

Dust to Dust

By Reg P. Wydeven
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Last week I wrote about the rules about death certificates. As I mentioned, we see lots of them, as we often meet with clients who have lost a loved one. We also discuss funeral arrangements. Many families have traditional burials, but more and more are cremating loved ones.

According to the Milwaukee JournalSentinel, about two-thirds of cremated remains are kept by family, either at a cemetery or mausoleum, or at their homes in an urn. The other third scatter the ashes pursuant to their loved one's wishes.

Mishaps with ashes can create hilarity in movies, like when Ben Stiller's character in 'Meet the Parents' popped open a bottle of champagne and the cork knocked over Robert De Niro's mother's urn and the cat used the ashes as a litter box. Or like in 'Grown Ups,' when a group of friends scatter their childhood basketball coach's ashes at their summer camp and the wind changes direction, blowing the ashes into their bucket of Kentucky Fried Chicken (which Kevin James proceeds to eat). Or when Zach Galifianakis puts his father's ashes into a coffee can and then accidentally uses them to make coffee, which he drinks. Twice.

While these gags are funny in the movies, it's seldom comical in real life. But if you are considering sprinkling the ashes of a loved one somewhere, there are a few rules to keep in mind.

The statutes indicate that cremains can be disposed of in any "lawful manner," however, the ashes must be reduced to a particle size of one-eighth inch or less. In addition, cremains of one person can't be put in the same container with someone else's without the permission of the family of both of the departed.

If you scatter them on private property, you must have the permission of the owner. And try to think long-term; before sprinkling Grandma's ashes on her family farm, be confident the land won't be developed and turned into a strip club. Scattering them in public can be tricky, as you could be reported for littering.

You should consult with government officials before spreading the ashes of a loved one on land owned by local, state or federal government, such as a ranger at a national park. The federal Clean Water Act mandates that cremains scattered at sea must be done at least three nautical miles from land, and if you do so, you must notify the EPA within 30 days. The EPA also prohibits sprinkling ashes at beaches or in wading pools by the sea.

The Wisconsin DNR forbids spreading ashes in inland lakes and rivers. However, the DNR's website does indicate that when a family scatters a small amount of ashes of a loved one, the agency will typically look the other way. The site says, "We do realize that spreading a small amount of ash material from one cremated body is not going to be noticeable and it will be quickly incorporated into the soil and not likely to cause any environmental problems."

Spreading the ashes by air is also permitted. Just remember to scatter the ashes and not drop the whole urn.

When I die, I told my wife to scatter my ashes at the mall. I figure that gives me the best chance that my kids will actually come and see me.

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