

**NFDA**

NATIONAL  
FUNERAL  
DIRECTORS  
ASSOCIATION

# Opening a Crematory

Frequently Asked Questions  
for Funeral Professionals

# Opening a Crematory – Frequently Asked Questions for Funeral Professionals

## Introduction

As the cremation rate continues to rise across the United States, many NFDA-member firms are thinking about adding a crematory to their business. If your firm is one of them, you likely have many questions. This document provides answers to the most common questions, covering the things you need to consider before deciding to open a crematory – from research and community relations to environmental regulations and zoning considerations. The guidance in this document was prepared by NFDA's team of legal and cremation experts: Scott Gilligan, NFDA general counsel; Carol Green, NFDA environmental counsel; Dr. Laura Green, NFDA environmental scientist/toxicologist; Ed Ranier, NFDA OSHA counsel; and Mike Nicodemus, NFDA vice president of Cremation Services.

**Important Note:** The information contained in this NFDA document does not constitute legal advice and should not be considered a substitute for obtaining legal advice. Content is intended to disseminate useful information and is offered as a service of NFDA. Should compliance questions or issues arise, a crematory owner or party considering opening a crematory should consult with an attorney and not rely on the general statements herein.

## 1: Should I open a crematory?

Deciding whether to invest in a crematory is not as easy as one might think. It requires more than simple recognition of the increasing cremation rate and the potential opportunity for business growth. This is because there are a number of factors that might make the endeavor more subject to risk, potentially more expensive or more time consuming than one would expect. These factors influence whether the crematory will be a good investment. The best approach involves a close examination of a number of critical factors, in consultation with your business advisors:

- What is the market for cremation in your community, both short term and long term? What is the current cremation rate for your funeral home and in your community? How quickly and to what extent will the cremation rate increase? Is there room for another crematory or will the market demand be met by your competition?
- Is your existing funeral home or cemetery property suitable for a crematory? Do you own other suitable property? Determining suitability includes consideration of property size and location; access; zoning; proximity to neighbors, schools, parks and other public facilities; the prospect for new development, whether residential or commercial; and any governmental regulatory requirements or restrictions. If no property is available or suitable, then an additional expenditure for real estate acquisition may be required.
- Is there an existing building on your property that can be used to house the cremator or will a new structure need to be constructed?
- Does the current zoning designation for the property permit construction of a crematory? If not, can the

crematory be considered an ancillary use to the funeral home or will it fit the criteria for a special use permit or other exception? If a special use permit is required, what conditions need to be satisfied? Is there the possibility that the current zoning may be changed because of projected development in the area or other factors, such as a rewrite of the zoning code? If so, over what time frame? How would a zoning change impact plans for crematory construction?

- What is the sentiment in the community toward crematory construction? Will there be political, regulatory and neighbor support? When was a new crematory last constructed and what was the local reaction?
- Are there any regulatory restrictions set by the state funeral board or other agencies that would limit crematory construction, ownership or operation in your situation? For example, does your state limit location of a crematory to cemetery property? Some states restrict crematory ownership to municipalities, not-for-profit corporations or religious institutions.
- What permits and other approvals will be required? Typically, you need three types of approvals or permits before start-up: 1) zoning, 2) building and 3) environmental. State and local approvals vary in their complexity, amount of information required and time needed to secure them. In most instances, you will need to retain a consultant and an attorney who are knowledgeable about the issues to assist you in obtaining approvals. If public hearings will be required before the zoning board, city council or environmental agency, a public relations expert, media consultant or political advisor may be needed to provide valuable insight and support.

- How much money will you need to invest in a crematory?  
The cost of a new crematory will depend on the monies you will be required to expend to make a preliminary investment decision, purchase and install a cremator and related equipment, construct or rehabilitate a building, secure permits and approvals and retain business advisors, along with any other costs identified. Do not assume that purchasing the cremator will be the only expenditure.
- To determine whether your investment will make money, estimate your return on investment (ROI). ROI is the payback period – that is, the length of time it will take to pay off your investment. The question the ROI calculation answers is whether your money is best used in opening a new crematory or making some other investment. Cremator equipment manufacturers can help you calculate ROI. Make sure to involve your accountant or business advisor to help you examine the ROI the cremator manufacturer has calculated and help you perform your own ROI.
- From where will the money for the crematory come?  
There are typically three options for paying for your crematory: 1) cash: your own and/or cash provided by investors or other funeral homes that partner with you to jointly develop and own the crematory; 2) financing: provided by a lender or 3) leasing the cremator from the manufacturer. Each option has its pros and cons. Consult your business advisor and/or accountant in determining how to pay for your crematory.

Consideration of these factors may entail research, organizing information you already have, meeting with members of your community and/or consulting business experts. NFDA recommends preparing a written business plan that examines some or all of the above factors, depending on your situation.

## **2: What factors should I consider in selecting a cremator manufacturer?**

A number of factors come into play when selecting a manufacturer. To help you determine the type of cremator you should purchase, you must first identify your specific needs:

- Will the cremator be used only by your funeral home or do you plan to provide cremation services for other funeral homes?
- Who are your competitors and what is their rate of cremation? Do your competitors own their own crematories?
- What is your current rate of cremation and what is your growth potential?

After gathering information about your needs, identify two to three manufacturers that offer the type of cremators you may want. From there, do your homework and apply the same smart shopping techniques that you use for other major purchases. Attached is a table to record the information you collect.

- Conduct preliminary research by reviewing the websites of various cremator manufacturers before you contact them.
- Obtain literature from each manufacturer.
- Ask the manufacturer for references. Contact those individuals to gather information. Don't just speak with the crematory owners; be sure to speak with the operators as well. The operators will be able to share information about what they like and dislike about the equipment.
- Before signing a contract to purchase the equipment, determine whether the manufacturer will support your applications for zoning, construction and environmental permits that may be required in your community. Inquire whether the manufacturer's representative will attend public hearings and will speak at the hearings, addressing issues on your behalf. The support of the cremator manufacturer, who is the expert on the cremator's design and performance, is important to securing permits.
- What are the manufacturer's hours of availability if a problem occurs? How quickly can a representative arrive at your facility if there is a serious problem that cannot be remedied over the phone?
- What warranties are included with the purchase?
- Have a full understanding of what is included (and not included) in the price. Prices will vary depending on the type of equipment; you want to be certain you don't under-purchase or over-purchase. Some manufacturers offer financing plans and leases for acquiring cremation equipment.
- Above all, resist pressure to purchase a cremator that does not fit the needs of your business and the families you serve. Do not make a decision to purchase until you are ready. Don't be afraid to walk away. You must feel comfortable with your purchase.

If you need additional guidance about what to look for prior to signing a purchase contract, please contact NFDA.

### **3: What are the initial steps I should take to obtain zoning approvals for my new crematory? What professionals can assist me in securing these approvals?**

Securing zoning approval for a new crematory has the potential to be complicated, expensive and time consuming. This is particularly true if the funeral home or cemetery you own has been at its location for a long time and the zoning designation for the property has changed over time. A local zoning ordinance determines whether and how a property may be used. Understanding the specific zoning law in your community and the procedures that govern the body that makes zoning decisions is critically important to your success. Taking the following steps will make a zoning approval more likely; or, if a zoning approval is unlikely, these steps will reduce time and expense that could be better spent on seeking zoning approvals in another location.

- Do not contract for a cremator until you have conducted a preliminary zoning assessment and evaluated the likelihood that you will secure a zoning approval.
- Assemble a team that can assess the current zoning of the property, advise of possible issues and design a strategy for securing approval. Include some or all of the following professionals on your team: a zoning (not a general) attorney, an architect/engineer, a consultant familiar with the zoning approval process and known by zoning officials in the community, an expert in cremator operation, an appraiser, an environmental consultant/toxicologist, a media consultant who can help with community outreach and has a relationship with elected officials and a traffic consultant. You will likely need a consultant to address each of the elements set out in the zoning code. Work with your team to determine your likelihood of success and your cost in securing zoning approvals.
- Review the property's zoning classification and the specifics of the currently applicable zoning code, both substantive and procedural. Understand what you will have to show to secure zoning approval and the specific procedures you will have to follow, including what individual or entity has the responsibility, at each step, for approving/disapproving the zoning decision. Know how the appeal process works. Know whether the portion of the zoning code that applies to your property is under review or subject to change and how that might affect your property.
- Understand state law; if it defines your existing business or the service you provide in terms such as "funeral directing" or "funeral establishment," that would include a crematory.
- Research the recent history of crematory approvals in your area.
- Identify community groups, activists, advocates and

other concerned individuals who might be interested in your proposed crematory. Plan a preliminary strategy for educating these groups about the safety of your crematory. Virtually all zoning codes require some kind of public input/community involvement before a zoning decision is rendered.

- Evaluate state and local environmental requirements and understand the rules to which the crematory will be subject.
- Become familiar with the performance of crematory equipment and the ancillary services required for crematory operations.
- Assess what is needed to operate the cremator, such as space considerations, which may be met by a new building or garage or the remodeling of an existing structure; modified access to the facility, which may require a new road; fuel storage; fire protection; and additional or relocated parking.
- Determine whether you will be required to obtain a building permit and examine the procedures for application and approval.
- After you have conducted the preliminary zoning assessment, schedule a meeting with zoning officials in your community. Do this before submitting a formal application for zoning approval. This initial zoning meeting is critically important to your securing zoning approval. Be prepared to discuss the information obtained in the preliminary zoning assessment in a cogent, professional manner.

### **4: What environmental approvals and permits will I need before I can start up my crematory?**

In its final Clean Air Act Secondary National Ambient Air Quality Standards rule (April 2012), the U.S. EPA reaffirmed its 2004 decision not to regulate crematories under federal law. The EPA decided that crematories should not be regulated as "solid waste combustion units" because "the human body should not be labeled or considered solid waste." Instead, the agency left the environmental regulation of cremation to the states. For that reason, it is important to be familiar with your state and local Clean Air Act rules and know how those rules affect crematory construction and operation.

- Depending on the state in which you operate, you may need to obtain an air permit for your crematory. Such permits are typically obtained by submitting an application to the air quality protection division of your state's department of environmental protection. In some states, notably California, enforcement of air quality regulations is conducted primarily at the county level.

- The intent of these permits is to ensure that the proposed crematory will not emit unacceptable quantities of “products of incomplete combustion” to ambient air. The most basic air permits regulate only “opacity,” which is a measure of whether and to what extent exhaust stack emissions would be visible as smoke.
- Other states’ permits also mandate that the concentrations of particles (“particulate matter”) in the exhaust not exceed a specific numeric limit.
- In general, states with active departments of environmental protection, such as New York, Florida and California, have the most extensive permitting requirements with regard to crematories.
- Some states do not require air permits from crematories, implicitly designating crematories as emission sources that are inherently negligible with regard to their impact on the quality of ambient air.
- Other states require crematories to meet general Clean Air Act standards, covering odors, visible exhaust and particulate emissions.
- In most states, a new crematory will be considered a new source of air emissions. Generally, new sources cannot begin construction without having a state approval in hand. Site preparation work is included in the definition of construction and typically cannot be initiated without state approval.
- Nevertheless, some concerns have been raised regarding emissions of mercury from cremation. Cremation of bodies containing silver-mercury dental amalgams may result in releases of these metals to ambient air. Large doses of mercury can harm health, although small amounts to which we are all naturally exposed via food and air are reported to be safe.
- Various scientists and engineers who have quantified emissions of mercury (and other pollutants) from crematories have found that expected impacts are negligible.
  - o Analysts with the Pima County (Arizona) Department of Environmental Quality, relying on exhaust stack emissions testing performed at a crematory in New York, have determined that “mercury emissions from cremators are . . . not a significant concern. With the continued decline in the use of silver amalgam dental fillings, and thus mercury emissions, it would be burdensome and of no environmental benefit to require additional controls for mercury.” (See <http://www.deq.pima.gov/permits/PDF/Crematory/TSD.pdf> ).
  - o Analysts in the Bureau of Air Management at the Wisconsin Department of Natural Resources, as another example, have estimated that a facility would have to cremate 25 bodies per day in order to emit enough mercury to require regulatory oversight. (See <http://dnr.wi.gov/files/PDF/pubs/am/AM402.pdf> ).
  - o An analysis performed by Green, Zemba and Crouch (2014) demonstrated that even people living very close to a proposed new crematory would not experience unhealthful exposures to mercury or other pollutants. Please contact Dr. Laura Green, NFDA environmental scientist/toxicologist, directly if you would like a copy of the journal article, “Cremation, Air Pollution and Special Use Permitting: A Case Study.” Green can be reached at [greenl@cdmsmith.com](mailto:greenl@cdmsmith.com) or 617-452-6079.
  - o Other analysts have determined that mercury emissions from a proposed crematory would be acceptably small under expected conditions regarding 1) numbers of bodies cremated per day, 2) amounts of mercury presumed to be present in those bodies, 3) proximity of nearest neighbors and 4) levels of mercury in air deemed to be acceptably small. See, for example, an analysis of a proposed crematory by Ensafe, 2011 (available at <http://citizens.betterspringhill.org/wp-content/uploads/citizens.betterspringhill.org/2011/11/Assessment-of-Proposed-Crematory-Emissions-11-2011.pdf>).

### **5: Do you recommend that I ask my local environmental agency whether I should open a crematory?**

Environmental agencies are not in the business of providing opinions on business questions, such as whether to open a crematory. Environmental agencies are authorized by statute to regulate air emissions from crematories. Most agencies have professionals on staff who can identify the procedures and substantive requirements that will apply to environmental permitting of a new crematory. Nevertheless, the best practice is to learn about your state’s requirements before contacting the environmental agency and use the environmental agency as a resource to help address more sophisticated and technical questions. Be sure to understand all of the requirements that the environmental agency imposes, such as emission limits, emission monitoring, training, construction permitting and the like so you will be sure that whatever cremator system you acquire will address these requirements.

### **6: Are crematory emissions likely to harm the environment or the health of my neighbors?**

No. A modern, properly operated crematory is not expected to adversely affect the quality of ambient air or the health of your neighbors.

## **7: If I plan to open a crematory, how do I address possible neighbors' concerns that a crematory poses a threat to their health?**

A proposal to add a crematory to a neighborhood may engender some local concern. It is important that you meet with your neighbors and community leaders, listen to their specific concerns and address these concerns with respect and with facts. This is an opportunity to educate your neighbors and community about your crematory operation, commitment to responsible operation and willingness to work with the neighbors.

- Most people want to base their acceptance or rejection of a new facility on sound science. The weight of scientific evidence does indicate that crematory emissions are safe.
- Whether you and your neighbors reach consensus on a path forward will depend on the particulars of your situation. You may be able to rely on the assessments noted above to show that your proposed crematory will be safe. Or you may need to contract with an environmental scientist to conduct an assessment of your particular proposal in order to demonstrate its expected safety.
- Some community concerns can be addressed by architectural design, the creation of landscape barriers (trees and shrubs), limited signage, etc. Having plans available and being willing to modify them to respond to the concerns of neighbors may go a long way toward enlisting community support.

## **8: Once I have the approvals for my new crematory and it's up and running, how do I establish and maintain a constructive working relationship with my neighbors and community?**

The critical first step in establishing your standing in your community is to ensure that you operate the crematory exactly as your permits require and in compliance with all applicable laws. Even one violation, one instance of dark smoke or odor or one day that exceeds the restrictions on hours of operation can jeopardize your reputation. Do not allow this to happen. Careful and conscientious operation of your crematory is the important first step.

- If you made commitments during the public participation process of the approval procedure, make sure you live up to those commitments.
- Ensure that your facility – inside and out – is impeccably maintained.

- Schedule an open house so that members of the community can visit your facility. Invite neighbors and community leaders to tour your crematory and learn about its operation.
- Participate in local events that provide an opportunity to discuss your business and the standards and good practices your crematory is required to meet.
- Become involved in supporting a community endeavor, such as a nearby school, a neighborhood park or local fair so that your neighbors know that you support them.
- If issues arise, address them directly and promptly.

## **9: Does NFDA offer any training or best practices addressing proper operation of my crematory?**

Yes. NFDA offers comprehensive training through NFDA Cremation Services. As the trusted leader in funeral service, NFDA has set the bar high with a cremation certification program that not only emphasizes professional excellence but reinforces the important role that ethics plays in serving families that choose cremation.

The NFDA Certified Crematory Operator (CCO) Program™ is a one-day, seven-hour training program and is the recognized certification standard for funeral service professionals. The seminar is taught by two funeral directors who, together, have more than 70 years of experience with cremation services.

If your firm offers cremation to families, you and your staff should participate in this program. The NFDA CCO program covers everything you need to know in order to safely and ethically provide cremation services to families. Topics covered include:

- Cremation ethics
- Serving cremation families
- Principles of combustion
- Operating requirements
- Written authorizations
- Liability and risk avoidance
- Public and community relations
- And more!

Even if you do not own your own crematory, the NFDA CCO seminar will provide a broad working knowledge of proper crematory operational procedures, as well as required and prudent administrative actions so you know what to look for when dealing with a third-party cremation provider.

The NFDA CCO program covers every topic that is required by law in states that require certification for crematory operators and has been approved by the Academy of Professional Funeral Service Practice (APFSP) for 7 CE hours and by most state licensing boards for up to 7 CE hours.

For more information about the NFDA CCO program, visit [www.nfda.org/cco](http://www.nfda.org/cco).

Additionally, NFDA Cremation Services offers a variety of tools and resources to help members meet the needs of families that are choosing cremation. You have the opportunity to expand your knowledge through:

- Webinars, teleconferences and home or online study courses
- Workshops at the NFDA Convention
- Sample legal forms and documents
- Information shared via the NFDA website and publications, including *The Director* and *Memorial Business Journal*
- Contact the NFDA Cremation Hotline at 800-228-6332 or [cremation@nfda.org](mailto:cremation@nfda.org)

## 10: What support and expertise can NFDA provide if I encounter opposition to opening a crematory?

NFDA has many resources available to help you respond to questions that your community may have about your proposed crematory.

Research and information: There are a number of scientific studies that will help reassure your community that a crematory does not pose health or environmental risks. As an NFDA member, you are able to obtain access to some of the best information available to share with your neighbors.

NFDA Cremation Services: Mike Nicodemus, NFDA vice president of cremation services, can provide information, guidance and, if needed, referrals to other experts to help address the questions and issues in your community. Contact Nicodemus at [cremation@nfda.org](mailto:cremation@nfda.org) or 800-228-6332, ext. 1565.

Media relations: NFDA offers complimentary advice and guidance to members who have questions and concerns about dealing with the media. Assistance is a phone call or email away. Contact an NFDA member services representative at 800-228-6332 or [nfda@nfda.org](mailto:nfda@nfda.org) to discuss your firm's specific needs.

**NFDA FACTORS FOR CREMATOR COMPARISON**

<b>Factors</b>	<b>Cremator 1</b>	<b>Cremator 2</b>	<b>Cremator 3</b>
<b>Manufacturer name, location, phone and contact</b>			
<b>Equipment specs: size, type and thickness of materials used in floor, stack, etc.</b>			
<b>Equipment capability/ cremations per hour or per day/cremation time per body</b>			
<b>Fuel efficiency</b>			
<b>Ease of use</b>			
<b>Noise level in decibels</b>			
<b>Equipment servicing and repair/ by phone or computer</b>			
<b>Preventive maintenance offered? If so, scope</b>			
<b>Customer service and support, including zoning and environmental</b>			
<b>Expected life</b>			
<b>Availability of emission-control and monitoring equipment</b>			
<b>Equipment cost, financing options, scope of available warranties</b>			
<b>References contacted</b>			