



# Funeral Consumers Alliance of Eastern Massachusetts

Protecting a  
consumers right  
to choose a  
dignified,  
meaningful,  
affordable funeral

*Serving Eastern and Central Massachusetts*

## **Annual Meeting, 1:00–3:00 PM**

Saturday, October 27, 2007 ~ Mount Auburn Cemetery

Come early for a Crematory Tour at 12:30 PM

***“Natural Burial Comes of Age” All are welcome!***

### **What’s new in natural burial?**

Judith Lorei

Our 2006 FCAEM newsletter featured an article entitled “Green Burial: Going out the Natural Way.” The article provided a description of green cemeteries and a brief history of the green burial movement. “Natural” or “green burial” bans the use of toxins, non-biodegradable materials and traditional grave markers<sup>1</sup>. An unembalmed body may be wrapped in a shroud and laid into the ground or placed into a casket made of soft wood, wicker or cardboard. The purpose of a natural cemetery is not only to provide a means of natural disposition, but to preserve acres of

land in its natural state for years to come.

You don’t have to be a funeral industry watchdog or keep your eye on the Funeral Consumers

the last few years. Natural burial, like home funerals and caskets from COSTCO may not be everyday household phrases, but the concept of alternative death ritual has finally entered popular culture.

### ***Annual Meeting***

Our speaker this year is Joel Rabinowitz. He will speak on the growing movement toward natural burial, using Greensprings Natural Cemetery, Ithaca, NY, as an illustration. After serving as a Greensprings Trustee for several years, Joel was hired as its first executive director last July. One of only a handful of “green” cemeteries in the United States, Greensprings opened in 2006. Joel will describe how the cemetery was created, the difficulties it has overcome, and some of the issues faced by managers of the cemetery.

Alliance listserv to notice the increased press that the natural burial movement has received over

In the final season of the widely successful HBO television show, *Six Feet Under*, (2005), one of the main characters dies. Nate, himself a funeral director and co-owner of the family funeral home, is buried by his family without embalming and without a casket. TV watchers everywhere left their couches that night uttering the question, “Can they *do* that?”

In 2007, “*Grave Matters: A Journey Through the Modern*

<sup>1</sup> The terms “green” and “natural” are often used interchangeably when referring to cemeteries that follow strict environmental guidelines. Mark Harris, in his book “Grave Matters” takes issue with the use of “green burial movement” and “green cemeteries” which he believes limits the concept to environmentalists alone. He prefers to use the word, “natural” to suggest “not just a benefit to the environment, but a traditional, sensible way of doing things.” Excerpted from an interview with FCA Director, Joshua Slocum as reported in the FCA Spring, 2007 newsletter. In deference to Mr. Harris and as a way to remain consistent, the term “natural” will be used throughout this article.

*On the web at: [fcaemass.org](http://fcaemass.org) --- 617-859-7990 --- 66 Marlborough Street, Boston, MA 02116*

*Funeral Industry to a Natural Way of Burial*” was published with a plethora of interviews and buzz to follow. As a former environmental columnist for the Los Angeles Times Syndicate, author Mark Harris brings the kind of solid research and sound thinking that give the natural death movement credibility beyond the ranks of FCA members. The book presents real people and their stories, illustrating how families all over the United States are conducting funerals and burials themselves in ways that are simple, traditional, practical and quite moving. His chapter topics include cremation, home funerals, memorial reefs and yes, natural burials (both backyard and cemeteries.)

In June, 2007, *People* magazine featured a four page spread entitled “Dust to Dust” about conservation burial featuring Ramsey Creek preserve and its founders, Billy and Kimberley Campbell. This summer also saw the rebroadcast of “A Family Undertaking” on PBS stations throughout the country. This 2003 documentary highlights a handful of families and the way that they honor, and in some cases, bury their dead. The fact that this powerful film made its encore back into the television rotation indicates that someone is asking for it.

***Check out our newly redesigned, rewritten, reorganized, expanded website:***

***fcaemass.org***

***new features include  
Frequently Asked Questions  
and Resources***

Greensprings Natural Cemetery, just outside of Ithaca, NY began burying bodies in 2006. Since its opening, it has gained widespread attention in the national media through the Associated Press, CBS Sunday Morning News, the online magazine, Slate.com and others. Greensprings Executive Director, Joel Rabinowitz reports a groundswell of interest and requests to visit the cemetery in recent months. (See front page box about Joel’s presentation at the 2007 FCAEM Annual Meeting.)

Newspapers of all stripes from around the country are covering stories on natural burial – not just the newspapers with wide readership like *The New York Times* and *The Wall Street Journal*. In August, *The Keene Sentinel* (Keene, NH) published an article on the funeral of Gordon D. Oxx, Jr, one of the “first natural burials” in the Monadnock Region’s modern history. Newspapers in Dearborn, MI, Savannah, GE, and Roanoke, VA have all pub-

lished articles on natural burial in the last few months.

Orrington, Maine just received approval in August to open the states’ only green cemetery. The family of Helen and James Hills has owned the land since the 1800s. They were intent on preserving the land that has been in their family for generations. They have been working with the Auburn-based Funeral Consumers Alliance of Maine to make their dream a reality. The site is on 13.7 acres of land along the Penobscot River in Orrington. Rainbow’s End Cemetery will open for burial this fall.

The Green Burial Council (GBC) is an independent, nonprofit organization founded to encourage ethical and environmentally sustainable deathcare practices, and to use the burial process as a means of facilitating the acquisition, restoration and stewardship of natural areas. The GBC’s goal is to protect a million acres of land over the next decade. This organization is working diligently with Land Trusts and Land Conservation organizations around the country to begin the dialogue about how they can get involved in raising money and gaining conservation easements to preserve land for natural burial. With help from the Green Burial Council, Galisteo Basin Preserve in Santa Fe, New Mex-

ico will be open for body burial in Spring, 2008.

Traditional cemeteries are also beginning to think “outside of the box” by creating separate sections of their land for natural burial. For example, Royal Oak Burial Park in Victoria, Canada, will become “Canada’s first provider of green burials” this fall according to the *Sun News of Edmonton*. They are opening a section of their land for alternative burial. Plans are being drawn up in Upland Hills, Michigan, for a ten acre set-aside for natural burial. Religious orders are considering how to use their land for non-traditional burial. Even the funeral industry itself is opening its eyes to a growing demand from its customer base. The August, 2007 edition of *Mortuary Management* features an article entitled, “The Greening of America.” In the words of the author, “Now is the time for funeral professionals to embrace the demand for alternative green offerings.” Whether this shift will actually be a benefit to consumers is yet to be seen. However, all of this recent activity and publicity is uncovering what many of us know to be true. The natural burial movement is here to stay.

Newsletter Editor:  
Nancy Accola

## **From legislative and regulatory watchdog -- Byron Blanchard**

### Preneed Funeral Contract Abuses

Massachusetts regulation of preneed (prepaid) funeral contracts is and has been almost nonexistent. Regulators pay attention to protecting consumers only when they receive a complaint. Inspections of funeral homes focus on such things as the exact size of the embalming room and chapel and occupational health hazards. Inspections don’t look at contract wording, whether the money is really accounted for, or whether the purchaser was sent the required reports.

This January, a woman who prepaid a funeral home in Chicopee in late 2004 decided that she wanted her money back because she had changed her plans, and needed the funds for other purposes. The funeral home owner said no; that the contract was irrevocable, which was a surprise to the woman (but is in fact what the contract said). She contacted us and the Western Mass FCA for advice and sent us a copy of all the paperwork. We suggested that she transfer the contract to another funeral home which was willing to refund her money. Regulations since 1992 have required funeral homes to transfer contracts within ten days after a written request. She told the owner by telephone of her deci-

sion. His response was that the contract was not transferrable. She then sent a written transfer request to him by certified mail. He wouldn’t accept the letter!

Mr. Blanchard filed a formal complaint with the Office of Investigations of the Division of Professional Licensure on April 14, raising only the “refusal to transfer” issue. It was docketed on April 25. The Office notified the funeral home and told them they had to transfer the contract, which they finally agreed to do in mid-June and actually did in July. The transferee funeral home then refunded the woman’s money. The investigation wasn’t completed until August 23 and the case is now “pending board” which means that the Board of Registration has yet to see the case and make its first-level decision whether to prosecute or not.

The 2004 preneed contract terms were based on the 1983 regulations, which were cited. Major changes to the regulations took effect in 1992 and in 2004, but the contract terms took no notice of the changes except for the 2004 requirement to use a standard state-mandated contract form. That form was attached, but the main contract stated “This instrument contains the entire agreement . . .” thus making the standard form ineffective. The funeral home is still living in the 1980’s but regulators who

inspected the firm over the last fifteen years didn't notice or didn't care.

It will be interesting to see what the Board of Registration does with the complaint and whether the investigation looked into the terms of this contract or looked at any of the other contracts of this firm.

Cierpial Memorial Funeral Homes, Inc., Chicopee, is the original funeral home. Graham, Putnam & Mahoney Funeral Parlors, Worcester, is the transferee funeral home who refunded the money.

The lesson from all this is that regulation doesn't work to protect the consumer and that statutory protection is needed. New York State's law should be our model. It prohibits irrevocable contracts except when they are required for Medicaid, SSI, and similar means-tested government benefits. It requires the money to be placed in an interest-bearing account in a bank or trust company, not in insurance, and has criminal penalties for violations. The state funeral directors association and the AARP, among others, backed enacting the New York law in 1996.

Proposed legislation

State representative John Binienda, at the request of Peter Ste-

fan, a funeral director in Worcester, is introducing a bill into the legislature to:

1. Grant legal authority to funeral directors to dispose of cremated remains which are unclaimed after two years and where diligent efforts have been made to locate next of kin.
2. Allow a funeral director to be able to sign the necessary cremation authorization in cases where there are no next of kin and where the only money available is the current \$1100 from the state. (unchanged since 1983)

**Recap of the year --**  
Nancy Accola

Your FCAEM board which includes Nancy Accola, Byron Blanchard, Jan Buhrman, Dan Evans, and Judith Lorei met six times this past year. Various board members gave four presentations to groups. We did an interview on WZBC radio. We met with the Mass. Dept. of Transitional Assistance (DTA, formerly the Welfare Dept.) at their request, regarding indigent burial. The membership brochure was rewritten and updated.

**The FCAEM telephone log --**  
Judith Lorei

The FCAEM phone line received approximately 100 calls from August, 2006 to August 2007. Typically, the types of calls fell into three categories. Just over

one third of calls were from those seeking information on reputable and reasonably priced funeral homes (and of those, a majority sought information on cremation services.) A third were from those seeking specific information on topics such as pre-need, natural burial, veteran's services, anatomical giving, and specific funeral related reading materials. There were also requests for speakers, and for information relevant to research for an article or paper. The remaining third of our calls had to do with general administrative matters concerning membership or other information about FCAEM.

**For your information --**

The Cremation Society of Massachusetts, which in reality is the funeral home Hamel, Wickers & Troupe, and National Cremation Service, a Service Corporation International affiliate (the largest funeral home conglomerate in the U. S.), are both for-profit enterprises located in Quincy, MA in spite of their names. Buyer beware.

**Veterans Benefits --**

Questions regarding eligibility and procedures for attaining veterans' burial funds should be directed to the veterans' agency of the town where the veteran lives or lived. Each town has a veteran's agent. Check with town offices for more information.



## ***Funeral Consumers Alliance of Eastern Massachusetts***

66 Marlborough St.  
Boston, MA 02116

Please consider a donation to FCAEM. Our one-time membership fee of \$30.00 covers only a portion of our expenses. Your tax-deductible contribution is greatly appreciated.

\$50     \$25     \$10     \$100     Other \_\_\_\_\_

Thank you very much for your generosity.

### ***What Does the Funeral Consumers Alliance Do?***

- Provides members with information about laws, practices and forms pertaining to death, burial, cremation, anatomical gifts and related subjects.
- Helps you plan for your funeral while you are healthy and able to make decisions that are right for you and your family.
- Provides information for those who might wish to care for their own dead.
- Gives you forms on which to record the kind of arrangements you prefer.
- Maintains a telephone call line, 617-859-7990, and an information-packed website, [fcaemass.org](http://fcaemass.org)
- Provides reciprocity with other affiliates around the U.S. if you move or die while traveling.
- Maintains information on funeral directors who are willing to cooperate with your choices.
- Monitors legislation pertaining to funeral practices to insure that freedom of choice in arrangements is preserved.
- Provides speakers on request to various civic or religious groups.



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66 Marlborough St.  
Boston, MA 02116

***Return service requested***

*Postmaster, please return newsletter with addressee legible for remailing*

**Annual Meeting October 27, 1–3 at Mount Auburn Cemetery  
580 Mount Auburn Street  
Cambridge, MA**

Come hear the Executive Director of Greensprings Natural Cemetery, Ithaca, NY, discuss the experience of creating a natural/green cemetery

Directions to the Annual Meeting:

**From the west:** Take Rte. 2, which becomes Fresh Pond Parkway, to Brattle Street. Turn right. The cemetery is on your left just after Brattle Street joins Mt. Auburn Street.

**From the Mass Pike or downtown Boston:** Take Storrow Drive West. After crossing the Eliot Bridge to Cambridge, bear right, then left onto Fresh Pond Parkway. Bear left onto Mt. Auburn Street.

**Public transportation:** Ride the #71 bus from Harvard Square. It runs every 12 minutes and the ride is about 10 minutes. It has a stop opposite the cemetery.

Plentiful on-site parking available.