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Written Testimony
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HB 5354, An Act Concerning Terramation

Environment Committee
Public Hearing
March 8, 2024

Good afternoon, Senator Lopes, Representative Gresko, Senator Hochadel, Representative Palm, Senator Harding, Representative Callahan, and the distinguished members of the Environment Committee. My name is Jonathan L. Green, I am a licensed funeral director, embalmer, and the Legislative Chair of the Connecticut Funeral Directors Association (CFDA). We are one of the oldest and nationally recognized associations of funeral homes in the country with over 220 rooftops ranging from large cities to extremely rural areas, and from corporately owned firms to privately family-owned firms. Our member funeral homes' death call volume range from 50 to 500 a year. Thank you for raising HB 5354 "An Act Concerning Terramation".

CFDA submits this testimony in SUPPORT of this bill, provided it is supplemented with much needed regulations as it concerns composting dead human remains as a new type of disposition.

Also known as natural organic reduction, terramation was first performed on the west coast, in Seattle, WA, in December of 2020. During the past three years, the process has become legal in five additional states: Colorado, Oregon, California, Vermont and just recently, New York. The several-weeks long process, includes placement of unembalmed remains in a vessel with organic matter to speed the decomposition process. Natural and mechanical processes are used as part of a curing process, resulting in a soil, or mulch, of about one cubic yard.

CFDA member firms strive to continue to provide a range of funeral service options to our client families, particularly as their needs evolve. Regarding natural organic reduction, we seek well thought out regulations to properly enact legislation to bring this newly proposed disposition option as a funeral service choice for the people of Connecticut. These regulations should protect the dignity and respect of the decedent, the health and safety of those charged with the care and handling of the decedent, our client families, and the general public.

Some regulatory recommendations include, that a facility which performs natural organic reduction be licensed as such, subject to annual renewals and inspections by the Department of Public Health. Cemeteries, crematories and funeral homes should be allowed as entities that

may own and operate such a facility for terramation and their staff should be trained and certified in this area. We understand that the functioning Natural Organic Reduction Facilities in Washington State are operated by funeral homes, and that the Governor of New York has moved to include funeral homes in their new legislation that passed recently.

An inquiry into the cause and manner of death should be conducted by the Office of the Chief Medical Examiner, a “natural organic reduction certificate” should be completed by such office, and a waiting period of forty-eight hours after death, similar to the process when human remains are to be cremated (Sec. 19a-323), should be mandated. We defer to the Department of Public Health for the suitability of composting the human remains of those with a reportable disease found on the annual list of the State Epidemiologist.

Much needed regulatory and language provisions would enhance this bill to be more appropriate for Connecticut and in-line with existing statutes (including disposition). CFDA respectfully requests to work with the Environment Committee regarding HB5354 “An Act Concerning Terramation”, as you continue to draft this legislation.

Thank you for the opportunity to testify. I make myself available to your questions or comments.



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

CT FUNERAL DIRECTOR ASSOCIATION AMENDMENT TO:

RAISED BILL NO. 5354 AN ACT CONCERNING TERRAMATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) (1) For purposes of this
2 section:

3 (A) "Cemetery corporation" means any corporation formed for the
4 disposal or burial of deceased human beings, by cremation, natural
5 organic reduction or in a grave, mausoleum, vault, columbarium or
6 other receptacle but does not include a family cemetery corporation or
7 a private cemetery corporation. "Cemetery corporation" includes any
8 cemetery, or crematory ~~or funeral home~~;

9 (B) "Holding facility" or "temporary storage area" means any area that
10 (i) is designated for the retention of human remains prior to cremation
11 or natural organic reduction; (ii) complies with all applicable public
12 health laws, (iii) preserves the health and safety of the crematory or
13 natural organic reduction facility personnel; and (iv) is secure from
14 access by anyone other than authorized persons, with the interior of
15 such area not visible from any area accessible to the general public;

16 (C) "Natural organic reduction certificate" means the certificate
17 issued by the Chief Medical Examiner, Deputy Chief Medical Examiner,
18 associate medical examiner, an authorized assistant medical examiner
19 or other authorized designee, stating that such medical examiner or
20 other authorized designee has made inquiry into the cause and manner
21 of death of the body of deceased human remains and is of the opinion

22 that no further examination or judicial inquiry is necessary.

23 ~~(C)~~(D) "Natural organic reduction permit" means the permit required
24 by the Commissioner of Public Health for disposition of the remains of
25 a deceased human being by natural organic reduction;

26 ~~(D)~~(E) "Natural organic reduction" means the contained, accelerated
27 conversion of human remains to soil; and

28 ~~(E)~~ (F) "Natural organic reduction facility" means a structure, room or
29 other space in a building, funeral service business, or real property
30 where natural organic reduction of a human body occurs.

31 (2) Any cemetery corporation or funeral service business that
32 operates a natural organic reduction facility shall have the following
33 duties and obligations: (A) Each natural organic reduction facility shall
34 be maintained in a clean, orderly and sanitary manner, with adequate
35 ventilation and shall have a temporary storage area available to store
36 the remains of deceased persons pending disposition by natural organic
37 reduction, the interior of which shall not be accessible to the general
38 public; (B) entrances and windows of any natural organic reduction
39 facility shall be maintained at all times in order to secure privacy,
40 including the tight closure of doors, the covering of windows and the
41 provision of locked and secured entrances when not actively attended
42 by authorized natural reduction facility personnel; (C) the natural
43 organic reduction process shall be conducted in privacy and no person
44 except authorized persons of such facility shall be admitted into the
45 reduction area, holding facility or the temporary storage area while the
46 remains of deceased human beings are being naturally organically
47 reduced; and (D) authorized persons, on admittance, shall comply with
48 all rules of the cemetery corporation or funeral service business and not
49 infringe upon the privacy of the remains of any deceased person. For
50 the purposes of this section, "authorized persons" includes (i) licensed,
51 ~~registered~~ funeral directors, licensed embalmers, registered ~~residents~~
52 apprentice funeral directors, registered apprentice embalmers and
53 enrolled students of ~~mortuary science~~ funeral service schools; (ii)
54 officers and trustees of the cemetery corporation or funeral service

55 business; (iii) authorized employees and authorized agents of the
56 cemetery corporation or funeral service business; (iv) public officers
57 acting in the discharge of their duties; (v) authorized instructors of
58 funeral ~~directing~~ service schools; (vi) licensed physicians or nurses; and
59 (vii) members of the immediate family of the deceased person and
60 authorized agents and designated representatives of such immediate
61 family members;

62 (b) (1) The body of any deceased person may be disposed of by
63 natural organic reduction in this state or may be removed from the state
64 for such purpose.

65 (2) If death occurred in this state, the death certificate required by law
66 shall be filed with the registrar of vital statistics for the town in which
67 such person died, if known, or, if not known, for the town in which the
68 body was found. The Chief Medical Examiner, Deputy Chief Medical
69 Examiner, associate medical examiner, an authorized assistant medical
70 examiner or other authorized designee shall complete the natural
71 organic reduction certificate, stating that such medical examiner or
72 other authorized designee has made inquiry into the cause and manner
73 of death and is of the opinion that no further examination or judicial
74 inquiry is necessary. The natural organic reduction certificate shall be
75 submitted to the registrar of vital statistics of the town in which such
76 person died, if known, or, if not known, of the town in which the body
77 was found, or with the registrar of vital statistics of the town in which
78 the funeral director having charge of the body is located. Upon receipt
79 of the natural organic reduction certificate, the registrar shall authorize
80 such certificate, keep such certificate on permanent record, and issue a
81 natural organic reduction permit, except that if the natural organic
82 reduction certificate is submitted to the registrar of the town where the
83 funeral director is located, such certificate shall be forwarded to the
84 registrar of the town where the person died to be kept on permanent
85 record. If a natural organic reduction permit must be obtained during
86 the hours that the office of the local registrar where death occurred is
87 closed, a subregistrar appointed to serve such town may authorize such
88 natural organic reduction permit upon receipt and review of a properly
89 completed natural organic reduction permit and natural organic

90 reduction certificate. A subregistrar who is licensed as a funeral director
91 or embalmer pursuant to chapter 385, or the employee or agent of such
92 funeral director or embalmer shall not issue a natural organic reduction
93 permit to himself or herself. A subregistrar shall forward the natural
94 organic reduction certificate to the local registrar of the town where
95 death occurred, not later than seven days after receiving such certificate.
96 The estate of the deceased person, if any, shall pay the sum of one
97 hundred fifty dollars for issuance of the natural organic reduction
98 certificate, provided the Office of the Chief Medical Examiner shall not
99 assess any fees for costs that are associated with the natural organic
100 reduction of a stillborn fetus or the body of a deceased person under the
101 age of eighteen. Upon request of the Chief Medical Examiner, the
102 Secretary of the Office of Policy and Management may waive payment
103 of such natural organic reduction certificate. When the natural organic
104 reduction certificate is submitted to a town other than that where the
105 person died, the registrar of vital statistics for such other town shall
106 ascertain from the original removal, transit and burial permit that the
107 certificates required by the state statutes have been received and
108 recorded, that the body has been prepared in accordance with the Public
109 Health Code and that the entry regarding the place of disposition is
110 correct. Whenever the registrar finds that the place of disposition is
111 incorrect, the registrar shall issue a corrected removal, transit and burial
112 permit and, after inscribing and recording the original permit in the
113 manner prescribed for sextons' reports under section 7-66, shall then
114 immediately give written notice to the registrar for the town where the
115 death occurred of the change of place of disposition stating the name
116 and place of the natural organic reduction facility and the date of natural
117 organic reduction. Such written notice shall be sufficient authorization
118 to correct these items on the original certificate of death. The fee for a
119 natural organic reduction permit shall be five dollars and for the written
120 notice one dollar. The Department of Public Health shall provide forms
121 for natural organic reduction permits, which shall not be the same as
122 for regular burial permits and shall include space to record information
123 about the intended manner of disposition of the naturally organically
124 reduced remains, and such blanks and books as may be required by the
125 registrars.

126 (3) No natural organic reduction certificate shall be issued for the
127 remains of a deceased person who died having certain medical
128 conditions or communicable diseases, such as, but not limited to, prion
129 diseases, tuberculosis, and any other diseases or conditions determined
130 by the Department of Public Health to be a detriment to public health
131 and safety if the remains were to be naturally organically reduced.

132 (4) If the body of a deceased person is brought into this state for
133 natural organic reduction and is accompanied by a permit for final
134 disposition issued by a legally constituted authority of the state from
135 which the body was brought, indicating natural organic reduction for
136 the body, such permit shall be sufficient authority to naturally
137 organically reduce the body and no additional natural organic reduction
138 certificate or permit shall be required.

139 (5) No natural organic reduction facility shall naturally organically
140 reduce the remains of any deceased human being without the
141 accompanying natural organic reduction permit, required and
142 prescribed by the Commissioner of Public Health, which shall have been
143 signed by pre-authorization by the deceased person, or his or her
144 conservator or agent in accord with § 45a-318, or, by the legal custodian
145 of the remains or, an authorized agent, and shall constitute presumptive
146 evidence of the identity of the deceased person's remains. A natural
147 organic reduction authorization form, prescribed by the ~~Commissioner~~
148 ~~of Public Health~~ natural organic reduction facility, shall accompany
149 such permit and shall have been signed by pre-authorization by the
150 deceased person, or his or her conservator or agent or, be signed by the
151 ~~immediate family member~~ legal custodian of the remains, or an
152 authorizing agent, who shall attest to the permission for the natural
153 organic reduction of the deceased person and disclose to the natural
154 organic reduction facility whether the body of such deceased person
155 contains a battery, battery pack, power cell, radioactive implant or
156 radioactive device, if known, or whether any such material was
157 removed from the deceased person's body prior to the natural organic
158 reduction process.

159 (c) The natural organic reduction process shall not commence until at

160 least forty-eight hours after death, and reasonable confirmation of the
161 identity of the deceased person is made. Such proof may be in the form
162 of, but not limited to, a signed affidavit from a licensed physician, the
163 legal custodian of the remains, a member of the immediate family of the
164 deceased person, an authorizing agent or a court order from the
165 Superior Court. The natural organic reduction facility shall ensure that
166 the identification established by the natural organic reduction permit
167 accompanies the remains of the deceased person during the natural
168 organic reduction process and until the identity of the deceased person
169 is accurately and legibly inscribed on the container in which the remains
170 of the deceased person are temporarily placed. No deceased person
171 shall be received by any natural organic reduction facility unless
172 accompanied by the permit provided for in this section.

173 (d) (1) The remains of a deceased person shall be delivered to the
174 natural organic reduction facility in an alternative container or in
175 external wrappings sufficient to contain the remains and that is
176 designed to fully decompose in the natural reduction process. Such
177 alternative container or external wrappings shall not be opened after
178 delivery of the deceased person's body to the natural organic reduction
179 facility unless (A) there exists good cause to: (i) Confirm the identity of
180 the deceased person, or (ii) ensure that no material is enclosed that
181 might cause injury to employees of the natural organic reduction facility
182 or damage to property of the natural organic reduction facility; or (B) it
183 is upon the reasonable demand by the legal custodian of the remains,
184 ~~members of the immediate family~~ or the authorized agent of such
185 ~~immediate family~~ legal custodian of the remains.

186 (2) In any instance in which such alternative container or wrappings
187 are opened after delivery of the deceased person to the natural organic
188 reduction facility, such action shall only be conducted by the licensed
189 funeral director, licensed embalmer, ~~or registered person~~ apprentice
190 funeral director, or registered apprentice embalmer who delivers the
191 remains of the deceased person. A record shall be made by such natural
192 organic reduction facility, at the time of any such action, that includes
193 the reason for such action, the signature of the person authorizing such
194 action and the names of any person who opens such container or

195 wrappings and the witness to such action. Any such record shall be
196 retained in the permanent files of the natural organic reduction facility.
197 Any such opening of such container or wrappings shall be conducted in
198 the presence of a witness and shall comply with any rule or regulation
199 prescribed by the Commissioner of Public Health that is intended to
200 protect the integrity of the deceased person's remains and the health and
201 safety of natural organic reduction facility personnel.

202 (e) Whenever the remains of a deceased person are to be delivered to
203 a natural organic reduction facility in a casket that is not to be naturally
204 organically reduced with the deceased person, written notice of such
205 fact shall be made by the person responsible for the funeral
206 arrangements of the deceased person to the natural organic reduction
207 facility. Such written notice shall indicate that prior to natural organic
208 reduction, the remains of the deceased person are to be transferred to an
209 alternative container. The natural organic reduction facility shall retain
210 such written notice in the permanent records of such facility.

211 (f) (1) The remains of a deceased person shall not be removed from
212 the casket, alternative container or external wrappings in which they
213 were delivered to the natural organic reduction facility unless a signed
214 authorization is provided by the person responsible for making funeral
215 arrangements for such deceased person or by a public officer
216 discharging his or her statutory duty. Such signed authorization shall
217 be retained in the permanent records of such natural organic reduction
218 facility.

219 (2) Whenever the remains of a deceased person are to be transferred
220 to or from an alternative container, such transfer shall be conducted in
221 privacy and with dignity and respect for such remains by the licensed
222 funeral director, licensed embalmer, ~~or~~ registered ~~person~~ apprentice
223 funeral director, or registered apprentice embalmer who delivered such
224 remains. Such transfer shall comply with all rules and regulations of the
225 Department of Public Health that are intended to protect the dignity of
226 the deceased person's remains and the health and safety of the natural
227 organic reduction facility personnel.

228 (g) No person shall commingle or place the naturally organically
229 reduced remains of more than one deceased person in a reduction
230 container at any one time except upon provision of a signed
231 authorization provided by the person responsible for making the
232 funeral arrangements for the deceased person and the signed approval
233 of the natural organic reduction facility. Such authorizations and
234 approvals shall be retained in the permanent records of the natural
235 organic reduction facility.

236 (h) (1) Upon the completion of the natural organic reduction of the
237 remains of a deceased person, the interior of the natural organic
238 reduction container shall be thoroughly swept or otherwise cleaned so
239 as to render the natural organic reduction container reasonably free of
240 all matter. The contents of such reduction container shall be placed into
241 an individual container and not commingled with other remains. The
242 natural organic reduction permit shall be attached to the individual
243 container in preparation for final processing.

244 (2) Use of a magnet and sieve, or other appropriate method of
245 separation, may be used to divide such remains from unrecognizable
246 incidental or foreign material.

247 (3) Any incidental or foreign material of the natural organic reduction
248 process shall be disposed of in a safe manner in compliance with all
249 sanitary rules and regulations of the Commissioner of Public Health for
250 such byproducts.

251 (4) Such remains shall be pulverized until no single fragment is
252 recognizable as skeletal tissue and such pulverized remains shall be
253 transferred to a container or to multiple containers, if so requested in
254 writing by the person responsible for making the funeral arrangements
255 for the deceased person. Any such container shall have inside
256 dimensions of suitable size to contain such naturally organically
257 reduced remains and shall be accurately and legibly labeled with the
258 name of the person whose remains are contained therein, in a manner
259 as prescribed by the Commissioner of Public Health.

260 (i) (1) Upon completion of the natural organic reduction process, the

261 cemetery corporation or funeral service business shall notify the person
262 responsible for making the funeral arrangements for such deceased
263 person that the natural organic reduction process is complete and that
264 the remains are prepared to be disposed of in accordance with the
265 provisions of this subsection. The person responsible for making the
266 funeral arrangements for such deceased person shall be responsible for
267 the final disposition of such remains. Such remains shall be disposed of
268 through the scattering of such remains in a designated scattering garden
269 or area in a cemetery, or by prior authorization by the cemetery
270 corporation or funeral service business, by placing such remains in a
271 grave, crypt or niche, or retention of such remains, pursuant to prior
272 authorization, by the person responsible for making the funeral
273 arrangements for such deceased person.

274 (2) Such remains shall not be used for agricultural, bartering or selling
275 purposes and shall not be recoverable once they are scattered or
276 interred. Any person who violates this subsection shall be guilty of a
277 class D felony.

278 (3) If, after a period of one hundred ~~twenty~~ eighty days from the date
279 of the completion of the natural organic reduction process, the person
280 responsible for the funeral arrangements for the deceased person has
281 not instructed the cemetery corporation or funeral service business to
282 arrange for the final disposition of the remains or claimed the remains,
283 such cemetery corporation or funeral service business shall provide
284 notice, by certified mail, to (1) the person who signed the natural organic
285 reduction permit, and (2) (A) the person responsible for accepting such
286 remains, or (B) the person designated to take custody and control of the
287 naturally organically reduced remains, if different from the person
288 signing the form. Such notice shall provide that if the naturally
289 organically reduced remains are unclaimed or no instructions have been
290 provided for such remains for more than ninety days from the date of
291 mailing of such notice, the cemetery corporation or funeral service
292 business may dispose of such remains in any manner prescribed by this
293 subsection. The cemetery corporation or funeral service business shall
294 keep a permanent record identifying the site of final disposition for any
295 such remains. The person responsible for the funeral arrangements for

296 such deceased person shall be responsible for reimbursing the cemetery
297 corporation or funeral service business for all reasonable expenses
298 incurred for the disposing of such remains in accordance with the
299 provisions of this subsection. After the disposition of such remains, the
300 cemetery corporation or funeral service business shall be discharged
301 from any legal obligation or liability concerning the remains.

302 (4) Unless the person responsible for making the funeral
303 arrangements for such deceased person provides written permission, no
304 person shall place remains of more than one person in the same
305 temporary container or urn.

306 (j) Any employee of a natural organic reduction facility who is
307 responsible for conducting the daily operations of the natural organic
308 reduction process shall be certified by an organization approved by the
309 Commissioner of Public Health. Proof of such certification shall be
310 posted in the natural organic reduction facility and available for
311 inspection at any time. Any new employee of a natural organic
312 reduction facility required to be certified pursuant to this subsection
313 shall be certified not later than one year after commencement of such
314 employment. Any employee of a natural organic reduction facility
315 required to be certified pursuant to this subsection and employed by
316 such facility prior to the effective date of this section shall be certified
317 not later than one year after such effective date. Such certification shall
318 be completed every five years from the date of such certification.

319 (k) (1) Any cemetery corporation or funeral service business that
320 seeks approval to operate a natural organic reduction facility shall
321 submit for approval by the Commissioner of Public Health the
322 following:

323 (A) A list of the directors, employees and certificate holders of the
324 cemetery corporation or funeral service business;

325 (B) A certified survey of the site and location where such facility will
326 be located;

327 (C) A business plan for the operation of the natural organic reduction

328 facility that includes, but is not limited to, the number of expected
329 natural organic reductions per year, the number of natural organic
330 reduction containers to be used, all manufacturing, capital costs and
331 financing, the anticipated number of employees, and the types of
332 services provided and pricing thereof;

333 (D) A description of the impact of the proposed natural organic
334 reduction facility on other natural organic reduction facilities, if any,
335 within the county where such facility is located;

336 (E) Plans, designs and costs of any structures to be erected or
337 retrofitted for the natural organic reduction facility's use; ~~and~~

338 (F) A description of any other approvals or permits required by state
339 law or municipal ordinance; and

340 (G) Proof of bonding of the natural organic reduction facility.

341 (2) The commissioner shall not approve any natural organic
342 reduction facility that does not have all other approvals or permits. The
343 commissioner may request from such applicant any additional
344 information or documentation and technical assistance deemed
345 necessary to review such information. Such information shall not be
346 deemed complete until any requested additional information has been
347 received by the commissioner. The commissioner shall approve or deny
348 the proposed natural organic reduction facility not later than ninety
349 days after completion of the submission of all information by written
350 notice. If the commissioner denies any application for such a facility,
351 such written notice shall state the reasons for such denial.

352 (I) The managers of each natural organic reduction facility shall keep
353 books of record, which shall be open at reasonable times for inspection,
354 in which shall be entered the name, age, sex and residence of each
355 person whose body is naturally organically reduced, together with the
356 authority for such natural organic reduction and the disposition of such
357 remains. The owner of superintendent shall complete the natural
358 organic reduction permit required by this section, retain a copy for
359 records and immediately forward the original permit to the registrar of

360 the town in which the death occurred. The registrar shall keep the
361 natural organic reduction permit on file and record it with the other vital
362 statistics. When any body is removed from this state for the purpose of
363 natural organic reduction, the person having the legal custody and
364 control of such body shall cause a certificate to be procured from the
365 person in charge of the natural organic reduction facility in which such
366 body is naturally organically reduced, stating the facts called for in this
367 section, and cause such certificate to be filed for records with the
368 registrar of the town in which the death occurred. Each natural organic
369 reduction facility shall retain on its premises, for not less than three
370 years after final disposition of naturally organically reduced remains,
371 books of record, copies of natural organic reduction permits, natural
372 organic reductions authorization documentation and documentation of
373 receipt of naturally organically reduced remains.

374 (m) A natural organic reduction facility shall be inspected annually
375 and at any other times as deemed necessary by the Department of Public
376 Health.

377 (†) (n) Not later than October 1, 2025, the Commissioner of Public
378 Health shall adopt regulations, in accordance with the provisions of
379 chapter 54 of the general statutes, to implement the provisions of this
380 section. Such regulations shall take effect not later than January 1, 2026.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section

Statement of Purpose:
To authorize the natural organic reduction of human remains as a final disposition of such remains.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]