



Proposed Key Elements for Discussion

Cremation Regulations

FOR DISCUSSION PURPOSES ONLY
Proposed Key Elements – Cremation Regulations

The Department of Health and Social Services welcomes feedback from stakeholders and the public on the proposed key elements that will form the future Cremation Regulations.

All feedback is welcome and may be submitted by: **May 31, 2019**.

Attn: Comments on Proposed Cremation Regulations
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BACKGROUND

Currently, any NWT resident wishing to access cremation services must rely on providers outside of the Northwest Territories, usually Alberta. This entails a funeral planner arranging for the deceased to be transported to a crematorium and the remains returned to the family. To fill this service need, funeral providers have expressed an interest in offering cremation services to residents of the NWT.

Although NWT legislation does not currently prohibit cremation, a Private Member's Bill was passed in October 2017 that amended the *Public Health Act* and the *Vital Statistics Act* in order to provide clarity that cremation is permitted in the NWT.

The *Public Health Act* establishes a comprehensive framework for the protection and promotion of public health in the NWT. Under the Act, the Minister appoints a Chief Public Health Officer who is authorized to carry out the powers and duties under the Act. General enforcement powers include inspections, entering and searching premises, taking samples and gathering information and records. The Act also includes provisions regarding surveillance and control of notifiable and reportable diseases. As it relates to cremation, the *Public Health Act* allows the Minister to make recommendations for regulations "*respecting the handling, storage, transportation, interment, disinterment, reinterment and disposal of dead bodies, including cremation*".

The Department of Health and Social Services has undertaken analysis regarding the optimal way to meet the regulatory intent of the legislative change. The planned approach will lead to the creation of a regulation under the *Public Health Act* that will focus on impacts to public health such as mitigation of potential health hazards related to the

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cremation process. The approach will leverage the expertise and resources of the office of the Chief Public Health Officer. The proposed regulation will clearly establish the authority of the Chief Public Health Officer in relation to the cremation process. The regulatory approach will address traditional flame-based cremation as well as cremation by alkaline hydrolysis.

The proposed regulatory approach will establish the areas that the Chief Public Health Officer will examine in determining the safety of the cremation process related to the protection of public health. The Chief Public Health Officer will accept an application from a funeral planner. The application will include technical information that will allow the Chief Public Health Officer to determine if the method of disposal provides sufficient measures for decontaminating and inactivating pathogens before release into the environment. Once the Chief Public Health Officer has determined the cremation process is safe, a letter will be provided to the funeral planner. The Chief Public Health Officer approval letter alone will not allow cremation to take place as there are aspects of the process that are within the regulatory control of other entities. Further details of this are provided below the Key Elements table.

KEY ELEMENTS

The following table sets out the proposed provisions for the future Cremation Regulations:

Key Element	Purpose	Proposed	Rationale
Definitions	“cremation”	“cremation” means the disposal process of a dead body in a crematorium, by incineration or by any other physical or chemical process.	Consistent with wording in <i>Vital Statistics Act</i>
	“crematorium”	“crematorium” means a building or part of a building used for the purpose of cremation.	Consistent with wording used in <i>Vital Statistics Act</i>
	“funeral planner”	“funeral planner” means the individual who operates the crematorium.	Consistent with <i>Vital Statistics Act</i> that references ‘funeral planner’
Authority	Protection of public health	The Chief Public Health Officer may approve the provision of cremation services in respect of the safe practices for the handling and disposal of a dead body to mitigate potential health hazards.	The Chief Public Health Officer is appointed by the Minister to administer the <i>Public Health Act</i> .
Administration	Application for Public Health approval	A Funeral Planner shall apply to the Chief Public Health Officer for approval for the provision of cremation services. The application shall be	

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Key Element	Purpose	Proposed	Rationale
		<p>accompanied with:</p> <ul style="list-style-type: none"> (a) Cremation equipment manufacturer’s specifications that show the design features and technical specifications, and operational methods used for the treatment or processing of dead bodies; (b) Control measures for maintaining appropriate safe levels of exposure to potentially harmful microorganisms and chemical hazards; (c) Treatment process, including but not limited to heat or pressure application, treatment time, chemical solutions, etc., for decontaminating infected tissue and inactivation of pathogens; (d) Treatment efficacy reports on the evaluation of the process, equipment and/or technology for the purpose of cremation; and, (e) Other documents that may be required by the Chief Public Health Officer for the evaluation or assessment of the suitability of the cremation equipment, technology and treatment process. <p>A Funeral Planner shall not provide cremation services without a letter of approval.</p> <p>A Letter of Public Health Approval is not transferable.</p>	

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There are other aspects of the cremation process that are outside the authority of the *Public Health Act* and the department, which the proposed regulatory approach will not address.

- The aspects of emissions and effluence fall within the areas of responsibility held by the Department of the Environment and Natural Resources and shared with Land and Water Boards. While the Chief Public Health Officer may be consulted on issues pertaining to public health as a result of emissions or effluence, the overall administration and enforcement of environmental protection is outside of the Chief Public Health Officer's authority.
- Under the *Cities, Towns and Villages Act*, a municipal government has broad by-law making authority to govern the municipality as its council considers appropriate. This includes by-laws pertaining to water and sewer services, land use, zoning and granting of business licenses.