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April 27, 2020

The Honorable Judith Persichilli
Commissioner
New Jersey Department of Health
VIA EMAIL ONLY - judith.persichilli@doh.nj.gov

Dear Commissioner Persichilli:

On behalf of the International Cemetery, Cremation and Funeral Association (ICCFA), I am writing to thank you for all the efforts enacted by the public health system in response to the crisis resulting from COVID-19. However, we would like to highlight for you what we believe to be likely harmful and unintended consequences that could result from your recent order, Executive Directive NO:20-010, and ask that you consider modifying the Order. Currently, the language in the Order severely limits or eliminates certain services from funeral providers, however the modification to use language such as, “When necessary” or “To the extent possible” as a way to allow the provider the option to choose some of these services, rather than blanket statements that remove them entirely.

Founded in 1887, ICCFA has over 9,300 members, primarily in the United States, representing cemeteries, funeral homes, crematories, monument builders, and third-party retailers; this includes our member funeral homes, cemeteries and crematories in New Jersey.

ICCFA is working with various Federal and State agencies across the United States to help our members navigate the challenges the pandemic has presented for normal industry practices among all deathcare providers. As your agencies work to protect public health, it is important to ensure any policies do not create negative, unintended outcomes.

For example, Directive 2 of the Order states, “Embalming is strongly discouraged but may be performed when determined necessary by a licensed mortuary practitioner and if appropriate personal protective equipment is utilized.” This is contradictory to the advice of many experts as well as many businesses’ current practice. Embalming is often believed to be the most sanitary solution as it provides better opportunity to disinfect the deceased, as well as provide more storage opportunities for a mortuary or even a crematory, as an embalmed body does not need to be stored in a refrigerated cooler. Additionally, embalming is not discouraged by the CDC and can be conducted. (See https://www.cdc.gov/coronavirus/2019-ncov/faq.html#anchor_1584390222777: During embalming, follow Standard Precautions including the use of additional PPE if splashing is expected (e.g. disposable gown, face shield or goggles and N95 respirator.)

In Directive 3, the Order states: “Human remains may not be stored or otherwise held for future memorialization. As a general rule, licensed mortuary practitioners should provide for the disposition of all human remains within seven days of death.” While the goal of this may be to expedite the final disposition process, it may not be practical. Consider firms that are awaiting cemeteries to allow burial; or crematories that are awaiting time to cremate. Will those be allowed to go past the seven days? Also, what about a Veteran that has the honor to be buried at Arlington National Cemetery? Arlington has significantly decreased the number of burials it allows

during this crisis, meaning a family may have to wait over six months before being able to have their committal. Under this Order, would that Veteran have to waive his right to a burial in our Nation's cemetery?

In Directive 5, the Order states, "Licensed mortuary practitioners, under the direction of a registered mortuary, shall not permit in-person viewings, visitations, or ceremonies with an open casket containing the decedent, regardless of the decedent's cause of death." There is no evidence that a properly embalmed COVID-19-positive body is any risk to an individual. (See <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#COVID19-funerals>: Am I at risk if I go to a funeral or visitation service for someone who died of COVID-19? There is currently no known risk associated with being in the same room at a funeral or visitation service with the body of someone who died of COVID-19.)

These are just a few examples of potential unintended outcomes, which could result in harm to both families as well as licensed mortuaries, cemeteries, crematories, and those serving families. ICCFA respectfully requests that you consider either removing this Order, or at a minimum modifying the Order to allow more practices that are allowed by the CDC, and also being allowed by providers in other states.

Thank you for your consideration of this request and I would be happy to answer any questions you have related to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Lemasters", written over a light gray horizontal line.

Poul Lemasters
General Counsel, ICCFA