

The Virginia Board of Funeral Directors and Embalmers convened an Alkaline Hydrolysis Workgroup meeting on Thursday, July 14, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

WORKGROUP MEMBERS PRESENT:

Blair H. Nelsen, FSL, Board Member, Workgroup Chair
J. Frank Walton, FSL, Board Member
J. Michael Williams, FSL, Board Member
Ryder Bunce, PE, Virginia Department of Health
Deborah DeBiasi, Virginia Department of Environmental Quality
Marcia Degen, Ph.D., PE, Virginia Department of Health
William Gormley, MD, Ph.D., Virginia Department of Health
Barbara Kemmis, CAE, Cremation Association of North America (CANA)
Mike Martin, Hampton Roads Sanitation District
Mike Nicodemus, FSL, National Funeral Directors' Association (NFDA)
Richard Sikon, FSL, MLA, Virginia Department of Health

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Greer Peacock, Policy Intern
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Principle Advantage
Eric Bliley, Association of Independent Funeral Homes of Virginia (IFHV)
Cindy DiFranco, Principle Advantage
Darrin Jones, Jones Funeral Home, Virginia Funeral Directors Association (VFDA)
Bo Keeney, Association of Independent Funeral Homes of Virginia (IFHV)
Ben Traynham, Hancock, Daniel, & Johnson, P.C.
Barry Robinson, Virginia Morticians' Association

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Mr. Nelsen called the meeting to order at 9:31 a.m. Mr. Nelsen stated that the Alkaline Hydrolysis Workgroup convened to study the alkaline hydrolysis process as directed by Senate Bill 129, resulting from the 2022 General Assembly Session. He stated that the study results would be provided to the respective Chairs of the Senate Committee on Education and Health and the House Committee on Health, Welfare, and Institutions by November 1, 2022.

Mr. Nelsen asked the Workgroup members and Board staff to introduce themselves.

AGENDA

Mr. Nelsen requested proposed changes to the ordering of the agenda. Hearing none, he proceeded with the meeting.

PUBLIC COMMENT

There was no public comment.

EMERGENCY EGRESS

Ms. Tillman Wolf then read the emergency egress instructions.

CHARGE OF THE WORKGROUP

Mr. Nelsen stated that the Workgroup was convened pursuant to SB 129, which directs the Board of Funeral Directors and Embalmers to “convene a Workgroup consisting of relevant stakeholders” to determine:

- (i) regulatory and statutory changes needed to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth;
- (ii) necessary qualifications to enable a person to engage in the practice of alkaline hydrolysis;
- (iii) proper standards for the operation of a facility containing a pressure vessel for alkaline hydrolysis; and
- (iv) proper requirements for licensure as an owner or operator of such a facility.

Mr. Nelsen stated that the Workgroup is further tasked with considering “any necessary environmental precautions and safety measures to ensure proper (a) regulation and implementation of the alkaline hydrolysis process and (b) regulation and inspection of facilities where alkaline hydrolysis is conducted in the Commonwealth.”

Mr. Nelsen requested the Workgroup discuss the alkaline hydrolysis process, to look at the current laws and regulations related to funeral services, and discuss how other states have addressed alkaline hydrolysis in their statutes and regulations.

Mr. Nelsen asked the Workgroup members to think about the following questions for additional discussion toward the end of the meeting:

- How should alkaline hydrolysis be defined?
- How is alkaline hydrolysis similar to or different from cremation, which is already regulated as a means of disposition? How do those similarities or differences factor into the current laws and regulations (and need for amendments/new provisions)?
- What environmental concerns may exist related to alkaline hydrolysis in terms of effluent emissions?

PRESENTATIONS OF INFORMATION:

Mr. Sikon provided a presentation on the Alkaline Hydrolysis process, including the general mechanics and chemical process involved.

Ms. Kemmis provided information on the available training and resources, including the incorporation of alkaline hydrolysis into existing crematory operator training.

Mr. Nicodemus provided information on the resources available through the NFDA.

CURRENT LAWS AND REGULATIONS AND STATE COMPARISONS

Ms. Tillman Wolf provided information on how other states regulate alkaline hydrolysis – whether by definition, inclusion in the cremation process, or separate regulatory structure. She presented information on Virginia's current laws and regulations related to disposition of human remains and funeral services.

CONSIDERATIONS FOR RECOMMENDED REGULATORY/STATUTORY CHANGES

The Workgroup discussed the use of alkaline hydrolysis for the final disposition of human remains, with some focus on the aspects of environmental emissions and wastewater treatment.

The Workgroup recommended that alkaline hydrolysis be included as an accepted means of final disposition of human remains in the Code of Virginia.

The Workgroup recommended defining alkaline hydrolysis as a separate and distinct process within the Code of Virginia while using broad terminology that does not favor specific manufacturers or processes. The Workgroup will further discuss the definition of “alkaline hydrolysis” and related terms such as “hydrolyzed remains” and “alkaline hydrolysis facility” at the next meeting.

The Workgroup recommended creating a regulatory structure for “alkaline hydrolysis” that appropriately reflects and accounts for the differences and similarities in the processes for alkaline hydrolysis and cremation. The Workgroup will further discuss appropriate alkaline hydrolysis containers and language related to “commercially made” alkaline hydrolysis vessels based on other state comparisons.

The Workgroup recommended including licensure and registration requirements for alkaline hydrolysis facilities or operators that include appropriate consultation, authorization, and permits from state and local wastewater treatment authorities to minimize the potential for adverse environmental impact, to ensure appropriate equipment or vessels that discharge effluent into the wastewater system; and to ensure the proper and safe storage and handling of caustic chemicals that may impact water systems if leaked or spilled.

The Workgroup requested additional information from the Virginia Department of Health regarding the permit process related to septic systems. Additionally, the Workgroup requested additional information on how other states register alkaline hydrolysis facilities for discharge materials emitted into septic fields.

NEXT STEPS

Mr. Nelsen stated that the Board would start drafting initial recommendations for consideration by the Workgroup based on the discussion. He stated that the Workgroup would review the specific regulatory requirements and possible draft language for the study document at the next meeting. He asked Workgroup members to continue thinking about the same questions as they relate to the statutory and regulatory amendments that may be needed if the alkaline hydrolysis process were implemented.

NEXT MEETING

The next meeting date is August 12, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:19 a.m.



Corie Tillman Wolf, J.D., Executive Director

October 24, 2022

Date