

# DIVISION OF CEMETERIES

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TO: NEW YORK STATE CEMETERY BOARD

FROM: LEWIS A. POLISHOOK, Director

CC: ROBERT VANDERBLES, Office of General Counsel

SUBJECT: NATURAL ORGANIC REDUCTION

RE: ADOPTION OF REGULATIONS

DATE: JULY 3, 2024

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On August 23, 2023, at the direction of the New York State Cemetery Board (the Board), the New York State Department of State (DOS) published a notice of proposed rule making in the New York State Register, I.D. no. DOS-34-23-00010-P. These proposed regulations implement Chapter 817 of the Laws of 2022, as amended by Chapter 34 of the Laws of 2023, authorizing cemetery corporations to apply for approval to establish and operate natural organic reduction (NOR) facilities.

DOS received comments through the public comment period ending October 2023, and has assessed those comments. DOS's Division of Cemeteries (the Division) and its counsel propose that the Board adopt the attached resolution.

## **Natural Organic Reduction**

Governor Hochul signed Chapter 817 of the Laws of 2022, as amended by Chapter 34 of the Laws of 2023, allowing cemetery corporations to apply to the Board for approval to establish and operate NOR facilities. Both the bill and N-PCL section 1504 authorize the Board to promulgate rules and regulations implementing N-PCL Article 15.

Broadly speaking, the regulations require all applicants for NOR facilities to present a plan of operations and follow that plan once operating. The regulations also address such subjects as site requirements for NOR facilities, standards for testing naturally organically reduced remains, and training requirements for NOR facility operators.

In October 2023, DOS received numerous comments concerning the proposed regulations. As a result of this review, DOS concluded that several minor changes were necessary to clarify certain technical aspects of the proposed regulations. DOS also explained in its assessment of public comment why it had not made changes in response to comments about natural burial (an unrelated process) and regulating the role of funeral directors in NOR, among other proposals. In responding to these comments, DOS also realized that the proposed revised regulations might have an impact on the environment and completed a short Environmental Assessment Form (EAF) and Coastal Assessment Form.

We respectfully refer the Board to the adoption packet for the minor, clarifying changes DOS proposes to make on adoption. None of these materially alter the original proposal.

### **Recommendation**

It is necessary to adopt regulations to govern the application process for and details of operating NOR facilities. These regulations will adequately protect the public without unduly burdening cemetery corporations seeking to operate NOR facilities. Consequently, the Division recommends that the Board approve the accompanying resolution, determine that the proposed regulations will have minimal or no impact on the environment and authorize Mark Pattison, as Board chair, to sign Parts 1 and 3 of the accompanying draft short EAF and the Coastal Assessment Form.