



People's Memorial
A s s o c i a t i o n
Funeral Advocacy & Education since 1939

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January 3, 2023

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex B)
Washington, DC 20580

RE: Funeral Rule ANPR, Project No. P034410

Dear Chair Khan and Commissioners Slaughter, Wilson, and Bedoya,

Two years ago, we—the Board of Directors for People's Memorial Association (PMA)—wrote to the Federal Trade Commission (FTC) to support the Funeral Rule. We noted that consumer advocacy groups like PMA can spend *months* collecting price information, engaging staff and volunteers to protect individuals from exploitation when they are most vulnerable to confusion and manipulation.

Today, PMA's Board thanks the FTC for retaining the Funeral Rule and strongly reiterates our call to expand it. We urge the following actions in the seven areas of concern during this round of Advance Notice of Proposed Rulemaking.

- 1. Electronic price disclosure:** Lack of funeral price transparency online represents a burden that is undue and inappropriate to consumers in the digital age. Before COVID-19, more than 81% of consumers researched and compared prices online before making major purchases¹. Today, the major expenditure of a funeral should be as easy to evaluate electronically as that of a refrigerator or a car as funerals can easily cost just as much. Critically, those prices must be readily found or linked to on a website homepage; organizations without a website must continue to provide prices up-front upon request.
- 2. Cremation-related fees disclosure:** All charges, including those of third-party vendors, are an integral part of overall funeral costs. Hiding some fees

¹ Study: 81% research online before making big purchases. Chain Store Age. (2022, January 6). Retrieved December 26, 2022, from <https://chainstoreage.com/news/study-81-research-online-making-big-purchases>

compromises transparency and contravenes the intent of both the General Price List and itemized invoicing requirements.

- 3. Limited exceptions to the basic service fee:** We appreciate the basic service fee. Funeral homes must state clearly what their fees include and charge the basic service fee once per funeral; the basic service fee should not increase the overall funeral cost by more than 10%. Funeral homes should also maintain documentation of all exceptional charges to demonstrate compliance with the Funeral Rule.
- 4. New alternative disposal methods:** The Rule must include any disposition of remains, including the newer forms of alkaline hydrolysis, natural organic reduction, and green burial. Enforcing transparency across all options promotes consumers' informed decision-making, whether as part of pre-planning or after-death care. Moreover, the Rule should require that all existing, emerging, and new disposition methods comply with current legislation proactively before seeking exemptions.
- 5. Amendment of the mandatory embalming disclosure:** This disclosure's key purpose is to protect consumers through ensuring their understanding regarding embalming. Any modification should require funeral providers to explain to consumers when and why embalming is required and its costs. Stating relevant requirements and their associated fees based on jurisdiction, as well as alternatives (e.g., refrigeration) and their fees, would be acceptable.
- 6. Improvement of price list readability:** Few consumers are familiar with funeral industry language and depend on accessible information and explanations. Price list language must be standardized to improve readability and understanding. Standards and standardization protect consumers in everything from food to banking. They ensure a reliable market economy² so a competitive marketplace can exist.
- 7. Reverse effect on historically underserved communities:** The underserved and marginalized in life continue to be underserved and marginalized after death. Racism persists with segregated death experiences³ funeral homes⁴. The

² ISO. (n.d.). *COPOLCO*. https://www.iso.org/sites/ConsumersStandards/2_benefits.html

³ Beech, C. (2020, July 1). *How do you foster "a good death in a racist society"?* Los Angeles Times. <https://www.latimes.com/california/story/2020-06-25/black-death-doulas-react-to-george-floyds-death>

⁴ Severson, K. (2012, June 24). *Funerals Remain a Segregated Business in the South*. The New York Times. <https://www.nytimes.com/2012/06/24/us/funerals-remain-a-segregated-business-in-the-south.html>

cremated remains of two million people across North America remain unclaimed because their families cannot pay high funeral costs⁵. Codifying requirements to promote equal access is a logical step in improving fair practice in the funeral industry. Legislation such as The Health Care Language Assistance Act and The Civil Rights Act of 1968 can be inspiration for possible rulemaking.

Of course, without accountability, The Funeral Rule is merely a suggestion. We advocate for penalties due to non-compliance since industry self-regulation is not applied robustly nor consistently.

On behalf of our 218,000+ members, living and dead, we encourage the FTC to bring the Funeral Rule into the 21st century with clearly stated prices made available readily online for all disposition methods. Additionally, we support rules that expand support to those historically underserved.

The shared human experience of death is fraught with emotion and disorientation. The least we can do is provide clear and accurate information so consumers can make the best decisions in the worst of circumstances.

Sincerely,



ANN NORMAN
BOARD PRESIDENT

⁵ Bell, L. (2022, October 6). *Too Poor to Die: The Rising Cost of Funerals*. DiversityInc. <https://www.diversityinc.com/too-poor-to-die-the-rising-cost-of-funerals/>