



Handling of Human Remains – Rule Update

Chapter 246-500 WAC

January 9, 2023

Our Authority in Handling of Human Remains

- RCW 43.20.050 – Powers and Duties of the Board
 - (2)(f) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector-borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule;

Engrossed Substitute Senate Bill (ESSB) 5001, Concerning human remains

- In 2019, the Legislature passed ESSB 5001
- Bill authorized two new disposition methods for human remains, alkaline hydrolysis and natural organic reduction
 - Alkaline hydrolysis is the accelerated process of decomposition using heat, pressure, water, and base chemical agents, resulting in bone fragments
 - Natural organic reduction is the accelerated process of decomposition in a contained vessel, resulting in soil
- Legislation did not include explicit Board authority, but there was recognition of health and sanitation issues related to new disposition methods
- The law became effective May 1, 2020
- The Department of Licensing (DOL) conducted rulemaking to incorporate new disposition methods, which became effective in June 2020

2020 Rulemaking

- WAC 246-500-010; Definitions
- WAC 246-500-020; Contact with human remains
- WAC 246-500-030; Refrigeration or embalming of human remains
- WAC 246-500-040; Transportation of human remains
- WAC 246-500-050; Cremated human remains
- **New Section:** WAC 246-500-053; Human remains reduced through alkaline hydrolysis
- **New Section:** WAC 246-500-055; Human remains reduced through natural organic reduction

Rule Implementation Plan

- Department of Licensing (DOL) Funeral and Cemetery Board has direct oversight of facilities engaging in activities related to human remains
- State Board of Health staff provides technical assistance by:
 - Partnering with DOL to communicate with licensees impacted by the rule
 - Working with Local Health Jurisdictions (LHJs) to provide support and guidance for their oversight of facilities in their communities
 - Responding to licensee's questions
 - Developing toolkit materials to answer anticipated questions for facilities
 - Creating and administering a post-rulemaking survey of facilities to determine whether implementation was successful and if additional guidance was needed

Survey Overview

Who was surveyed?

- Earth Funeral – Auburn, WA
- Herland Forest – Wahkiacus, WA
- Recompose – Seattle, WA
- Return Home – Auburn, WA

What was asked?

- Successful completion of any instances of natural organic reduction
- Number of completed instances
- Sample collection and third-party lab analysis
- Amount of final product produced from one instance
- Final product disposition following completion of reduction
- Barriers throughout the process

Survey Results

Successful Instances of NOR

- 3, 10, 80, 150

Final Product Quantity

- ~0.5 to 1 cubic yard / instance
- Equal to 18 to 36 40-lb bags of topsoil

Sample Collection & Analysis

- 100% of samples reported within parameters in WAC
- Barriers - cost and time of third-party lab analysis

Disposition of Final Product

- Released to recipient
- Remainder left in care of the facility

Next Steps - Exception Rulemaking

- Staff Proposing Exception Rulemaking for WAC 246-500-055, Human Remains Reduced Through Natural Organic Reduction
 - Abbreviated rulemaking process to fix a typographical error in subsection (2)(b) and clarify initial testing requirements in Table 500-A of the rule
 - Qualifies for exception rulemaking process under RCW 34.05.310(4)(d)

Table 500-A

Testing Parameters

Metals and other testing parameters	Limit (mg/kg dry weight), unless otherwise specified
Fecal coliform	< 1,000 Most probable number per gram of total solids (dry weight)
or	
Salmonella	< 3 Most probable number per 4 grams of total solids (dry weight)
and	
Arsenic	≤ 20 ppm
Cadmium	≤ 10 ppm
Lead	≤ 150 ppm
Mercury	≤ 8 ppm
Selenium	≤ 18 ppm

Recommended Board Action

- The Board may wish to consider, amend if necessary, and adopt the following motion:
 - The Board approves the rulemaking proposal and directs Board staff to move forward with exception rulemaking under RCW 34.05.310(4)(d) to correct typographical errors and to clarify the testing parameters language in WAC 246-500-055 and submit the CR-102 to initiate rulemaking.

| THANK YOU



Questions?