

OREGON MORTUARY AND CEMETERY BOARD

NOTICE

TO: INTERESTED PARTIES

FROM: LYNNE NELSON, INTERIM EXECUTIVE DIRECTOR

DATE: OCTOBER 10, 2011

SUBJECT: SCATTERING CREMATED HUMAN REMAINS

Processed cremated human remains, sometimes called ashes, are a sanitary natural substance. There are no specific statutory restrictions on scattering cremated remains.¹ The only applicable administrative rule provides that when cremated remains are scattered by a funeral home, as opposed to the family, the ID tag must be made part of the funeral home's permanent record. OAR 830-030-0000(6).

Although there are state and federal land, air and water pollution standards, such environmental quality laws make no specific mention of cremated remains - which are just the mineral content of bone that is not consumed in the cremation process. Once processed to remove metal and reduce bone fragments to unrecognizable dimensions, cremated remains are for all intents and purposes non-toxic, non-hazardous, non-polluting.

Is it "legal" in Oregon to scatter cremated remains on private property, in a river, in a forest, on the beach or in the ocean? Well, there is no law saying it is, but there is also no law saying it is not. Based upon the lack of any specific prohibition and the non-toxic nature of the substance, Board staff takes the position that environmental protection laws were not intended to frustrate the last wishes of those who want to scatter cremated remains at some favorite or sentimental spot.

Of course, if specific legal restrictions are to be avoided in the future, common sense must be applied now. For instance, while it may be OK to scatter cremated remains on your own private property, it would not be a good idea to scatter them on your neighbor's property without permission. And, though it may be OK to scatter cremated remains at the beach, it would not be a good idea to do so at a crowded beach on a windy day. Similarly, though it may be OK to scatter cremated remains quietly in a national forest, it would not be a good idea to erect a permanent monument commemorating the spot.

In the case of cremation, the crematory is considered the official place of final disposition. Unlike human bodies, no permits are required for transporting or disposing of cremated remains in Oregon.

¹ If a person uses a place for a scattering garden, or other designated area above or below ground where a person may pay to establish a memorial or cremated remains, that place would be a cemetery - subject to cemetery law, dedication, licensing, etc.