

~Address by Executive Director Joshua Slocum to the membership of Funeral Consumers Alliance at the
2008 Biennial National Conference in Seattle, June 27, 2008~

The cover of this month's issue of the National Funeral Directors Association Magazine bears a perky blond tart, airbrushed to within a month of her apparent 15 years, clutching a lap dog with a bow on. Both of their tongues protude toward the camera. The issue title is **Pets Are People Too**. We all know someone who dotes on an animal, and I'm not too hard-hearted to admit I spent a week crying when kitty went missing for three weeks. But the NFDA's prescription for treating pets like people is, you'll suspect, different from yours or mine. Most of us have probably slipped Fido or Mittens some table scraps, but few have contemplated spiffing up Kitty Bumpkin for a public nap at the funeral parlor.

"We need to identify for pet owners the wealth of choices available to memorialize their loss," writes Steve Schaal, sales manager for Matthews Cremation. "We facilitate the discussion of disposition, which, just like services for humans, can include cemetery burial or cremation. Your services might also include care and grooming (not typically embalming) [thank heavens for small favors], viewing and visitation, limousine, reception, and music."

For the enterprising funeral director, there's an upcoming conference on pet funerals - excuse me, *Pet Loss Services* - in San Mateo next month. Topics include adapting your mortuary to serve both quadrupeds and bipeds, hospice care for "sick pets and their sick at heart owners," and a sales - *ahem*. . *educational* - talk from Paws and Remember, a would-be franchise network "dedicated to helping pet owners in their time of need" with a "full line of memorial packages and products."

Why have Spike and Mittens suddenly become attractive targets for the undertakers' brand of commercialized grief? Because they're becoming irrelevant. Oh, not totally. The mortality rate is still 100 percent, after all. But when this organization was founded in 1963, barely 3 percent of American deaths

ended in cremation. 45 years later the national average is surpassing 30 percent, and in states like Washington, it's higher than 60 percent. Strangely, though, the number of American funeral homes has held steady for almost 100 years at about 21,000. You can make a fine living doing 50 or 60 funerals a year so long as each one has all the bells and whistles. But consumers are starting to decline the bells and whistles, opting for the bake and shake, or dispensing with the whole kit and kaboodle and burying their own dead without overpriced help. The industry is scared to death and it ought to be. Within 20 years I wouldn't be surprised to see ¼ to ½ of today's funeral parlors go out of business or merge with the competition. The smart ones will survive by moderating their prices and increasing their volume. Others, no doubt, will hang on by catering to the declining "carriage trade," and still others will likely make a killing on pets. But the funeral trade is a little late to realize the days of a casket in every grave are long gone. Kitty coffins and Pugs in Peaceful Repose won't save thousands of business from dissolution.

Why am I telling you all this? I do relish the chance to poke fun at the funeral businesses' attempts to expand their commodification of sentiment, but there is a more serious point. The funeral business is changing, and so is the business of funeral consumer advocacy. I've been reading the minutes of the earliest meetings of this organization, when we were known as the Continental Association of Funeral and Memorial Societies. In the 60s, memorial societies were infused with a sense of social activism that was brand-new - it had never been socially acceptable to question funeral rituals, and it was damned near un-American to question the cost. The dozens of groups that gathered for the annual meeting were brimming over with ideas on educating the press and the public on a simpler, more dignified way to bury our dead. They exchanged mailing lists, they told stories of how they hooked a magazine reporter on the American funeral business, and they strategized on how to convince reluctant morticians to offer stripped-down funerals for the Eggheads, Unitarians, Quakers, and Old farts, as Jessica Mitford dubbed our membership.

But these societies lived in a different time. There were no federal regulations to protect funeral consumers. State laws actually forbid funeral homes from advertising price. Cooperating with the memorial societies was

so verboten many of the delegates wouldn't even write down the names of their cooperating funeral homes to share with their sister groups for fear of getting their friendly undertakers blackballed by their competitors. Always a loose federation of independent thinkers, our groups also squabbled with each other, like all families do. Societies were fiercely protective of their territory and their sovereignty, there was a lot of - "well, we do it this way," and "no one else is going to tell us what to do". As a friend of mine says, our greatest strengths are also our greatest weaknesses. This feisty independence brought good debate and fresh ideas to the organization and kept it from calcifying into a sedate, tea-and-cookies charity. But it also often devolved into self-defeating parochialism and stubborn refusal to change, problems that are still with us to some degree.

But none of the founders could have imagined the extraordinary things the societies and the national organization have done over the past 45 years. In the 60s, it took almost all the efforts of a funeral society to even find a low-cost cremation for its members. Look where we are today:

- The Funeral Consumers Alliance of Maine dedicated its time, and lent its money to a new nonprofit that brought the state's first green cemetery into existence. Their vision - and the generous donation of 14 acres from a dedicated member - opened up new possibilities for everyone in Maine.
- The FCA of Long Island and New York City - with only volunteer efforts and no paid lobbyists - convinced the most bureaucratic legislature in the country to pass a law requiring cemeteries to give consumers price lists on demand, and they're working on expanding the law.
- The FCA of North Texas, in addition to going up against corporate funeral lobbyists bent on taking away consumer choice, has put online the most extensive database of funeral home prices anywhere. 670 across at least three states. In the true spirit of public service for all, it's free - no membership dues required.
- The FCA of Humboldt, California, recently had one of our speakers, Mark Harris, address their annual meeting on the topic of natural burial. This small but peppy group turned the meeting into a public forum on

developing a green cemetery in their area, making what could have been a members-only tea party into something that sparked the imagination of the whole town and the press.

- Our hosts, Peoples Memorial Association, turned a near-tragedy into new era by refusing to go under when their cooperating funeral home abandoned them. In three short months, the staff and board incorporated a member-owned, non-profit funeral cooperative. The Coop belongs not to an outside business, but to the PMA membership.

There are numerous other examples of the excellent work our groups do - I can't mention them all. These are some of the ways our most forward-thinking groups are making sure they don't become irrelevant. The industry is changing, and consumers have more choice today than ever. But continuing consumer ignorance of their legal rights, and desperate industry attempts to hold consumers hostage to high prices mean we still have our work cut out for us. Here's the hard part of this speech - some of us in FCA are becoming irrelevant ourselves, by our own blinkered refusal to get with the times. As Joyce mentioned, we're losing FCA groups faster than we're starting them. It's not because these groups fulfilled their mission - a favorite fairytale some tell themselves to avoid owning up to failure - but because they refused to help themselves.

Joyce laid out the problems some groups are facing, and I want to expand on them. The reasons why affiliates struggle or go out of business are common, but they can be overcome if the volunteers have a will to do more than complain. Here are the common problems, we see, and the best solutions we've found:

1. "We're too old, and "Young people aren't interested" — This kind of organization has basically replaced its members with friends of the same age group/same church, etc. They have done little to interest younger people by making broader public presentations to professional and nonprofit groups. In many cases, they've stuck stubbornly by the old memorial society discount model, then scratch their heads about why younger people aren't excited about \$500 cremations.

What's the solution? This kind of group should be mailing newsletters to every human service nonprofit in their area. They should give talks on funeral planning to agencies on aging, AARP groups, undergraduate death and dying classes, hospice volunteer organizations, and social worker professional groups.

2. "Our membership numbers are declining" – This is almost always due to the affiliate failing to give public talks, failing to do a comprehensive local price survey - or any price survey at all - and failing to engage the press in funeral cost/legislative issues. Many affiliates say they want to mount a "membership drive" but they can't articulate why they want more members, or what they're offering that would make membership really attractive. Without a mission, there are no members.

3. "We have one person who does everything" - This may be the most serious problem. Many affiliates have confided in me that so-and-so, a founding member of the memorial society, has been around for decades and rules the organization. He or she has all the institutional memory, and is resistant to trying new ideas. Newer board members are intimidated by this, and afraid to speak their minds. As a result, new blood resigns from the board. Then, when the inevitable retirement/death of the Big Person in Charge occurs, the other board members are terrified and their first instinct is to dissolve the group.

No matter how well-intentioned a long-time board member may be, this is no way to run a nonprofit organization. None of us own the FCAs; the public and members own our nonprofit mission. That - not personalities - must come first.

Most alarming to me is the significant number of FCA affiliates who are asleep at the switch when it comes to their own state laws and issues. Anyone who reads our newsletter knows I spend a lot of time rounding up funeral-related legislation, and lobbying against bad bills and for consumer-friendly bills. 9 times out of 10, I know about a bill in a state legislature before the local group does. Why doesn't every FCA have a

dedicated legislative watch person? Even more frustrating is doing a line by line analysis of a bill, writing press releases, and shipping the whole thing off to the local group, only to hear nothing. No response to emails. No volunteers to start a letter-writing campaign. No volunteers to testify in their own state capital. It bothers me that some FCAs don't seem to care, and won't jump in even if the national office does almost all the work for them. Because of this apathy, families in one state lost the right to care for their own dead without using a funeral director, a formerly effective state funeral board is being coopted by industry, and another state essentially outlawed low-cost funeral homes - the very businesses the local FCA would have wanted to use.

I know this is tough talk, but this situation must change. Any group that still thinks its purpose is to have contracts with funeral homes for cheap member cremations, any group that says "we're not political" and sits by while their rights get written out of the law, and any group that complains that no one joins them but won't lift a finger to make membership worth having needs to ask itself why it exists.

We need each other - all of us. The national office needs your local expertise and the service you give when we refer the thousands of callers and correspondents we hear from every year. We need the tips, the stories, the alerts, and everything else hundreds of affiliate volunteers send us every year. We can't make ourselves look like industry gurus without you! We need your newsletters, the reports of the creative workshops you put on so we can pass them along to a sister group that needs some fresh ideas. We need your advice on reputable funeral homes and shysters to watch out for. Thanks to all of you, we have two 6-inch thick binders of reasonably priced funeral homes state by state that we can refer people to when they call with an immediate need.

And you need us too. You need the networking we provide through our newsletter, and our comprehensive Web site. Dozens of you also enjoy free web hosting on our server. You need us to answer your questions by

email and phone, as we do by the thousands each year. You need us to be the authoritative source on national and legal issues; you need our credible voice to speak for you before the FTC, Congress, and the media.

None of us are perfect, and most of us do some things really well and some other things not so well (the national office included). We can maximize the good things and minimize the mistakes if we lean on each other. If one group is stuck for a topic on an annual meeting, another can surely suggest one and probably a good speaker too. I see this kind support all the time on our email discussion list. Joyce challenged you to take a fresh look at what you're offering members. I'd like to challenge each of you to buddy up with one of your sister organizations. If you're in great shape, be a mentor. Volunteer to help a struggling group complete at least one new project - a price survey, a sexy, informative newsletter - whatever you do really well. If you're struggling, call another FCA and send out an SOS. FCA is full of generous, deeply good people who care. When you get home, send me an email telling us you want to be an affiliate mentor, or you need some help yourself. We'll set you up on an online bulletin board on our Web site where you can get to work.

Before I stop, I want to tell you about the "big picture" items the board and staff have been working on nationally:

- You probably know we filed the largest consumer class-action lawsuit in history in 2005 against the major funeral chains and the largest casket company for price fixing. If we prevail, we'll put a stop to industry collusion that has kept casket prices artificially high for decades, costing grieving people hundreds of millions of dollars. We're still waiting for the court to rule that we can sue as a class, and we hope to hear soon.
- Astonishingly, the Federal Trade Commission closed the 9-year review of the Funeral Rule recommending no changes, and no expansion. This despite testimony and documentation from FCA and industry highlighting the shortcomings of the Rule and the ways it's been undermined. We'll be working on

a comprehensive rebuttal to the FTC's flawed ruling, and we hope to petition the Commission to reopen the Rule for review. I don't want to drag politics into this, but all observers agree we won't have a chance of meaningful reform until we get an administration in place that cares at least as much about consumer abuse as it does industry profits.

- The patchwork of prepaid funeral laws in this country has always been a problem, but one of the biggest preneed insurance sellers has triggered a meltdown in at least 19 states. National Prearranged Services is under investigation around the country for stealing money that should have been kept in trust and using to fund lavish commissions. Sadly, thousands of funeral homes and consumers are going to lose their shirts. But if anything good can come out of this, it may be the renewed willingness of good people in the industry to talk about national regulations. We're talking informally with a few of the reputable trade groups about forming an industry-consumer coalition to do just that.
- Finally, I'm researching and co-writing the next edition of former Executive Director Lisa Carlson's book, *Caring for the Dead: Your Final Act of Love*. While this is not an FCA project per se, it's intimately connected to our work staying up to date on funeral and burial law in every state. And it's only because I'm lucky enough to work in an office in contact with all of you around the country that I can get the information I need to write a credible book. I'm also extremely grateful to the National board for the unqualified support they've given this project - it gives me the time I need to do the job right. When the book is published, hopefully next year, Carlson and I will donate a copy to the library of each FCA affiliate - I hope you find it as useful as the last edition.

This is the biggest conference we've ever put on, and I'm still amazed at the quality of speakers and presentations we've got. Lest you think this was easy, a ton of volunteer work from the national board and PMA went into organizing this get together. Thank you. Let's hear it for Harriet Bartnick of the national board for putting together this program - if it weren't for her vision and tenacity, we wouldn't be here, and a lot of my mistakes would have gone unchecked. When I came to FCA five years ago I said I couldn't

imagine wanting to do anything else, and I still feel that way. I'm proud and lucky to be a part of this organization.