

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 391

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House Professional Licensure Committee

1863 Inn of Gettysburg
Gettysburg, Pennsylvania

Thursday, October 29, 2009 - 10:00 a.m.

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BEFORE:

Honorable Michael P. McGeehan, Majority Chairman
Honorable Marc Gergely
Honorable Jaret Gibbons
Honorable Nick Kotik
Honorable Cherelle Parker
Honorable Harry Readshaw
Honorable Timothy Solobay
Honorable William F. Adolph, Jr., Minority Chairman
Honorable Keith Gillespie
Honorable Susan Helm
Honorable Richard Stevenson

KEY REPORTERS
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1 ALSO PRESENT:

2

Marlene Tremmel, Esquire
3 Majority Executive Director

4

Dianne Nicholas, Esquire
5 Majority Legal Counsel

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Kristin Miller
7 Majority Legislative Assistant

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Wayne Crawford
9 Minority Executive Director

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1 MAJORITY CHAIRMAN MCGEEHAN: Good
2 afternoon. I want to call this meeting of the
3 Professional Licensure Committee to order.
4 This committee is holding a hearing on House
5 Bill 391, it's cremation legislation. It's
6 sponsored by Representative Rosita Youngblood
7 of Philadelphia.

8 I'll direct and I thank Karen, our
9 stenographer, today. Thank you for attending
10 and being gracious enough to agree to
11 transcribe these. This is an official hearing
12 of the Professional Licensure Committee. All
13 comments will be transcribed and be available
14 to you and the public after this meeting is
15 concluded and they are transcribed.

16 I want to begin with some opening
17 comments, and just thank the members for
18 attending, and the experts and the citizens who
19 have agreed to testify on behalf or in concern
20 with House Bill 391. I want to thank
21 particularly my staff and Representative
22 Adolph's staff for facilitating this meeting.

23 It's difficult with the many members
24 that we have and the locations that we travel
25 in Pennsylvania, the logistics is often

1 difficult, so I want to thank them on behalf of
2 the committee for the hard work they have put
3 in for making this a seamless committee
4 meeting.

5 This is the second time -- The
6 Chairman and I were talking about Gettysburg.
7 This is second time in 48 years that I've been
8 in Gettysburg. I think the last time was over
9 40 years ago when my two great aunts, they were
10 both spinsters, piled six children into a
11 50-year Chevy when we came up to learn the
12 history of their grandfather, my great great
13 grandfather, who served in the Civil War, on
14 the union side, Harry, by the way.

15 I want to thank Chairman Adolph for
16 his efforts. He has some comments to make on
17 behalf of himself and for our host legislator.
18 But I want to thank again Representative
19 Youngblood for introducing this bill. I want
20 to recognize it, if I could, just briefly.

21 Representative Readshaw, who we
22 certainly look to in connection with any bill
23 that affects the funeral industry, I thank him
24 for his expertise. But more appropriately,
25 since we're in Gettysburg, for his efforts in

1 the House for really being the leader of
2 efforts to commemorate this solemn place. If
3 you don't know it, Representative Readshaw has
4 been the prime mover of putting Gettysburg and
5 the preservation of its monuments and
6 preservation of its history and the service of
7 the men who fought and died here front and
8 center in front of his colleagues. It's
9 appropriate that you're recognized and thanked
10 on behalf of the committee and the entire
11 House.

12 Having said that, I'll recognize
13 Chairman Adolph for some opening comments.

14 MINORITY CHAIRMAN ADOLPH: Thank you,
15 Chairman. It's certainly nice to be here in
16 Gettysburg. Yesterday I had a phone
17 conversation with Representative Dan Moul who
18 represents this area. Actually, his district
19 office is a few blocks from where we are right
20 now. He apologizes to his colleagues for not
21 being able to be here in welcoming them to his
22 hometown. However, business takes him out of
23 town. He told me to make sure that you spend a
24 lot of money in Gettysburg, and make sure that
25 you visit all the museums, and so forth, and

1 buy as much of the fruit that you see along the
2 countryside here, which is, obviously, very
3 famous. Representative Moul is appreciative of
4 the Chairman for bringing the committee to his
5 hometown and to his legislative district. I'm
6 looking forward to the testimony today
7 regarding this piece of legislation.

8 MAJORITY CHAIRMAN MCGEEHAN: Thank
9 you very much, Chairman Adolph.

10 We're first going to hear from a
11 panel from the Pennsylvania Funeral Directors
12 Association. The common abbreviation is PFDA,
13 as each member of this committee knows. I'd
14 ask the four members who have agreed to testify
15 to approach the front desk and be seated, make
16 yourself comfortable, and we'll begin the
17 testimony when you're prepared.

18 The first is Janice Mannal. She's
19 secretary/treasurer of the PFDA Board of
20 Governors. Kathleen Ryan, she is an attorney
21 and she's general counsel for the PFDA.
22 William Schleifer, he is President-Elect of the
23 PFDA Board of Governors; and Warren Miller,
24 he's a member of the PFDA Board of governors.

25 Welcome. Before you begin, I was

1 remiss, and Chairman Adolph appropriately
2 reminded me, that the members have an
3 opportunity to introduce themselves and tell
4 you the districts they represent so you know
5 who you're testifying to. I'll begin on my
6 left with Representative Gillespie.

7 REPRESENTATIVE GILLESPIE: Thank you,
8 Mr. Chairman. Keith Gillespie, 47th District,
9 the eastern part of York County.

10 REPRESENTATIVE STEVENSON: Dick
11 Stevenson, the 8th District, Mercer and Butler
12 counties.

13 MR. CRAWFORD: Wayne Crawford,
14 committee staff.

15 MINORITY CHAIRMAN ADOLPH: Bill
16 Adolph, 165th Legislative District, Delaware
17 County.

18 MAJORITY CHAIRMAN MCGEEHAN: Mike
19 McGeehan. I represent a district in
20 Philadelphia.

21 MS. TREMMEL: Marlene Tremmel,
22 Executive Director.

23 REPRESENTATIVE HELM: Sue Helm, 140th
24 District of Dauphin County.

25 REPRESENTATIVE KOTIK: Nick Kotik,

1 45th District, Allegheny County.

2 REPRESENTATIVE READSHAW: Harry
3 Readshaw, 36th District, Allegheny County.

4 REPRESENTATIVE SOLOBAY: Tim Solobay,
5 the 48th District in Washington County. Mr.
6 Chairman, all due respect for Mr. Readshaw's
7 fine work in this town, was it really necessary
8 for the band and all the people standing with
9 the signs welcoming Harry to town when we got
10 here?

11 MAJORITY CHAIRMAN MCGEEHAN: I
12 understand it's a tough re-election year and
13 Harry needs all the help he can get.

14 REPRESENTATIVE GERGELY: Mark
15 Gergely, 35th District, Allegheny County. One
16 of my constituents is one of your testifiers.

17 MAJORITY CHAIRMAN MCGEEHAN: Thank
18 you, Representative Gergely. Introduce
19 yourself, and if the stenographer needs to,
20 speak clearly and spell your last name if you
21 would.

22 MS. MANNAL: Good afternoon, Mr.
23 Chairman, members of the committee: As you
24 already know my name is Janice Mannal, and I'm
25 secretary/treasurer of the Pennsylvania Funeral

1 Directors Association. I'm a second generation
2 licensed funeral director and have been
3 licensed for 39 years, and I own the Robert L.
4 Mannal funeral home in Philadelphia. I was a
5 member of the State Board of Funeral Directors
6 for 10 years and served two terms as its
7 chairwoman.

8 The PFDA appreciates this committee's
9 efforts to create a law governing cremation and
10 crematories here in the Commonwealth. We also
11 want to thank Representative Youngblood for
12 sponsoring House Bill 391.

13 House Bill 391 amends the funeral
14 director law by creating a cremation license
15 and requiring that a person may not operate a
16 crematory or engage in cremation unless he is
17 licensed. The bill states that the State Board
18 of Funeral Directors would promulgate
19 regulations on cremation which includes
20 establishing, 1, standards for cremation,
21 crematories and disposition of cremated
22 remains; 2, requirements for cremation record-
23 keeping; and 3, license, issuance and renewal
24 fees.

25 Cremation is now and will continue to

1 be an ever-growing final disposition within
2 funeral service. House Bill 391 is a
3 reasonable attempt at licensing and regulating
4 cremation and crematories here in the
5 Commonwealth. However, it does not go far
6 enough.

7 We believe that there exists a
8 comprehensive cremation bill in the Senate
9 Consumer Affairs Committee, and we strongly
10 urge the House Professional Licensure Committee
11 members to look at it and to give some
12 consideration for introduction in the House at
13 some time in the future.

14 In addition, we strongly recommend
15 that such law be regulated by the State Board
16 of Funeral Directors.

17 Thank you for this opportunity to
18 testify. If you have any questions, I'd be
19 happy to answer them.

20 MR. SCHLEIFER: My name is Bill
21 Schleifer from Duquesne, Pennsylvania, which is
22 a suburb of Pittsburgh, and Mark Gergely is my
23 representative and he does a fine job. We're
24 also the home of the Penguins and the Steelers,
25 and the Pirates, unfortunately. I am a second

1 generation funeral director I will be talking
2 tomorrow on widow licenses.

3 Are the other two members weren't
4 able to make it?

5 MS. RYAN: I don't intend to speak
6 Mr. Chairman.

7 MAJORITY CHAIRMAN MCGEEHAN: If you
8 would --

9 MS. RYAN: I'm Kathleen Ryan. I
10 don't have anything in particular for the
11 committee other than what our officers are
12 testifying to, unless you have questions, in
13 which case I'm here to help.

14 MR. MILLER: My name is Warren Miller
15 and I'm here not as part of PFDA. I'm here
16 myself. I tried to explain that in my little
17 bitty ditty.

18 MAJORITY CHAIRMAN MCGEEHAN: Does the
19 committee have that, Mr. Miller?

20 MR. MILLER: I did give that. I
21 would be happy to read this into the record. I
22 don't want to bore you. But if you want me to
23 read it I will. I'm sure that you will.

24 MAJORITY CHAIRMAN MCGEEHAN: The
25 written text is fine. If you want to speak

1 just contemporaneously.

2 MR. MILLER: I would ask you to read
3 this, I'm sure you will.

4 I would like to share that cremation
5 is a growing trend, and with cremation and
6 especially with the breakdown of the American
7 family, divorce, separation, people living a
8 distance, we have a lot more curve balls today
9 than there were 10, 20 years ago.

10 In addition to that, in going to the
11 various seminars that I go to, there seems to
12 be a consensus that Pennsylvania is way out of
13 line on this 1800-degree requirement, minimum
14 temperature to cremate. Really, 1400 is much,
15 much better as far as pollution. Bigger is not
16 better. 1800 really gives you a little bit
17 more pollution. It might be negligible, but
18 it's still more from a practical purpose
19 whether it's a thousand or twelve or 1400
20 degrees, we're way behind on the 1800.

21 I would say there are a number of
22 states, I can't tell you if it's nine or 20,
23 that have adopted this model cremation law.
24 I'd say that's really where we need to start
25 rather than reinventing the wheel. We don't

1 need to reinvent the wheel. We need to use the
2 wheel we have and add some spokes that might be
3 helpful to Pennsylvania, but we don't need to
4 redo the wheel. Thank you.

5 MAJORITY CHAIRMAN MCGEEHAN: Thank
6 you, Mr. Miller. I may have a question.

7 Mr. Miller, I have a crematory in my
8 district. In speaking with the owner of that
9 crematory, I was amazed that the only
10 restriction or only governing body of that
11 crematory is an air-pollution unit within the
12 City of Philadelphia. No other entity within
13 the state regulates the conduct besides -- the
14 emissions from this crematory which I found --

15 MR. MILLER: That's what we're
16 concerned about.

17 MAJORITY CHAIRMAN MCGEEHAN: There
18 was a concern that crematories would be placed
19 under the aegis of the Pennsylvania Funeral
20 Directors Association, and I'm wondering if
21 you've heard from colleagues who operate
22 strictly crematories whether that's a concern,
23 or we need to look to create another entity?

24 MR. MILLER: I would say that people
25 really aren't afraid of being inspected.

1 They're doing their job on the up and up. I
2 would welcome inspection, I'm sure Ernie would.
3 I'm sure 90 percent or more of the other people
4 would, whether they were at a cemetery or a
5 funeral home or stand alone.

6 Since the process of cremation comes
7 under the funeral director law, it should come
8 under the existing State Board. It's there,
9 and they can monitor that and I think it should
10 be done.

11 MAJORITY CHAIRMAN MCGEEHAN: Help
12 educate me and maybe some of my committee
13 members who aren't that schooled in what you do
14 every day. Can a consumer directly deal with a
15 crematory outside of a funeral director? Is it
16 generally they go to a funeral director and
17 say, my husband, wife, loved one wants to be
18 cremated? What's the process now and where is
19 it going? Is it direct to consumer, a
20 crematory?

21 MR. MILLER: No.

22 MAJORITY CHAIRMAN MCGEEHAN: What
23 happens now, generally?

24 MR. MILLER: Generally speaking, the
25 consumer would contact a licensed funeral home.

1 They would meet with the consumer. If the
2 funeral home has an on-site crematory, which
3 most don't, the cremation would occur at the
4 site of the funeral home. If they don't, it
5 would be sent to an off-site facility.

6 I'm sure there are a handful of
7 people, although I don't know this, but I'm
8 sure there are a handful of people who have
9 called a crematory and said, hey, will you
10 cremate my dad? I'm sure that that has
11 happened. To say that that's one one-hundredth
12 of one percent I think probably would be
13 accurate. But they really don't have a
14 facility or the capability to take the person
15 to the crematory.

16 I would think just like burying. If
17 you want to bury your father in a cemetery and
18 put him in a box that you made yourself, you're
19 certainly permitted to do that. You'd have to
20 call the cemetery, you'd have to file the
21 papers. So I don't know of any reason why the
22 consumer couldn't do that themselves. I don't
23 know.

24 MAJORITY CHAIRMAN MCGEEHAN: It's
25 interesting that we're having this hearing

1 today, because yesterday one of the headline
2 news was that Wal-Mart is marketing caskets and
3 urns directed to the public. We're discounting
4 now the funeral business as far as the wares go
5 of it.

6 My question, I guess, gets to where
7 you referenced the growing use of cremation.
8 We all know that. We read every year
9 statistics come out that it's a growing trend.
10 I know among my own family, certainly my
11 parents have voiced the desire to be cremated
12 and not buried.

13 Is direct to consumer, you said now
14 it's probably one in a thousand people who --

15 MR. MILLER: Who may call. I don't
16 know of any instance where a family has taken
17 care of their, quote, own in-house cremation.
18 I don't know of any. That's not to say there
19 haven't been one, two or five. I know of none.

20 MAJORITY CHAIRMAN MCGEEHAN: Would
21 this bill facilitate that, a direct to
22 consumer?

23 MR. MILLER: I don't think this bill
24 would.

25 MS. RYAN: Mr. Chairman, if I may

1 interrupt, for purpose of clarification there
2 is statutory law in the funeral law that
3 mandates only licensed funeral directors can
4 sell cremation services, meaning, that the
5 public cannot go themselves to a crematory to
6 do that. There have been cases decided at the
7 State Board level that have worked their way
8 through the Appellate Courts that have upheld
9 that proposition. So, I think the concept
10 you're suggesting would be prohibited as
11 current law indicates.

12 MAJORITY CHAIRMAN MCGEEHAN: Thank
13 you. That's helpful.

14 MS. MANNAL: I also understand that
15 the majority of the crematories are owned by
16 funeral directors, and that is growing.

17 CHAIRPERSON MCGEEHAN: Following the
18 trend. We have been joined by Representative
19 Gibbons. Thank you for attending,
20 Representative.

21 Representative Stevenson.

22 REPRESENTATIVE STEVENSON: A question
23 to Miss Mannal. You indicated that the House
24 bill you felt was lacking in some way and the
25 Senate Bill was addressing those issues in a

1 better fashion. Could you explain what the
2 differences are and why the Senate Bill is
3 better?

4 MS. MANNAL: The Senate Bill they're
5 going to require liability insurance of a
6 million dollars for the crematories. They're
7 going to have to submit annual reports about
8 any changes they might be making in the
9 crematory. They would require inspections, as
10 the funeral homes are required to be inspected.
11 There has to be training of all of the
12 employees and a supervisor of those employees.

13 It would require an identification of
14 the remains prior to the cremation. They have
15 to track and keep all of their paperwork. It
16 would allow cremation only of human remains.
17 It would require refrigeration, that isn't in
18 here. If you would have a prearrangement on a
19 cremation, they must -- they must give you an
20 ultimate destination for those cremains after
21 the process is taking place so that you're not
22 holding them.

23 REPRESENTATIVE STEVENSON: Those are
24 all lacking in the second House Bill?

25 MS. MANNAL: Yes.

1 REPRESENTATIVE STEVENSON: How does
2 that compare to the model cremation law
3 indicated in --

4 MS. MANNAL: Comes right out of it.

5 REPRESENTATIVE STEVENSON: Is that
6 basically the same?

7 MS. MANNAL: Yes.

8 REPRESENTATIVE STEVENSON: Thank you
9 very much. Thank you, Mr. Chairman.

10 CHAIRMAN MCGEEHAN: Representative
11 Helm has a question.

12 REPRESENTATIVE HELM: I was hoping to
13 have this answered with your panel. I still
14 don't quite understand this. Crematories are
15 inspected and regulated by DEP. Tell me how
16 this bill affects that and what the pros and
17 cons that you feel would be with that?

18 MS. RYAN: My understanding of the
19 inspection that DEP does has to do solely with
20 the operation of the retort itself and the
21 emissions that come from the stack. It has
22 nothing to do with, for example, the tracking
23 of the human remains, the sanitary conditions
24 within the crematory, and other things that we
25 see problematic in our state; as a matter of

1 fact, in Philadelphia, Mr. Chairman.

2 So, the inspection would be on a much
3 broader scope. It would have to do with the
4 remains, the cleanliness, the health and
5 safety, the paperwork, proper authorizations,
6 things like that. DEP doesn't look at any of
7 that.

8 REPRESENTATIVE HELM: Do you have an
9 answer on that?

10 MR. MILLER: The answer is, they come
11 in, they check the stack and walk out the door.
12 They don't look around. That's not their job.

13 But, I would say a bigger problem --
14 Maybe not a bigger. Also a concern is, under
15 the model law more and more cremated remains
16 are unclaimed. We have a huge problem in this
17 state of people not wanting to get cremated
18 remains.

19 Now, funeral directors maybe weren't
20 as diligent as they should have been. I can't
21 speak for other people. Thirty years ago when
22 it was just a couple percent and 20 years it
23 was less. There are a number of unclaimed
24 cremated remains where a spouse, a son, a
25 grandchild hasn't picked up. They just don't

1 come.

2 REPRESENTATIVE HELM: Then what do
3 you do?

4 MR. MILLER: That's the problem. You
5 store them or you bury them, or whatever. This
6 bill provides for a 30-day period or some
7 period of time after which the funeral home can
8 properly, I don't want to say dispose, but
9 store those cremated remains, which is not
10 addressed currently in this proposed bill.
11 That's a huge problem.

12 CHAIRPERSON MCGEEHAN: Representative
13 Gergely has a question.

14 REPRESENTATIVE GERGELY: Just very
15 quickly. You referred to human remains. When
16 you said that, what was that?

17 MR. MILLER: Cremated remains.

18 REPRESENTATIVE GERGELY: Only?

19 MR. MILLER: Yes.

20 REPRESENTATIVE GERGELY: I asked
21 Representative Readshaw you do -- Animals are
22 cremated in this state, correct?

23 MS. MANNAL: Yes.

24 MR. MILLER: Most -- I shouldn't say
25 most. Some are. I'm not --

1 REPRESENTATIVE GERGELY: Some people
2 I'm sure want the ashes and an urn. This
3 doesn't affect -- This is all about cremation
4 of people?

5 MS. MANNAL: This is about people.

6 MR. MILLER: People.

7 REPRESENTATIVE GERGELY: This
8 wouldn't affect the cremation of animals?

9 MS. MANNAL: No.

10 MR. MILLER: No.

11 REPRESENTATIVE GERGELY: Are you
12 agreeing it should be done for crematories?

13 MS. MANNAL: I'm sorry, could you
14 repeat that?

15 REPRESENTATIVE GERGELY: Is there any
16 issue that should be addressed with respect
17 to -- We all are pet lovers, so obviously -- Is
18 there an issue there too?

19 MS. MANNAL: Not in this when it says
20 that they have to be -- Or human remains only
21 for the model bill.

22 REPRESENTATIVE GERGELY: That's to
23 define there could be --

24 MS. MANNAL: No. Well -- I guess I'm
25 not understanding.

1 REPRESENTATIVE GERGELY: I'm not
2 understanding it. When you say human remains
3 only, what other remains could there be?

4 MS. MANNAL: No pets.

5 REPRESENTATIVE GERGELY: That's what
6 I'm trying -- So you're saying no pets?

7 MS. MANNAL: No pets.

8 REPRESENTATIVE GERGELY: In these
9 crematories?

10 MS. MANNAL: Correct.

11 REPRESENTATIVE GERGELY: Are they
12 currently doing that both? Are there dual
13 crematories now?

14 MS. MANNAL: Not that I'm aware of,
15 but I'm sure -- I don't know. They shouldn't
16 be.

17 REPRESENTATIVE GERGELY: They
18 shouldn't be. But that definitively explains
19 that?

20 MS. MANNAL: Correct.

21 REPRESENTATIVE GERGELY: That's what
22 I was asking.

23 MS. RYAN: The issue is that there's
24 nothing in Pennsylvania that prohibits it.

25 REPRESENTATIVE GERGELY: That's why I

1 was asking.

2 MS. RYAN: We from time to time hear
3 of these things, but I'm not sure --

4 REPRESENTATIVE GERGELY: It could
5 occur. We're hoping it doesn't, you're
6 encouraging it not to occur.

7 MS. MANNAL: Correct.

8 REPRESENTATIVE GERGELY: You want the
9 law to state that specifically, correct?

10 MS. MANNAL: Yes.

11 MS. RYAN: Yes.

12 REPRESENTATIVE GERGELY: And there
13 are crematories that the DEP for pets also
14 oversees --

15 MS. MANNAL: I don't know.

16 MS. RYAN: I don't know of
17 crematories oversees -- or DEP oversees. I
18 don't know that.

19 CHAIRPERSON MCGEEHAN: Representative
20 Gillespie.

21 REPRESENTATIVE GILLESPIE: Thank you,
22 Chairman McGeehan.

23 Just a follow-up to Representative
24 Stevenson's question. You mentioned about a
25 million dollars worth of liability insurance

1 included in the Senate Bill. People sue for
2 anything in the state. Any reason why that's
3 asking to be required?

4 MS. RYAN: It comes out of (pause) --

5 REPRESENTATIVE GILLESPIE: Okay. I
6 was --

7 MS. RYAN: We don't know.

8 REPRESENTATIVE GILLESPIE: Okay.
9 Just following up with the gentleman's remark
10 regarding the unclaimed --

11 MR. MILLER: Cremated remains.

12 REPRESENTATIVE GILLESPIE: Cremated
13 remains, is that the proper term?

14 MR. MILLER: Uh-hm.

15 REPRESENTATIVE GILLESPIE: What would
16 you suggest would be something to correct that
17 issue of not coercing people to come, but --

18 MR. MILLER: Well, it starts really
19 at the arrangement conference with the public,
20 and you don't say, okay, you can come back six
21 months and get mom or dad. Then they don't
22 come in six months, or they say, I'm going to
23 bury him in the spring. So it starts with
24 educating the public figure, we're going to
25 take care of your mother or your grandmother,

1 but there's a need to return those cremated
2 remains to you in a timely fashion, which is
3 three days from now or a week from now; not
4 three years from now.

5 REPRESENTATIVE GILLESPIE: You think
6 it's a communication issue then?

7 MR. MILLER: No. I think it's a
8 people -- I don't want to say don't care. They
9 don't want to deal with it. I would say they
10 don't want to deal with it, they don't want to
11 get mom or dad or granddad's cremated remains,
12 put them in their closet. They don't want to
13 do that. They don't want to spend the money to
14 bury the cremated remains.

15 I would say, very much, less than --
16 less than 50 percent are ever buried. If I
17 had -- I'd say closer to 35 percent. A
18 third -- I'd say a third are buried. I'd say a
19 third winds up in somebody's closet somewhere
20 that's forgotten for 22 years or 50 years.
21 Really. There's closets in all kinds of houses
22 with grandpa's cremated remains, and then
23 there's a third that are sprinkled around in
24 the garden or in the ocean or in the lake or in
25 the backyard or underneath the peach tree or in

1 the tomato plants. That's fully a third. And
2 a third are in a shelf or under a bed or on a
3 mantle piece, and a third may be buried.

4 REPRESENTATIVE GILLESPIE: One other
5 question, if I may, Mr. Chairman.

6 CHAIRPERSON MCGEEHAN: Sure.

7 REPRESENTATIVE GILLESPIE: You
8 mentioned this was a large percentage that
9 aren't coming and claiming these remains.

10 MR. MILLER: No, no. I said before I
11 think there were people who didn't come from
12 years ago that were unclaimed. I think now
13 funeral directors dealing with this on a
14 regular basis, people that know what's going on
15 they are more diligent.

16 REPRESENTATIVE GILLESPIE: So that's
17 really not an issue then?

18 MR. MILLER: I would say it is an
19 issue, whether it's in two percent -- It's not
20 an issue with me because I follow-up on every
21 one. I mean, I'm aggressive in following up on
22 that.

23 But there are some people who maybe
24 don't use the documentation that I use or that
25 Ernie uses, who's supposed to get the cremated

1 remains. When someone comes to pick up those
2 cremated remains, if you tell me you're coming
3 to get them and you send your son, I don't give
4 them to your son because your son's name is not
5 on that form. I have to call you and you're
6 going to give me the okay and he's going to
7 give me an ID, and I'm going to give him the
8 cremated remains after you've authorized me.

9 We do that at the arrangement
10 conference to know who's to get the cremated
11 remains. It's not two weeks later. It's two
12 days later, a day later, three days later. If
13 there's a service maybe on Wednesday, we'll
14 give them to the family on Wednesday for the
15 service. We'll hold them from today to
16 Wednesday, but we're not going to hold them for
17 unknown or for a long period of time.

18 And we, me, being in a smaller town,
19 and I don't want to be trite, you tend to know
20 people a little more. When you're in an area
21 you're not knowing all your consumers or most
22 of the people you're dealing with, they're
23 gone, they're back and forth. It's a different
24 situation. I would say that that would be more
25 prevalent in urban areas.

1 And also, not to be critical of my
2 fellow professionals, guys like my dad who's
3 not living now are more harder to adjust to the
4 new, yeah, you've got to get your granddad.
5 No, I'm not going to keep them for six months.
6 I know Joe, he's going to come and pick up mom.
7 Well, they don't do that. Or the person dies
8 three months later and they were going to get
9 their relative six months from now. It's not
10 like the good ole days. Thank you, Mr.
11 Chairman.

12 MS. MANNAL: If I may. I think it's
13 particularly important that on a prearranged
14 cremation that it is -- we need to know what
15 the ultimate disposition is going to be at the
16 time of the prearrangement, because it's even
17 easier to walk away from cremated remains if
18 you feel the person who has died has arranged
19 the whole thing for themselves. They're not
20 going to follow through.

21 MR. MILLER: If someone comes in and
22 make arrangements for a cremation and doesn't
23 say what to do with their cremated remains,
24 then Johnny or Susie, whoosh, left in a lurch.
25 It's awkward. It's very awkward.

1 MS. RYAN: Some of the issues also
2 with regard to these left-over cremated
3 remains, I think sometimes new owners of
4 funeral homes that have bought from a previous
5 owner find themselves stuck with a closet full
6 that the previous owner didn't do something
7 with, so the problem gets compounded through
8 the change of ownership.

9 Because, very frankly, I don't know.
10 These people are in a much better position than
11 I to speak about this, but it's not cheap to
12 buy a burial vault, put it in a cemetery and
13 come up with the closing costs to bury these
14 things. That's the only option you have
15 because you can't scatter them in the event
16 someone does come up 10 years later and say, I
17 want dad.

18 REPRESENTATIVE GILLESPIE: What do
19 you do in a case like that, as you mentioned,
20 with the transfer of the ownership of a home
21 and the new owner has a closet full of urns?

22 MS. RYAN: Well, if you do your due
23 diligence, you should make the seller takes
24 care of it, but most people don't.

25 REPRESENTATIVE GILLESPIE: So what

1 happens?

2 MS. RYAN: They sit in the closet or
3 the new owner bites the bullet and takes the
4 responsibility and tries to find the family or
5 buries themselves.

6 MS. MANNAL: I can speak to that. I
7 must have had maybe 25 that a former employee
8 did not follow through in getting back to the
9 family. So I tracked down, cross-checking all
10 the files and names, and I was able to return
11 10 to families. I mean, some were 20 years
12 old. Then I bought an inexpensive grave and an
13 inexpensive vault. I placed all the cremains
14 in the vault, little X's mark the spot where
15 everyone is. Copies of that went into the file
16 in the event that someone should surface
17 30 years after the death and say, where is he?

18 REPRESENTATIVE GILLESPIE: He's one
19 of 15 in a vault somewhere?

20 MS. MANNAL: Yes.

21 MR. SCHLEIFER: There are some
22 cemeteries also that have common graves where
23 they will have a grave, a vault. When they
24 have an X amount of cremated remains, then
25 they'll bury those. But, oftentimes, they're

1 unretrievable. Once they're buried, they're
2 buried. There's kind of like a double-edge
3 sword there because if you bury them, you are
4 disposing of them, but the family can never
5 retrieve them.

6 REPRESENTATIVE GILLESPIE: Wow.

7 MS. RYAN: I can tell you from
8 personal experience in touring some large
9 cemeteries that have crematories that I have
10 seen literally hundreds of boxes stacked from
11 the floor to the ceiling of cremains that were
12 not claimed.

13 CHAIRPERSON MCGEEHAN: Sad.

14 MR. MILLER: In Detroit, I just read
15 an article within the last 30 days that there's
16 a whole rash of unclaimed, intact human remains
17 where they know who the family are, but the
18 people just aren't coming to take care of
19 grandma. This is a -- Well, you know, it's a
20 different age. People just -- Sometimes, more
21 now than before are not responsible.

22 CHAIRPERSON MCGEEHAN: Chairman
23 Adolph.

24 REPRESENTATIVE ADOLPH: Thank you,
25 Mr. Chairman. How many crematories do we have

1 in the Commonwealth?

2 MS. MANNAL: I don't know. Do you
3 know that, Warren?

4 MS. RYAN: I think the answer is
5 somewhere hovering around 110. I believe about
6 80 of them are owned by funeral directors and
7 that --

8 REPRESENTATIVE ADOLPH: How many
9 owned by funeral directors?

10 MS. RYAN: Approximately 80. These
11 number are approximate because I'm taking them
12 from memory. Funeral directors are more and
13 more putting in their own crematories so that's
14 an increasing number. The remaining would be
15 privately owned or in cemeteries.

16 REPRESENTATIVE ADOLPH: On an average
17 the cost of a burial versus the cost of a
18 cremation?

19 MR. SCHLEIFER: That can vary
20 tremendously.

21 REPRESENTATIVE ADOLPH: On an
22 average.

23 MR. SCHLEIFER: There are several
24 types of cremations. There's a direct
25 cremation, a direct disposal where there's no

1 services whatsoever. There could be a
2 visitation, a one-day invitation, a same-day
3 invitation. Cremation is actually -- It's just
4 a final disposition rather than burying
5 somebody you can have a traditional funeral,
6 but instead of going to a cemetery everything
7 would conclude.

8 The prices could range anywhere from
9 a thousand dollars --

10 MS. RYAN: Are you asking for the
11 cost of burying cremated remains versus a body?

12 REPRESENTATIVE ADOLPH: Generally
13 speaking, is cremation less expensive than
14 burial?

15 MS. MANNAL: Yes.

16 MR. SCHLEIFER: You wouldn't have to
17 buy a grave, possibly. You wouldn't have to
18 buy a burial vault. You could rent a casket
19 rather than purchasing a casket.

20 REPRESENTATIVE ADOLPH: Because part
21 of the question was, and because the way
22 society is too, I'm wondering because of
23 economics the number of cremations have
24 increased?

25 MS. MANNAL: Yes.

1 MR. SCHLEIFER: That would be a fair
2 assessment, but I think also family values have
3 changed dramatically. You talk to people my
4 age when they're making arrangements for their
5 mom, they say, when I die this isn't going to
6 happen. They're just going to cremate me. I
7 think cremation has become like a vogue word
8 maybe, or a vogue thing to do.

9 REPRESENTATIVE ADOLPH: I would be
10 interested in the percentage of -- Take a
11 funeral home in Philadelphia. If you do a
12 hundred funerals, what percentage would be
13 cremation versus burial?

14 MS. MANNAL: Let's say I do a hundred
15 funerals. I'm doing a great deal of
16 full-service cremation at this point, so I'm
17 going to take that out of where there's an
18 embalming there's a viewing, as opposed to a
19 direct cremation where someone is picked up at
20 the place of death and then cremated with no
21 attending services, I would say 20 to 30
22 percent.

23 Now, it's not all unusual in the
24 Philadelphia suburbs or in Chestnut Hill where
25 for years the cremation rate has been well over

1 50 percent.

2 MR. MILLER: I think that
3 Pennsylvania rates about 32 point 8 percent. I
4 think that's the answer to your question. It
5 varies greatly from region and religion and
6 ethnic background. But 32 point 8 percent I
7 think was in, or thereabouts, 31 point 9.
8 Every year it's a percent, percent and a half
9 more. Next year it will be 36 point 1. It's
10 on its way to 50.

11 MR. SCHLEIFER: And as you go to
12 different parts of the country, California is
13 probably 50 percent already; California,
14 Oregon, Washington.

15 MS. MANNAL: Florida.

16 REPRESENTATIVE ADOLPH: You may have
17 mentioned earlier in your testimony, I
18 apologize if I didn't pick it up, how many
19 states are licensing crematories?

20 MS. MANNAL: I think like 38.

21 MS. RYAN: I'm going to have to get
22 you that information. I'm not certain about
23 that.

24 MS. MANNAL: I want to say 38, but I
25 don't know where that comes from.

1 REPRESENTATIVE ADOLPH: That's all I
2 have, Mr. Chairman.

3 CHAIRPERSON MCGEEHAN: Thank you, Mr.
4 Chairman. We've been joined by Representative
5 Parker from Philadelphia. Do you have the
6 materials?

7 REPRESENTATIVE PARKER: Yes.

8 CHAIRPERSON MCGEEHAN: Representative
9 Readshaw.

10 REPRESENTATIVE READSHAW: Thank you,
11 Mr. Chairman.

12 This has been previously said, but I
13 think it's important for the record for the
14 committee members to understand that cremation
15 is a final disposition. It doesn't necessarily
16 eliminate local traditions or funeral rights
17 for any specific geographic area. I just want
18 to reinforce that fact that cremation is a
19 means of disposition. It does not replace or
20 eliminate necessarily a funeral service or
21 funeral traditions. Thank you.

22 CHAIRPERSON MCGEEHAN: I want to
23 thank the testifiers, Miss Ryan, Miss Mannal,
24 Mr. Miller and Mr. Schleifer, for educating us
25 today. Certainly that model bill that you've

1 referenced today, some of those components I
2 feel must be in this bill. I hope that we can
3 have an opportunity to meet with Representative
4 Youngblood and go over the testimony that
5 you've provided today to see the important
6 things that you have raised, and the concerns
7 that you've raised about this bill that they be
8 included in Representative Youngblood's bill.

9 We thank you for your time to travel
10 to Gettysburg to educate us. Thank you very
11 much.

12 Our next panel is from the
13 Pennsylvania Cemetery Cremation and Funeral
14 Association. Certainly no stranger to our
15 committee, Ernie Heffner, he's president of
16 Heffner Funeral Chapels and Crematory and the
17 past president of the Pennsylvania Cemetery,
18 Cremation and Funeral Association. Joining him
19 is David Heisterkamp. He's president of the
20 Pennsylvania Cemetery, Cremation and Funeral
21 Association.

22 Welcome, gentlemen. Welcome back,
23 Mr. Heffner. Get comfortable and speak plainly
24 so the stenographer can keep up with you.

25 MR. HEISTERKAMP: On behalf of the

1 Pennsylvania Cemetery, Cremation and Funeral
2 Association, we appreciate the opportunity to
3 speak before this panel today. We've combined
4 our comments, and Ernie is clearly the resident
5 expert. I'm keeping my comments this brief and
6 allow Ernie to do his thing.

7 MR. HEFFNER: My wife would disagree
8 with him. But nonetheless, thank you, Chairman
9 McGeehan, Chairman Adolph, and the rest of the
10 committee for allowing me to come here today
11 and offer some comments. I listened to some of
12 the comments that preceded, and I'll revisit
13 some of those things.

14 This is about House Bill 391, and
15 I'll be happy to entertain questions once I get
16 through this material. I'm not going to go
17 through my background, it's there for you to
18 consider. I would like to start with how
19 cremation works in Pennsylvania, mechanically,
20 logistically, and how we're regulated. There
21 are common practices and there are uncommon
22 practices. Actually, the uncommon practices
23 were referenced earlier, but I will get to
24 that.

25 Common practice in Pennsylvania is

1 for a family that experiences a death to
2 contact the licensed funeral director, the
3 licensed funeral director arranges a transfer
4 of the deceased from the place of death to the
5 funeral home, which is licensed, and that is
6 for the purpose of sheltering the remains until
7 a cremation would occur.

8 The licensed funeral director meets
9 with the next of kin to provide a general price
10 list, which is mandated by the Federal Trade
11 Commission, and after the Federal Trade
12 Commission mandated that, it became part of
13 state law that they will follow through with
14 executing those mandates.

15 Number 3. An itemized statement of
16 goods and services selected, it's a proper
17 terminology for the FTC and our state
18 requirements, that's a contract that's executed
19 with the consumer. The next thing the consumer
20 has to do is execute an authorization to
21 cremate the person. That's executed by the
22 legal next of kin which is determined in
23 accordance with the lineage authority outlined
24 in the trust and fiduciary statute.

25 A prudent licensee, as Mr. Miller

1 mentioned, will require a positive
2 identification prior to the deceased being
3 cremated because cremation is still
4 irreversible.

5 No cremation of a person who died in
6 Pennsylvania may be performed in less than 24
7 hours after death, in case of destroying any
8 evidence. No cremation of a person who died in
9 Pennsylvania may be performed without the
10 authorization of the county coroner or medical
11 examiner. And the licensed funeral director
12 takes care of procuring that authorization.

13 Most licensed funeral homes and
14 licensed funeral directors do not personally
15 perform cremation, but rather a conduit or
16 middleman and either transfer the deceased to a
17 crematory or they arrange for the
18 transportation through another party, like a
19 delivery service, or in some cases the
20 crematory operator will come and pick up the
21 deceased person.

22 After all the above requirements are
23 met, the crematory performs a cremation which
24 takes about three hours, preheating the chamber
25 to 1800 degrees as Mr. Miller referenced, the

1 cremation time and the cool-down time required
2 prior to retrieving the cremated remains and
3 any foreign residue that remains in the retort.

4 The crematory then transfers those
5 cremated remains from the cremation chamber to
6 a processing station where the residue is
7 removed, and approximately eight pounds of
8 cremated remains are mechanically reduced to a
9 uniform, unidentifiable granule and then
10 packaged. The packaged cremated remains are
11 then returned by delivery or retrieval by the
12 licensed funeral director or appropriately
13 authorized next of kin or they may be returned
14 by U.S. Mail. Fed-Ex does not handle this nor
15 will UPS.

16 Less than 50 percent of cremated
17 remains are placed in permanent memorialization
18 at a cemetery, whether that's by burial,
19 inurnment in a niche, or pouring into an
20 ossuary. The only specific reference I can
21 make for that is the Wirthlington study which
22 is a national-industry funded study. It's
23 redone about every five years. According to
24 that, about 42 percent of families choose some
25 sort of permanent memorialization, including

1 niche burial or ossuary.

2 Most cremated remains are returned to
3 the next of kin to be kept at home, portioned
4 out to various family members or scattered
5 meaningful location. That is over 50 percent.

6 The role of the Department of
7 Environmental Protection has long established
8 in regulation of crematories in Pennsylvania.
9 I can tell you, we can have four funeral home
10 inspections for the time we tie up an anxiety
11 level that we have with a DEP inspection. It
12 is very detailed. They come and they witness a
13 cremation. It's not for us just a
14 walk-through.

15 To get a permit to operate a
16 crematory, an initial detailed application
17 procedure is required to secure the operating
18 permit. The operating permit is good for five
19 years. DEP performs a stringent annual
20 inspection during this period in order for the
21 crematory to maintain its operating permit.
22 The annual operating permit fee is paid to DEP,
23 so we're paying a fee annually on that.

24 Every five years the crematory
25 essentially goes through the application

1 process all over again. It's as if we're
2 starting fresh. DEP has the ability to gauge
3 natural resource consumption versus operating
4 times and temperatures recorded versus number
5 of people cremated. So, on contemporary
6 equipment it's computer recorded, we have to
7 maintain all the discs, operating temperatures.
8 You can't not cremate the same number of people
9 versus your cubic feet number of gas consumed
10 in the process, and they can measure all that
11 in the operating temperatures.

12 The uncommon option that was
13 referenced earlier, so long as there are no
14 remuneration, consumers may personally perform
15 and handle all arrangements and transfers of
16 the deceased family member for burial,
17 including making and paying for all cemetery
18 arrangements, procurement of all necessary
19 permits and signing of the death certificate,
20 which on the death certificate there's a line
21 22(A), it says, signature of funeral service
22 licensee or person acting as such. That's so
23 the family member can sign the death
24 certificate.

25 This also applied to the disposition

1 by cremation until a recent position taken by
2 the State Funeral Board which barred
3 crematories from advertising or dealing
4 directly with the public, and this is an
5 ongoing unresolved issue. This was touched on
6 earlier.

7 The fact of the matter is, there's a
8 company that people don't want to -- a lot of
9 cremation family do not want to deal with a
10 funeral home and they prefer to deal with the
11 cremation society. There was a cremation
12 society that turned out, had about 14,000
13 contracts for cremation. They are now out of
14 business as a cremation society. That's why I
15 say some of this is unresolved matter because
16 some of these things are being challenged.

17 My comments regarding House Bill 391,
18 until we established our own crematory in 1994,
19 our firm was like most other licensed funeral
20 directors and funeral homes, in that, we were
21 merely a conduit, a middleman, when it came to
22 serving cremation consumers. As of this date
23 my firm has performed the cremation of more
24 than 4,000 deceased individuals. It's actually
25 closer to 5,000.

1 I believe my comprehensive background
2 and practical experience qualifies me to offer
3 comments about House Bill 391 as to the
4 unintentional shortcomings and unintentional
5 disservice to consumers. I would be remiss to
6 criticize without offering at least one
7 suggested solution, and my remarks will begin
8 with the suggested solution and then explain
9 the shortcomings as I perceive them for House
10 Bill 391.

11 In fact, there's a simple remedy to
12 accomplish a relevant level of consumer
13 protection and eliminate the current
14 discrimination against cremation consumers by
15 either adding a limited number of words to the
16 existing funeral director rules and regulations
17 in 13.215, or by adding actual revised words of
18 13.215 to the funeral director statute.

19 Currently, the funeral director rules
20 and regulations read in 13.215 that it shall be
21 the response -- it just -- The supervision of
22 funeral service and interment. It shall be the
23 responsibility of the funeral director in
24 charge to personally supervise a funeral
25 service at the cemetery and to have a

1 representative present at the interment of the
2 deceased. The records of the funeral director
3 shall indicate who his representative was at
4 the interment.

5 Now, understand that this law, the
6 law that the funeral directors operate under
7 dates back to 1952 when the cremation rate in
8 Pennsylvania was two to three percent, and the
9 only people getting cremated were indigent
10 people or a few very wealthy eccentric people.
11 Cremation was not an issue; it was not
12 mainstream.

13 What's happened since, it's become
14 mainstream. I can tell you our locations range
15 anywhere from 69 percent cremation to 28
16 cremation. Some of that it has more to do with
17 religion and less to do with where you live,
18 because one of our locations is in Renovo,
19 Pennsylvania, and I can tell you, if you look
20 on a map, most of that is game land around
21 there; it's not metro. By the same token, one
22 of our locations has O'Malley on the side, and
23 that's about as Irish Catholic. And if you
24 find an 85-old-Catholic lady, she still doesn't
25 believe that the Pope said was it was okay to

1 be cremated back in the early '60s. So, that's
2 just the reality.

3 By the same token, if you're serving
4 Jewish families, absolutely not cremation for
5 Orthodox. But if you're serving Hindu and
6 Buddhist families as we do, or Asian families,
7 you're probably not going to be arranging
8 burials. So it has a lot to do with consumers;
9 not just, we don't care about anything.

10 My suggestion would be to either
11 change the rules and regulations or have a
12 statute that actually incorporated some of the
13 wording to read, supervision of funeral
14 service, interment, cremation or resomation and
15 subsequent processing and packaging of cremated
16 remains or resomated remains.

17 If this read: It shall be the
18 responsibility of the funeral director in
19 charge to personally supervise in charge to
20 personally supervise a funeral service at the
21 cemetery and to have a representative present
22 at the final disposition--And that's what
23 cremation is. It is final disposition--whether
24 that be the interment or entombment or
25 cremation or resomation and sequence processing

1 and packaging of the cremated or resomated
2 remains of the deceased. The records of the
3 funeral director shall indicate who his
4 representative was at the final disposition.

5 That takes care of everything. That
6 does way more than 391, and it really puts the
7 responsibility where you're trying to hang it,
8 on the licensed funeral director, or should
9 hang it.

10 The unintentional shortcomings of 391
11 as proposed and the unintentional disservice to
12 consumers are as follows:

13 391 as currently written channels all
14 cremation consumer dollars to funeral directors
15 which restricts competition which is to the
16 detriment of consumers. The cremation
17 societies are out of business. Now, some of my
18 licensed funeral director brethren may think
19 that's sacrilege for me to say, but the fact
20 is, competition keeps us honest. If there is
21 enough very affordable offer there, that's not
22 a bad thing for consumers.

23 House Bill 391 misplaces the
24 authority with the funeral board, confusing, if
25 not usurping, the authority of the DEP with its

1 well-established role and system which
2 currently includes detailed, annual inspections
3 and issues operating permits to all the
4 crematories in Pennsylvania, including the pet
5 crematories.

6 House Bill 391 fails to address any
7 consumer concerns or consumer rights. It fails
8 to address bio-cremation through resomation,
9 and it fails to address energy conservation and
10 the minimization of pollution via the latest
11 technology and studies.

12 In addition to my comments, which are
13 highlighted in red font within the proposed
14 legislation on the following pages, you'll find
15 information regarding bio-cremation and a copy
16 of the ICCFA Cremation Guidelines which
17 outlines appropriate consumer rights as
18 provided by that organization. You can also
19 pick up a copy on the website, which I put
20 there.

21 If there is a sincere interest in
22 meaningful cremation legislation it should
23 address consumer rights, energy conservation,
24 pollution issues, and maintain oversight
25 authority with DEP, a long established, highly

1 qualified and appropriate regulatory authority.

2 Current examples of proposed bills
3 based on model cremation law, because you'll
4 hear that floated around, are dated and fail to
5 address contemporary issues such as energy
6 conservation, pollution and consumer rights.
7 At best, they have limited relevance and are,
8 in fact, completely irrelevant to consumers not
9 interested in cremation. However, consumers
10 not interested in cremation are interested in
11 pollution and, oftentimes, energy conservation.
12 So, something of a green-model cremation law
13 would be appropriate.

14 Points to consider in drafting
15 cremation legislation. Does the proposed
16 legislation minimize pollution? Current
17 studies indicate operational temperatures
18 beyond 1400 degrees create more pollution than
19 those states with lesser operational
20 temperature requirements, something that
21 Mr. Miller referenced.

22 Does the proposed legislation address
23 energy conservation? The few states with
24 preheat requirements and 1800-degree operating
25 temperature requirements, which are all pretty

1 much around Pennsylvania--there's about five or
2 six of those states--have not been receptive to
3 changing the current requirements.

4 In comparison between a Wisconsin
5 crematory, a state with lower-operating
6 temperature requirements and no preheat
7 requirements, versus two Pennsylvania
8 crematories, either Pennsylvania crematory used
9 triple the energy and created more pollution.
10 That's a significant amount of energy.

11 Just so you understand, there's a
12 two-inch gas pipe. If you look at the gas pipe
13 coming into your home, it's about a one-inch
14 pipe for your furnace, for your gas stove, for
15 everything. We have a two-inch pipe just for
16 the crematory itself, so there's a lot of
17 volume of gas being used.

18 Does the cremation legislation
19 include technical compliance language?
20 Technical compliance language refers to
21 particulates, amount of particulates out of the
22 stack, which is an issue.

23 Does the cremation legislation
24 benefit all residents of the Commonwealth by
25 eliminating antique, outdated equipment that

1 both pollutes and waste energy? In the
2 Commonwealth there are old crematory units
3 operating that were grandfathered. That's a
4 nice thing, but in reality, pictures of
5 Auschwitzes could pop in your head and you
6 wouldn't be far off of how old these units are.

7 Cremation legislation should provide
8 a time line, possibly five years for
9 crematories in Pennsylvania to minimize
10 pollution and become energy compliant with
11 modern equipment.

12 Does the cremation legislation
13 establish cremation consumer rights and
14 protections? I'm willing to participate in
15 drafting meaningful cremation legislation that
16 would benefit Pennsylvania residents, while
17 demonstrating a pro-consumer, pro-environment
18 and pro-energy commitment. I respectfully
19 submit these comments.

20 Within the House Bill I highlighted a
21 few points. Thirteen and 14 there's no mention
22 of bio-cremation or resomation in either one of
23 those. In 8(f) I think that's redundant, as
24 the role of DEP is well established to
25 regulate, inspect, and issue operating permits

1 for crematories. While placing this with the
2 members of the board, realize that not one
3 member of the funeral board owns or operates a
4 crematory, nor is there any statutory
5 requirement that a number of board members be
6 owner/operators of a crematory. That's like
7 asking the accountant, the CPAs, to go out and
8 monitor the pharmacies. You can count the
9 pills, but that doesn't mean you know what's
10 going in the bottle.

11 (E), that would be 4(e), I think a
12 person may not operate a crematory unless they
13 have a license. I think that's confusing, if
14 not usurping the authority of DEP; again, a
15 role well established.

16 The other highlights are there for
17 you to review. Requirements for cremation
18 recordkeeping, it's already in place by DEP.
19 License issuance, renewal fees, we're paying
20 renewal fees every year to DEP.

21 The last page of the proposed
22 legislation I only had a note that the
23 insertion was inappropriate for the reasons
24 stated above.

25 I provided information about

1 bio-cremation or otherwise known as resomation.
2 I'm not aware of a unit in Pennsylvania yet.
3 There's one state, Vermont, I think, where they
4 passed legislation authorizing the use of
5 resomation, and six months later pulled it.
6 Resomation is a unique concept. It's unique in
7 United States for human disposition. It's
8 actually an European concept.

9 There are two manufacturers of these
10 products. I'll be happy to answer any
11 questions, little as I know about this system,
12 but it is an interesting proposition because it
13 uses far less energy, there is no stack for
14 emissions. The deceased person is dissolved,
15 and the solution goes into the -- down the
16 drain. The bones are retrieved from the basket
17 in which the person was placed. The bones are
18 dried, the bones are processed the same as they
19 would be after cremation and returned to the
20 next of kin.

21 If you have questions about that,
22 maybe you want to save that for dinner.

23 CHAIRPERSON McGEEHAN: You thought
24 that little old lady had problems with
25 cremation, how about bio-cremation.

1 MR. HEFFNER: We can make diamonds
2 out of carbon. We can take carbon from a
3 deceased, and there's a company that will
4 manufacture an artificial diamond. It requires
5 an amount of carbon. It requires 3500 degrees
6 of heat under intense pressure to create an
7 artificial diamond.

8 We could never get over the
9 explanation to the consumer of how that carbon
10 is retrieved, so we've decided that's not a
11 service we choose to offer. I have not jumped
12 on bio-cremation yet, but there may be some day
13 when I think it's appropriate.

14 The last thing I provided was a copy
15 of the ICCFA guidelines, which really lists a
16 lot of consumer-benefit issues and procedural
17 things.

18 I would like to address a couple
19 other things. I think there was a question
20 raised about licensing. I would like to point
21 out that in the state of Colorado funeral homes
22 are not licensed, not for almost 30 years.
23 Funeral homes aren't licensed, funeral
24 directors are not licensed. They don't seem to
25 have a problem, and so far for the two times

1 they've gone through their review process about
2 whether or not there's even a necessity, it was
3 determined there was no necessity. Now, that's
4 not to say that the crematories aren't
5 licensed.

6 There was also a question raised
7 about cremation of animals and legislation that
8 would specifically say that you can only
9 cremate human remains. I want to tell you that
10 I have a permit from DEP that allows me to
11 cremate human remains, and I have another
12 permit that allows me to cremate American flags
13 consistent with the U.S. flag code. I would be
14 offended if legislation precluded that, because
15 if you read the U.S. flag code it says, the
16 United States flag, when it's not fit for
17 display anymore, it's best destroyed by
18 burning.

19 I can tell you, when we cremate -- we
20 cremate thousands of American flags. We
21 retrieve those cremated remains and we bury
22 them. Every time we bury them there's a
23 service, and there are soldiers there. So, be
24 careful with sweeping choices on how a
25 crematory should or shouldn't operate.

1 I do agree that animals should be
2 separate because no one wants to think their
3 stillborn child was in the crematory right
4 after a mastiff was cremated. The majority of
5 animals are not individual cremations, they're
6 mass cremations. Crematories are manufactured
7 by the amount of weight that they can cremate at
8 a time.

9 Old retorts can handle people up to
10 three to 400. Ours would be considered an
11 older retort. Newer retorts can handle people
12 five to 700 pounds. That's actually a big
13 issue nowadays because of people getting
14 bigger. But the retorts that handle animals
15 are taking up to 5,000 pounds. So how those
16 are handled, that's just mass cremation
17 disposition. That's really a different
18 proposition.

19 Choice of consumers. Consumers do --
20 Cremation is final disposition. As
21 Representative Readshaw pointed out, he's
22 absolutely right. Cremation itself, the
23 process, when that's over that is final
24 disposition.

25 There was a concern expressed about

1 cremated remains that are not retrieved. We
2 put on our general price list years ago a
3 charge, if you don't pick up these cremated
4 remains, this is how much you have to pay us.
5 I thought it was enough that nobody would pay
6 it, but they do, because they don't want to
7 bother with them. So we raised the price,
8 thought that would be enough that they wouldn't
9 pay it, but they do.

10 Now, the reason we have a charge to
11 begin with is because we wait until we have
12 enough cremated remains so we can go to the
13 cemetery and put them in a permanent resting
14 place in a retrievable manner like Miss Mannal
15 described. I don't think by legislation -- I
16 don't think it's your responsibility in
17 legislation to figure out how somebody should
18 or shouldn't communicate with their customers,
19 as Mr. Miller figured out a way to be diligent
20 about the disposition of cremated remains.

21 And the fact is, people can go
22 scatter them, or do whatever they want. But,
23 we don't find that to be a particular issue. I
24 can tell you that when we separate foreign
25 matter after the cremation process, we may

1 dispose of that, and it's authorized within our
2 cremation authorization. We don't choose to do
3 that. We take that foreign residue and we bury
4 that in the cemetery too. Not all firms choose
5 to do that.

6 It's just an operational choice,
7 because what's left after cremation is calcium
8 deposit, it's bone fragment. If you had an
9 artificial hip -- If you were in the war or had
10 a broken leg and had pins in your leg, guess
11 what's still in the cremation chain afterwards?
12 The pins, the artificial hip.

13 There are companies that offer to
14 re-process. Titanium is apparently a pretty
15 valuable thing. We don't feel that's in our
16 best interest to get involved in that, so it's
17 to the cemetery.

18 I know, I've bored you, and you
19 have -- If any of you have any questions I will
20 be happy to try to answer them.

21 CHAIRPERSON MCGEEHAN: Thank you, Mr.
22 Heffner. Are you providing testimony?

23 MR. HEISTERKAMP: No.

24 CHAIRPERSON MCGEEHAN: Thank you
25 again, Mr. Heffner and Mr. Heisterkamp, for

1 being here and availing yourself for questions
2 of the committee. Are there any questions?

3 Representative Readshaw.

4 REPRESENTATIVE READSHAW: I'm
5 curious. You mentioned there are renewal fees
6 for DEP. What might they be and are they
7 annual, bi-annual?

8 MR. HEFFNER: They're annual renewal
9 fees, and I don't know the answer to that but I
10 can get that for you if you wish.

11 MR. HEISTERKAMP: I think they're
12 \$375 a year.

13 REPRESENTATIVE READSHAW: Thank you.
14 Thank you, Mr. Chairman.

15 CHAIRPERSON MCGEEHAN: Representative
16 Helm.

17 REPRESENTATIVE HELM: I have a
18 question about bio-cremation. I don't want to
19 talk about it tonight at dinner. When you said
20 everything goes down the drain except the bone,
21 that's not in Pennsylvania so I don't have to
22 worry about it here. Does it goes go into the
23 water treatment plant then and be recycled?
24 What happens?

25 MR. HEFFNER: My understanding of the

1 process is, you put the person on like a
2 basket, a stainless steel basket. You put them
3 into the unit, you close it, seal it. You add
4 about 300 gallons of water. You then add a
5 prescribed amount of chemical, depending on the
6 weight of the person because this system also
7 has to weigh the person, that's relevant.

8 You put in a prescribed amount of
9 alkaline chemical, and then you create that
10 under pressure with heat to 300 degrees, and it
11 takes about an hour or two until the person is
12 effectively dissolved. It's the way they clean
13 bones for study. Then when the process is
14 finished then, yes, it goes down the drain, the
15 same place that many other things go. My
16 understanding is, there's no bio-hazard with
17 that discharge or chemical hazard with the
18 discharge.

19 CHAIRPERSON MCGEEHAN: Representative
20 Gillespie has a question.

21 REPRESENTATIVE GILLESPIE: Thank you,
22 Mr. Chairman. What is preheat?

23 MR. HEFFNER: In Pennsylvania we're
24 required to preheat the retort itself to 1800
25 degrees before we put the person in. The

1 person is referred to as the charge.
2 Operationally, if this is the first cremation
3 of the day, that's going to take a while. That
4 is just a lot of gas being consumed.

5 So it's preheat, kind of like baking
6 a cake. If you ever bake a cake, not that I
7 have, but my wife would tell me you have to
8 preheat the oven. I know she's called me on
9 her car phone on occasion to tell me to preheat
10 the oven. Well, we do the same thing. We have
11 to preheat to 1800, open the door and put the
12 person in.

13 CHAIRPERSON MCGEEHAN: Any other
14 questions from the committee?

15 REPRESENTATIVE HELM: I have another
16 question. You say preheat to 1800. And also
17 you mentioned the heavier person, obviously, it
18 takes longer for --

19 MR. HEFFNER: No. Heavier person is
20 a potential hazard. The guys might not know
21 this, but the ladies probably do. Did you ever
22 notice how fat melts faster than it burns if
23 you're making something in a pan? One of the
24 challenges with a crematory operation, there
25 are basically two kinds of units. One has the

1 gas coming in from the sides and the ends and
2 another one that's a hot hearth. All
3 crematories has an after burner.

4 In the ones that have the gas coming
5 in from the sides, the after burner is at the
6 end of the chute. The hot hearth is underneath
7 on the other units. That's where all the fumes
8 go and gets re-burned before it goes out, which
9 is why you see no discharge out of a crematory
10 stack.

11 When you have somebody who's very fat
12 the options are to freeze them before you put
13 them in, or you heat the unit and then you have
14 to stand there and be turning it off
15 constantly, because what happens is, fat
16 catches fire. There's so much heat the fat
17 starts to melt, and then what you have is fat
18 running out of the crematory, across the floor
19 and flames dancing with it. It's an
20 operational challenge for a crematory.

21 The hot hearth ones are somewhat
22 helpful because the fat runs down underneath
23 into the after burner and can be taken care of
24 that way.

25 CHAIRMAN MCGEEHAN: Some of the

1 people got lightheaded behind you.

2 MR. HEFFNER: Well, it's --

3 CHAIRMAN McGEEHAN: I have a
4 question. How many crematories are you
5 operating now?

6 MR. HEFFNER: We operate one
7 crematory.

8 CHAIRPERSON McGEEHAN: In this
9 generation we're going to need more.

10 MR. HEFFNER: We'll be 50 percent
11 cremation by 2020.

12 CHAIRPERSON McGEEHAN: It's
13 generational as this O'Malley funeral home with
14 its old Irish Catholic and constituents die off
15 and younger, more mobile and forward-thinking
16 people are --

17 MR. HEFFNER: Cremation provides
18 flexibility for people more so than burial. I
19 think that's drives it as much as anything.
20 People can choose to have dad cremated and get
21 together in the spring. We'll wait until after
22 my daughter graduates from college and then
23 we're going to have a tribute service.
24 Cremation provides more flexibility. Where, if
25 you want to be buried, we're allowed to hold a

1 person 10 days before we have to request
2 permission to hold a person longer.

3 Cremation is happening for any number
4 of reasons. I think some of the reason people
5 are choosing cremation is because, I used to
6 think it was because our industry didn't do a
7 sufficient job of providing something of
8 perceived value. But I think I've come to
9 realize that in some cases, the churches
10 haven't done a sufficient job, and I think some
11 people choose cremation with no service because
12 they don't want to be preached at. They know
13 if they walk in there they're going to get
14 preached at.

15 We have more families today that are
16 choosing celebrant services. We have trained
17 people on staff that are -- they're certified
18 celebrants, and they will put a service
19 together and they will or won't mention
20 anything about religion depending on the
21 customer's choices.

22 The variety of services that we do
23 today are so different than in my father's day.
24 It used to be Catholic families had their
25 service in the morning because the Protestants

1 were in the afternoon because you couldn't have
2 a mass except it had to be at 10 o'clock in the
3 morning. Now we serve Hindu families, Asian
4 families, Indian families. It's interesting
5 for our work because there's all this variety.
6 But by the same token, when we get someone who
7 calls us for a death, we have no clue what they
8 would like us to do for them until we sit down
9 with them.

10 CHAIRPERSON MCGEEHAN: Thank you for
11 sharing that. Any other questions?

12 (No response).

13 CHAIRPERSON MCGEEHAN: Thank you, Mr.
14 Heffner and Mr. Heisterkamp. Thanks for
15 educating us. We look forward as we craft this
16 bill, look forward to your input. The
17 committee appreciates your willingness to sit
18 down and work to make your industry better and
19 how to operate more efficiently.

20 MR. MILLER: I wonder if I could add
21 two comments. Being from Philadelphia 40 years
22 ago, I have maybe a little more connection to
23 Philadelphia than most people in my area. When
24 there's a cremation in the State of
25 Pennsylvania, in all counties you are required

1 to notify the coroner to get permission before
2 you can cremate, except Philadelphia County.
3 There's 1 point 5 million people living in
4 Philadelphia County that is exempt from that
5 regulation.

6 MR. HEISTERKAMP: And Pittsburgh.

7 REPRESENTATIVE READSHAW: That's not
8 true.

9 MR. MILLER: I don't know about
10 Pittsburgh. I only know about Philadelphia.

11 REPRESENTATIVE READSHAW: I do.

12 MR. MILLER: I know about
13 Philadelphia; that you don't call the coroner,
14 you don't get an okay. I was always told an
15 old wise tail they can't get a hold of doctors
16 in Philadelphia, they're not going to do this.
17 The coroner doesn't want to do it, they're
18 overworked.

19 I occasionally serve families who
20 have deaths in Philadelphia, you want to do a
21 cremation in Philadelphia you don't have to get
22 the okay from the coroner. I'm 99 point 9
23 percent sure that that's accurate. That's a
24 little concern of mine.

25 Secondly, for people who are in this

1 area of the state, and I don't know about
2 Pittsburgh, but in this area of the state there
3 are more than a handful of funeral homes that
4 use Maryland or West Virginia crematories
5 because they're so close to the line, and maybe
6 they know the person, or for whatever reason.

7 I think we want to make sure that if
8 the death and if it's handled by a Pennsylvania
9 funeral director, or whoever, that it couldn't
10 be skirted by having the cremation occur in
11 Maryland. I just thought of that.

12 CHAIRPERSON MCGEEHAN: Excellent
13 observations and suggestions. We thank you for
14 adding to the discussion.

15 If there's no other questions, before
16 we adjourn I want to recognize a former
17 colleague of ours, Representative Chris McNally
18 who is working now for DPOA. I thank him for
19 being here. I didn't notice you initially with
20 the new growth.

21 MR. O'MALLY: I'm incognito.

22 CHAIRMAN MCGEEHAN: You're certainly
23 welcome here. I think Representative Readshaw
24 has a closing comment.

25 REPRESENTATIVE READSHAW: Thank you,

1 Mr. Chairman. I just want to apologize to Mr.
2 Heisterkamp for blurting out about Pittsburgh.
3 For the record, in Allegheny County when
4 cremation takes place, we must fax a completed
5 death certificate to the medical examiner's
6 office, and they, in turn, give us the
7 permission to cremate. I wanted to set that
8 record straight. Thank you.

9 CHAIRPERSON MCGEEHAN: I'm grateful
10 that Representative Parker and I won't have to
11 contact the coroner when we pass away in
12 Philadelphia.

13 Thank you to all the participants for
14 being here today for making the effort and
15 taking time out of your busy and professional
16 schedules to be here to offer your expertise
17 about this important House bill. I'm sure as
18 it goes through the committee process we'll be
19 reaching out to you to get your input to make
20 it a better bill.

21 Having said that, Mr. Chairman, we'll
22 adjourned this hearing of the House
23 Professional Licensure Committee.

24 (At 3:15 p.m., the hearing
25 concluded).

1 I, Karen J. Meister, Reporter, Notary
2 Public, duly commissioned and qualified in and
3 for the County of York, Commonwealth of
4 Pennsylvania, hereby certify that the foregoing
5 is a true and accurate transcript of my
6 stenotype notes taken by me and subsequently
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10 This certification does not apply to
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14 Dated this 5th day of November, 2009.

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17 Karen J. Meister - Reporter
 Notary Public

18 My commission
19 expires 10/19/10

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