

Mitigating Cemetery and Crematory Risks

Domenic Antinucci III is a program manager for national insurance administrator, Brownyard Group. Specifically, he founded their program specializing in cemetery and crematory insurance. He has also written articles on risk management and mitigation for this magazine. In 2017, Brownyard partnered with an insurance carrier and launched a program specializing in property and casualty for cemeteries and crematories. They cover chapels, offices, auto fleet, garage, any crime, inland marine, cybersecurity issues, and other aspects relevant to the cemetery and cremation business.

At the time he began the program, Antinucci says, "There wasn't a carrier that specialized in 10 to 15 lines of coverage in just cemetery, crematory, and funeral home risks, nationally. There are pockets or parts of the country where they had it, but not nationally. So, we partnered with a broker in New York, the Regan Agency, who works with a lot of cemeteries and has over 20 years' experience in the industry, to launch this program in New York and then nationally. And that's where we are at today."

We had a chance to talk to Antinucci on the Funeral Service Insider podcast, which you can listen to in full on the podcast streamer of your choice. Here are some informative, edited, and condensed highlights.

HOW DEATH-CARE SPECIFIC INSURANCE DIFFERS

There are specific coverages we offer, and we have enhancement forms ... to

differentiate ourselves from the lay insurance coverage. Some of that includes debris and tree removal, for example. A lot of cemeteries, their flora and fauna are a big part of their atmosphere. Some of their great, wonderful trees do come down in storms, and the cost to clean that up is significant. We offer some good coverage there to help them out when these incidents occur. That's one example. Another part of it is the professional coverage, which is really fundamental in this program.

And when I say "fundamental," insurance in general, the foundational coverage for liability coverage requires bodily injury – when people feel like they've been damaged somehow. Bodily injury means you broke your arm, you cut yourself, you bruised yourself. There has to be some tangible injury there. When someone's offended they got the wrong service at a restaurant, they're not going to be able to sue for bodily injury.

But in this industry, we are well aware that it's a very sensitive subject. Part of cemetery operations is making sure families have the right of sepulcher, to bury or cremate their loved ones in peace and with honor. That is where professional coverage comes into play. We will cover mental anguish in these circumstances for this industry because that's what it requires. That's where a lot of emotions run high, and issues come to light. Whether it's mistakes or errors and omissions by the cemetery, or something the family was just really up in arms about.

When you're handling these kinds of claims related to this industry, you get



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to understand how to settle them, what the significance of them are. Therefore, you (can arrange) lower legal settlements, lower judgments, thus, not having to charge the insured or the portfolio a significant amount more the next year because of a mishandled claim by the carrier. That's a big service. You're buying the claims handling. That's the product insurance carriers are offering, the servicing of claims on the occasion that they may occur.

CHAIN-OF-CUSTODY

We see remains either mishandled or not handled to the expectations or standard of care expected – people buried in the wrong plots, found out years later or double-sold plots years later, even circumstances where a casket isn't handled properly during a procession and so on.

COVID brought to light a lot that could go wrong in a cemetery that is overwhelmed or not ready to manage all the unfortunate amount of deaths that occurred in that amount of time. That



Car shows, like this one at 2024 ACE Award-winning Jefferson Memorial Cemetery in Pittsburgh, can be a golden opportunity for outreach but also require extra care be taken for the increase in visitors. *(Photo by Jefferson Memorial)*

would be what the professional coverage would cover, a lot of that.

Any time I tell someone this, they are sometimes surprised that, at times, people will receive incorrect cremains, the cremains of not their loved ones. And they may wonder how and why. Sometimes tags are left behind. Sometimes, non-human objects are left in the cremains or not cleaned up properly, and that gives rise to us searching down this claim. There are other paperwork issues sometimes that give a red flag that these are not the proper cremains. So, I would suggest operators follow a checklist, make sure we keep tagging and identifying the person who is being cremated throughout the process, and cleaning up entirely their cremains after the process, in order to avoid these kinds of circumstances.

Every crematory should be on top of (new chain-of-custody technologies). I, as the carrier, would love to hear from the insured that they are in that process, have hired (outside help) or are following that kind of system. It would certainly give me some more peace of mind when underwriting that account, for sure.

Any industry should keep up with technology and try to be better for their

own sake. Take ownership of it and try to do the best you can. The insurance element is your backup plan to share risk so you can focus on what you're best at.

GROUNDKEEPING RISKS

What we're noticing is – now that we've been doing this for six-plus years – trip and falls, like in any industry, are the highest quantity of claims. And typically, the more acreage the cemetery is managing, the higher rate of the trip and falls, and that makes sense. There's a lot more ground to cover. Some areas may not have new plots that are being filled. They haven't been filled in maybe 50 years, so they're not really looked after or ventured into too often by the staff. (That makes it harder) to manage and keep tabs on the entire cemetery.

One point that would be a good idea, however they are managing their cemetery or their daily duties for their staff, is that their staff keep an eye out for any potential hazards, either a divot in the grass, a sinking of the grass from a recent burial ... Mark it with a marker and keep moving to their agenda that day, but write it down and or mark it. A crack in the sidewalk, a pothole in the parking lot, a step, a staircase, railings ... Any potential haz-

ards, or a broken tree branch, a tree that looks like it's dying ... Mark it, note it ... instead of just going to take care of your task for the day, so you can plan to fix these other issues and put it on the agenda in the future.

EVENT SPACES

Another issue coming up is a lot of cemeteries are now redefining themselves not as cemeteries but as memorial parks to welcome the public to see their beauty, landscape, and trees. They're hosting more events. And with that, they really need to be on top of the same elements of being aware and being able to handle that crowd, the walkways, the passages, and even all the land (adjacent to) that.

There are so many types of events they're hosting. Some are hosting spooky walks. Some are hosting concerts. Some are hosting whiskey tastings. I have seen so many unique events, and there are different sizes of crowds and different needs and usage of their premises for each.

If they're a small crowd and they're walking along pathways, I would say it's safer than if it's large crowds that are going to be harder to manage, that are also venturing in the grass and the cemetery

area. Those I would be a lot more cautious about and have some staff directing them or have whatever third-party vendor you're hiring to keep an eye on helping people navigate the cemetery or that area.

ELECTRIC EYES

I would suggest that cemeteries, depending on their budget and availability, install as many security cameras as possible because we all know there could be some bad actors out there. And there definitely are, with the claims coming in to us for people tripping or falling. For many other circumstances, it'd be good to have cameras to see what actually happened. The challenge for cemeteries is if you have a 5-acre, 1-acre, 3-acre cemetery, you can cover a lot of the ground with a few cameras, but you need buildings to put the cameras on. You need electricity to run the cameras.

And the large cemeteries, if the trip and fall or any other incident in question occurs far away from a building or electricity, cameras just wouldn't be viable.

For industries with an indoor area, which are most commercial industries, cameras are just easy. It makes sense everywhere. But for cemeteries, you're covering all this outdoor space, and it's going to be hard to have eyes on everything. That's the challenge.

ROAD HAZARDS

Auto insurance is highly regulated by the state in terms of coverage and requirements. But the types of claims that arise, I see a lot of auto collisions in the parking lot, just little fender benders, a lot of windshields broken. Sometimes, they're running into their own mausoleums. It's a lot of incidental stuff. I've even seen processions ... everyone on the road knows what a procession is in the public roads, and I have seen some auto collisions that aren't pretty, vehicles damaging or interrupting a procession and causing a small pile up. The public not involved in a procession, they get antsy. They're in a rush. They're not paying attention. They try to go around it. It does sometimes cause a bottleneck,

and if someone's on the road in a rush... they're pressed to make a bad decision, and it can cause some issues out there.

HI-EQ INDUSTRY

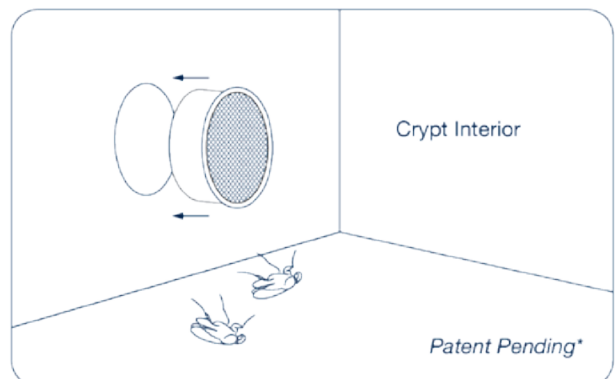
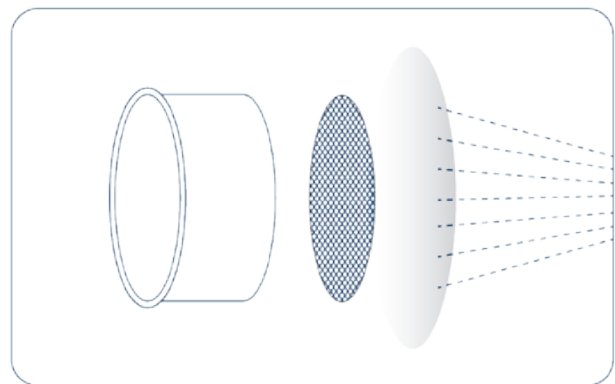
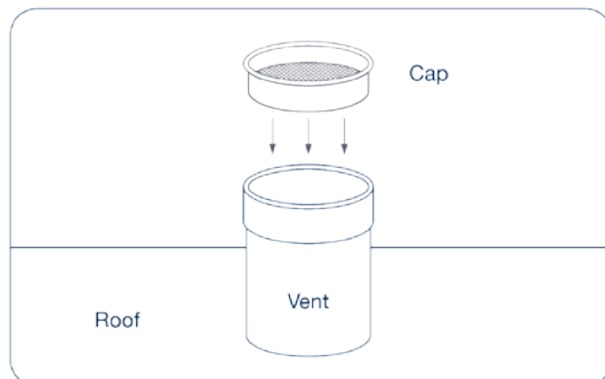
When I walked into this industry at the beginning, it was definitely different having had nothing to do with it before. I went to a few conferences, and the professionalism, the empathy, the passion, and, I guess I would say, the EQ, or emotional intelligence, of everyone in this space is incredible. My mom passed in 2021, and it was so wonderful to be already in this space and be surrounded by such supportive people. Whether it be the vendors I've befriended or the insurers or people at the conferences I've already made friends with over the years to talk to and get some help because I was in charge of following my mom's wishes.

Being in this space has opened up my mind to so much that just makes me a better, well-rounded person in general and to see more clearly how to live better while we're here. •

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