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Spring, 2007

A Federation of Nonprofit Funeral Information Societies

Volume 11, no. 1

You Make Me Feel Like a Natural Burial

A Q&A With The Author of *Grave Matters: A Journey Through the Modern Funeral Industry to a Natural Way of Burial*

by Joshua Slocum

I get a fair number of requests to write endorsements for death and funeral-related books, and I turn most of them down. Too many plow the same, tired earth. Mark Harris' *Grave Matters: A Journey Through the Modern Funeral Industry* is a notable exception. Impeccably researched and concise, it's the first book I know of to talk about the many **practical** ways Americans can get to the grave in a greener way.

Most importantly, Harris does what too few green burial advocates do: he shows that being "green" isn't a boutique political statement, it's not confined to "hard-core" environmentalists, and it's not new. It's a modern reawakening of good old-fashioned frugality, common-sense, and traditional American sentiments about family, community, and sometimes, religion. In fact, I ought to stop calling it green burial and adopt Harris' terminology: natural burial.

Harris covers embalming, home funerals, modern corporate cemeter-



ies, memorial reefs for ashes, and much more. Each chapter ends with a helpful, bulleted list of the main points, and where you can go on the web to find out how to accomplish what the family profiled in each chapter did.

Harris talked to FCA about the book, why he wrote it, and what he hopes to achieve.

FCA: What spurred the book?

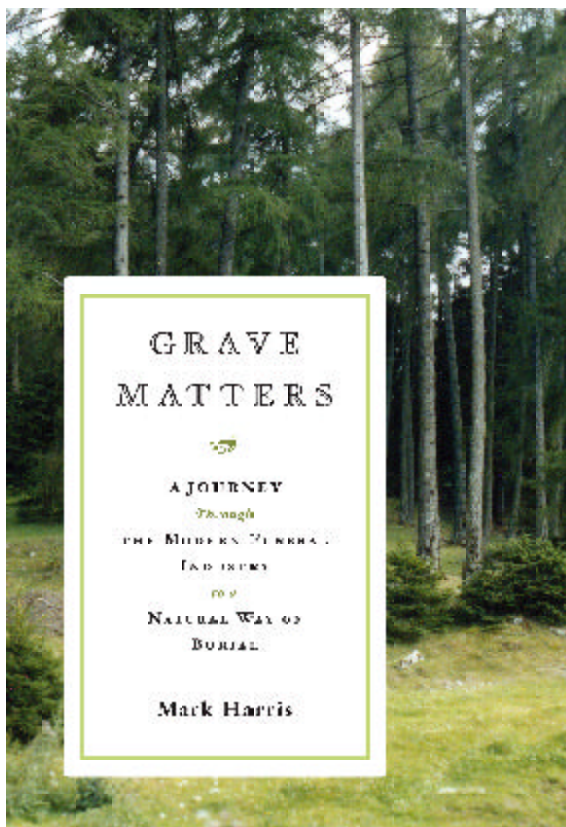
Harris: My great-grandfather co-founded a cemetery in Rochester, New York, where my father worked on the

grounds crew as a teenager. The business of death and burial was a subject of conversation and general interest. Also, my mother died when I was 16, so I was familiar with death on intimate terms early on.

The real genesis of the book, however, was a visit I made in the summer of 2003 to Billy Campbell's Ramsey Creek Preserve, in South Carolina, the first natural cemetery in the United States. I'd heard about the cemetery in the course of keeping my ear to the ground for the environmental column I wrote for the LA Times Syndicate. After dropping my family at a Greenville hotel, I joined Billy's wife and business partner Kimberley for a tour of the 32-acre, mostly wooded site. Walking the grounds that afternoon was one of these amazing experiences you sometimes have as a journalist when you know you're witnessing the birth of a new and important

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Grave Matters — Buy It From FCA

2007. Scribner, 191 pp.

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idea. Ramsey Creek resembled no graveyard I'd ever seen. It was green and living and vital. One woman who buried her son there would later tell me it's "a place of life, not death," and she's right. Ramsey Creek returns death to the natural cycle of life. It was also part of a renaissance that was sweeping through death care in America and, thus, a worthy and important topic for a book.

FCA: I remember talking to you in the research stages of your book. Did you know about home funerals when you first started?

Harris: I knew about old-fashioned wakes that were held in the home but didn't know they were still possible and, as it turned out, still being done. Still, I was reluctant to include home funerals in the book, thinking the connection to natural burial might be too tenuous.

Then I watched Elizabeth Westrate's documentary film, "A Family Undertaking," and changed my mind. While not about "green burial" *per se*, home funerals lend themselves to the

kinds of send-offs that go to the heart of what green burial is all about: simplicity, low cost, family control.

After talking with families that held home funerals, I also saw that home funerals bring families into an engagement with death that's profound and, ultimately, healing. Intense engagement with the deceased can be an important part of a bereavement process and, thus, an important part of any natural burial.

FCA: What are your thoughts about the "green burial movement" today, and where it needs to go if it's going to prosper?

Harris: First of all, the green burial movement needs to lose the word "green." I purposely don't use the word often in the book, given its negative connotations among the greater public. I choose instead to use the word "natural." Natural suggests not just a benefit to the environment but a traditional, sensible way of doing things. In fact, natural burial is really little more than a return to tradition, to the way Americans

once handled their dead.

One of my challenges, as I present this concept, is to show that "green" burial is not just for environmentalists. It's for people who care about simplicity and tradition and having moving, personal funerals without spending a whole lot of money in the process.

FCA: That's important to us, too. Almost the entire population has forgotten what a truly traditional American funeral is — all they know is embalming and polished caskets.

Harris: If I ever had any doubt that sen-

The FCA Newsletter

Vol. 11, no. 1

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Published quarterly by

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time extended through all generations and walks of life, it was dispelled when I went to Iowa and interviewed a meat packer nearing his 88th birthday. Ed McKenna attended Sunday Mass and worked the family farm. When he began to reflect on his own mortality, he recalled the simple funerals of his grandparents, with their home wakes and hand-made coffins. So, when his wife died, Ed buried her unembalmed body in a plain, pine box he'd bought for \$800 from a local carpenter. He'd have laid the coffin into a vaultless grave if the cemetery had allowed it. When I asked him why he chose this kind of simple — i.e., “green” — burial, he looked at me and said, “Well, it just strikes me as the most natural thing in the world to do.”

Throughout the book, I present families that are, like Ed, simply regular folk. They live on both coasts, and in the North, South, and Heartland. Some are Republicans, others Democrats. I found those that were “religious” in traditional terms, others that weren't. They're Americans in all stripes and colors.

FCA: Did your point of view change at all from the beginning of the project through finishing the book?

Harris: I'll admit that I first saw this as a project that would focus on the environmental benefits of the green burial. At some point early on, I began to realize that natural burial reaches well beyond that. With its family focus, low cost and return to tradition, it embraces a kind of send-off that speaks to most of us. It's so broadly appealing, in fact, that I believe it will change funeral practices in our time. That sounds grand, I know, but already we're seeing changes.

I recently talked to a funeral director in Michigan, for example, who is working with 16 funeral homes in the state that have added green burial services to their General Price Lists: refrigeration in lieu of embalming (and with no hassle), a broader range of affordable caskets, a greater willingness to al-

low families to control the service. They work WITH the family to carry out the family's wishes — and without trying to ramp them up to the next level of purchases.

— For more on Mark Harris and his book, check out his blog at **gravematters.us**. He's got tips and news on the natural burial movement, including the latest additions to the list of groups around the country interested in starting green cemeteries.

~♦~

FCA Lawsuit Update

Most readers know Funeral Consumers Alliance filed a national lawsuit in 2005 against the three largest Wall Street funeral home chains and the country's biggest casket maker for price-fixing. The defendants are Service Corporation International (SCI), the Alderwoods Group, Stewart Enterprises, and Batesville Casket Company. FCA, along with individual consumer plaintiffs, accuse the companies of conspiring to shut down competition in the casket market, thus raising prices for grieving families. We allege this behavior has cost consumers many millions — maybe hundreds of millions — in overcharges on caskets. Our case is being heard in the U.S. District Court, Southern District of Texas, Houston.

So what's been happening?

♦ FCA Executive Director Joshua Slocum and consumer plaintiffs testified in federal court in Houston during the first week of December, 2006 at what's called a “class certification hearing.” This means we were asking the judge to allow us to sue as a class of nationwide consumers who bought Batesville caskets from funeral homes owned by the defendants.

♦ We're awaiting Magistrate Judge Calvin Botley's decision. We expect it sometime in May, though such timetables are always unpredictable.

What will happen next?

♦ Whichever way Judge Botley rules, the losing side will appeal.

♦ If and when FCA and consumers are certified as a class, we'll move ahead to summary judgment.

♦ After summary judgment, the case will move toward trial, tentatively scheduled for 2008.

As soon as the Court rules, we promise to post the news on our web site at **www.funerals.org**.

~♦~

President's Corner

By Joyce Homan

Minding Your Meeting

Spring brings annual meetings and this season most of our 100+ affiliates will be having a yearly get-together, as all good nonprofit organizations should do.

I can imagine the variety of meeting rooms: a church social hall, the back room at the local library, restaurants, members' homes. Whether they draw 14 or 400, FCA annual meetings are the best place for members and the public to talk about how to stay in control of their funeral plans and other end-of-life decisions.

Each local president will be thinking about the details of the agenda, the speaker, reports and handouts. But from my experience as President of the Syracuse Memorial Society, and now of FCA national, I find these questions are just as important:

1) Has the location of the meeting

been rotated over the years for the convenience of all members?

2) Is the meeting room accessible and well-lit?

3) Do you have an up-to-date price survey ready to share?

4) Will the speaker be lively and audible? Is there a sound system?

5) Will retiring board members be

thanked and new members acknowledged?

6) What plan do you have to immediately get the new board acquainted and working? I suggest copies of the last year's minutes, and a copy of the *Guidebook for Running a Funeral Consumers Alliance*.

7) Will you make sure your audience understands they're also members of a national federation of groups with a

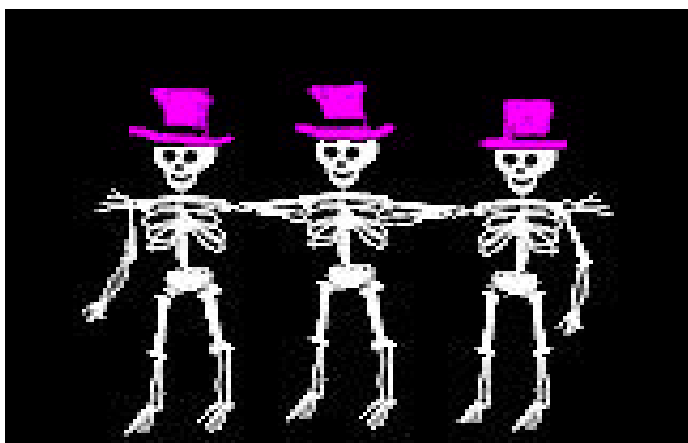
strong national headquarters?

8) If it's been a hard year, what ideas will you offer to make the next one better, and will you have a (fun) list of volunteer opportunities?

Taking these into account when planning your meeting can help make the difference between a deadly dull affair and an overflow crowd. Good luck!

Rest in Peace Corps

*I couldn't have done this long overdue legislative report without the volunteer help of the **Rest in Peace Corps**, our new legislative watchdog group. Thanks to Paul Marsh, Paul Yonge, Joe Sehee, Stephanie Weigel, Margie Bridges, John O'Brien, Laurie Mulvey, Gere Fulton, Frank Bradley, Bill Swain, Jim Wylie, Nancy Trout,*



Linda McLemore, Frances Coover,

*Hope Grunt, Jim Bates, Elvira Hoffman, Lamar Hankins, and my Anonymous Funeral Director Mole in Tennessee. — **Josh Slocum**, editor*

*Are you just dying to help? **FCA WANTS YOU!** Join **RIPCorps** today — email josh@funerals.org*

Legislative Watch

California — SB 739 would allow death insurance salespeople an exception to the 24-hour advanced written notification if the senior makes a written or telephonic request for a same day meeting at the senior's home. The current law **better** protects consumers against surprise or pretext visits.

Florida — After Hope Hospice made headlines this year after filing an application to open a funeral home, hospice organizations, the funeral industry, and consumer groups weighed in against the measure. While the Hope Hospice folks undoubtedly had their hearts in the right

place and wanted to continue caring for the families through the death, the idea was fraught with potential conflicts of interest. **SB 2856** would prohibit hospices, hospitals, nursing homes and similar entities from owning or operating a funeral home. The bill also clarifies that funeral homes are not liable if they follow the written instructions of person authorizing his own cremation ahead of time. It passed the Senate and is awaiting the governor's signature.

Georgia — What the Legislature giveth, it can taketh away. After a series of cemetery scandals in the 1990s, lawmakers tightened the rules on cemetery operations. But just when you thought it was

safe to get buried in Georgia, Republican Representative Carl Rogers (a one-time cemetery co-owner) rolled back consumer protections with a 2006 law that:

◆ Takes away the Secretary of State's authority to make cemetery rules and regulations, and gives the authority to a newly created Cemetery Board composed of six "cemeteryans" and just one consumer member.

◆ Allows cemetery owners to skim half the interest from customers' prepaid cemetery merchandise account — or 10 percent of the total in the account, whichever is less — if a customer decides to cancel the deal before he uses

the merchandise.

- ◆ Lets cemetery owners charge customers \$125 (up from \$50) if the customer buys a monument from someone other than the cemetery.

- ◆ Lets cemetery owners charge customers \$75 (up from \$50) if they want to transfer a grave to someone else, such as a family member.

After a four-part series in the *Savannah Morning News* starting March 30, 2007, about the state's incredibly lax oversight, lawmakers are vowing changes — *again*.

Hawaii — Oh, what a difference \$33,450 makes. According to public records from the Hawaii Campaign Spending Commission, that's how much lawmakers involved with funeral consumer protection bills took from the funeral industry and its hired lobbying firms between 2005 and 2006. The Governor, Linda Lingle, personally accepted \$6,000 from Wall Street funeral giant **Service Corporation International** in December, '05.

This relatively paltry sum was apparently enough to stop — for the third year — consumer-backed bills that would put an end to HI's legalized robbery of the elderly by the death industry. The state's prepaid funeral and cemetery laws are tied with Alabama and Florida as the weakest in the country. They let industry keep a 30 percent commission from your prepaid deposit, consider you in default if you miss a payment (and thus keep **all** your prepaid money), and more. The predictable result is the Attorney General is suing cemetery owner RightStar corporation after discovering RightStar (one of its trustees is former HI Governor John Waihee) withdrew more than \$20 million from consumers prepaid accounts, and now can't show where the money went.

FCA Hawaii President Sarah Robinson and others have been doggedly trying to get the legislature to fix these problems. But each time a bill comes up that would increase the trust-

ing requirements, the committees strangely defer it (wonder why?). **HB 815 and SB 1186**, which would have done just that, have been tabled again this year. Instead, the Senate's Committee on Commerce and Industry . . . err. . . Consumer Protection is backing the tepid **SB 1423**. What does it do? Not much. It would give the consumer 90 days to reinstate an account if the seller determines the customer is "in default," and it would require sellers to refund 70 percent of the money the customer paid in. While this is better than current law, it's a far cry from fair.

Iowa — After much teeth-gnashing by the state funeral director's association the Iowa Senate has passed a designated agent/personal preference for body disposition law. Now, **Senate File 476** has to work its way through the House (no bill number yet), where, a state lobbyist says, there's sure to be a fight. Unable to understand that funeral directors are *protected* by laws allowing citizens to give someone the legal right to make their funeral arrangement, funeral lobbyists balked at allowing people to name someone other than a spouse or blood kin.

Disturbingly, industry interests inserted a clause in the law that says that any family member can pay for body preparation and a private viewing, even against the deceased's written wishes and his/her legal agent's instructions.

Maine — After consumers and industry members testified, a legislative committee is redrafting **LD 1289**. Former FCA National President **Ernie Marriner** alerted us to the bill, which would allow funeral homes to own and operate crematories. In these days when consumers are demanding cremation in higher numbers, and wanting accountability and oversight of the process, states that outlaw mortuary-owned crematoria are out of step with the times. The trouble is, this bill could have **taken away** cemeteries' rights to own and op-

erate crematories, unless the cemeteries were licensed under the full (and excessive) "practice of funeral service" laws. We'll keep you posted.

Maryland — What started out as a troubling bill has turned out to be a good thing. Several Muslim congregations in Maryland were seeking the right to care for their own dead in the traditional way without embalming.

The Legislature took up the cause, and wrote **Senate Bill 756**, which would give the state board the right to dispense special licenses to Muslim burial societies. Trouble was, **all Maryland citizens** have the right to care for their own dead, and this new dispensation would have put Muslims unnecessarily under the control of the state board. But the bill's been rewritten to allow a new category of funeral directing (without embalming) to **anyone** who wants to practice it. Only those who practice funeral directing for compensation would come under the licensing scheme, which preserves individuals' and religious communities' rights to care for their dead without pay and without state interference. Those who want to do so for pay will have to go to mortuary school (though they don't have to do the embalming part) and pass tests for competency in state and federal funeral law, among other things. It looks like a reasonable compromise to preserve individual freedoms while ensuring a level of consumer protection.

Status: passed the Senate, on to the House as **HB 457**.

Missouri — The wheels of justice grind slowly in the Show Me State, but they're moving. It's taken intense pressure from Funeral Consumers Alliance National, the libertarian law firm **The Institute for Justice**, and now, the **Federal Trade Commission**, to bring the overzealous **Missouri Board of Embalmers and Funeral Directors** around. We told you in past newsletters (Summer, Fall, 2006) how the Board dragged an

elderly casket retailer into court and charged him with practicing funeral directing without a license, and about Board regulations that conflict with state law and require a funeral director present at every disposition (which some undertakers have used to stop family-directed funerals). Here's the latest:

♦ The Board has rewritten **Section 28** of its rules to make clear that people and religious communities who care for their own dead privately, without pay, are not "practicing funeral directing" and are **not** subject to state licensing. Those rules should be finalized later this year.

• **The Federal Trade Commission** obtained a consent order against the Board in March, 2007 (we're sure this was prompted by FCA's and IJ's prominent work on the issue). The Board has agreed not to make any rules that barred the retail sales of caskets. The FTC contended the Board's regulations violated the antitrust laws. To fix the situation, the FTC requires:

. . . the Board [to] include in its newsletter and Web site . . . a statement that its rules and regulations 'do not prohibit persons not licensed as funeral directors or embalmers from selling caskets, burial receptacles or other funeral merchandise to the public in the State of Missouri.' Also, in half-page ads in Missouri Funeral Director's Association Magazine, the Board must announce the agreement, including a statement that, 'Persons may offer for retail sale caskets and other funeral merchandise to customers in Missouri without obtaining a license from the Board.'

♦ Board Executive Director Becky Dunn notified **FCA Executive Director Joshua Slocum** that the Board has agreed to review a draft consumer rights pamphlet for Missouri con-

sumers Slocum offered to prepare.

Montana — Things are hopping in the upper Midwest.

• **Senate Bill 276** would allow funeral directors to sell life insurance to fund prepaid funerals, a clear conflict of interest, since the funeral directors themselves will be the ultimate beneficiary of the policies. As usual, **National Funeral Directors Association General Counsel** (and all-around water-carrier for any anti-consumer provision the industry cooks up) **Scott Gilligan** is acting for the Montana Funeral Directors Association. Several life insurance companies and the **State Auditors Office** object to the bill.

Status: Passed the Senate, looks certain to pass the House.

See the **People Power In Montana** (next page) for details on how **Funeral Consumers Alliance**, Montana citizens, and a crematory operator defeated the **MFDA's** plan to shut down low-cost crematories and strip citizens of their right to care for their own dead.

New York — From Legislative Liaison (and all-around Goddess) **Elvira Hoffman**, President of the FCA of Long Island and New York City, and **Paul Yonge**, of the Syracuse Memorial Society Board of Directors, comes this report:

• **A00215/S03887** — Makes preneed protection laws permanent.

• **A00624** — Establishes five regional boards of governors (all industry members) to supposedly review funeral industry practices affecting consumers in their region. We doubt such industry-only panels will find very much wrong.

• **A02434** — Contract requirements for memorial sales; would make it harder for big monument companies to monopolize the market.

• **A04985** — Requires funeral homes to disclose any of their owners with a 10-percent share or more in the

business. This would allow consumers to know instantly when a company like **Service Corporation International** owns an ostensibly "local" funeral home.

• **A07177** — Provides for cemetery customers bill of rights (an excellent bill requiring cemeteries to give every customer a plain-English pamphlet on cemetery consumers' rights under New York law — courtesy Elvira Hoffman)

• **A04350** — Adds Commissioner of Environmental Concerns to the Cemetery Board.

• **A03484/S270** — Creates a state-wide database of all donations of tissue or non-transplant organs procured by an organ procurement organization or a procurement organization.

• **S 05249** — Once again, SCI is pushing its pet bill to allow the sale of confusing funeral packages in the Empire State.

North Carolina — In consultation with FCA National, the **Funeral Consumers Alliance of the Triangle** submitted testimony to the state board of funeral service about a raft of proposals to change the licensing laws. It looks like FCAT's work paid off; the most troubling proposal is absent from **Senate Bill 1435**. It would have given the state board the power to redefine the "practice of funeral service" at any time, for any reason, to include anything — no need to consult the legislature. This would have put far too much power in the hands of an industry known for trying to bring competitors under its regulatory thumb.

The bill also prohibits funeral homes from taking any money from tissue recovery agencies in exchange for getting the tissue agency body parts. This comes after scandals involving funeral homes allowing tissue banks to use their embalming rooms for pay to take body parts without donor families' consent.

Ohio — Reeling from the predictable rash of funeral director thefts of custom-

People Power In Montana

Thanks to pressure from citizens and consumer groups, the Montana Judiciary Committee tabled **HB 323**. Citizens and small crematory operators dodged a bullet, but if we hadn't been vigilant, the results would have been disastrous. Let's hope the funeral industry lobbyists think twice before trying again to snatch away our rights to free choice and low-cost funerals.

In summary, Montana's House Bill 323 would have:

- ◆ Set up a convoluted scheme to determine who has the right to make disposition arrangements and force consumers to prepay a funeral home in exchange for the right to control their own future funerals. Thirty-two other states have abandoned this model in favor of sensible rules.

- ◆ Conflicted with current regulations allowing consumers and their representatives to change prepaid funeral plans if circumstances change.

- ◆ Made it illegal for families to care for their own dead at home, privately, and would have given funeral businesses a legal right to the custody of a family's dead loved ones.

- ◆ Put emerging low-cost funeral homes and free-standing crematoria out of business by making it illegal for them to remove dead bodies or perform other activities necessary to conduct their business.

- ◆ Contradicted citizens' First Amendment rights to free speech by making it illegal to communicate about anything to do with funeral or memorial services unless one held a mortician's license.

- ◆ Made it illegal for clergy or family members to organize or preside over funeral ceremonies or memorial services without a license.

- ◆ Given the **Montana Board of Funeral Service** do-

minion over the private activities of citizens and clergy, far exceeding the authority granted regulatory boards by Montana statute.

Though we're glad there were some amendments that would exempt families and clergy from the onerous requirement to be licensed as a mortician in order to conduct their own funerals and memorial services, the amendments didn't go nearly far enough. The bill would still have outlawed low-cost crematoria from doing business with the public, ensuring that overpriced funeral homes would have an artificial lock on the market and a license to pick families' pockets. Even worse, the sponsor of this bill wouldn't answer **Funeral Consumers Alliance's** queries. Instead he sent FCA Executive Director **Joshua Slocum's** private, written objections to the **Montana Funeral Directors Association** — the very trade group that proposed the bill!

Since lawmakers wouldn't play nice (or even answer their phones), FCA sent a line-by-line critique of the bill to more than 15 lawmakers on the Committee considering it. We also sent a press release to the major news outlets, which provoked coverage in the state's daily newspapers and the funeral trade press.

Note to the funeral directors associations — We're ready to work with you on fair, effective regulations that help the business and the public. We've consistently offered that help, but you've ignored us. We're not going away, and there's plenty more bad publicity waiting the next time you try to stifle consumer choice.

To read FCA's critique of the bill, go to www.funerals.org/alert/montana.htm

(Legislative Watch continued)

ers' prepaid money (the state regulators have never done much regulating), the Ohio State Board of Embalmers and Funeral Directors is trying to toughen preneed law. A draft bill (no bill number yet) from the **Ohio Funeral Directors Association**, no less, would:

- ◆ Prohibit preneed sellers from converting customers' trust accounts into insurance

- ◆ Clarify customers' right to transfer irrevocable prepaid contracts to another funeral home

- ◆ Bar "constructive delivery" of funeral merchandise, often used to decrease a customer's refund if he/she cancels

- ◆ Set up a preneed consumer protection fund to fund regulatory enforcement and repay defrauded consumers

The bill needs some work though, and the **FCA of Central Ohio** (Thanks **Marie Lorz** and **Phyllis Byard**) want to see changes:

- ◆ The bill would continue to let preneed sellers keep up to 10 percent of the principal and 20 percent of the inter-

est if a customer cancels certain contracts before death

- ◆ The bill puts no cap on the fees a trust management company can take out of accounts for expenses

- ◆ The bill doesn't require sellers to give customers an annual accounting of their money

Oregon — Apparently upset that the **Oregon Mortuary and Cemetery Board** actually regulates the industry and punishes scofflaws, some disgruntled businessmen have goaded a few lawmakers into writing bills that would hobble the Board's authority. For insight

on how money laundered in formaldehyde can work against citizens, see the *Willamette Week*'s excellent April 3 article, "Death and a Salesman" at www.wweek.com.

• **SB 2029** would restrict the time state investigators have to make reports to the Board on complaints received.

♦ The same bill would force the Board to dismiss any complaint it couldn't resolve in 6 months.

• **HB 2609** would force the Board to notify the subject of a complaint **before beginning an investigation**. It would also force the Board to tell that subject **what the Board plans to investigate**. This would be like requiring a police detective to phone up the suspect in an insurance scam just to let him get his papers in order before the detective shows up.

• **HB 2609** would also limit the board to 60 days of deliberating whether to proceed with action against a licensee, **unless the licensee agrees to let the board investigate him longer**.

• **HB 5029** limits the Board's expenditures in a way that Executive Director **David Koach** says will force them to lay off an investigator.

Not to let the FDs outshine them, the **Oregon Cemetery Association** distinguishes itself with **HB 2684**, which would allow cemeteries to convert consumers' prepaid trust accounts into insurance policies. Oh, sure, the state regulators would have to sign off on the deal, and consumers would be given an "opt-out" letter. But how many consumers would know such conversions are a raw deal, usually netting the seller a fat commission while the buyer ends up with a policy that may be worth less than the trust account?

Pennsylvania — A proposal by the **State Board of Funeral Directors** would essentially allow unlicensed, non-funeral directors to sell preneed plans — a disaster for consumers — by pretending that the salespeople wouldn't actu-

ally be "selling." The un-numbered proposal would allow amateur salesfolk to "prepare worksheets, proposals, or other presentations for funeral services and merchandise incidental to such services," and "engage in discussion or other communications with customers regarding financial arrangements for the rendering of funeral services and merchandise," and more. But these salespeople would **not** be allowed to "engage in any activity that would cause a customer to believe that the unlicensed employee is skilled in the knowledge, science or practice of funeral directing."

"Hi, I'm Bob. I'm not a funeral director, but I play one on TV." We're all for free speech and fair regulations that don't restrict competition, but with all the preneed fraud in the business, consumers shouldn't have to face commissioned salespeople with scant knowledge of funeral law and no concern beyond closing the deal. **FCA National Board member David Morrison**, an elder-law attorney, wrote a forceful letter opposing this plan.

Tennessee — After the apparent theft of \$23 million from the prepaid accounts of 13,500 Tennessee and Mississippi customers by **Forest Hill** cemeteries in Memphis, the state is finally beefing up regulatory oversight. **HB 2286 (SB 2264)** will do some good:

♦ By creating a preneed trust fund, paid for by a \$20 fee on each preneed contract sold. Half the fund will pay for regulatory oversight, and the other half will fund receiverships (when the state has to take over a failed business).

♦ By streamlining the legal process the state can use to take over a failing business and protect consumers from further harm.

and possibly some bad:

♦ By allowing preneed sellers to convert customers' prepaid trusts into insurance. Again, needing permission of

the state and the consumer is not good enough — most conversions are done by deceiving the consumer about the true consequences.

♦ With confusing wording that makes it unclear how much of a customer's prepaid money has to be put in trust, and how safe those investments need to be.

♦ By allowing the trustee to deduct "reasonable charges" for administering a customer's account, but putting no cap on those charges.

Status: The senate unanimously passed **SB 2264** on May 2, with the good and bad above included.

Texas — The Lone Star State just never gives up. The TX funeral industry's favorite legislator (Warren Chisum, infamous in the media for his anti-evolution, anti-gay views) has introduced **HB 1288 (SB 623)** is the companion), which rehashes some of the pet projects funeral industry lobbyists have tried to get through for years.

The bill would prevent crematories from doing business directly with the public. Instead, a funeral director would have to sign every cremation authorization form. This puts an unnecessary and costly obstacle before families who want to avoid funeral homes altogether. As crack legislative watchdog and past FCA President **Lamar Hankins** notes, it takes no special funeral-director-only training to fill out cremation paperwork, and there are only three or four crematories in Texas that serve the public directly anyway.

Not all of **HB 1288** is a lost cause, though:

♦ The bill would require the use of permanent metal discs in the cremation process to keep track of the body's identity

♦ The bill would delete the nonsensical prohibition on scattering ashes more than 1/8 inch in diameter

♦ The bill would require crematories, instead, to make sure they pulverize ashes to below 1/8 inch.

Hankins and **FCA National** board member **Jim Bates** testified for consumers on April 24 to great success. They report they convinced the senate sponsor to scuttle all the anti-consumer provisions, and keep all the beneficial changes! The bill is now on the calendar for a full senate vote.

Vermont — Your national office's home state is having some ups and downs, too. FCA Executive Director **Joshua Slocum**, along with former ED **Lisa Carlson**, have talked to legislators about several bills:

“ **HB 356** deletes all references to “coffins” in cemetery law. The term has caused unnecessary confusion and has lead cemeteries and some state officials to tell consumers they can't be buried casket-free. See the article “Dead Wrong” in our local weekly about the problem at :

www.sevendaysvt.com/features/2007/dead-wrong.html

“ **SB 170** would establish a 24-hour wait before cremation. The original bill would have imposed a 48-hour wait. We agreed with the Chief Medical Examiner when he wrote, “If the legal next-of-kin wants the body cremated (consider a long-term cancer patient dying in hospice care with all prearrangements in place), I see no reason why they should have to wait 48 hours . . . Storage costs for these two days will be transferred directly to families. . .”

The bill would also require Vermont crematories to respect the waiting periods of other states when they have bodies from those states, which is sensible.

Wyoming — **HB 0087** would have given state citizens the right to designate an agent for the disposition of their body. But it died in committee March 1, 2007. Why?

~ ♦ ~

DVD Review

Lasting Images — It's All About The Choices

by Gere B. Fulton, Immediate Past President

I've long believed one of the best services that those of us in the FCA family provide to our members and the public is an understanding of their rights and options regarding funerals. For most of the 35-plus years that I've been involved in the movement, the options have typically been limited to choosing among the so-called “traditional” funeral, cremation, and donating one's body to a medical institution. More recently there has been a (re)interest in home funerals—caring for one's own dead—and, even newer, the phenomenon of “green burial.”

The writers and producers of *Lasting Images*, Hammond and Joan Hendrix, have given us a tool for a better understanding of these and other newer choices. The DVD runs for 56 minutes and, although the production values are high, that's probably longer than the average person wants to take in during one sitting. But you can easily jump back and forth and select only those parts that are most appropriate for the audience.

The opening segment introduces us to people we'll meet again later: a photographer who documented her father's illness and death, the owners of a company offering sea burial, and others, including brief interview with Dr. Billy Campbell. Campbell founded one of the nation's best known “green burial” sites at Ramsey Creek Preserve, South Carolina. As I was watched the DVD, I kept thinking about how much I would have liked to have had this to help illustrate topics to my students when I was teaching death and dying classes to undergraduates.

Much of the green burial segment is narrated by Billy Campbell. I know FCA affiliates are always looking for interesting programs for their annual meetings and, if one wanted to do something with this topic, this segment alone would provide an excellent trigger for discussion.

Lasting Images also includes a moving segment on cremation, as well as scenes of the burial of cremated remains at sea by embedding them with concrete and forming reefs to be low-

ered to help support aquatic life. Later, the film becomes even more *avant-garde* with a presentation of various options for creating jewelry (remembrance beads, necklaces, and key chains), even diamonds, out of cremated remains. Yet another segment features an artist who creates abstract paintings using cremated remains.

Along with a brief segment on hospice in which a dying woman expresses her wish to “go off in a blaze of glory,” the producers introduce Angels Flight, a California-based company that mixes cremated remains into fireworks, and another from Texas (Memorial Space Flights) that launches cremated remains into orbit on a rocket.

One of the final segments of the film profiles a Swedish organization, promessafoundation.org, that's developed a process using freeze-drying and mechanical vibration to reduce the dead body to a more easily decomposable substance. While this, and some of the other options presented in the film, may be more than many viewers are ready to seriously consider, they are certainly provocative and would undoubtedly stimulate discussion among audiences. The beauty of the DVD format is that viewers need only watch what they're most interested in.

As I mentioned above, the production values—photography, music, interviews—are excellent and the DVD is certainly worth including in your affiliate's library. It also deserves a much wider audience of high school and college students who might be learning about the various aspects of death and dying in our contemporary society.

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• Lasting Images is Available from •

• FCA! •

• \$19.95 •

• or •

• \$14.95 for FCA Members •

• www.funerals.org/bookstore •

• or call 800-765-0107 •
.....

Get Them ON Your Board

Is your FCA Board tired and hanging on by a string? Are you one person doing the work of an entire organization? Many FCA groups complain of not having enough board members to share the workload. Worse, they say, it's nearly impossible to recruit new blood.

We put the question, "how do you recruit new board members and volunteers?" to the members of the FCA email discussion list. FCA leaders from around the country offered tips and tricks for reinvigorating an organization's leadership and volunteer corps. Before we get to the specifics, here are some general principles:

— **Be positive and upbeat about your organization** — a common mistake is to make prospects an offer they can't help but refuse. "If you don't join our board, we might have to dissolve," or "We just can't do it anymore," is **not tempting**. Nobody wants to join a sinking ship. If you can't think of any positive, fun reasons why someone should join your board, then don't bother.

— **Don't go out looking for a new President from the uninitiated** — some groups have conscripted eager volunteers to jump right into the organization's top office. This is a mistake. If your new member has no idea about how funeral consumer groups work, she can't possibly be an effective leader. Dumping too much responsibility on a new person will cause burn out and drop out.

— **Have an orientation packet ready for new board members/volunteers** — don't leave your new recruits in the dark. Hand them your organization's newsletters for the past year or so, as well as the minutes from your most recent board meetings. Get them a copy of the **Guidebook for Running a Funeral Consumers Alliance** (available from FCA national for

\$10). Put on an orientation workshop for new board members to learn from seasoned pros.

Suggestions from your peers around the country:

— For the **Memorial Society of the Hudson-Mohawk Region**, we've managed to recruit our full complement of nine Board members, primarily through personal contact with people we already know. In our annual newsletter, I've included a paragraph encouraging our general membership to get more actively involved, but this hasn't yielded any results. Perhaps most promising have been the phone contacts with members who have turned to us as a resource and are grateful for the help. — *Julie Lomoe, Administrator, Memorial Society of the Hudson-Mohawk Region (NY)*

— We tried something new this year: We copied and distributed to all current board members and to the nominating committee (which includes at least 2 members not on the board) copies of the sign-in sheets from the last two annual meetings and also copies of the last few newsletters with lists of donors. Everyone reviewed the lists, checking for people they knew, but also picking out people who had contributed more than once or attended both annual meetings. That list of "interested" members was then given to the nominating committee. They split up the list and called most of the prospects. So far, we've recruited two new board nominees in the process.

— *Tris Ozark, Administrator, Funeral Consumers Alliance of Western PA*

— I was a Volunteer Director for one of the 1996 Olympic sites here in Georgia. I had about 2,000 volunteers. I have also been involved with recruiting Chamber of Commerce volunteers and now Ronald McDonald House & Drug Free You & Me volunteers. I have not

recruited for FCA but some of the methods I have used will apply.

The senior citizens in the community are the most reliable and trainable (And probably should be getting interested in our FCA mission!). We recruit retired executives, retired teachers (they probably have an organization with a database), retired military, hospital pink ladies, Senior Citizen Centers, Red Cross volunteers, retired telephone company employees. Check your newspaper for clubs that are meeting and ask to speak to them at their meetings - they are always glad to have a speaker. Do you have a leadership group at your Chamber of Commerce? They are required to contribute time to a community project and often become interested and bring others. — *Linda McLemore, FCA member from Georgia*

— One woman joined our board after we made a presentation to a group of social workers. She came up to us afterward and said, "I'd like to be a part of your group." Mentioning at presentations that anyone interested in being involved in FCA should talk to the presenters lets people know we're not a "closed" organization. I'm constantly on the lookout for people who might be interested in being on the board. One of our board members says she came to stuff a few envelopes and ended up on the board. This morning I spoke with a woman who was very enthusiastic about FCA, so I asked her if she would be interested in joining the board.

I personally recruited our newsletter editor knowing prior to retirement he wrote for the *Kansas City Star*. Our newsletter is something we're very proud of and without his skills we would have no newsletter. — *Bev McGill, President, FCA of Greater Kansas City*

~♦~

You Can Take it With You

Helping Your Members When They Move

When a member moves away from your FCA group's service area, they'll want to transfer to the group closest to their new home. Before they do, it's a good idea to let them know what they might expect as a member of another funeral information society. FCA national and many affiliates get calls from members who've transferred to a new group and are disappointed (sometimes angry) to find the member benefits aren't what they're used to.

The most common complaint occurs when the member's new group does not have "cooperating" funeral homes, or any discounted arrangements with funeral businesses. People who've been members of a group that has

such arrangements often think that's the only benefit they get as a member, and incorrectly think there's no point in belonging to a FCA that doesn't have member discounts. As we pointed out in last fall's newsletter, there's a lot more to consumer advocacy than just brokering discount cremations. You can help educate your members on what to expect when they transfer to another society. This will head off hard feelings, and will help your members get the most out of their "new" membership.

Here's a suggested transfer letter you can adapt for your organization. Customize it to suit you, but make sure you keep the main points.

Dear Mr./Ms. So-and-So,

The FCA of Sniveler's Gulch has been pleased to have you as members. We wish you luck in your new home. Since you want to transfer your FCA membership to our sister group in Any State, we have some advice we hope will make it easy for you.

- ◆ Be sure to ask the new FCA for their new member packet. This will describe all the benefits available to you and how to use them.

- ◆ Not all FCA groups are the same. Some organizations have cooperating funeral homes that offer member discounts like we do, but many don't. Be sure to ask so you and your family are very clear on what membership does and does not bring you.

- ◆ Take advantage of all the education materials from your new FCA. All of our groups offer more than 25 pamphlets on smart funeral planning, customizable funeral planning forms, tips for stretching your funeral dollars, and knowledgeable advocates who are on your side. Many FCAs offer wide-ranging price surveys to help you choose among funeral homes, crematories, and cemeteries, so be sure to ask for one.

Members of FCAs are always ahead of the game when it comes to practical knowledge on funerals and end-of-life planning. Most of our members save thousands of dollars on funeral arrangements compared with what the general public spends, even when there's no "cooperating" funeral home available. Knowledge is power (and money in your wallet), so take advantage of the smart funeral shopping tips your new FCA has to offer.

*With our best wishes,
Rhoda Morgenstern
FCA of Sniveler's Gulch*

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Spring, 2007

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Subscribe to the FCA Online Discussion List!

Want to talk about death and funerals, but can't find a conversation partner? Have questions about funeral practices, laws and regulations, or about FCA affiliate groups? The FCA email discussion list is open to anyone. Join by sending an email to:

join-deathcare@sparky.listmoms.net

People from around the country — FCA volunteers, board members, the public, and even some funeral directors — participate in this email discussion. Many post funeral and death-related news articles several times weekly. Join today!

FUNERAL CONSUMERS ALLIANCE is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our more than 100 volunteer-run consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:

**Funeral Consumers Alliance
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www.funerals.org**