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Cemetery Association of Oregon

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Senator Boquist and Members of the Committee

November 13, 2017

The Cemetery Association of Oregon recently held their annual fall conference where the day-long theme was “Disaster Preparedness”. The reason we selected this conference theme was that last winter three of our member cemeteries in the Portland area had severe landslides that jeopardized grave spaces and came very close to severely dislodging previously interred human remains. Presentations were made by individuals from the Oregon State Medical Examiner’s office and the Oregon State Mortuary & Cemetery Board, as well as a representative from the insurance industry and from a national manufacturer of cemetery mausoleums. The program ended with a panel discussion including those presenters, as well as a representative from the Oregon Funeral Directors Association. In that discussion, we asked the state agencies, “Who, in the event of a natural disaster, would be authorized to give cemetery operators immediate, emergency authorization to move, temporarily store, or re-inter human remains that had been impacted by that disaster?” They all readily admitted that they not only didn’t have that authority, but that they didn’t even know who, if anyone, DID. It was also the overall consensus that immediately following a natural disaster, traditional communication methods would be compromised, or non-existent, meaning that even if cemetery operators did know who to contact, there would be no way of doing so. The conclusion of the matter was obvious: cemetery operators need to have the authority in place, in advance of any natural disaster, to be able to prudently care for displaced human remains.

Current Oregon statutes require that cemetery operators obtain written authorization from the nearest next-of-kin in order to perform interments, or in the absence of family members, to obtain that authorization from the county health officer. But when a disaster strikes, neither of those options may be immediately available to the cemetery operator. In the meantime, if left unattended, displaced human remains would pose a public health risk, or at a minimum, a public nuisance, not to mention creating emotional distress to families who had previously laid their loved ones to rest in the care of Oregon cemeteries. Attached are some photos of what a Louisiana cemetery looked like following a flood in 2016. Because Oregon doesn’t have hurricanes and rarely has a major tornado, Oregonians tend to have a sense of complacency about disaster preparedness. Yet floods can happen anywhere, as can mudslides during rainy Oregon winters. Those events, or the major earthquake that is predicted to happen at some future point on the west coast, undoubtedly would displace hundreds and possibly thousands of previously interred human remains. Oregon cemetery operators are asking you to amend ORS 97 so that when a natural disaster strikes, they can legally care for any previously-interred human remains that may have been impacted by that disaster.

The legislation your committee is considering today contains proposed language that could be added to ORS 97 to address this problem. This addition creates a simple clarification for cemetery operators, stipulating what they can do in regard to re-interring dislodged human remains from a natural disaster. Thank you, in advance, for your support of this important legislation.

Rachel Fox, David Noble, Ty Cochrane

Cemetery Association Of Oregon, Board of Directors.