

WSR 24-10-094

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed April 30, 2024, 2:38 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Chapter 246-500 WAC, Handling of human remains. The state board of health (board) is proposing amending parts of the rule to align with the changes to RCW 68.50.230 prescribed in SHB 1974, which passed during the 2024 legislative session.

Hearing Location(s): On June 12, 2024, at 1:30 p.m., at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662; or virtually [https://us02web.zoom.us/webinar/register/WN\\_vifXql9mSCGxcB06RcHI0Q](https://us02web.zoom.us/webinar/register/WN_vifXql9mSCGxcB06RcHI0Q). The board will be holding a hybrid hearing with the option to attend and testify either via Zoom or in person.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Shay Bauman, P.O. Box 47990, Olympia, WA 98504-7990, email [shay.bauman@sboh.wa.gov](mailto:shay.bauman@sboh.wa.gov), by May 31, 2024.

Assistance for Persons with Disabilities: Contact Melanie Hisaw, phone 360-236-4104, TTY 711, email [melanie.hisaw@sboh.wa.gov](mailto:melanie.hisaw@sboh.wa.gov), by June 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to update WAC 245-500-050, 246-500-053, and 246-500-055 to align with changes in statute. These rules establish the requirements for remains reduced through cremation, alkaline hydrolysis, and natural organic reduction. Under these sections, the local registrar or the department of health may issue a burial-transfer permit for the disposition of cremated remains, remains reduced through alkaline hydrolysis, or remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, or association for a period of 90 days or more. The 90-day holding period is established in RCW 68.50.230, which was recently amended to 45 days. The amendment also added counties to the list of entities that may lawfully dispose of human remains after the holding period. The purpose of the proposal is to align the rule with the changes in statute.

Reasons Supporting Proposal: This change is dictated by statute. The existing rules must be amended to align with the statute and to not be in conflict. The 90-day holding period is being amended to 45 days. The proposed rules also add counties to the list of entities that may lawfully dispose of human remains to be consistent with the language in the law.

Statutory Authority for Adoption: RCW 43.20.050 (2)(f).

Statute Being Implemented: SHB 1974 (chapter 57, Laws of 2024), as codified in RCW 68.50.230.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Shay Bauman, 101 Israel Road S.E., Tumwater, WA 98504, 564-669-8929; Enforcement: Funeral and Cemetary Board, 405 Black Lake Boulevard S.W., Olympia, WA 98502.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt under RCW 34.05.328 (5) (b) (v), rules explicitly and specifically dictated by statute.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: All of the proposed changes are dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024  
Michelle A. Davis  
Executive Director

### OTS-5351.1

AMENDATORY SECTION (Amending WSR 21-01-039, filed 12/7/20, effective 1/7/21)

**WAC 246-500-050 Human remains reduced through cremation.** (1)

Other than the provisions in this section and WAC 246-500-010, this chapter does not apply to human remains after cremation.

(2) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of cremated human remains. The permit for the disposition of cremated remains may be used in connection with the transportation of cremated remains by common carrier or other means.

(3) The local registrar or the department of health may issue a burial-transit permit for the disposition of cremated human remains which have been in the lawful possession of any person, firm, corporation, county, or association for a period of (~~ninety~~) 45 days or more. This permit will specify that the disposition of cremated remains must be consistent with Washington state laws and rules.

AMENDATORY SECTION (Amending WSR 21-01-039, filed 12/7/20, effective 1/7/21)

**WAC 246-500-053 Human remains reduced through alkaline hydrolysis.** (1)

Other than the provisions in this section and WAC 246-500-010, this chapter does not apply to human remains after alkaline hydrolysis.

(2) A hydrolysis facility must:

(a) Operate a high-temperature purpose built vessel, that reaches a minimum temperature of (~~two hundred fifty~~) 250 degrees Fahrenheit for a minimum of (~~thirty~~) 30 minutes during the reduction process;  
or

(b) Operate a purpose built vessel, for which third-party validation testing is provided demonstrating the reduction process destroys prions, and achieves sterilization in both the water and airspace, ac-

ording to the manufacturer's specifications. The testing criteria must include a matrix-assisted laser desorption/ionization time of flight (MALDI-TOF) mass spectrometry peptide sizing analysis and a ((6)) six spore log reduction or greater in the level of *Bacillus* spores. An operator shall retain this documentation on-site and be able to provide it upon request to state or local health officials.

(3) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of human remains reduced through alkaline hydrolysis. The permit for the disposition of remains reduced through alkaline hydrolysis may be used in connection with the transportation of remains reduced through alkaline hydrolysis by common carrier or other means.

(4) The local registrar or the department of health may issue a burial-transit permit for the disposition of human remains reduced through alkaline hydrolysis which have been in the lawful possession of any person, firm, corporation, county, or association for a period of ((ninety)) 45 days or more. This permit will specify that the disposition of remains reduced through alkaline hydrolysis must be consistent with Washington state laws and rules.

AMENDATORY SECTION (Amending WSR 23-09-027, filed 4/12/23, effective 5/13/23)

**WAC 246-500-055 Human remains reduced through natural organic reduction.** (1) Other than the provisions of this section and WAC 246-500-010, this chapter does not apply to human remains after natural organic reduction.

(2) A natural organic reduction facility operator shall:

(a) Collect material samples for analysis that are representative of each instance of natural organic reduction using a sampling method such as described in the U.S. Composting Council 2002 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E;

(b) Analyze each instance of reduced human remains for physical contaminants. Reduced remains must have less than 0.01 mg/kg dry weight of physical contaminants which include, but are not limited to, intact bone, dental fillings, and medical implants;

(c) Analyze, using a third-party laboratory, the reduction facility's reduced human remains according to the following schedule:

(i) The reduction facility's initial 20 instances of reduced human remains for the parameters identified in Table 500-A, and any additional instances of human remains necessary to achieve 20 reductions meeting the limits identified in Table 500-A;

(ii) Following 20 reductions meeting limits outlined in Table 500-A, analyze, at minimum, 25 percent of a facility's monthly instances of reduced human remains for the parameters identified in Table 500-A until 80 total instances have met the requirements in Table 500-A;

(iii) The local health jurisdiction may require tests for additional parameters under (b) and (c) of this subsection;

(d) Not release any human remains that exceed the limits identified in Table 500-A;

(e) Prepare, maintain, and provide upon request by the local health jurisdiction, an annual report each calendar year. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

- (i) Name and address of the facility;
  - (ii) Calendar year covered by the report;
  - (iii) Annual quantity of reduced human remains;
  - (iv) Results of any laboratory analyses of reduced human remains;
- and
- (v) Any additional information required by the local health jurisdiction; and
  - (f) Test for arsenic, cadmium, lead, mercury, and selenium, and either fecal coliform or salmonella in reduced human remains to meet the testing parameters and limits identified in Table 500-A.

**Table 500-A  
Testing Parameters**

<b>Metals and other testing parameters</b>	<b>Limit (mg/kg dry weight), unless otherwise specified</b>
Fecal coliform	< 1,000 Most probable number per gram of total solids (dry weight)
or	
Salmonella	< 3 Most probable number per 4 grams of total solids (dry weight)
and	
Arsenic	≤ 20 ppm
Cadmium	≤ 10 ppm
Lead	≤ 150 ppm
Mercury	≤ 8 ppm
Selenium	≤ 18 ppm

(3) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of human remains reduced through natural organic reduction. The permit for the disposition of remains reduced through natural organic reduction may be used in connection with the transportation of remains reduced through natural organic reduction by common carrier or other means.

(4) The local registrar or the department of health may issue a burial-transit permit for the disposition of human remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, county, or association for a period of ((90)) 45 days or more. This permit will specify that the disposition of remains reduced through natural organic reduction must be consistent with Washington state laws and rules.