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DEPARTMENT OF STATE—DIVISION OF CEMETERIES

M E M O R A N D U M

TO: NEW YORK STATE CEMETERY BOARD

FROM: LEWIS A. POLISHOOK, Director, Division of Cemeteries

CC: ROBERT VANDERBLES, Counsel

RE: GUIDANCE RE NATURAL BURIALS AND NATURAL ORGANIC REDUCTION

DATE: JULY 10, 2024

This memorandum provides basic information about natural organic reduction (NOR) and natural burial, explains differences between these two similarly-named options for final disposition of human remains, and compares NOR to cremation. This memorandum also provides guidance to cemeteries considering the adoption of rules and regulations for creation of sections for natural burial or naturally organically reduced remains (referred to in this memorandum as reduced remains). It also provides tips as to how disposition of these types of remains might differ from burial of remains in a vault, grave liner, or non-biodegradable casket.

This document does not address the process of NOR or approval of NOR facilities. Sections 1505-B and 1518 of the Not-for-Profit Corporation Law (N-PCL) addresses the establishment of such facilities and the process of NOR, as will the Department's pending regulations, to be codified at 19 NYCRR Part 204.

NOR

New York Law defines NOR as "the contained, accelerated conversion of human remains to soil." N-PCL § 1502(t). Broadly speaking, NOR involves placing intact human remains in a vessel along with air, water, and organic additives such as alfalfa and straw. This combination in an enclosed vessel results in accelerated decomposition of the human remains. This process requires rotation and monitoring of the vessel and its contents at regular intervals over and takes roughly between three and nine weeks. In the initial phase of the process, bones (including teeth) do not decompose, so the statute (N-PCL section 1518(h)(4)) requires NOR facilities to pulverize the bones, as is done after cremation. After pulverization, the resulting product is cured (dried) for a period of several weeks, leaving a final product that resembles compost or mulch. The total process generally takes between six and 12 weeks.

NOR and Cremation

Cremation is "the technical process, using heat and flame, that reduces human remains to ashes and other residue." N-PCL § 1502(h). As in NOR, bones survive the cremation process and are pulverized after the heat and flame phase of cremation is complete. Major differences

between the two processes are the time required (cremations take less than a day), the cost (in Washington State, NOR costs significantly more than cremation), the direct use of fossil fuels in cremation (although NOR facilities also require electricity to operate), and the size and nature of remains (cremated remains typically are well under a cubic foot of ashes, whereas reduced remains are approximately ½ to 1 cubic yard of material).

Natural Burial

Natural burial involves the burial of intact, unembalmed human remains in a biodegradable container (typically a shroud or a plain wood box) without use of a concrete, fiberglass, or metal vault, or a grave liner. This process includes neither acceleration of decomposition nor the transformation of remains into soil.

Natural burial prevailed in the United States up until the Civil War and remains the prescribed form of burial for, among others, traditionally observant Jewish and Muslim faiths. Today, many people are unaware that this is an option for them.

Some cemeteries offering natural burial may choose to impose further rules, such as not routinely cutting the grass or weeding in such sections or requiring that any memorial be flush local stone or simply GPS coordinates. Other cemeteries may elect not to use gasoline-powered equipment and machinery or chemicals in performing grounds maintenance.

Considerations for Disposition of Reduced Remains

Cemeteries should consider proposing rules and regulations concerning reduced remains (the Division of Cemeteries must approve all amendments to cemeteries' rules and regulations). Some items proposed rules and regulations might address include:

1. Will the cemetery accept reduced remains? If space is tight and few graves are available, it might not make sense to do so.
2. Based on information from Washington State, which has allowed NOR for years, reduced remains may take up between ½ to 1 cubic yard of volume. Cemeteries should take this into account in deciding where they will allow reduced remains.
3. Because of the similarity of reduced remains to compost, cemeteries may wish to consider setting aside a section of the cemetery for reduced remains that includes plantings such as flower gardens, shrubs, or trees. Alternatively, cemeteries can offer the service of depositing the reduced remains in a natural setting like a meadow or woods owned by the cemetery if the cemetery has such areas.
4. Cemeteries may wish to offer memorialization for reduced remains in a different location if they do not want headstones or footstones placed where the remains are deposited.
5. Reduced remains are probably not suitable for placement in a crypt in a community mausoleum. Cemeteries may prohibit this by rule.

Considerations for Natural Burial Sections

Although New York law does not define “natural burial,” cemeteries should be clear as to what they mean and what is allowed if they wish to offer natural burial:

1. Cemeteries should propose rules defining “natural burial.”
2. Not all cemeteries require vaults. Those that do not need not have any special rules for natural burials in conventional sections. For no-vault burials, cemeteries should consider:
 - a. Whether to require a rigid container, such as a pine box, in such sections.
 - b. Whether to establish a service charge for topping off such graves, as they may settle more than graves with vaults or grave liners (the Division of Cemeteries must approve cemetery service charges).
3. Natural burial sections need not look like traditional cemetery sections. They can be located in a meadow, field, or forest.
4. For natural burial sections, cemeteries should consider:
 - a. Whether to require a rigid container, such as a pine box, in such sections.
 - b. Whether to establish a service charge for topping off such graves, as they may settle more than graves with vaults or grave liners.
 - c. What monumentation to allow.
 - d. Whether the cemetery will routinely cut grass or weed in such sections.
 - e. Whether the cemetery will use gas-powered equipment for digging or for whatever maintenance it decides to provide in the natural section.
 - f. The extent to which maintenance and burials could impact soil health, plant diversity, and habitats.
5. Natural burials generally need more space than vault burials, largely because of settling of graves.