the resurrection of the body because the body was not there anymore."

Scattering the cremated remains is not allowed. Catholic regulations require that the ashes be buried or entombed in a mausoleum in a "worthy vessel," he said, "not stored at home in a closet or on the mantel." There are no restrictions against using non-Catholic cemeteries.

He noted that families can spend



Robert W. Chenoweth, executive director of Catholic Cemeteries of Northeast Kansas, in Resurrection Cemetery in Lenexa.

as much to bury cremains or entomb them in a mausoleum as they spend for whole-body burial or entombment, but low-cost options are available. For example, the price of a community crypt in a mausoleum is \$350 and a burial space can be purchased for \$500.

The campaign, which began in 2014, was expanded this year to include the social media of Facebook, Twitter, and Instagram. Young adults versed in social media were hired part time to write articles for the new media and for the website, [www.cathcemks.org](http://www.cathcemks.org). Millennials are not the primary targets of the campaign, but CCNK wants them to have the information when the time comes for them to deal with the deaths of their grandparents and parents. CCNK also uses a drone for aerial photography of its cemeteries for use in the media. The primary targets of the campaign are persons more than 55 years old, especially those in their 60s and 70s, he said.

CCNK places a heavy emphasis on pre-need arrangements, which

currently account for 75 percent of all of its services. A separate insurance division sells policies from the Global Atlantic Insurance Co. These policies spell out the detailed wishes of the buyers, including the funeral homes they want to use.

"We have the price lists of all the funeral homes," Chenoweth said. "We write an insurance policy for every

detail."

He declined to state the cost of a premium from CCNK and Global Atlantic for the service. When death occurs, the policies pay the face amounts to the designated heirs or next of kin.

CCNK is a ministry of the archdiocese but a separate corporation. Chenoweth said it has a \$10 million fund for perpetual care of the nine cemeteries. The fund is not accessible by the archdiocese or anyone who sues the archdiocese. CCNK has a staff of 35 and annual revenues of \$3 million.

Asked if the preference for cremation has taken a toll on CCNK's operations, Chenoweth said its cemetery services are up 15 percent this year. Part of that growth probably is due to the marketing campaign, but more people are dying, as well. He said that the first baby boomers are reaching the end of their life expectancy, causing a dramatic increase in need for the next 20 years. □

---

## Preplan but don't prepay

Funeral homes like to see families plan funerals, and FCA does, too. But the funeral home will try to sell a prepaid plan, and we advise against it. Normally we say, "Preplan, yes—but don't prepay."

We suggest opening a "payable-on-death" savings account at a bank or credit union with a trusted friend or relative who knows your wishes. □



#### FCA-GKC Board of Directors

##### Officers

President: Frank Cockrell  
Vice President: Pam Thomas, PhD  
Secretary: Steve Nicely  
Treasurer: David Johnson

##### Members

Lynn Anderson  
Ginny Farney  
Nancy Petersen  
Kate Sargent  
Lyle VanVleet

## Clearing up common cremation myths

By Joshua Slocum, Executive Director, National FCA

*This article was first printed in the fall 2005 National FCA newsletter and has been slightly modified.*

FCA has an article, called “Common Funeral Myths,” that separates funeral fact from fiction. From the queries we’ve gotten, it might be time to come out with a tract on “Common Cremation Myths.” Sadly, many believe there are all sorts of legal restrictions on what they can do with cremated remains, and we have a feeling people are spending more than they need to because of these beliefs.

It’s true, there are a handful of legal restrictions on scattering in some states, but they’re few and far between. They’re also largely ignored and unenforceable (more below). Here are some general answers to the common questions we hear about cremated remains.

### Q. Do ashes pose a health or environmental hazard?

A. No, and neither does almost anything that’s been exposed to an oven heated to nearly 2,000 degrees Fahrenheit. What remains after a cremation are inert fragments of bone—mostly calcium. Crematories then pulverize the fragments into smaller pieces. Depending on the crematory, what you’ll get back will resemble anything from gray aquarium gravel to something like powdery concrete dust.

### Q. Don’t you have to bury ashes in a cemetery?

A. No. In all states, you may keep the ashes at home if you like, or scatter them on your own property. You may scatter them on someone else’s property with the permission of the landowner.

### Q. Don’t you have to buy a permanent urn?

A. No. One of the more underhanded industry tactics to get families to buy expensive urns has been the

promotion of the term “temporary container.”

Unscrupulous crematories will stamp words such as “TEMPORARY CONTAINER – NOT SUITABLE FOR LONG-TERM STORAGE” on the plastic or cardboard container in which they return the ashes. In a craven move, the Texas Legislature danced to the funeral industry’s tune and enacted a law that all crematories must stamp such a warning on containers. Don’t be manipulated by this shameful tactic. *You* decide what container is “permanent” or “suitable.”

### Q. Where can I buy an urn?

A. Obviously, many funeral homes and crematories have a wide selection of urns, from the plain to the ornate. But the funny thing is, any attractive piece of pottery seems to jump in price the moment the word “urn” is affixed to it. A similar container sold for another purpose might be just as suitable, and cheaper. One woman’s family put her ashes in a favorite cookie jar—a fitting tribute to a grandma who prided herself on her baking.

### Q. Can I scatter ashes in a river or in a state park?

A. The answer is both yes and no. Those who want to make sure you pay *them* to scatter the ashes are keen to point out obscure regulations. We found a New Jersey funeral home website that alarmingly declared: “If you scatter ashes off a local jetty, you break federal law.”

Is this true? Well, kind of. After years of trying to track down an EPA spokesperson who could give us the skinny on federal rules, we found an expert willing to talk. Our spokesman—let’s call him Deep Urn—has decades of experience with several EPA regional offices. In exchange for anonymity, he agreed to explain what’s really behind