

# Funeral Ethics Organization

Spring~Summer 2006



Hinesburg, Vermont

## Why Do People Choose A Mausoleum?

This question was put to 16 cemeteries with mausoleum crypts on their property—in Arizona, Arkansas, Florida, and Texas.

- “It’s what the rich choose.”
- “Mother is already there.”
- “Underground phobia.”
- “Drier.”
- “Preserves longer.”
- “Personal preference.”
- “Air conditioned building during visits.”
- “Beautiful.”
- “More dignified.”
- “If the [sales] counselor presents it correctly.”
- “Prestige.”
- “That’s how Christ was buried.”
- “Less expensive. No vault needed”
- “No worms, like underground burial.”

***Mausoleum crypts are clean, dry, ventilated chambers which protect precious remains from the chill dampness of the ground.***

—Cemetery sales promotion

## Ooops!

*by an anonymous PA mortician*

Mausoleums are marketed as a clean and dry alternative to ground burial. I was able to view first-hand the result of being in a mausoleum. There are no words to describe it. People, dead for only a year or two, covered with mold (I guess it was mold—it was fuzzy), the interior cloth material attached to the lid of the casket usually had fallen down and would lie on their bodies. The contents were always damp. Small insects, usually accompanied by several thousand dead insects, were

living in these caskets. The insect's entire life cycle took place in the caskets, so the present living insects were constantly surrounded by their dead ancestors. This gave new meaning, to me at least, that “life goes on.”

While working at this mausoleum, I myself witnessed many instances of “casket-failure.” This is when the dead people begin to putrefy, and liquid is released from the bodies. The caskets rust out from the inside, and the liquid—on many, many occasions—would run out the front of the chamber.

The company did not count on so many caskets failing. We had to pull them out, put them into an Ensure-a-seal casket enclosure, and reseal the chamber. After that, families were required to purchase these (additional cost to family, about \$225.00)—under the lie that it protected the caskets, but—in reality—it kept the goo in the drawer. §

The above opinion was first published in  
*Caring for the Dead*, 1998.

## The Integrity of a Mausoleum

*by John Pludeman*

About ten years ago I managed a very unique project involving the demolition of an 85 year old mausoleum that was in ruins. The massive project first required the disinterment of all human remains entombed within. Once completed, more than 650 casketed human remains and about 350 cremated remains were disinterred and reinterred in graves in another well-maintained cemetery. Since the mausoleum entombment records were vandalized and incomplete, every casket was opened and inventoried to confirm occupancy and reestablish identities. By observing large numbers of embalmed human remains who had been preserved and entombed over an 85 year period of time, the following anecdotal information was derived about the subjects of this study. (*Editor’s note: This study was based on a mausoleum in a northern state.*)

Between 1900 and 1960, nearly 99% of human remains were embalmed. In most cases, there was strong evidence of successful long-term preservation, lasting many decades.

There was much evidence of thorough preservation through the use of adequate embalming chemicals and implementation of standard embalming methods of the day. In numerous cases, the deceased were very well preserved and distinctly recognizable. Facial features, hands, jewelry and clothing remained in tact. Some remains were completely desiccated but still recognizable while others were only skeletons. In either case, there was no odor present.

Less than 15% (approximately 35) of all 650 casketed disinterments were in a state of active decomposition. The majority of these cases were in sealed caskets and it appeared that moisture was trapped inside the casket and could not escape, or the crypt accumulated water and it seeped into the casket.

There was consistent evidence of extreme care given the deceased in respectful final preparation (dressing, positioning, cosmetizing, hair dressing, etc.).

Funeral directors achieved these admirable accomplishments without the assistance of modern embalming machines, advanced embalming chemicals, eye caps, needle wire injectors, hydro aspirators and so on.

Based on the mausoleum disinterment project mentioned above and based on many other crypt/disinterment conflicts where I was engaged as an expert consultant, I recommend the following standards of a successful mausoleum.

### Requirements for a Successful Mausoleum

**Construction** – In order for a mausoleum to hope for longevity, it must be constructed of high quality building materials. Emphasis must be placed on employing expert tradesmen, skilled in mausoleum construction. The building must take into account the extreme climate changes of the region.

**Proper Ventilation** – Adequate ventilation is necessary to manage moisture problems. Moisture retained in the crypt will rust metals, rot wood and accelerate the decompositional process. Excessive moisture may lead to leakage outside the front of the crypt. Therefore, each crypt must be well ventilated, allowing for moisture to exit the crypt as needed.

Mausoleum policy may require that each entombed casket must be partially opened to allow steady air flow. While this policy makes sense from a ventilation viewpoint, it may contradict a family's desire for the protection afforded by a tightly sealed casket. If such "open-casket" policies do exist at any mausoleum, the family should be

## Funeral Ethics Organization

87 Upper Access Rd.

Hinesburg, VT 05461

802-482-3437

866-866-5411

Vol. 3, No. 2

Published quarterly

Annual membership/subscription \$25

### Directors

|  |   |
|--|---|
| John Eadie, President<br>Albany, NY<br>JohnL.Eadie@aol.com                   | Jim Eaton<br>Aurora, CO<br>williamjeaton@aol.com              |
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| Graham Cook<br>Des Moines, IA<br>gcook@homsteaderslife.com                   | <b>Staff</b><br>Lisa Carlson<br>Executive Director, Editor    |

informed of the policy *before* purchasing a crypt. Local funeral homes should also be aware of such policies in order to guide the family in casket selection. For example, a family may decide to purchase a sealed casket with protective qualities. However, they need to know that casket will not be sealed in the crypt, per mausoleum policy. If they then decide to purchase a non-sealing, less protective casket, that is fine. But for the mausoleum and the funeral home to avoid liability and litigation, the family should not be deceived in any way.

**Regular Maintenance** – Like any other building, even the best constructed mausoleum will deteriorate if not inspected and repaired on a regular basis. Unattended cracks in mortar and leaking roofs will guarantee future problems. Operational heating, air conditioning and ventilation systems will prevent moisture problems in the crypts and throughout the building.

**Perpetual Care Funds** – Anyone considering the purchase of crypt(s) might first investigate the financial stability of the cemetery/mausoleum. There should be substantial funds set aside for future maintenance and repair of the mausoleum. If perpetual care funds are inadequate, it is unlikely needed repairs will be done.

Entombment in a mausoleum is a popular means of final disposition in our society today. Before purchasing a crypt it is reasonable to ask if the mausoleum was well constructed, if the crypts are well-ventilated, what is the mausoleum policy on sealed caskets, how the building is

maintained and how will future maintenance needs be funded? If the answers to these questions are satisfactory, the crypt owners will be confident in their purchase. §

*John Pludeman has been a funeral director in Wisconsin for 30 years. He is the Coordinator of the Funeral Service Program at Milwaukee Area Technical College and teaches the subjects of Embalming, Restorative Art and Funeral Service Law.*

*John has extensive experience with disinterments and is available as a consultant on such matters. He has presented programs for funeral directors, cemetery and other professional organizations across the United States. He can be reached at JPludeman@aol.com*

## The Failure of an Industry

by Lisa Carlson

In 1994, the Monument Builders of North America (MBNA) produced an inter-industry Mausoleum Study Report. The study was prompted by “a sharp increase in litigation and problems” related to body fluids and gases escaping from mausoleum crypts. Furthermore, the report notes, “One of the problems is due at least in part to the number of separate players, each of which wants to transfer responsibility and accompanying liability to some other player. The funeral home, monument dealer, cemetery, casket and mausoleum manufacturers each have an interest in selling their product, while passing liability to some other participant.”

The goals of the study:

1. To clearly understand and identify from the funeral and pathologist professions the decomposition process of the body and how it impacts above ground burial.
2. To clearly understand and identify from the casket manufacturers what the performance expectations are of the various caskets and how they impact above ground burial.
3. To examine other containment and fluid retention products and their impact on above ground burial.
4. To examine current mausoleum design and construction methods to determine their impact on above ground burial.

### Findings

Although **embalming** delays the decomposition process, that’s all it does and was dismissed as a means of controlling mausoleum problems. “Embalming is not forever!!” Not only would long-term preservation interfere with ideal body conditions for viewing, the embalmer

often doesn’t know the type of interment being planned.

(Among the 16 southern cemeteries I called, at least half require embalming for mausoleum interment, even though there is no rational basis on which to frame that requirement. One mentioned an exception for those of the Jewish faith.)

“Air currents that pass through a mausoleum and over the body will evaporate liquid byproducts of decomposition as fast as they are produced. Air currents also remove any gases that may be escaping from the body. Eventually, this process of evaporation serves to significantly dehydrate the body to the point where there is no moisture left, and the body is, in effect, mummified,” states the report.

But doesn’t the casket interfere with such ventilation? Indeed, the report recommends, “Educate funeral homes that a protective (sealer) casket will help reduce circulation of air over the body in mausoleums.”

MBNA found that the Catholic Cemetery Association was documenting an 86% failure rate or problems with wood and cloth-covered **caskets**, 62% for nonsealing metal, and 46% for “protective” or “sealer” caskets. Even with the somewhat better results, the report states in bold print, “**It is highly unlikely that such protective sealer metal caskets employ sufficient mechanisms to contain body fluids or gases.**” (Of the 16 cemeteries I surveyed, two required sealer caskets, two required wood or nonsealing caskets, and two admitted to opening or unlocking caskets for ventilation. Kurt Rostad suggests in a 2003 issue of *Funeral Service Insider* that two six-inch sections be cut from any gasket to allow for air flow. Or take out the memorial tube in a Batesville casket to ventilate it. Included in the MBNA report, however, is a Batesville letter which states that removing such end cap will void the warranty, a strange position to take if airing out the casket allows the body to mummify rather than putrefy, which runs the risk of rusting out the casket. Those casket warranties have since been reduced from 50-to-75 years to 5-to-15 years, after the Body Farm experiment and a number of expensive lawsuits.)

Caskets with an **inner plastic tray**, typically found in wood caskets, were sometimes effective in containing fluids, but with the thermal cycling of moist air, the condensation can leak down the sides of the casket outside the tray. (Wood caskets quickly become unglued in a moist environment without sufficient ventilation.)

Batesville and York are now adding plastic trays to their metal caskets as well, but it’s not clear if those trays are anticipating the condensation problems. At the time of the report, Batesville said that it would be too expensive to fit trays to their various-shaped caskets. Batesville’s ideal solution: an **external casket wrap**. (Batesville has not supplied requested information for this article nor given the results of its eight-year study at the Body Farm that

was apparently prompted by mausoleum problems. <<http://www.funerals.org/alert/bates.htm>>. Staff at the University of Tennessee said that when the caskets were finally opened at the end of the study, “the bodies were a mess” in the above-ground caskets and vaults.)

Unlike 10 years ago when Ensure-a-seal was the only such product on the market, *American Cemetery* magazine

now carries ads from at least six different companies making crypt trays and casket wraps. Some cemeteries are apparently slow to adopt any policies for their use, however, as ten of the 16 surveyed either didn't require a tray or wrap or didn't know if such was required. Given the known failure of even sealer caskets, such a wrap would more adequately meet the requirements of the health law in Pennsylvania which states, “No dead human body shall be placed in a permanent over ground mausoleum or other structure for the dead unless the remains are encased in a container so sealed that no evidence of dissolution may escape.”

Among the recommendations in the MBNA report, “Encourage ethical business practices that do not mislead the public with inflated performance expectations of sealer/protective caskets.” (One has to wonder what the report-writers expect the public to be told.)

With regard to **mausoleum construction**, the report admits that there has been little research. But from in-field experience, “Fluids will seep through or sweat through solid granite floors and side walls that stain and create unsightly problems. . . . The flow of body fluids is not always predictable. Fluids don't always flow down. Thermal cycling can negate the effectiveness of sloping floors. . . .Crypt fronts that are level or flush with the inside floor are very prone to fluids working their way out of the mausoleum through the fronts. . . . Air flow increases odors and the likelihood and attraction of insect infestation.”

Among the report recommendations for mausoleum builders:

- The floors of the mausoleum need to be sloped more so that the fluids all flow toward the drains. (More than what was not described. Matthews/Gibraltar uses a 1% slope or ½ an inch in 7½ feet. Rock of Ages uses a grooved floor sloping to the back.)
- Include a channel or groove that follows the perimeter of the mausoleum floor to allow for natural fluid flow to the drains. (Matthews/Gibraltar uses no such channel.)
- Use multiple drain holes that are at least 3" in diameter, possibly including one-way valves to help prevent insect infestation. (Matthews/Gibraltar uses a 1½" screened tube vent. Rock of Ages uses multiple 2" vents and recommends both sealed caskets and a casket wrap such as Ensure-a-Seal.)
- Seal all the internal walls, roof, and floor to minimize staining and the effects of thermal circulation.
- Adjust crypt front openings so they are raised to prevent fluid flow.

The MBNA report recommends **cross-industry education** as the solution to avoiding mausoleum problems. But A.C. Joyner, chairman of the study, laments that the report did not receive wide circulation or attention. To wit, there is nothing on the national funeral director's exam about mausoleum entombment, and apparently it is not normally a topic of discussion in mortuary schools. Cemeteries have no consistent standard of practice, and casket companies have failed to provide a simple, unscrewable, screened vent as standard on all metal caskets. The failure to educate all parties gives rise to the income of lawyers and the distress of families. §

*Our thanks to MBNA for sharing the Mausoleum Study Report. A ten-page summary is available on the Internet ??????*

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Regulatory bodies, like the people who comprise them, have a marked life cycle. In their youth they are vigorous, aggressive, evangelistic, and even intolerant. Later they mellow, and in old age—after a matter of ten or fifteen years— they become, with some exceptions, either an arm of the industry they are regulating or senile.

*John Kenneth Galbraith  
The Great Crash 1929*

# Professional Challenge

*The following question was put to a number of funeral directors, cemeterians, state regulators, and others. If you have a question that you would like to see discussed (including issues that involve cemeteries, monument dealers, law enforcement, hospice, etc.), please drop us a line — [news@funeralethics.org](mailto:news@funeralethics.org)*

**A family chose entombment in a Tennessee mausoleum. Within six months the crypt was leaking out the front. The funeral home replaced the casket and provided a casket tray and wrap with no additional charges. Was the funeral home negligent in not recommending a casket tray and/or wrap in the first place? Or was the cemetery negligent in not requiring one? What or how much should families be told about mausoleum entombment?**

I've learned that the best way to solve some of these difficult problems is to focus on the cemetery gate. What happens before crossing the cemetery gate is typically under the direction and responsibility of the funeral director. What happens inside the cemetery gate is typically the responsibility of the cemetery. In this case it is clear. A funeral director cannot anticipate what may or may not happen with what the family selects within a cemetery. Unfortunately, many mausolea have been poorly designed and constructed, especially those that are exposed to the elements, typically heat, such as with outside crypts. I'd say the funeral director went beyond his responsibility by providing a new casket and liner in response to what happened and as a gesture to the family he served. If the family seeks recovery from damages, it would rest with the cemetery.

I see no negligence on the part of the funeral director. When mausoleum crypts are properly constructed they should not leak as you describe. The mausoleum operator should supply any devices used to prevent such episodes at their expense.

I wouldn't expect the mausoleum seller to tell all the gory details of what happens in a mausoleum after entombment but they should also be honest when asked about bugs, leakage and smells. Most folks have an incorrect impression of mausoleum entombment falling victim to such BS as "if this crypt was opened in a hundred years the body and the casket would just like it had been placed yesterday". People want to believe such lies. Who wants to hear the real truth?

The casket tray and wrap should have been provided by

the mausoleum. If it was not, the funeral director should inform the family of the need and explain the details at the time of the initial entombment.

That is truly the million dollar question. The society we are in today, no one trusts anyone, and we are darned if we do and we are darned if we don't. I don't see how anyone comes out ahead in this market today. If the funeral director or cemetery tries to sell them a mausoleum tray, they are criticized for "trying to sell them something they don't need," and if they don't sell it, they are criticized for not offering the product. It makes it difficult to do business today. It all depends on whether the media or some advocate wants to make issue out of it either way.

I am a firm believer in educating people about what we do. The most difficult part is finding the appropriate words to explain to the families without offending or upsetting them. I am sure that is often times why the subject matter is tiptoed around. I do believe that families need to be educated with the correct information in order to feel as though they received value for what they paid. I believe it is in the family and the cemetery's best interest to include the [casket wrap and tray] in the total price and inform the family that it is included due to maintenance and protection for both the family and the cemetery. If they need to have the question defined, then by all means, define it—with tact.

Seems as if it is the mausoleum's responsibility to set the requirements and inform the family about it when they purchase the crypt. As a funeral director for over 16 years, I have entombed maybe two persons.

We only have about three cemeteries in the entire state with any type of mausoleum. So the likelihood of a funeral director in this state even knowing what a "tray" or a "wrap" was would be slim and next to none. Maybe in states where there are more mausoleums the funeral directors may be more informed, but not here. Again, it is the mausoleum's negligence in my opinion. Cemeteries outline their requirement to the families when they purchase property.

At what point is there too much disclosure? I think we have an obligation to disclose issues that are of real importance or significant consequence. Otherwise, we could spend an entire day with a client-family and have them sign hundreds of paragraphs of detailed disclosures. No one wants or needs that.

Because this situation is rare and because I do not believe that the use of a casket tray and/or wrap is a standard of care, I do not see negligence in this case. Increasingly, caskets are being made with a

container in the base to catch any leakage. We all know that wood caskets can be problematic in a mausoleum, which is why, when asked, I encourage my co-workers to recommend a metal casket for mausoleum entombment. Here, metal caskets are generally not sealed for mausoleum entombment, allowing for some natural evaporation.

1. I hate mausoleums; they are a breeding ground for leaking caskets particularly in the south where the daytime temperatures cause heating of the interior of the casket contents. This heating causes the fluids of the deceased to vaporize (not unlike what happens in a terrarium). Then in the evening the fluid suspension rains down upon the deceased and pools in the bottom of the casket.

2. It is my opinion that the warranty on such "sealing caskets" should be voided by the cemetery. When a body is placed into an environment such as a sealed casket, anaerobic decomposition begins which is putrefaction instead of aerobic decomposition which would lead to desiccation which is a drying of the body. If the mausoleum is designed properly with fans sending air across the casket with the lid slightly ajar by the use of small blocks of wood or other material, then the body may not putrefy but desiccate reducing or eliminating the problem of "exploding casket syndrome" or leaking mausoleums.

3. I have myself as an expert witness pulled the body of a young man out of a wood casket that had broken apart because of the heating and cooling of the environment of the outside mausoleum. The family reported an "odor" near the deceased's crypt. We had to take the young man's body "which was desiccated" because of the aerobic environment and place it into a Zeigler case and place the body back into the crypt. There was a double edge conundrum with the particular case. If the mausoleum had been properly designed, the odors emanating from "normal decomposition" would have been pulled upward and into the environment. But at the same time the body was allowed to desiccate instead of putrefy and there were no fluids present when we placed him into the Zeigler Case. The other side to this problem is in that most cemeteries don't allow wood into their mausoleums.

4. How much should families be told about mausoleum interment? I did not sell the mausoleum space. I discourage families from using mausoleums. My own in-laws own mausoleum space and my father-in-law is entombed in a local outside cemetery where I placed

the young man in a Zeigler Case. He is in a Stainless Steel Batesville casket. I put him in that particular casket because it is an "urn" shaped casket and there is only one weld on the body of the casket. I feel some satisfaction knowing that even though at one point in his decomposition he was "swimming" in "primordial soup" that this casket was going to hold up to the heating and cooling of his environment.

5. Regarding how I deal with mausoleum families, I will tell them as much as I feel that they can handle. There is fine line as to how much families really want to know, and often I will put the cemetery on the phone with them to get "their recommendations" for casket selection.

If families buy mausoleum space I feel that the cemetery should inform them of all issues regarding the use of the mausoleum. Ultimately it is the cemeteries responsibility to protect the deceased individuals who are interred on their property. I feel that they should let the families know what kind of casket should be used and why. I feel families are not given the kind of care that they need at cemeteries at need or pre-need because of the lack of licensing or training required by cemetery employees. I also feel that cemeteries should have to comply with the FTC regarding their trade practices as do funeral homes. Cemeteries are a real issue with me. I feel a need to protect the families I serve from the unscrupulous actions of some, not all, of the cemeteries in my region.

It sounds more like negligence on the part of the cemetery for not having policies and procedures in place to prevent this from happening. Certainly it is not mystery to those in the death care industry that as a corpse decomposes this type of problem can occur in a crypt.

I am always concerned about how much "detail" a family should be told. Not to arbitrarily withhold information, but to provide adequate knowledge to facilitate proper care of the deceased and peace of mind for the family should be a good rule of thumb.

Are you asking an ethical question, or a legal one? The two categories are not necessarily exclusive, since the law often refers to a profession's own standards of conduct in establishing the legal standards for that profession.

In any case, I'll assume that you're asking a legal question. It should be common knowledge in the cemetery industry that, without appropriate precautions, an entombed corpse often leaks fluids out of the crypt. By not taking those precautions, the cemetery is legally negligent.

In my view, this is the cemetery's responsibility, and the funeral director's only involvement is limited to (perhaps) recommending the cemetery in the first place. But there may be other facts that I don't know that point to the director's negligence. Perhaps there was an implied agreement (or pattern of conduct) that the director supplies a leak-proof casket. In such a case, the director would be at fault.

Whether or not this case rises to legal liability, I don't know. The damages suffered by the family are emotional in nature. Those types of damages are often subject to legal nuance that varies from state to state. But if I recall correctly, mishandling a corpse is frequently recognized as a civil cause of action, even without physical injury. A lawyer familiar with Tennessee law would have a better opinion than mine. (By the way, the lawsuit could be for both negligence and breach of contract.)

What should families be told about mausoleums? I assume you mean about the leaking risk. Is this a legal question, or a policy question? From my own knowledge of law, the cemetery operator does not have to explain anything. But if the cemetery industry has its own standard that requires some sort of explanation or warning, then that same standard would probably be a legal one as well. Moreover, if the cemetery operator does in fact tell the family about the leaking risk, that could provide something of a defense in a lawsuit.

As for a policy question, I don't know. It seems to me that it should be an easy, straightforward matter to take some minimal precautions that consistently prevent leaking. In light of that, it should not be necessary to warn the family of a leaking risk.

I see the mausoleum builder more at fault for the poor design of the facilities which does not vent correctly. It could be an old mausoleum.

Today's merchandise is more design for these types of situations, with failsafe trays for caskets to prevent such an event as this. Maybe if the funeral home had known, they could of put a desiccant material in the bottom of the casket to help prevent this situation.

I do believe that cemeteries should include this in their price for entombment (opening and closing) in their mausoleums.

My "first impression" response is that responsibility falls on both the Funeral Home and the cemetery. Both had the knowledge to anticipate this problem and both were responsible for looking after the family's interests.

If the facts are as you state them—and I have no doubt that they are—it is a shame that the Tennessee cemetery people do not have a requirement for a tray.... that is just flat-out wrong. Families need to be informed, in a respectful but matter-of-factly manner, that human remains DO decompose, and bodies can leak out fluids. Cemeteries which fail to tell clients this, do so at their own peril.

It is also incumbent upon funeral directors to know the policies of area cemeteries. It is their responsibility to inform clients of their chosen cemetery's rules and to advise them in a sensitive but realistic manner, of what happens to the dead, and what can be done to avoid such incidents as you mention.

What type of casket was sold? Was it a sealer casket and did the funeral director disclose that it might still leak? If the funeral director misrepresented the qualities of the casket, then their providing the tray and wrap at no cost was appropriate.

You also asked about the cemetery's obligations. I advise cemeteries that have mausoleums to require a tray and if there are concerns about the casket, then a wrap would be appropriate. Some cemeteries also either prohibit sealer caskets in mausoleums or indicate that the seal may be broken if used in a mausoleum. Of course these requirements should be disclosed to the families either by the funeral director or the cemetery. I think it is better to disclose information than to hide it or misrepresent it.

The cemetery in this day and age should use a tray as a matter of course. Experience over the many years has taught us that entombment can have significant consequences. Because of the body and its condition upon entombment makes it important to first treat the body and especially the cavity with a very high index embalming chemical, just to cut down on the bloat and decomposition. absolutes never seal the casket if one has been sold, and let the natural ventilation of the crypt dry out or mummify the deceased.

The funeral home knew the individual was going to be entombed, so they should take every precaution regarding the deceased, especially if an obese individual or in advanced stages of decomposition, or just the mere fact

that the body could have edema or many other factors. Making sure the casket was not sealed, nor hype the fact to the family that it is. Bodies decompose and have the similar problems in earth burial, the problem is never a factor [never seen]. However, with entombment it's of great concern, and most reputable mausoleums today

provide a tray and check for other conditions to prevent this type of thing happening.

Obviously in this case both the funeral home and cemetery share responsibility: 40% mortuary, 60% cemetery. They should use trays on every entombment, just like universal precautions are used by every health care worker.

I think it is unnecessary for a body to decompose so badly so quickly that it would flow out the front of the crypt. Except in very unusual situations the body should dry out over time and become more leather-like than to decompose as an unembalmed body would. If the embalmer knew in advance that the body would be entombed, then an especially dry embalming method could be utilized. The bodies we embalm on campus leak in the cooler, sometimes as much as a gallon, but that is due to very low temperature and the type of arterial injection we do for the students' practice and experience. The leakage is strictly embalming fluid, never decomposition byproducts

Regardless, the body should have been put in a middle-quality pouch in the casket with the zipper left open to allow evaporation of any leakage. I don't believe that wrapping the casket is a good idea. I also don't know that a tray is a routine item to use as it admits that they expect leakage; by now it has probably leaked as much as it is going to.

I also think the design of the mausoleum is in question. The ones I know about have drains in the back of each crypt to allow drainage into a septic collection point somewhere below the building. Additionally, the front door should have been sealed with a caulking like bathtub seal, especially along the bottom. Finally, there should be a vent in the top of each crypt to allow ventilation to allow any water vapor to escape slowly but surely. If the mausoleum is very old, they should have had these types of problems before and known how to prevent them.

I work with a funeral home in NY which also operates a mausoleum, and although they have odor problems with new entombments, they have never had a leak.

A casket tray and wrap should be standard operating procedure for every mausoleum entombment. The cost is minimal for such "insurance." How much should you tell the family about mausoleum entombment? An arrangement conference can last over two hours. How is one to educate those pertaining to things that may or may not occur (pertaining to possible problems with a poorly embalmed body in a mausoleum) and what will they remember? Who knows how a mausoleum

"works?" ...the undertaker, the cemetery? The mausoleum should require a wrap. Said required wrap will eliminate the problem.

I have been talking with other funeral directors who said that in Monroe County (around Rochester, NY) they are required to use a tray and a shrink-wrap type of enclosure around every case entombed in a mausoleum. They do not know how the niches in those mausolea are built for drainage but they surmise that they have none so this method of retaining fluid ad infinitum is their response. The FD's also do not think that there is any provision for ventilation either so the front panels need to allow the release of pressure, thus the chance for leakage. I believe that they should at least seal the lower portion tightly.

I think in your case, the family should be told that this is a rare occurrence, that bodies will decompose in a wide variety of modes and it is almost impossible to predict in each and every case how that might happen. I think the funeral home was wise to replace the casket and use a tray to avoid the problem in the future. Mostly I would place blame on the mausoleum for having a structure that is not designed to handle the possibility of leakage that the public might observe. Their responsibility is to maintain a safe and sanitary environment, and if there was any leakage down the front of the crypt, why was it allowed to persist? Any business with a caretaker who should be trained and trusted to handle unacceptable situations, should take responsibility for inaction on the part of that person. I imagine the billing department stays up to the minute, so should the physical plant.

I do not believe the procedure forced upon the FD's in Monroe County is scientifically the best. I still believe that bodies allowed to dehydrate slowly after embalming through natural evaporation will result in the best artifact for above ground entombment. This is really the definition of mummification, and even those mummies which had no treatment like the addition of oils and tars, just drying in the desert sands, have lasted 5,000 years with no leakage or odor.

I am embarking on a minor mission of finding out much more about mausoleum construction and preservative success, I think I see a continuing education unit developing here. §

People believe what they want to believe, even though the evidence may not make sense when supported by that belief.



# How well do you know the Funeral Rule?

1. It is permissible to have a "sheltering" charge on the GPL.  yes  no  only after 3 days
2. The Basic Service fee should include staff prior to, during, and after the funeral.  yes  no
3. The crematory fee must be included in the price for a direct cremation.  yes  no
4. If you offer a low-cost direct cremation to compete with the local market, you may change the wording for the FTC disclosure for the nondeclinable fee from "This fee is already included . . ." to read "Such a fee is already included . . .".  yes  no
5. It is permissible to require "sanitary care if no embalming."  yes  no
6. It is permissible to have an extra charge for embalming infectious diseases.  yes  no
7. If you said no to the above question, you may, however, add a charge for the disposition of infectious waste.  yes  no
8. The casket price range on your GPL should indicate—  
 only those caskets in stock  the caskets you typically sell and can obtain on short notice without special ordering
9. You may have three separate price lists— for burial caskets, cremation caskets, and alternative containers.  yes  no
10. You may refuse to sell a cremation casket for burial.  yes  no
11. It is legal to charge more for a memorial service than a funeral service because you're not making any money on embalming and a viewing.  yes  no
12. Which of the following is NOT required by the FTC on a GPL (more than one may be marked; don't consider state requirements in the answer):
  - Federal Identification Number
  - Name(s) of owner(s)
  - Funeral home name
  - P.O. address
  - Street address
  - Town
  - Phone number
  - Fax number
  - Toll-free number
  - E-mail
  - Website
  - Contact information for a state agency handling consumer complaints
13. You may use a cloth-covered casket as your only alternative container for cremation.  yes  no
14. If a family wants to donate bones, eyes, or tissues, you may charge a higher price for embalming given the extra repair work that will be required.  yes  no
15. Who should sign the Statement of Funeral Goods and Services Selected?  
 no signature required  legal next-of-kin  
 the one paying for the funeral
16. You must save copies of your GPL for—  1 year  
 5 years  7 years  10 years
17. It is illegal to offer discount packaging, but it's okay if you don't get caught because everyone's doing it.  
 discount package are illegal  
 discount packages are acceptable
18. The Funeral Rule doesn't apply to preneed sellers who aren't funeral directors.  true  false
19. You must give a GPL to anyone who inquires in person, even if that person is a competitor.  yes  no
20. You must fax or mail a GPL if requested to do so.  yes  no
21. If you've already given the family a GPL once, do you have to give out another GPL if a change is being made to a preneed contract at the time of death?  yes  no
22. You don't have to cooperate with consumer groups doing a funeral price survey over the telephone.  true  false
23. You may copyright your GPL to keep others from using the information on it.  true  false
24. You don't have to agree to a graveside service with an Immediate Burial if it is requested.  true  false
25. The following disclosure is required on all GPLs--  
  
*"Except in certain special cases, embalming is not required by law. Our funeral home, however, requires embalming after 24 hours or for any open-casket viewing."*  
 true  false
26. If you don't have a casket price list, you must at least have the price labeled on each casket.  true  false
27. If you don't know the cost of a cash advance item, you should leave that line blank on the Statement of Funeral Goods and Services Selected (SFGSS).  yes  no

28. If the consumer has purchased a funeral package, you still have to go to the trouble of listing what's in the package on the SFGSS).  true  false

29. You shouldn't put a total on the SFGSS until you know all the cash advance prices.  
 true  false

30. You should give the SFGSS to the consumer when?  
 at the end of the arrangements conference  some time before the final day of the funeral  it's okay to mail it later if you have a 30-day payment policy

31. Asking permission to "prepare the body" is the same as asking permission to embalm and a more delicate way to phrase it.  yes  no

32. You may not charge a casket handling fee if a consumer supplies the casket, but you can raise your price for an Immediate Burial with casket supplied by the purchaser compared to what you would charge if the casket is purchased from you.  yes  no

33. You may offer an Immediate Burial package and limit the choice of casket to go with it.  
 yes  no

34. It is okay to have a printed GPL without prices so you can write in prices as they change.  
 yes  no

35. If you are promoting preneed packages, you don't have to give out a GPL because there isn't any funeral yet.  
 yes  no

36. One way to ensure your profit is to hike your nondeclinable fee way up and give away all other services such as a viewing or funeral for free.  true  false

37. It's okay to use the word "protective" on your casket price list or outer burial container price list as long as that word is used by the manufacturer.  yes  no

38. Even if the family did not choose a viewing and embalming, you may charge the family for "Other Preparation of the Body."  yes  no

39. You may require a person to sign a statement as proof that they've received your GPL, to cover all your legal obligations about FTC-required disclosures.  yes  no

40. A secretary answering your phone does not have to give out prices if you don't want her to.  
 yes  no

41. But you must return the call if she doesn't.  yes  no

42. It's okay to mark up cash advance items without telling the consumer in any way.  yes  no

43. Consumers inquiring about prices must be allowed to keep which of the following:

- General Price List
- Casket Price List
- Outer Burial Container Price List
- A sample preneed contract
- all of these

44. Selling outer burial containers is one requirement of the Funeral Rule.  yes  no

45. The list of vaults on your OBC Price List should be in ascending order according to price, with the least expensive one first.  true  false

46. The same is true for the casket price list, with the least expensive casket listed first.  true  false

47. If you do not have a casket showroom and sell caskets by catalog only, then you do not need a separate casket price list.  true  false

48. Where should the following disclosure be printed?

*"Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below."*

- on the General Price List
- the Statement of Funeral Goods and Services Selected
- a preneed contract

49. GPL rules don't apply if you're selling funeral insurance.

- true  false
- if no funeral arrangements have been discussed

50. You may refuse to sell an urn or casket if you are are not also providing the other services

- yes  no

Answers to these questions, along with explanations, are posted on the FEO website:  
**[www.funeralethics.org/FTCanswers.pdf](http://www.funeralethics.org/FTCanswers.pdf)**

The major source of information was taken from the FTC booklet, "Complying with the Funeral Rule," posted on the FTC site at:  
**[www.ftc.gov/bcp/online/pubs/buspubs/funeral.htm](http://www.ftc.gov/bcp/online/pubs/buspubs/funeral.htm)**

## Thinking about Food in the Funeral Home

by Maryann Carroll

Can you think of any major life event that is not tied to food? Yes, a funeral in New Jersey.

The prohibition against serving refreshments in funeral homes was developed in the mid 1900s in response to health concerns as funerals moved from home-centered to funeral home-centered events. The New Jersey statute reads, “NJS 45:7-65.1. *Service of food or refreshments on mortuary premises*: In the interests of safeguarding public health, no person who operates, maintains, or uses a mortuary within this State shall serve, or permit or suffer to be served on or about the mortuary premises any food or refreshments in conjunction with any funeral or in conjunction with any service offered or provided for the preparation and disposal of dead human bodies.” A similar standard exists in New York State [and Massachusetts] as well.

With the advent of OSHA and advances in the treatment of communicable diseases, these laws may seem a bit antiquated – and close-minded in that serving refreshments potentially offers funeral owners new streams of revenue. But the practical application of food in the funeral home is another matter.

Most funeral directors probably would be okay with offering coffee to clients during arrangement conferences. But to serve food or drink in conjunction with viewings or services becomes more complicated. Many funeral homes simply do not have the space to accommodate catering or are unwilling to deal with spilled drinks, dropped food, and children’s sticky fingers in well-manicured facilities. And, while “event management” is becoming a new catch phrase when exploring creative alternatives to changing consumer preferences, the limitations that come with the extreme real estate costs in the Mid-Atlantic states and businesses that are land-locked and just cannot expand, create honest roadblocks to offering refreshments in conjunction with funeral services.

This may seem contrary to the expectations of traditional social gatherings but does make sense to many funeral home owners who cannot reconfigure their facilities or who are willing to create further maintenance obligations. §

*Maryann Carroll is Director of Government & Public Affairs, New Jersey State Funeral Directors Association and Executive Director, Metropolitan Funeral Directors Association*

## Hospitality Food within Funeral Service Premises

by Ron Hast

Thousands of families have raised their children from birth to college within the funeral environment—with food served, without related health issues.

Years ago, certain funeral homes in the New York / New Jersey regions provided as much as full meal service within the funeral home for their clientele. It became evident that this service attracted business, and competitors reacted by promoting legislation to ban food of any kind on the basis of health risk. Hiding behind “laws” to this day—food service of any kind is prohibited. “We aren’t in the food business, we are in the funeral business,” they claimed. In reality, they are in the business of providing services and facilities to comfort survivors through their death experience. Hospitality food during bereavement is desired, appreciated and provided throughout the majority of the United States and elsewhere.

I have attended many funerals for funeral service families in the past 49 years, including New York. I cannot ever recall a visitation where hors d’oeuvres and usually a bar were not present (even if hidden in a combined residence). Why is it so important for those of us in death care to share hospitality among ourselves but not support the desire of others we serve?

Did it ever occur to the critics of hospitality refreshments within the funeral home that a notable number of families plan no services within a funeral home? What is the distraction? High costs? Low value? Consider offering well planned hospitality receptions as an event. It has proven to be attractive, comforting and appreciated.

There is no evidence whatsoever that food within a funeral home is a health risk. Food is part of our culture when we gather for social or business reasons, and should not be restricted from funeral service for any reason. Riding on an airplane or bus may be a public health risk; the presence of even an unembalmed body is not. §

*Ron Hast is a California funeral director and publisher of Mortuary Management and Funeral Monitor.*

*Editor’s note:* Our Summer ‘05 issue shows pictures of a full-service diningroom in a Netherlands funeral home, a significant contrast to the Massachusetts situation where a woman was refused funeral home entry with a coffee cup in her hand.



## Apologies from the Editor:

Researching mausoleum problems turned out to be an extended task, with new information coming to light late in the schedule, delaying publication. We have therefore combined the Spring and Summer issues of the FEO newsletter.

**Next Issue:**  
Competition Breeds  
Dirty Tricks

*Spring~Summer 2006*

**Funeral Ethics Organization**  
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*Return Service requested*  
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## We Can Do Better ... And Some Do!

➔ From an on-line bulletin board discussing clergy honoraria:

We have to take checks to each Catholic service we do. We even have one priest who will call several times (even while we're still doing arrangements with the family) to make sure he gets his check. If the family doesn't put it on the contract as a cash advance, he still calls and tells us we must get the checks from the family and bring it to the church before he'll do the service.

Having been in funeral service for many decades and having been involved in many, many Catholic funerals, I can say that I have never taken a check to a Catholic church and I know of no other funeral directors who have. Never has a priest ever mentioned a fee to me.

At nearly every Catholic church [in my area] there is generally a set amount for the priest, soloist, cantor and altar servers. The funeral director usually knows what check(s) to bring.

Recently I overheard an older-looking Catholic priest who was preparing to do a chapel service. "Now, I hope you told the family that my fee is \$125 and not one penny less."

To that the funeral director answered, "Yes, Father, I told them, and the son said okay, but he was going to give more."

➔ One congregation has purchased a block of cemetery lots from the city cemetery at a price of \$450 each. Price to its members: \$1,500.

**Join or renew on-line**  
**[www.funeralethics.org](http://www.funeralethics.org)**