



National Home Funeral Alliance is Born at Colorado Conference

- Josh Slocum, Executive Director

Ten years ago, it would have been hard to believe there would be an entire organization devoted to home funerals (family-directed funerals where no mortuary is hired). When former FCA executive director Lisa Carlson wrote her first book on the subject in 1987 (*Caring for Your Own Dead*), she got invited on the Phil Donahue Show—next to a business offering modern-day mummification. The implication was clear: There are normal folk, and then there are *funeral freaks*.

What a difference 23 years makes. The newly formed National Home Funeral Alliance held its first nationwide conference in Boulder this October, attracting at least 80 attendees from around the country. Attendees and presenters included experts in education on home funerals such as Jerrigrace Lyons and Beth Knox; activists for family rights such as Marian Spadone, Manena Seamans, and Elisabeth Freise-Micke; green burial expert Joe Sehee; organizers such as Karen Van Vuuren of Natural Transitions; and funeral director Char Barrett of A Sacred Moment. In addition, a number of

“ordinary” people (many of them members of local FCA groups) showed up to hear presentations on green burial, ways to break the taboo around talking about death, and legal challenges for home funeral advocates.

Josefine Speyer, co-founder of the UK’s Natural Death Centre (NDC),

been a little bit ahead of you,” Speyer said, chuckling over the fact that there are 250 “woodland burial” grounds in the British Isles already. But NDC founders had to break through industry resistance. “It was like a funeral mafia, [the undertaking business] was all closed up. You couldn’t even buy a coffin [without engaging the funeral home for all the services].”

Ten years later, her husband, Nicholas Albery, died in a car accident. Naturally, Josefine’s family planned to bury him privately, but they still felt that they had to warn funeral attendees. As she queued up a slide showing Nicholas’ home wake, she felt the need to tell attendees ahead of time, “I just want you to know you’re going to see a dead body.”

I was first up on the speakers’ roster on Saturday morning; 9 a.m. is never my favorite time to be bright and chipper, but I think we all had a good time, and I was impressed with the enthusiasm and questions from the audience. Using examples from my forthcoming book (co-written with Lisa Carlson, to be available in spring or summer of 2011) *Final Rights: Reclaiming the American Way of Death*, I told the audience that I wanted to give them a little shock therapy. Funeral industry resistance to



Beth Knox, standing second from right, demonstrates laying out a “body” for a home viewing.

opened the conference Friday evening. In her distinctive British accent tinged by a bit of German, Speyer described the uphill climb of starting a charity dedicated to undertaker-free funerals. While the UK has long been ahead of the US in terms of accepting “alternatives” such as cremation and natural burial, our British friends faced some of the same obstacles.

“It pleases me to see the UK has

anyone who wants to sidestep the funeral parlor is stiff. Bills in Oregon, Colorado, Utah, Montana and other states have threatened family rights to perform their own funerals, and some of them are clearly aimed at outlawing “home funeral guides” or educators who show people how to perform them (these have been discussed in past issues of this newsletter). There are eight states that in some way restrict or make it impossible for grieving people to avoid hiring a funeral home (Connecticut, Indiana, Illinois, Louisiana, Michigan, Nebraska, New Jersey, New York), and if we don’t keep watch, more may follow.

In hopes of restoring these rights, the Funeral Consumers Alliance and the National Home Funeral Alliance will be producing a position paper on what state laws should say in order to protect the rights of families to perform their own funerals without commercial interference. Look for it in the spring of 2011.

The audience was intensely interested in the FCA, particularly in their local FCA groups. I urged attendees to join their local affiliate and to volunteer for board or committee service. Several audience members said they were puzzled that their local FCA didn’t seem to know much about home funerals. The solution to that, I replied, was to *be* that font of expertise for the local group. And to FCA board members reading this article: I urge you to take on the issue of family-directed funerals as part of the education and advocacy that you offer. The very foundation of protecting consumers’ rights is protecting their right **not to be a consumer at all**. Tap into the passion of the home funeral advocates; many are dynamic speakers and they’d make great presenters for an FCA annual meeting!

There was one fly in the ointment, which became a perversely amusing part of the weekend. On Saturday, I brought my lunch over to the table where the afternoon speaker was seated. Ed Gazvoda was talking up his

alkaline hydrolysis (AH) equipment, something I’m keen to know more about. The brand-name for his process is CycledLife. Alkaline hydrolysis is just a fancy term for dissolving a body in lye. It’s fairly new, and it’s being touted as an energy efficient alternative to cremation. Proponents say it uses far less energy than cremation, which seems believable, and it leaves only bone remains and a liquid comprising the basic elements that make up the body. It’s not yet available in the US commercially, except at one Florida funeral home, nor is it clear when it will become widely available.

As I tucked in to some hummus, I thought that I must be hearing things. “There’s nothing natural about green burial,” Gazvoda said. “There’s nothing natural about digging a whole and putting a body in it.” Huh? He went on, promoting his AH process as leaving “sterile” remains that posed no public health problems. I couldn’t stay quiet. “Are you claiming burying bodies directly in the earth poses a health risk?” Why, yes he was, because bodies could “contaminate” ground-water and wells. I quickly pointed out that there is no scientific evidence that natural decomposition “contaminates” ground water, and that the decay-inducing microbes are not disease-causing microbes.

Besides, nobody buries bodies right in wells. “Yes they do,” he said (picture me doing a cartoon double-take). “Wait, what? Nobody’s burying bodies in wells - are you kidding?” He insisted that it was so, but wouldn’t tell me where to find the well-bodies. He had all this documented in his handout, Gazvoda said, complete with citations to peer-reviewed articles. But the conference organizers “censored” the handout, so he’d have to email it me.

Well, small wonder NHFA didn’t want it distributed—it’s a treasure trove of misinformation. Someone slipped me a copy, and . . . oh boy. With a picture of a pregnant woman as a background, one slide states, “CycledLife [offers] Public health benefits; especially for the

unborn.” It “results in hygienic remains,” as compared to plain old burial, which leaves “an unsterile body in the earth” so that the brain “liquefies and pours out of the ears and mouth.”

It was classic misinformation designed to scare people in order to sell them a new service, reminiscent of the funeral industry’s past treatment of cremation. Ed Gazvoda scored what the Brits call an “own goal,” where one team kicks the ball into its own goal net instead of into the opposing team’s. There couldn’t have been a more receptive audience to the idea of a less energy-intensive process for disposing of the body. By taking the low road, Gazvoda antagonized the audience by “dissing” natural earth burial and making up nonsense about nonexistent public health problems to hawk his wares. For his trouble, he got a severe public dressing-down from the Green Burial Council’s Joe Sehee during the panel discussion following lunch.

Who says there’s no fun in talking about funerals?

For information and speakers, try the following:

National Home Funeral Alliance
www.homefuneralalliance.org
Natural Transitions (Boulder, CO)

www.naturaltransitions.org
Crossings (Takoma Park, MD)
www.crossings.net

Final Passages (Sebastopol, CA)
www.finalpassages.org

for more listings, go to
www.funerals.org/web-links/57-family-directed-funerals

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Balancing the Budget—We Can Do it!

You know that the national organization accomplishes a tremendous amount with a very small budget. For the past several years, we've made steady progress closing the budget gap. In 2009, we shaved more than \$10,000 off that gap, coming in with a deficit of a little more than \$30,000. For 2010, it looks like we've shaved off another \$10,000! We're making enormous progress and are committed to erasing the deficit completely so that we don't have to draw on our reserve fund to accomplish our work. A combination of expenditure cuts and stepped-up fundraising efforts is tilting the scale in the right direction.

The Recent Past

Over the past few years, the board and staff have made several decisions that brought significant cost-savings:

- We successfully negotiated a three-year term on our office lease with no rental increase until the final year, and then only at a rate of 5%.
- We switched telephone and Internet companies, combining some services into a package that saved us several thousand dollars per year, and more changes are in the works (see below).
- Staff salaries were frozen for 2010 (the board did award staff a 1.5 percent raise for 2011).
- Board members increased their contributions, often paying their own way to board meetings, or requesting only a portion of their expenses be reimbursed.

At the same time, we've been reaching out with more fundraising appeals to subscribers, donors, and members of affiliated FCA groups (see accompanying article). As nonprofit fundraising professionals say, the most effective way to raise money is *to ask for it*. And when we ask our constituency—the people who value our mission—they give! This year we've raised the most money ever—over \$56,000.

But how to get to the finish line? New board member Rodger Ericson (a governing council member of the Austin Memorial and Burial Information Society) gave us a thorough pep talk at the October meeting of the board in Minneapolis. Excited by the progress we've made in the past few years, Rodger said "aim higher." Our initial budget projections for fundraising were too timid, he rightly noted, and setting a higher bar gives us motivation to meet the mark. So, we committed to increasing our fundraising goals in several categories, and we are throwing ourselves into the project with vigor!

New Efforts

- **Website Donations:** We will be tweaking funerals.org to make it easier for visitors to donate. While we've had online-donation capability for years, we realize that we need to remind visitors that advocacy doesn't come for free. Clickable donation buttons will show up on more of our free articles and news alerts.

- **Grateful Consumers:** We will more systematically track and follow up with consumers who call or write for our help. As local FCA volunteers know, people are grateful to find that there's someone they can turn to for objective advice in funeral planning and many of those "satisfied customers" would be happy to contribute if asked. We've developed a new donation/remittance envelope (you can use it too! Ask us for a copy that you can personalize), and we'll be doing follow-ups and requests for gifts on a quarterly basis with everyone we record in our database.

- **Stand Alone Fundraising Letters:** We will begin taking our own advice and send regular stand-alone fundraising requests to our members on the national mailing list. In the past, we've relied mainly on this newsletter to ask for gifts, but we now know that a separate letter generates better returns.

- **Bye Bye Toll Free Number:** We will be phasing out our 800 number which costs us between \$50 and \$100 per month for incoming calls. We've been talking about it for years and we believe the time is finally right. Cell phones and "all you can eat" calling plans that don't charge for long-distance calls are increasingly common, and more people, especially seniors, are looking up information online rather than relying on toll-free calls. While we will keep the toll-free number for a while longer as it's referenced in tens of thousands of online and print publications, callers will soon get a short voice message directing them to call our regular line and inviting them to leave a call-back number if toll-calling is a financial burden. This will save us over \$1,000 a year.

- **More Phone Savings:** President Laurie Powsner has done a masterful job renegotiating our telephone billing package. Thanks to her bargaining, we will be saving at least \$1,200 next year, in addition to the savings we'll gain from reducing incoming toll-free calls.

Dues

Each local FCA group contributes 12 percent of its

(continued next page)

membership fees and donations to the national office to help support our work. Without that support, the national organization couldn't function. Local dues are vital to our ability to produce and distribute publications and industry/consumer alerts for use by local affiliates. They help us testify for FCA members coast to coast before congress, federal and state regulators, and the media. But most groups probably don't know that the FCA board in 2000 voluntarily lowered dues from its longtime rate 15 percent to 12 percent. At that time, the board was responding to the plight of some local groups that were struggling financially. We know a lot more about raising money today than we did then, and a better approach is to help get local fundraising off the ground so donations flow more freely for all of us (see the article on fundraising letters and nonprofit postage rates for tips that work!).

FCA needs to bring that rate back to 15 percent as part of our plan to balance the budget. So, the board voted to increase dues by 1 percent each year for the next three years. If your FCA affiliate is stable, please consider going up to the full 15 percent next year. We've already had several groups offer to do this. But, if your group is having a hard time making ends meet as it is, **be sure to write or call us immediately.** We can help you kickstart a local fundraising campaign, and even front you the money if needed. We've helped several groups get back on their feet in this way. Don't hesitate to ask for help; that's what we're here for!

We want the FCA mission to remain strong, and to do that, a balanced budget is essential. We also hope that those affiliates who appreciate what we do collectively will want to work with us at the national level to close the gap between income and expenses. Many affiliates already give an extra donation to FCA over and above their dues. If your affiliate is in good financial shape, please consider doing this. Remember, we're all in this together!

Board Notes

At the October meeting, the board:

- Met with representatives from the Prince of Peace Lutheran Church in Minneapolis to discuss the possibility of a jointly sponsored conference in 2012. PoP representatives were enthusiastic about FCA's mission, and agreed that joining our biennial conference could bring much-needed expertise in affordable funeral planning to churches and service organizations.

- Voted to phase out the toll-free number at the national office

- Voted to ask the Federal Trade Commission for an advisory ruling. Many funeral home price lists are print-

ing the statement "prices subject to change without notice," which calls into question whether funeral homes are giving consumers accurate, timely prices as required by the Funeral Rule.

- Amended and approved the 2011 budget
- Voted to increase affiliate dues by 1 percent each year over the next three years

See next page for the 2011 Budget.

News Briefs

Uncle Sam Wants FCA—The Government Accounting Office (GAO) is doing a study of the federal and state laws governing funeral homes, cemeteries, crematories, and prepaid arrangements. The investigation comes at the request of Congressman Bobby Rush, who introduced HR3655, the federal bill we're backing to expand the FTC's Funeral Rule to cover cemeteries, crematories, and third-party vendors. Executive director Josh Slocum compiled written responses to 14 pages of questions from the GAO, and has participated in two teleconferences with the agency. The report is due out either in summer or fall of 2011.

The Bereaved Consumer's Bill of Rights Act of 2009 (HR3655)—As you know, FCA testified in support of expanding the FTC Funeral Rule to cover all death-related businesses before the House Committee on Energy and Commerce's subcommittee on Consumer Protection. We also helped draft the bill that became HR3655. With the turmoil of the mid-term elections and a new congress to be installed in January, the bill's future is uncertain. We are maintaining contact with Congressman Rush's staff, and will report any news right away at funerals.org.

Looking for a speaker for your annual meeting? Ask us!—Executive director Josh Slocum has traveled around the country to address the annual meetings of many FCA groups, and is always happy to get on the road if your FCA is looking for a speaker. Josh mixes news about consumer concerns with "tales from the crypt" collected over 8 years of helping the public navigate the funeral industry. If you want a presentation that puts the fun back in funerals, ask Josh.

President Laurie Powsner, a social worker and therapist with 17 years of hospice experience, is also available, and her energetic personality really gets a crowd going! Send an email to josh@funerals.org or lrpjak@gmail.com. We do ask that you pay travel expenses, but the honorarium to Funeral Consumers Alliance is your choice.

2011 Budget by Line Item

INCOME

Defunct Affiliate funds: 3,000.00—treasuries from local groups which dissolve. Funds are used to send mailings to local members, and/or to help re-establish the group or help other new affiliates.

Dues from affiliates: 66,653.00—self-explanatory.

Gifts from Affiliates 10,000.00—extra gifts local affiliates make in addition to dues to support our national initiatives.

Headquarters Fundraising: 60,000.00—donations that come from online donations, responses to the national newsletter, gifts from consumers we assist, and fundraising appeals to the national office's mailing list.

Direct Mail: 30,000.00—donations from fundraising appeals sent to the local mailing lists of FCA affiliate groups.

Sales of Publications: 20,000.00—money made from our sales of books and the *Before I Go* funeral planning kit.

Special Gifts: 10,000.00—donations from other nonprofit organizations or foundations.

TOTAL INCOME: 199,653

EXPENSE

Affiliate Support: 500.00—grants to help new affiliates with filing incorporation papers, or to help groups file for (c)(3) status, kick-start a fundraising campaign.

Board expense: 5,000.00—Reimbursements for airfare, lodging, and meals for two in-person meetings of the nine-member board.

Employee taxes: 7,900.00—federal and state taxes on wages.

Equipment and maintenance: 800.00—maintaining or replacing computers, copy machines, software, and the like.

Fundraising: 10,000.00—printing and mailing costs for fundraising appeals.

Employee Health Insurance (two full-time): 14,000.00—this may be lower by 25 percent next year, depending on a formula for small business refunds from the IRS.

Liability Insurance: 3,300.00—both general business liability, and directors-and-officers insurance.

Legal Expense: 500.00—in case of sporadic need to consult an attorney; not often used.

Executive Director's Salary: 47,208.00—self-explanatory.

Newsletter: 4,200.00—printing, sorting, and postage for about 7,000 pieces (split among three issues annually).

Office Supplies: 1,800.00—paper, filing materials, staples, printer supplies, etc.

Other employee wages: 59,707.00—full-time salary for office manager, plus hourly wage for 2/3-time admin. asst.

Other office expense: 2,000.00—subscriptions to funeral and cemetery trade magazines, bank fees associated with payroll processing, membership in Consumer Federation of America, miscellany.

Paypal: 2,000.00—credit card processing fees for merchandise sales and donations.

Postage: 4,000.00—self-explanatory

Publications: 5,000.00—cost of purchasing books and funeral planning kits for resale, cost to print and distribute pamphlets.

Rent: 11,652.00—self-explanatory

Employee Retirement Fund: 9,172.00—10 percent-of-salary contribution to exec. director and office manager IRA accounts.

Telecommunication: 5,000.00—telephone line charges, outgoing and incoming toll calls, internet access, hosting fees for funerals.org, organization cell phone. Will likely decrease by at least \$1,200 from this amount due to new negotiations.

Travel: 2,000.00—executive director's travel expenses for appearances, legislative testimony, etc.

Unemployment Insurance: 500.00—self-explanatory

Utilities: 3,200.00—natural gas heat, electricity and hot water, snow removal, yard care, trash and recycling service.

TOTAL EXPENSE: 199,439

In it Together!

FCA affiliates around the country deserve a **huge thank-you** for the help they've given us in closing the national budget gap. Two-dozen affiliates have shared their mailing lists with the national headquarters so that we can reach out to the individuals and families that make up the nationwide FCA membership and ask them to support our national work. The response has been tremendous; local members give generously, which is a testament to the good will our local affiliates have built up through service to their members and communities.

Since we began this fundraising project a few years ago, the following affiliates have joined it, and many renew their support every year with an updated mailing list:

FCA of Princeton	FCA of the Copper Country (Michigan)
FCA of Central Ohio	FCA of Western Pennsylvania
FCA of Central New York	FCA of Greater Kansas City
FCA of Maryland	FCA of Central Ohio
FCA of Northwest Ohio	Austin Memorial and Burial Information Society (Texas)
FCA of the Southwest (Texas)	Chicago Memorial Association
FCA of North Texas	FCA of Oregon
FCA of the Triangle (North Carolina)	FCA of Utah
FCA of Tidewater	Last Rights of Central Pennsylvania
FCA of Kern County (California)	Bay Area Funeral Society
FCA of Eastern Massachusetts	FCA of South Central Pennsylvania
Peoples Memorial Association	
FCA of Greater Rochester (New York)	

From the board and staff, **thank you!**

If your affiliate hasn't joined the campaign yet, we'd love to have you! Just email executive director Josh Slocum (josh@funerals.org) or president Laurie Powsner (lrpjak@gmail.com) for details.

Veterans Alert!

—Ms. M from Georgia called FCA in November to report on a sales pitch designed to target veterans, probably in an attempt to get them to prepay for a funeral or burial (we haven't yet been able to track down the company). It's disturbing to think how many senior citizens and veterans are probably taken in by these advertisements; most people aren't as skeptical as Ms. M. Here's her email to us.

Today I was watching the History channel program *Modern Marvels* at 4:00pm and an ad was shown about veterans' burial benefits. I was interested, and in my haste to write down the phone number, I may have missed the company's name (if indeed it even appeared on the screen). The ad spoke of a 56-page book with in-

formation on these benefits since many veterans did not know their rights. The ad stated "call this number or email us to receive this book." I called the number. I was asked my name and address, which made sense if I expected something to be mailed to me. I attempted to give my PO Box and the representative told me "the system is not set up to accept a post office box." That didn't make sense to me, but since I was the requestee I plodded on and gave my street address. She then asked for my phone number, which I refused to give. Even though I blocked my number before dialing theirs, I still assumed it's easy enough for them to obtain it, but it would be a tiny satisfaction that they'd have to work for it.

After I gave my address, I wrongfully assumed the conversation was over. They assumed it was time to start the lecture. I was told that because the

56-page book I was supposed to receive is not understandable by mere humans; I would to have it explained in person by an agent who would come by after I made an appointment. Wouldn't you know it—he would be in my neighborhood next week. (I do not know when my neighborhood became a tourist attraction.) I offered to take the chance that I just might understand the book on my own and would appreciate their mailing me a copy. Then, the representative said they didn't actually mail the books out. Then why was I told I would receive one if I called? Her answer: "Yes, you will receive one, but not through the mail. The agent will give you one when you meet." It would have been amusing had it not had that component that was labelling me as a fool.

I hung up—10 minutes too late.

Consumer's Guide to Cemetery Purchases

— *With the increased scrutiny of cemetery practices by Congress, and because consumers have so little legal recourse when the cemetery transaction goes wrong, we thought it was time for a new publication families can use to help protect themselves. This article will be available to FCA affiliates and the public as a tri-fold brochure. Download it at www.funerals.org--->publications--->FAQ pamphlets.*

Many people ask us about the costs to expect with a funeral, but they often forget that cemetery expenses are in addition to and separate from services that you pay a funeral home or crematory to perform. Buying burial rights at a cemetery can be a complicated and costly process, and cemeteries aren't sufficiently regulated in most states. While the Federal Trade Commission's Funeral Rule entitles you to printed price lists, truthful disclosures, and the right to buy only what you want from the mortuary, this rule doesn't cover cemeteries. A few states offer cemetery customers those protections at the state level, but most don't. It's important to know exactly what you're buying, and how to negotiate for it, before you're in the grave.

The Basics

Right of Interment—What most people would call “the grave.” When you “buy a grave,” you haven't actually bought a piece of property like the land that your house sits on. You've bought *the right to be buried* in a particular space (whether that's a full-body grave, a small space for ashes, or a slot in a mausoleum).

Opening/Closing—The charges to dig the grave and fill it back in once the casket or urn is placed. If you entomb the casket or urn in a mausoleum space, this charge also applies. Opening/closing charges are usually **not** included in the cost of the right of interment. That means if you “bought a grave,” even many years ago, you or your survivors will likely have to pay an additional opening/closing fee.

Vault—Also known as an “outer burial container” or “grave-liner,” these are boxes for your box. Made of concrete, steel or lightweight fiberglass-type materials, they are placed in the grave with the casket inside. While there are no laws in any state that require them, many cemeteries do. They're designed to prevent the ground from sinking as the casket deteriorates over time, making it easier to mow the grass with heavy equipment. The funeral director or cemetery staff will usually order the vault and arrange for the vault company to install it for the burial. The installation cost may be included in the retail price of the vault, but sometimes it's separate, and \$200 is not uncommon.

No casket, vault or container of any kind will prevent the body from decomposing (even those that are marketed as “sealed” or “air-tight”), and none of them will keep out air, water, or dirt indefinitely. If someone is trying to sell you a vault to “protect” the casket, they're manipulating your emotions with unrealistic promises. The only thing such costly boxes will do is lighten your

wallet.

Mausoleums—Above-ground buildings where the casket is placed in a drawer-like space with a plaque bearing the name of the deceased. Some people choose mausoleum entombment



The remarkable headstone for Nancy Cruzan, depicting an EEG going flatline. Cruzan lay in a persistent vegetative state from 1983 until 1990, when her family finally won years of court battles to disconnect her from life support. Photographer unknown.

because they don't like the idea of being in the ground and because they often provide a comfortable place to visit no matter the weather. Some are marketed as a “clean and dry” alternative to ground burial, but the quality of how mausoleums are built and maintained varies significantly. The body will still decompose, and there have been a number of unfortunate incidents of fluids and odors leaking out of the crypts. Be sure to check the mausoleum for cleanliness ahead of time and do not do business with a mausoleum that requires a “sealed” casket. Those caskets (they have a rubber gasket around the lid) are what cause gas build-up and leaking.

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Columbariums—Miniature versions of mausoleums designed for urns containing cremated remains. While they are usually less expensive than full-sized spaces, they can still be quite costly.

Perpetual Care—Most states require cemeteries to deposit a percentage of every sale into a maintenance fund to ensure upkeep of the grounds and the graves over the years. This percentage usually ranges from 5 to 15-percent. Many cemeteries have managed their funds carefully over the years. But many have not, and even conservatively run cemeteries have found that the maintenance funds sometimes haven't grown sufficiently to keep up with inflation, especially as fewer families buy conventional graves. You can't avoid paying the perpetual care fee, but it's important to understand that the fee is no guarantee that the cemetery will be properly maintained forever. Funeral Consumers Alliance is seeing a rise in the number of cemeteries going broke and defunct from either mismanagement, theft of the maintenance funds, or low returns because of a poor investment market.

Before You Buy

Unlike with funeral homes, federal regulations don't require cemeteries to give you a printed, itemized price list before you buy and there are no federal regulations that give cemetery customers the right to buy only the services and merchandise that they want. Funeral homes, for example, may not require you to buy their casket, and they can't impose a "handling fee" if you bring in a casket from an outside vendor. But these rules don't apply to cemeteries.

Because regulation is so lax, cemeteries often tell consumers that they must buy the headstone from them. Or, that they will impose a ludicrous "inspection fee" for any markers purchased from an outside vendor. One man told us a Mississippi cemetery tried to charge him \$2.50 *per square inch* to

inspect the marker he bought from a local business. At \$7,000, he would have paid the cemetery three times what the marker cost just for the staff to (allegedly) inspect it. We believe this kind of behavior is a clear violation of federal anti-trust and monopoly laws, but few states are paying attention.

In addition, only a few states require cemeteries to give you a copy of the rules pertaining to allowable markers and visiting hours before the sale. Because of these problems, you need to be proactive as a consumer:

- **Get a printed, itemized price list** for all services and merchandise before you buy.

- **Get a copy of the cemetery's rules and regulations** ahead of time. Pay particular attention to the type and size of monuments that are allowed. Remember, cemeteries have the right to set such rules, and it's no good to spend money on a monument that the cemetery won't allow you to set.

- **Be aware of the cemetery's rules on grave decorations** ahead of time. Most cemeteries will bar glass items and excessive decorations such as numerous pinwheels, picket fencing, etc. It is legitimate for a cemetery to set such standards for aesthetics and safety, but be sure you know what they are before you buy.

Do not do business with any cemetery that will not provide this information ahead of time. If their business attitude before the sale makes you uncomfortable, imagine how you'd feel down the line with a friend or relative buried there in perpetuity.

- **Think long and hard before you buy a cemetery plot ahead of time.** It may be enticing to "act now before prices go up," but buying interment rights in advance can be a costly mistake. It is difficult to predict with certainty that you'll still be living in the cemetery's area many years down the road, and transporting a casket a long distance can be costly for your survivors. It can be quite difficult to sell a

grave that you no longer need and, with the cremation rate rising, it's only getting harder to sell full-sized graves on the secondary market. However, purchasing ahead of time may make sense if you have a family tradition, strong feelings about using a specific cemetery, or if you are choosing one that is likely to run out of space.

How Much Will It Cost?

Because prices for cemetery services vary so widely around the country, it's impossible to give an average figure. In many rural areas, small, non-profit cemeteries will sell you a full-sized grave for \$300 or so, and perhaps charge \$200 to \$500 to open the grave. Cemeteries in urban areas—particularly those owned by for-profit companies—often charge \$5,000 to \$10,000 for a full-sized grave or mausoleum space along with the opening and closing. Even burial of a small urn can be very costly; one family complained that a corporate-owned cemetery charged them \$800 just to turn a few screws and remove the small plate that opened the columbarium space for the urn.

In very broad terms, it's not unusual to expect to pay at least \$2,000 over and above the price of the funeral for the cemetery costs of a full-casket burial. But it will vary; as with all death-related costs, shop around among as many cemeteries as you can ahead of time.

Miscellaneous

- In many areas, full body burial is allowed on your own property; check the zoning rules in your county.

- It is legal in every state to bury or sprinkle cremated remains on private property with permission of the landowner.

- Beware of bogus veteran's sales packages that offer a free grave to the vet but charge an inflated rate to the spouse. Remember that vets and their spouses are entitled to free burials in a federal VA cemetery and free or nearly free burial in a state VA cemetery.

Take the Leap: Go 501(c)(3)

While all FCA groups are tax-exempt non-profits, there are many different kinds of tax-exempt organizations, and not all of them have 501(c)(3) status. “501 (c)(3)” refers to the most favorable type of IRS designation: a tax-exempt charity to which donors can contribute and take a tax-deduction. Applying is not hard; it doesn’t require a lawyer; and it brings several advantages: increased donor interest, **really cheap** postage rates, and an increased likelihood that foundations will award you a grant. Almost 40 FCA affiliate groups have achieved 501(c)(3) status, and you can too!

First Things First: Separating Fact From Fiction

Even though your state recognizes you as a nonprofit organization, that doesn’t mean that the IRS recognizes you as a 501(c)(3) nonprofit.

- There are many kinds of nonprofits, including those incorporated only at the state level, and those recognized also at the federal level by the IRS. For example, your FCA may be a nonprofit organization incorporated with your Secretary of State, but that doesn’t mean the IRS considers you a non-profit or even knows about you. After incorporating as a nonprofit in your state, you must actively apply to the IRS for recognition as a 501(c)(3) if you want those benefits.

- Even though you’re a tax-exempt organization in your state, you cannot tell donors their gifts are tax-deductible until you apply for and gain 501(c)(3) status with the IRS.

- Your local FCA cannot be under the umbrella of the national FCA’s 501(c)(3) designation because FCA and all local affiliates are separate legal corporations. All must apply individually for 501(c)(3) status.

Types of Nonprofits

At the state level—all states recognize certain types of groups as nonprofits: civic organizations, education and religious groups, certain types of cemeteries, etc. But these categories vary by state, and they don’t give a group any automatic standing with the IRS. Your state designation as a nonprofit is what exempts you from state taxes and state sales taxes. It does not automatically give you recognition with the IRS (though you must first be incorporated as a nonprofit in your state before you apply for 501(c)(3) status with the IRS).

At the federal (IRS) level—all FCA groups and memorial societies that are registered with the IRS fall into one of two categories: 501(c)(3) and 501(c)(4). Both are tax-exempt nonprofits as far as the IRS is concerned, but **only** (c)(3) organizations can offer tax-deductibility to donors. There was a period of time during which it was difficult for affiliates to get (c)(3) status, but this has changed.

501(c)(4) groups: are nonprofit, cannot offer tax-deductibility to donors, may engage in unlimited lobbying if that activity is related to their purpose. Foundations, grantors, and large donors usually do **not** make gifts to (c)(4)s. 501(c)(4)s usually have a hard time convincing their local US Postmaster to grant them cheap nonprofit mailing rates.

501(c)(3) groups: are nonprofit, can offer tax-deductibility to donors, and may spend no more than “a substantial amount” or 20% of their assets on lobbying (depending on whether you file a particular form with the IRS). This is more than enough for affiliates. Even the national FCA, with all our lobbying in state legislatures and congress, has

never gotten near the 20-percent cap. Most foundations, big donors, and grant-making organizations require that a recipient be a 501(c)(3). The US postal service automatically grants cheap nonprofit postage rates to 501(c)(3)s if you have at least 200 people on your mailing list.

Save on Mailing Costs

FCA of Babbling Brook has 1,200 households on its mailing list. Because they are a (c)(4), they spend .44 cents (first-class postage) on every piece mailed. They send out one newsletter and one fundraising letter each year, for a total of 2,400 pieces. That adds up to **\$1,056 in postage!**

Because of the expense, FCABB sees its mailings as a liability and tries to cull the mailing list at every opportunity (they once made the terrible mistake of telling their membership that they needed to send in \$5 if they wanted to stay on the mailing list!). But mailings keep our members and friends engaged, reminding them that we’re active and worthy of their support.

FCA of Gurgling Gulch also has 1,200 households on its mailing list. But they have 501(c)(3) status and nonprofit postage mailing privileges. They send out 2,400 pieces per year, but pay only **.16 cents** in postage for each piece of mail. That’s a total of **only \$384 per year!** FCAGG has **\$672 a year more** to put toward their mission. They are less motivated to slash their mailing list to save money, so they’re not inadvertently shrinking their sphere of influence.

Because FCABB pays 44 cents a piece for first class postage, the post office sends them “free” address correction returns. But it’s not a good deal. FCAGG, by contrast, saves money overall paying the discounted postage rate and then paying another .44 cents

only for those pieces that get returned (put **Return Service Requested** on each envelope). Even if 10 percent of their mail (120 pieces) is returned, they spend only \$52.80 to get address corrections.

Final Score:

FCA of Babbling Brook - **\$1,056** in postage
FCA of Gurgling Gulch - **\$437** in postage

If you do get nonprofit mailing rates from the USPS, you also need to mail under a Bulk Mail Permit. This does cost money if you apply for your own, but every professional mailing house has its own which it can legally use to send out your mail (that's the system FCA national and many affiliates use). And yes, you'll need to pay the mailing house to sort your address list and put bulk mail barcodes on the outside of your newsletter or fundraising piece, but you'll still end up saving, especially if you shop around and push the fact that you're a non-profit. The larger your mailing list, the less you pay per piece. Also, think of how the hours spent on envelope-stuffing could be better spent doing real FCA work helping the public.

How Do We Apply for 501(c)(3) Status?

FCA national has a guide for application, including a sample IRS FORM 1023 with suggested answers, available by email. We're revising it right now to reflect some minor changes in the application, but the older version is still largely accurate. Send an email to josh@funerals.org and we'll include an instruction sheet and check-list.

How Much Does it Cost?

For groups bringing in less than \$25,000 annually (the vast majority), the application fee at the IRS is \$300. Don't balk; that's a one-time fee that will pay for itself quickly. Even better, you can

use this as an appealing goal to raise funds. The easiest way to raise money from your members is to ask for it—show them the good you can do with their gifts, and the money will come:

“Dear FCA of Babbling Brook member,

We've been around since 1965 watching out for your right to choose a meaningful and affordable funeral, and we need your help to turn a major corner! FCABB is applying for 501(c)(3) recognition with the IRS. When we achieve it, every donation you make to us will be tax-deductible. FCABB will be eligible for grants and donations which we haven't been able to receive before, and we can put those new funds into educational programs and materials for members like you and the wider community. As icing on the cake, we'll be able to mail newsletters like this one at the best nonprofit postage rates, leaving more money to go directly into our mission.

Will you help us meet our goal of raising just \$300 to pay for the IRS filing fee to become a tax-exempt charity? Every dollar counts, and anything over that goal will go toward our work helping people in XYZ City plan affordable, meaningful funerals.”

Tip!—if your affiliate is a 501(c)(3), be sure to call your phone company and other utilities providers and make sure they're not charging you tax. We discovered belatedly that not only are we exempt from paying sales tax on retail goods such as office supplies, but we're exempt from telecommunications taxes, too. Even if you're not a 501(c)(3), it's worth asking your service providers if they can exempt you from taxes anyway. Let them know you're a small, volunteer-run nonprofit duly registered with the state—it can't hurt to try.



Duck Run Cemetery Pioneers Green Burial in Virginia

- from the newsletter of the Funeral Consumers Alliance of the Virginia Blue Ridge. Check them out at www.funerals.org/affiliates/fcavbr

As many of us are recognizing the emphasis on “green”, so is the funeral industry. Virginia will soon have its first “green cemetery.” The annual meeting of the Funeral Consumers' Alliance of the Virginia Blue Ridge featured Glenn Jennelle of the Kyger Funeral Home in Harrisonburg. He spoke about the goals, plans and research behind the development of the new Duck Run Cemetery being established on an abandoned dairy farm in the mountains west of Harrisonburg. The Kyger Funeral Home was in the forefront of providing cremation services in the state. They're acting as a leader with the new cemetery development. Not only did they seek information from the nonprofit Green Burial Council, they also researched practices in England. The United Kingdom has led the way with 250 green cemeteries established since 1993.

Jennelle stressed the waste of hardwoods, copper and other metals in traditional burials. A considerable amount of time and energy has been devoted to educating the neighboring land-owners and the county administrators about the purposes and practices of green burial. When the neighbors (a cattle farm and a turkey farm) expressed environmental concerns, Jennelle pointed out that Duck Run would be a nature preserve, much more environmentally friendly than either of the neighbors. It is designed to encourage native plants and wildlife. Only native plants will be introduced; others will be removed. Turkey and deer are returning; fish are flourishing in the pond. There are no roads, only mowed paths. Grave markers, if desired, must be of native

(continued next page)

stone and not more than 2 feet square. Jennelle has received approval from the county to go ahead with the project. Neighboring James Madison University and Bridgewater College students and faculty are already involved in study of the habitat – flora and fauna, and the return to natural conditions that are expected with this cemetery.

~♦~

Tales From the Trade Press

- Josh Slocum, Executive Director

Jessica Mitford knew that reading trade publications was the best way to find out exactly what an industry was up to, what it thought of its customers, and how the tradespeople talked shop when the general public wasn't listening. When funeral directors accused her of giving them a black eye, she delighted in retorting that she was merely reproducing their own words, from their own magazines.

We take many of the major trade publications: The Director, Mortuary Management, American Funeral Director, and they're not merely propaganda vehicles. The quality of articles varies, but they often contain useful information for funeral directors on complying with consumer protection regulations, airline requirements for shipping caskets, and the like. Much of this is useful for us at FCA, too. And the publishers aren't as afraid to talk to consumer advocates as they once were. I've been interviewed many times for most of these, and the editors have asked many times for written comments or reactions from a consumer watchdog perspective.

Their audience is the funeral trade, and the funeral trade is interested (naturally) in turning a profit. This is unremarkable, of course, but sometimes the suggestions just go off the rails. *American Funeral Director's* November,

2010 issue provoked a "wait. . . what? really?" moment. Alan Creedy's article, "Stopping Price Fixation" attempts to deal with the problem of consumers turning to cremation and cheaper options, particularly in light of the recession. Creedy offered some questionable advice—price your services \$100 higher than the next most expensive competitor to "stimulate interest," set the prices of the plainest and the fanciest caskets closer together (and, presumably, shift the profit over into service fees consumers can't avoid paying). But his most creative suggestion had to do with full-service funeral homes competing with discount cremation businesses.

"Hampered as you are by integrity, it makes it difficult for you to offer the same low price to compete. Your integrity prevents you from cutting corners to enable you to do that. What if you made cutting corners the customer's choice? You could do this by creating packages based on the level of care the customer wanted rather than the quality of service.

Here is one small example: Let's say you do your own cremations, chain of custody is rigorously observed, etc. But, you have a discounter who says he will do a direct cremation for \$549. You might create a competing offer in which it is carefully and respectfully disclosed that for that low price you outsource in the same way your competitor does, you cannot guarantee any of the values you normally offer, and you require a 'hold harmless' agreement in the event anything happens, whether it's in your control or not. According to the principle of using price structure to your advantage, potential customers will be forced to think about how sacred mom's body really is."

No further comment, your honor.

~♦~

Make Funerals.org Your New Best Friend!

If you haven't looked at our site in a while, it's worth revisiting, especially if you're an FCA affiliate looking for pamphlets or other publications. Almost everything we have on paper (and a whole lot more) is free for download. You'll get what you need immediately, and you'll help us save postage!

- Wondering if there's an FCA group in another area? Our site has the most up-to-date listing (almost certainly more accurate than any brochure you may have), including a printable, tri-fold brochure in .pdf format.

funerals.org/affiliates-directory

- Need master copies of our two-dozen tri-fold consumer brochures? No need to wait for the mail! Go to **funerals.org--->Publications--->FAQ Pamphlets.**

- Looking for sample bylaws, advice on contracting with funeral homes, or trying to orient new board members to FCA? Our 100-page Guidebook for Running a Funeral Consumers Alliance is online. Go to **funerals.org--->Affiliate Resources.** We'll let you find the rest of the way on your own, since the Affiliate Resources menu is a treasure-trove we hope you'll browse.

- Have you seen the **Daily Dirge**? Our new feature links to stories about death, dying, funerals and cemeteries with new posts almost daily. FCA of North Texas volunteer Ed McHam is a one-man clipping service, posting the good, the bad, the ugly, and the funny. Go to **funerals.org** and click on **Daily Dirge.**

IN THIS ISSUE

- **National Home Funeral Alliance Launches**
- **How to become a 501(c)(3) nonprofit and save money**
- **Prepaid funeral sales ads target unwary veterans**
- **Consumer's Guide to Cemetery Purchases**
- **Balancing the Budget**



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Then click **Forum**. See you there!

FUNERAL CONSUMERS ALLIANCE is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our more than 100 volunteer-run consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:

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