VERMONT

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MEMORANDUM

FROM: Richard Valentinetti, Director
Air Pollution Control Division
Department of Environmental Conservation

DATE: February 17, 2011

SUBJECT: Open-Air Human Cremations

Since my June 14, 2007 memorandum on this subject, several questions have been raised about the laws and regulations that apply to open-air cremations. This memo provides updated information, based on consultations with the Vermont Attorney General's Office and others, and supersedes my June 14, 2007 memorandum.

- The Vermont public health laws, at 18 V.S.A. §§ 5302 and 5319(a), prohibit open-air cremations and require the use of "retorts", which are enclosed vessels, for cremations. These statutory provisions preclude the permitting of open-air cremations under Vermont's Air Pollution Control Regulations.

- Any retort or combustion device used for cremation purposes is subject to the regulatory requirements for crematories in the Air Pollution Control Regulations. These include design and operating requirements, as well as an air emission limit. (See APCR § 5-231(2))

- Anyone who wishes to install a new human crematory must apply for and obtain an Air Pollution Control Construction Permit prior to installation and operation of the unit. In some cases, a permit may also be required by the Department of Environmental Conservation's Waste Management Division.

If you have any questions about this memorandum, please contact Richard Valentinetti at (802) 241-3840.