NATURAL ORGANIC REDUCTION: ENVIRONMENTALLY FRIENDLY DEATH DISPOSITIONS FOR A GREENER TOMORROW

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INTRODUCTION

Natural organic reduction, also known as human composting, is a disposition method that transforms bodily remains into soil.[1] Initially passed in 2019, the first state law legalizing natural organic reduction went into effect in Washington in 2020. This technique then became not only one of the newest green disposition methods on the market, but also an unexpected weapon in the ongoing battle against greenhouse gas emissions and climate change.[2]

Greenhouse gases and climate change pose a looming threat to the health and safety of humanity.[3] According to the United States

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* J.D. 2024, Wake Forest University School of Law. This Essay would not have been possible without the love and support of my friends and family or without the incredible guidance of my professors, who made my law school journey the most intellectually rewarding three years of my life.

1. Lynne Carpenter-Boggs, Proof of Concept: Recomposition of Human Remains (Oct. 25, 2018) (unpublished executive summary) (on file with Washington State University).

2. *Washington First State to Legalize Human Composting*, RECOMPOSE (May 2019), https://perma.cc/B5TX-PTFY.

3. Climate change is defined by the United States National Aeronautics and Space Administration as the "long-term change in the average weather patterns that have come to define Earth's local, regional and global climates" and is caused by "by human activities, particularly fossil fuel burning, which increases heat-trapping greenhouse gas levels in Earth's atmosphere, raising Earth's average

Environmental Protection Agency (EPA), climate change can cause a variety of dangers: changes in weather patterns, such as floods, droughts, intense rains, or heat waves; health risks, particularly for vulnerable populations like children or the elderly; increases in the spread of disease; worsening air or water quality; rising sea levels; and change or damage to ecosystems.[4] We have already seen some of the predicted effects of climate change come to fruition, including the changing and shifting of ecosystems, the melting of glaciers and ice sheets, and the increasing rate of natural disasters.[5] As greenhouse gas emissions are long-lasting and cause many delayed impacts, we can expect these harms to be exacerbated and for other harms to be added in the coming future. Therefore, organized plans responding to climate change need to begin decades in advance and be implemented for many years to effectively address climate change.[6]

The deathcare and disposition of human bodies market has yet to enter the fight against climate change. This is disappointing as studies have shown a rising interest in environmentally friendly dispositions, likely in response to growing concerns about climate change. According to the National Funeral Directors Association, interest in green funeral options rose from 55.7% to 68% between 2021 and 2024.[7] One green funeral method is natural organic reduction; it is a newer and more environmentally friendly disposition method when compared to traditional methods.[8] A National Funeral Directors Association survey has noted a rise in preference for human composting from 4% in 2021 to 5.5% in 2023.[9] These statistics indicate an interest in a market for climate-friendly death care, a market that

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surface temperature." *What Is Climate Change?*, NASA (2024), https://perma.cc/Z5R6-Y7SP.

4. *Impacts of Climate Change*, EPA (2024), https://perma.cc/CC9E-ED2V.

5. *The Effects of Climate Change*, NASA (2024), https://perma.cc/DY5R-573R.

6. Robert B. McKinstry et al., *The New Climate World: Achieving Economic Efficiency in a Federal System for Greenhouse Gas Control Through State Planning Combined with Federal Programs*, 34 N.C. J. INT'L L. 767, 791 (2009).

7. *Statistics*, NAT'L FUNERAL DIRS. ASS'N (Sept. 24, 2024), https://perma.cc/6TBD-YXV4. Carbon dioxide can stay in the atmosphere for about 100 years, if not longer. *See* McKinstry et al., *supra* note 6, at 802.

8. *See infra* Part I.

9. Deana Gillespie & Edward J. Defort, *Inside the 2023 NFDA Consumer Awareness and Preferences Survey (Part 4)*, 14 MEM'L BUS. J. 1, 5 (2023). This may seem like a small rise, but as human composting is still new and only legal in a few states, it is not yet widely known. However, this growth in preference among Americans who are aware of the method is consistent with preference increases for other green disposition methods. For example, the percentage of Americans whose preferred method of disposition is natural burial, another environmentally friendly method, rose from 4% in 2020 to 11% in 2023. *See* Anthony Martin, *2023 Survey Results: Inflation's Impact on American Funeral Decisions*, CHOICE MUT. (June 4, 2024), https://perma.cc/P7X4-TL9F.

has yet to be explored in the many states that have not legalized natural organic reduction.[10]

Most states already have plans in place to address climate change by limiting carbon emissions.[11] Everyone eventually dies, making the disposition method used on one's body important, particularly when there is such a large disparity in the environmental impacts of different disposition methods—cremation versus conventional burial versus human composting, etc.[12] Therefore, promoting, and at the very least legalizing, more environmentally friendly disposition methods, such as natural organic reduction, has the potential to have a significant impact on greenhouse gas emissions and would be consistent with current state action plans regarding climate change.[13]

Additionally, legalizing natural organic reduction can create economic benefits for many Americans. The United States funeral industry is worth $20 billion annually.[14] However, nearly 50% of Americans surveyed are concerned about the cost of funerals/burial plans, with 40% of Americans surprised by the cost of dying and 33% very surprised.[15] The stark contrast between the profits made in the funeral industry and the stress felt by consumers emphasizes an opportunity to alleviate the financial pressure experienced by consumers who have no choice but to partake in this industry. As funerals are the third most expensive purchase people will ever make, after a house or car—and unlike those other purchases, the disposition of dead bodies cannot be foregone—any opportunity to aid consumers in the funeral industry should at least be explored.[16]

Unfortunately, as of now, natural organic reduction does not provide consumers with as much of a financial respite in terms of disposition methods as it could. Natural organic reduction costs between $4,800 and $7,000 depending on the provider, making it more expensive than most direct cremation services but less

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10. Choice Mutual, a funeral insurance agency, has compiled a ranking by state of the cleanest places to die based on emissions impact and sustainable burial service access for their customers providing further evidence of increased consumer interest in environmentally friendly death care. *See* Anthony Martin, *The "Greenest" States to Die In,* CHOICE MUT. (Oct. 6, 2023), https://perma.cc/7DY9-LKZ9.

11. *See U.S. State Climate Action Plans*, CTR. FOR CLIMATE & ENERGY SOLS. (Aug. 2024), https://perma.cc/82S5-EWVM.

12. *See* Martin, *supra* note 9.

13. Currently, natural organic reduction is legal in twelve states—Washington, Colorado, Oregon, Vermont, California, New York, Nevada, Arizona, Maryland, Delaware, Minnesota, and Maine. *See FAQS: Where Is Human Composting Legal?*, RECOMPOSE (2024), https://perma.cc/6WB4-PZV7.

14. *See* Martin, *supra* note 9.

15. *Id.*

16. Isabel Knight, Remarks at FTC Workshop: Shopping for Funeral Services 87 (Sept. 7, 2023), https://perma.cc/3WPY-FFJ9.

expensive than most burials.[17] It is also less expensive than many cremations that include other products and services, such as urns, cremation caskets, or embalming.[18] Currently the cost of human composting at Recompose starts at $7,000.[19] In comparison, the average cost of a funeral, burial, and viewing in 2021 was $7,848, not including the cost of a vault, headstone, or cemetery plot, and the average cost of a funeral with a cremation was $6,971, not including the cost of a columbarium.[20]

While the cost of death in the United States is relatively high for all disposition methods, natural organic reduction's greener environmental impact means that there could be potential subsidies or tax credits available in federal climate change legislation, such as the Climate Change Resiliency Fund, to help alleviate its costs. In fact, as awareness is increased around the climate benefits of natural organic reduction, other initiatives—such as the Inflation Reduction Act—may be amended to include green dispositions as a defense against climate change.

I. NATURAL ORGANIC REDUCTION AS A MORE ENVIRONMENTALLY FRIENDLY DISPOSITION METHOD

Natural organic reduction is an environmentally friendly disposition method that allows one's last physical act on earth to be beneficial rather than harmful to the environment. Natural organic reduction has been described as the "managed thermophilic biological process used to convert organic material, including human remains, into a more stable earthy organic material that is unrecognizable as human remains."[21] In other words, natural organic reduction is

17. Zoom Interview with Katrina Spade, Founder & CEO, RECOMPOSE (Nov. 8, 2023).

18. *Id.*

19. *Planning Ahead for Human Composting*, RECOMPOSE (2024), https://perma.cc/9VB8-2T8G.

20. *Statistics*, *supra* note 7.

21. The Proof of Concept created by Dr. Lynne Carpenter-Boggs and her team was the first scientific study done on natural organic reduction as a disposition method in 2018; it outlines the scientific process behind natural organic reduction, the trials performed to test it as a disposition method, and their results. *See* Lynne Carpenter-Boggs, *supra* note 1. Other research on the method was conducted at Leiden University and Delft University of Technology concerning the history, social context, and current state of urban death care, while also analyzing the viability and environmental impacts of natural organic reduction (referred to in the document as "recomposition"). *See* LEIDEN UNIV. & DELFT UNIV. OF TECH., ASSESSMENT OF AN ALTERNATIVE FUNERAL METHOD: THE URBAN DEATH PROJECT 9 (2017). The study found that natural organic reduction outperformed other disposition methods in regard to the biggest environmental issues facing the United States funeral industry—"urban land occupation, marine ecotoxicity, human toxicity, freshwater eutrophication, freshwater ecotoxicity and agricultural land occupation." *Id.* at 106.

similar to the common practice of composting vegetables, except here, it is bodily remains that are given new life through their transformation into soil.

The carbon emissions produced by natural organic reduction are less than those produced by other disposition methods. Natural organic reduction emits 1.3 kilograms of carbon dioxide and 0.96 kilograms of methane per disposition.[22] To put this in perspective, a single cremation is estimated to release 535 pounds (242.672 kilograms) of carbon dioxide into the air.[23] Between the avoidance of emissions and the sequestration of carbon, it is estimated that as much as 1.4 metric tons of carbon are saved per person who elects to do natural organic reduction instead of other traditional disposition methods.[24]

When compared to the carbon emissions of other industries, it can be argued that the amount of carbon avoided through human composting may seem small, or even negligible, especially when not everyone would elect human composting if it were legal.[25] However, this is a shortsighted view. Natural organic reduction is still a relatively new method, in general, and an incredibly new disposition method when compared to more traditional disposition methods, such as burial and cremation, that have been around for thousands of years. As awareness of the method spreads through both education

22. LEIDEN UNIV. & DELFT UNIV. OF TECH., *supra* note 21, at 74.

23. Tom Harries, *Is Cremation Bad for the Environment?*, EARTH (May 19, 2022), https://perma.cc/CQ89-2RLH.

24. *Recompose Opens Funding Round for Sustainable Death Care Option*, RECOMPOSE (May 2019), https://perma.cc/9W9D-MA7A.

25. The United States, as a whole, emits 6001.2 metric tons of carbon dioxide equivalent per year. Johannes Friedrich et al., *This Interactive Chart Shows Changes in the World's Top 10 Emitters,* WORLD RES. INST. (Mar. 2, 2023), https://perma.cc/A5KS-RTK6. Of that, 1965.6 metric tons of carbon dioxide equivalent is from electricity and heat, 1815.7 metric tons of carbon dioxide equivalent is from transportation, 557.6 metric tons of carbon dioxide equivalent is from building, 442.6 metric tons of carbon dioxide equivalent is from manufacturing and construction, 381.8 metric tons of carbon dioxide equivalent is from agriculture, 238.7 metric tons of carbon dioxide equivalent is from industrial processes, and 134.3 metric tons of carbon dioxide equivalent is from waste. *Id.* These numbers seem large when compared to the 1.4 metric tons of carbon saved per person who elects to use natural organic reduction, but it is important to look at these numbers in the context of the United States as the second largest greenhouse gas-producing country in the world. *See Recompose Opens Funding Round for Sustainable Death Care Option*, *supra* note 24; *see also* Friedrich, *supra* note 25. The United States' carbon dioxide emissions contribute the following percentages by sector to the world's global emissions: heat and electricity industry 4.08%; transportation 3.77%; building 1.16%; manufacturing and construction 0.92%; agriculture 0.79%; industrial processes 0.50%; and waste 0.28%. Friedrich, *supra* note 25. As the United States is such a large emissions contributor, any reduction in greenhouse gas emissions by the country will have an impact on emissions worldwide.

and experience, seeing family, friends, and loved ones electing to use human composting, natural organic reduction is likely to keep getting more and more popular. Additionally, the reduction of carbon emissions caused by human composting, in the aggregate, will eventually start to make a dent in the amount of greenhouse gases emitted. Natural organic reduction by itself may not be able to solve climate change but it certainly has the potential to be a starting point towards that end.

II. NATURAL ORGANIC REDUCTION IS CONSISTENT WITH STATE INITIATIVES TO LIMIT GREENHOUSE EMISSIONS

States began to develop state action plans to combat climate change in the 1990s in anticipation of the United States' participation in the Kyoto Protocol, an international treaty aimed at substantially reducing greenhouse gas emissions.[26] Since the 2000s, these plans have become more comprehensive and focused on limiting greenhouse gas emissions.[27] New York was the first state to set its own greenhouse gas emission reduction target in its 2002 State Energy Plan and Final Environmental Impact Statement; the plan's goal was to reduce emissions to 5% below the state's 1990 levels by 2010 and 10% below by 2020.[28] New York was followed by Maine, Connecticut, California, New Mexico, Arizona, Illinois, Florida, Minnesota, Washington, Hawaii, New Jersey, and Oregon in its efforts to reduce its greenhouse gas emissions. Some states accomplished this through laws, while other states had executive orders issued by their governors to address greenhouse gases.[29] In their efforts to combat climate change, states have also entered into regional agreements with other states and with foreign countries, including the Conference of New England Governors and Eastern Canadian Premiers in 2001,[30] which had the goal of reducing emissions to 1990 levels by 2010 and 10% below 1990 levels by 2020.[31]

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26. Neil Keenan, Note, *Global Warming Due to Greenhouse Gas Emissions: The Success of State Solutions as a Model for a Federal Solution*, 34 NOTRE DAME J. LEGIS. 168, 171 (2008).

27. *Id.*

28. *See id.* at 173. Today, New York has advanced its climate goal to reduce greenhouse gas emissions from the state's 1990 levels by 40% in 2030 and 85% in 2050. *Greenhouse Gas Emissions Reduction,* N.Y. STATE ENERGY RSCH. & DEV. AUTH. (2024), https://perma.cc/6YET-TLS8.

29. Keenan, *supra* note 26, at 173–74.

30. *Id.* at 184. The Conference of New England Governors and Eastern Canadian Premiers included the participation of the "governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and the premiers of New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Quebec." *Id.*

31. *Id.* In 2005, the Regional Greenhouse Gas Initiative was entered into by the governors of Connecticut, Delaware, Maine, New Hampshire, New Jersey,

As of now, thirty-three states have climate action plans that look at carbon pricing, electricity sector policies, transportation policies, and other similar strategies that reduce greenhouse gas emissions.[32] In 2021, the New Mexico governor, Michelle Grisham, issued an executive order to protect the state's lands, watersheds, wildlife, and natural heritage.[33] The order emphasized the disproportionate effects of climate change on already vulnerable communities and recognized the goal of limiting global warming to 1.5 degrees Celsius; it went on to propose an initiative that will be judged, in part, on its effectiveness in sequestering carbon and other greenhouse gases.[34] Similarly, Minnesota enacted a statute last year to combat climate change through the funding of qualified projects to limit emissions and collect data to strengthen strategies.[35] Included in the act are appropriations to fund the modeling of greenhouse gas impacts, costs, and strategies to reduce emissions.[36] The act also established the Minnesota Climate Finance Innovation Authority to fund clean energy and greenhouse gas reduction projects through financing mechanisms for both public and private actors, particularly in communities where financing is a barrier.[37] The Minnesota Climate Finance Innovation Authority defines a "qualified project" as a "project, technology, product, service, or measure promoting energy efficiency, clean energy, electrification, or water conservation and quality that . . . substantially reduces greenhouse gas emissions."[38]

Natural organic reduction almost falls under the Minnesota statute's definition of a "qualified project," as it is a service that

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New York, and Vermont and it was later joined by Maryland and Massachusetts. *Id.* at 185. The initiative implemented the first cap and trade program in the United States for greenhouse gas emissions. *Id.*

32. *See* McKinstry et al., *supra* note 6, at 777.

33. *See* N.M. Exec. Ord. No. 2021-052 (Aug. 25, 2021), https://perma.cc/A2KP-PE7Q.

34. *Id.* at 4(g)–(h). The National Aeronautics and Space Administration makes a clear distinction between the terms "climate change" and "global warming" as "climate change" refers to changes in weather conditions and "global warming" refers to changes in climate. *See What Is Climate Change?*, *supra* note 3. This Essay does not seek to use these words interchangeably; however, they are referenced by both legislation and this Essay as threats to humanity caused by similar practices—i.e., the trapping of greenhouse gases in the Earth's atmosphere due to human activities.

35. *See, e.g.*, 2023 Minn. Laws ch. 60, art. 1, § 2.

36. The act reserves $500,000 for these purposes. *Id.* subdiv. 2(j). The act also reserves $620,000 for the first year and $140,000 for the second year for the development of a state-specific greenhouse gas sector and source guide and calculator. *Id.* subdiv. 9. It also outlines the requirements for the data to be collected for this purpose. *Id.* art. 2, § 2, subdiv. 12. The data collected by this initiative will likely be useful in providing a justification for legalizing natural organic reduction in Minnesota.

37. *Id.* art. 10, § 6 (codified at MINN. STAT. § 216C.441, subdiv. 1 (2023)).

38. MINN. STAT. § 216C.441, subdiv. 2(n) (2023).

"substantially reduces greenhouse gas emissions" through its method of bodily disposition; however, similarly to many other acts focused on funding projects to combat climate change, the funding available under the statute is limited to clean energy projects and technology.[39] Historically, the energy sector has been a useful gateway for the government to reduce greenhouse gas emissions and the deathcare industry has not, so this makes sense. It can and should be argued, though, that as the deathcare industry begins to be seen as another effective avenue to combat climate change, acts such as this may be amended or expanded so that climate-friendly disposition methods, such as human composting, will be eligible for funding under them.

California's Budget Act of 2023[40] reapportions up to $1.175 billion to a Greenhouse Gas Reduction Fund.[41] The Fund aims to explore "nature-based solutions" to rising sea levels, target "geographic areas of vulnerability," and support economically "disadvantaged communities."[42] These broad priorities may encompass human composting since it is a way for individuals to limit their carbon footprint in death, and disadvantaged communities likely need help financing the death care of their loved ones.[43] Thus, human composting might be eligible for funding under California's Budget Act of 2023.

A bill introduced in Iowa's 2023 General Assembly set out to "promote and provide technical information" of the Inflation Reduction Act's clean energy tax credits and incentive programs.[44] While the bill did not apply to natural organic reduction or become law, its introduction and circulation in Iowa's legislature still indicates that there is support in the state for the development of climate-friendly programs, namely ones that use tax incentives to promote that end.

Even states that do not have climate action plans likely have climate legislative committees or executive branch advisory committees dedicated to combating climate change. As of 2008, all but seven states have deemed the threat of climate change pressing enough to conduct a greenhouse gas inventory across all of the state's

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39. *Id.*

40. S. 101, 2023-2024 Leg., Reg. Sess. (Cal. 2023).

41. *Id.* § 32228 (reapportioning unencumbered balances from parts of California's Budget Act of 2022—namely, $80 million from Item 3760-101-3228 and $37.5 million from section 15.98(c)(4)).

42. *Id.*

43. *See* Victoria J. Haneman, *Funeral Poverty*, 55 U. RICH. L. REV. 381, 430 (2021) (explaining that death care expenses—generally the third-largest expenditure a person will incur—disproportionately burden low-income households).

44. H.R. 723, 90th Gen. Assemb., 2d Sess. (Iowa 2023).

sectors.[45] In North Carolina, there is a Climate Action Plan Advisory Group that has

> proposed fifty-six comprehensive climate mitigation action recommendations in all economic sectors, which are estimated to reduce GHG emissions in North Carolina to within 1% of 1990 levels by 2020. An economic analysis of thirty-five quantified recommendations revealed that they will yield a net savings of over $5 billion (net present value over 2007-2020); create more than 15,000 jobs, generate $565 million in employee and proprietor income, and increase $302 million in gross state product by 2020; generate more than $2.2 billion in net additional employee and proprietor income, and more than $1.2 billion (net present value) in net gross state product over the 2007 to 2020 period.[46]

North Carolina's Climate Action Plan Advisory Group's approach to climate change illustrates the environmental and economic prioritization common among the states. States have often defended climate friendly programs as a vehicle for economic stimulus, an approach that has the added benefit of also appealing to those who are skeptical of climate change. Legalizing natural organic reduction at the state level can be defended under the same logic. As stated above, the deathcare industry is booming, and natural organic reduction is an untapped aspect of that market in many states. Therefore, in addition to the environmental benefits of legalizing natural organic reduction, it can also be justified as an economic stimulus that will lead to job creation in an industry that will always have business—death care.

III. THE SUBSIDIZATION OF NATURAL ORGANIC REDUCTION UNDER EXISTING FEDERAL LEGISLATION

As natural organic reduction is a logical extension of federal climate change policy, federal programs intended to subsidize the cost of climate-friendly practices should apply to natural organic reduction. This is not a revolutionary concept, as federal climate change policy has already been applied to the deathcare industry. For example, crematories are required to get air permits from the state and adhere to clean air regulations under the federal Clean Air Act.[47] Additionally, using federal regulatory schemes to laterally integrate state plans concerning climate change has been explored previously.

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45. Neil Keenan, *Global Warming Due to Greenhouse Gas Emissions: The Success of State Solutions as a Model for a Federal Solution*, 34 J. LEGIS. 168, 183 (2008).

46. *See* McKinstry et al., *supra* note 6, at 818.

47. 48 U.S.C. § 7401. In New York, these permits are regulated by the Department of Environmental Conservation, 6 N.Y. COMP. CODES R. & REGS. tit. 6 §§ 200.1–254.10, consistent with the permitting requirements of the Clean Air Act. *See Controlling Air Pollution from Facilities*, N.Y. DEP'T ENV'T CONSERVATION (2024), https://perma.cc/CE28-ENTP.

In 2008, the EPA issued an Advanced Notice of Proposed Rulemaking on Regulating Greenhouse Gas Emissions under the Clean Air Act. The result was a proposed federal regulatory plan that was simultaneously structured enough to address climate change while also being flexible enough to incorporate state climate action plans.[48]

At the national level, Executive Order 14008, signed January 27, 2021, by President Joe Biden, established a National Climate Task Force led by Gina McCarthy, a former director of the EPA, and composed of various cabinet members to "facilitate the organization and deployment of a government-wide approach to combat the climate crisis."[49] Among the National Climate Task Force's goals are to reduce "greenhouse gas emissions 50–52% below 2005 levels by 2030" and to deliver "40% of benefits from federal investments in climate and clean energy to disadvantaged communities."[50] To achieve these goals, President Biden emphasized working with "mayors and governors and tribal leaders and business leaders" to combat climate change in his speech introducing the executive order that established the task force; this sentiment was echoed in the language of the executive order which implored the National Climate Task Force to work with them as well.[51] Here, federal climate policy once again recognized the importance of cooperation with, and potentially the integration of, the states in the fight against climate change.

Federal climate policy has provisions related to subsidies and tax incentives for climate-friendly programs. The Inflation Reduction Act of 2022 provides tax incentives for businesses and private individuals who invest in climate-friendly practices.[52] Additionally, the Act provides the EPA with financing to create a greenhouse gas reduction fund and to support clean air financial incentive programs.[53] While the Inflation Reduction Act's narrow focus on green energy seems to

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48. Sections 108, 109, and 110 of the Clean Air Act were specifically mentioned as a possible basis for a regulatory scheme that each state could implement based on its own management, financing, climate, economy, and laws. Section 110 is also notable as it empowered states to make State Implementation Plans (SIPs) to meet national ambient air quality standards (NAAQS). *See* McKinstry et al., *supra* note 6, at 776.

49. Tackling the Climate Crisis at Home and Abroad, Exec. Ord. No. 14,008, 8 Fed. Reg. 7623 (Feb. 1, 2021); President Joe Biden, Remarks by President Biden Before Signing Executive Actions on Tackling Climate Change, Creating Jobs, and Restoring Scientific Integrity (Jan. 27, 2021), https://perma.cc/M2ZJ-PERN.

50. *President Biden's Historic Climate Agenda*, WHITE HOUSE (Jan. 27, 2021), https://perma.cc/34L3-CHUW; Justice40 Initiative: A Whole-Of-Government Initiative, White House (2024), https://perma.cc/8PEK-WXAR.

51. *See President Biden's Historic Climate Change Agenda, supra* note 50.

52. *See* Inflation Reduction Act of 2022, Pub. L. No. 117-169, 136 Stat. 1818, 1990 (2022). Residential properties through 2032 are eligible for the energy efficient home improvement credit. *See id.* at 1952. Tax credits were also created for eligible electric American-made cars and investments in clean energy, production, storage, etc. *Id.* at 1954, 1969, 1971, 1982, 1990, 1997.

53. *Id.* at 2063–72.

put natural organic reduction outside of the Act's scope, the environmental and economic benefits of the natural organic reduction market's expansion are consistent with the goals and methods employed in the Act regarding other markets, such as energy, transportation, and conservation.

The Climate Change Resiliency Fund for America Act of 2023 was introduced in the Senate but is not expected to pass to the next phase of legislation.[54] It is a proposed federal investment plan for communities vulnerable to climate change (based on race, economic status, etc.) worth $200,000,000 per year.[55] The Climate Change Advisory Commission, established by section 101(a), is responsible for creating the federal climate change investment plan and, to that end, is empowered to "identify categories of the most cost-effective investments and projects that emphasize multiple benefits to human health, commerce, and ecosystems."[56] The eligible projects must have a "qualified climate change adaptation purpose" such that the project has an "objective with a demonstrated intent to reduce the economic, social, and environmental impact of the adverse effects of climate change."[57] The projects that fall under this definition are to be determined by the Climate Change Advisory Commission.[58] If this bill becomes law, natural organic reduction may be considered a project or activity eligible for funding as it is healthier for the environment than other comparable disposition methods without being exceedingly more expensive, benefiting not only the planet but also consumers.

CONCLUSION

As states and the federal government encourage and support the innovation and implementation of environmentally friendly practices in Americans' lives, encouraging these in death is their natural next step.

State climate action plans, regional agreements, and legislation support the introduction of new technologies or practices that will lessen greenhouse gas emissions and that will stimulate their economies. While most of the state plans attacking climate change do not include specific provisions related to death care, the approach taken by states to legalize, implement, and support natural organic reduction would be analogous to the same approaches taken by these states to support clean energy technology and practices. Similar to

54. Bill prediction is according to the legislative tracker on LexisNexis. *Bill Tracking Report: 118 Legislative Outlook S. 3416,* LEXISNEXIS (2024), https://plus.lexis.com/api/permalink/92c622c7-8a15-4f34-99b9-a9b1b2bd5cdf/?context=1530671.

55. S. 3416, 118th Cong. §§ 2(4), 301(d) (2023).

56. *Id.* § 102(1)–(2).

57. *Id.* § 2(9)(A).

58. *Id.* § 2(9)(B).

clean energy practices, natural organic reduction is better for the environment than conventional methods, cost-effective, and attractive to increasingly socially conscious Americans. States often provide financial incentives to the clean energy market, which would be helpful in further reducing the price of natural organic reduction. As natural organic reduction's price is currently comparable to the price of conventional methods, these financial incentives could result in natural organic reduction becoming even less expensive than conventional disposition methods. This would benefit consumers by saving them money, and since deathcare is one of the largest purchases individuals will make in their lives, this is an area where economic aid would be especially appreciated.

The large-scale legalization and support by states of natural organic reduction is a necessary step in combating climate change. The carbon costs of death are high, and by giving consumers the option of climate-friendly disposition methods, these costs will be exponentially reduced. In the aggregate, the reduction in greenhouse gas emissions from the funeral industry will help the United States take steps towards meeting internationally agreed-upon emission reduction targets, such as those made in the Paris Agreement and the United Nations Framework Convention on Climate Change.

In exchange for helping the United States meet its international climate obligations, participants in the market for natural organic reduction may be eligible for federal and state financial incentives. Even the federal legislation that does not currently clearly include climate friendly deathcare in their terms as eligible for financial aid may be easily amended to include it as it is consistent with their spirit and purpose. This would have the dual benefit of not only encouraging consumers to choose human composting as their disposition method, thereby reducing their carbon impact in death, but also by aiding consumers in financing one of the costliest purchases of their lives.

Climate change is a looming threat to all Americans and is being fought at both the state and federal levels. The only way to make real headway in combating climate change is to take advantage of every tool in our arsenal to reduce greenhouse gas emissions. Natural organic reduction may be a new tool in this fight but that does not mean it cannot be effective. However, it will be most effective when used on a large scale. Therefore, states should legalize human composting as refusing to would be counterintuitive to their legislative goals and the best interests of their citizens. Legislation at the federal and state levels should support the human composting market through consumer subsidies, similar to those employed in the energy market, as climate change will continue to threaten the health and safety of the country, not to mention the world, until it is effectively addressed and managed.