

Racial Equity and Social Justice (RESJ) Statement for Zoning Text Amendment

Office of Legislative Oversight

ZTA 25-09: FUNERAL AND INTERMENT SERVICES – ALKALINE HYDROLYSIS

SUMMARY

The Office of Legislative Oversight (OLO) cannot anticipate the impact of Zoning Text Amendment (ZTA) 25-09, Funeral and Interment Services – Alkaline Hydrolysis on racial equity and social justice in the County because there is insufficient information on the racial and ethnic demographics of residents most likely to be impacted by this ZTA.

PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other people of color (BIPOC) and communities with low incomes with a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF ZTA 25-09

In 2024, the Maryland General Assembly passed Senate Bill 1028, also known as the “Green Death Care Options Act” to allow alkaline hydrolysis that are known as water cremations.³ SB1028 established requirements and prohibitions for water cremation facilities by requiring the Office of Cemetery Oversight and the State Board of Morticians and Funeral Directors to adopt regulations governing these facilities.⁴ Specifically, SB1028’s rules for facilities and persons prohibit them from using or disposing of remains from water cremations to grow food for consumption by humans or livestock.

The purpose of ZTA 25-09 is to allow funeral homes and crematories in the County to perform alkaline hydrolysis. ZTA 25-09 adds a definition for “alkaline hydrolysis” to the Zoning Ordinance.⁵ ZTA 25-09 also amends the use standards for crematories and updates the definition of crematory by adding alkaline hydrolysis;⁶ and updates the definition of Funeral Home, Undertaker, to allow alkaline hydrolysis as an accessory use.⁷ Of note:

- Crematory uses are permitted as a conditional use in the Heavy Industrial Zone and prohibited in all other zones;
- Funeral Home, Undertaker establishments are allowed by right in the General Retail Zone and as a limited use in Commercial Residential Zones; and
- Funeral Home, Undertaker use is permitted by approval of conditional use applications in the Agriculture Zone, in most residential detached zones (RE-2, RE-1, R-200, and R-90), and in Employment Office Zones.

ZTA 25-09 was introduced on June 17, 2025.

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FUNERAL INDUSTRY AND RACIAL EQUITY

As a fairly new innovation, independent water cremation facilities are not widely available. Instead, most water cremation services are provided through funeral homes that have either invested in an alkaline hydrolysis machine or partnered with nearby water cremation facilities.

The funeral industry has a long history of racial inequity rooted in racial segregation in the United States. For example, African Americans were often denied access to White funeral homes and cemeteries.⁸ Racial discrimination led to the establishment of separate funeral homes and cemeteries specifically for Black communities.

The value of the funeral home industry in Maryland is estimated to be worth \$347.3 million with approximately 390 locations employing around 2,260 people.⁹ In 2023, White people accounted for 80 percent of the funeral workforce in the U.S. as morticians, undertakers, and funeral directors while Black people accounted for 11 percent, Latinx people accounted for 7 percent, and multiracial people accounted for 6 percent of the funeral workforce.¹⁰ Data on the exact number of Black-owned funeral homes in Maryland does not exist. However, one Black-owned funeral home currently operates in Montgomery County.¹¹

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-09 on racial equity and social justice, OLO considers two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could the passage of this ZTA weaken or strengthen?

To address these questions, OLO considered the impact of ZTA 25-09 on two sets of stakeholders.

- **Funeral and Cremation Businesses.** OLO anticipates that the owners of funeral homes and cremation businesses could benefit from ZTA 25-09 as it would allow them to expand their offerings to include alkaline hydrolysis (water cremations). Available data on the funeral home industry suggests that White people could disproportionately benefit as funeral and cremation business owners if they offered water cremation services.
- **Households Seeking Water Cremation.** OLO anticipates that households seeking alternatives to traditional methods of disposing of remains after death could also benefit from ZTA 25-09. Many people find that other options, including greener alternatives, are more convenient, and organizing them is more straightforward. Because the alkaline hydrolysis method of disposing of human remains is a newly authorized use in the County, there is no available data on the demographics of households seeking alkaline hydrolysis.

In sum, while funeral and cremation business owners who are likely disproportionately White could reap most of the economic benefits from offering water cremations that would be allowed under ZTA 25-09, OLO cannot anticipate the overall RESJ impact of this ZTA with available data.

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RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹² OLO finds the anticipated RESJ impact of ZTA 25-09 is indeterminate. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

¹ Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

² Ibid.

³ Alkaline hydrolysis, also known as water cremation, is a process in which a deceased body is placed in a pressurized vessel containing water and an alkaline solution (Potassium Hydroxide) to facilitate decomposition. The process dissolves the bonds in the body's tissues and eventually yields a sterile, liquid combination of amino acids, peptides, salts, sugars, and soaps, which is disposed of down the drain at the alkaline hydrolysis facility. The body's bones are then ground to a fine powder and returned to the deceased person's survivors, just as the bones that remain after flame cremation are returned to families as ash. [Oster, Lauren. Could Water Cremation Become the New American Way of Death? A sustainable option for what to do with our remains is trickling into popular consciousness.](#)

⁴ [Maryland General Assembly. SB 028, CH0599. Human Remains - Alkaline Hydrolysis and Natural Organic Reduction \(Green Death Care Options Act\).](#)

⁵ [The definition is added to Section 1.4.2- Specific Terms and Phrases Defined](#)

⁶ [Sections 3.5.4.B- Crematory](#)

⁷ [Section 3.5.4. C. - Funeral Home, Undertaker](#)

⁸ [J.F Goode Funeral Home. Structural-Institutional Disparities in the Funeral Industry.](#)

⁹ [IBISWorld. Funeral Homes in the US - Market Research Report \(2015-2030\)](#)

¹⁰ [DATA USA: Morticians, undertakers, & funeral directors. based on Census Bureau ACS PUMS 5-year estimates](#)

¹¹ [Snowden Funeral Home | Rockville, MD - Official Website](#)

¹² [Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.](#)