



April 2, 2020

Address to Local Officials
Your Town, Texas

Dear:

The Texas Funeral Directors Association (TFDA) has been working closely with State and Local Leaders, and Texas funeral professionals in responding to the novel Coronavirus (COVID-19) pandemic. We applaud the critical steps that have been taken across Texas to limit the spread of COVID-19; and to mitigate the impact of illness, suffering and death.

As a Public Official, you know that deathcare plays a vital, yet often overlooked, part of the public health of our state. During a pandemic, such as COVID-19, or any mass-fatality disaster, deathcare represents a critical part of the public/private partnership that will help our state heal and recover.

This vital role places deathcare professionals at an extremely high-risk for exposure to sources of COVID-19 as they care for and prepare the deceased for burial or cremation. Deathcare professionals stand ready to provide meaningful assistance to our state by caring for the dead and their grieving families. As you know, on March 19, 2020, the Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA) issued guidance that classified mortuary workers as "critical infrastructure workers." This underscores the vital role funeral directors and others who work in deathcare (such as the "Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects" noted in the DHS guidance) play in responding to the COVID-19 pandemic.

We ask that you ensure deathcare workers are included in any local guidance or mandatory order identifying deathcare workers amongst essential critical infrastructure workers. This would ensure:

1. Personal Protective Equipment (PPE) availability and access:

In order to perform essential public-health tasks, deathcare workers must have access to PPE. Caring for the bodies of individuals who died due to COVID-19 places funeral directors and embalmers at risk for exposure to the virus. We ask that you include deathcare as an "essential service" so deathcare workers receive priority access to PPEs.

2. Exemption from quarantine orders:

We request formal exemption from federal and state “lockdown” and “shelter-in-place” orders, as well as from mandatory business closures. We urge you to clarify that “essential infrastructure” and “essential businesses and services” includes deathcare providers, which provide essential services that are critical to the health, safety and sanitation of communities, as well as suppliers of funeral products to funeral homes, cemeteries and crematories.

3. Priority for testing and vaccines:

Due to the high risk of exposure to the COVID-19 virus while caring for the bodies of those who die due to COVID-19, we urge deathcare workers be included in the top-tier of essential services to receive testing and a vaccine when it becomes available. In 2008, when facing the H1N1 pandemic, the Centers for Disease Control and Prevention (CDC) elevated “Mortuary Service Providers” to the Tier II level for vaccine prioritization. There were six tiers to the system, with the most critical workers and personnel in Tiers I, II, and III. We ask for similar consideration for our members as a COVID-19 vaccine is developed.

Furthermore, we have grave concerns over the storing suspected or positive COVID-19 decedents for longer than necessary poses potential health risk to workers performing mortuary services, including funeral homes, crematoriums as listed as essential critical infrastructure workforce by Homeland Security CISA

In many instances these positive COVID-19 cases are being temporally stored with other deceased-where a family chose a traditional burial or private family viewing. Most mortuary coolers hold multiple decedents and are open and closed countless times a day, which forces rapid air movement in confined spaces in which Funeral Directors and Crematory operators are exposed

Therefore, to stop and/or slow the spread of COVID-19, we are urgently requesting the temporary suspension of local cremation permits of all suspected or positive COVID-19 decedents. This temporary suspension should still require the Cremation Authorization Form requirement as mandated in the Texas Health and Safety Code 716.052.

As a TFDA member, and one of the more than 6,000 deathcare professionals in Texas, we are grateful for your leadership and stand ready, as always, to care for the dead and the families left behind.

Sincerely,

(Your name and title)
TFDA Member

Attachment:

Regards,



Elwynn Gene Allen, CFSP, CPC
President, TFDA

Statutory Authorization Information

Statutory Authorization Information

The following statute shows "on the local level" that JP, ME's and County Judges have the authority to waive the 48 hour wait time:

Sec. 716.004. WAITING PERIOD FOR CREMATION. (a) A crematory establishment may not cremate human remains within 48 hours of the time of death indicated on a death certificate unless the waiting period is waived in writing by:

(1) a justice of the peace or medical examiner of the county in which the death occurred; or

(2) a court order.

(b) A justice of the peace or medical examiner's office authorized to grant a waiver under Subsection (a) shall adopt a written policy for requesting a waiver under Subsection (a). In adopting the written policy, the justice of the peace or medical examiner's office shall consider how a person makes a request, and how the justice of the peace or medical examiner may process the request as quickly as possible. The written policy must outline the process of making a request for a waiver under Subsection (a) during regular business hours and outside of regular business hours, including on a weekend day or holiday.

Section 49.25(10) of the Texas Code of Criminal Procedure directs that a cremation "certificate" be requested by the owner or operator of the crematory and provided by the medical examiner's office of jurisdiction before cremation can occur. This Section also gives the commissioner of public health the authority to designate other communicable diseases for which cremation within 48 hours of the time of death is authorized.

Sec. 10a. WAITING PERIOD BETWEEN DEATH AND CREMATION. The body of a deceased person shall not be cremated within 48 hours after the time of death as indicated on the regular death certificate, unless the death certificate indicates death was caused by the pestilential diseases of Asiatic cholera, bubonic plague, typhus fever, or smallpox, or unless the time requirement is waived in writing by the county medical examiner or, in counties not having a county medical examiner, a justice of the peace. In a public health disaster, the commissioner of public health may designate other communicable diseases for which cremation within 48 hours of the time of death is authorized.