Report of the Commissioner of Professional and Financial Regulation

Submitted to the

Joint Standing Committee on Innovation, Development, Economic Advancement and Business

"An Act to Require Vehicle Safety Within the Funeral Industry"

Public Law 2021, Chapter 268

December 1, 2021

I. INTRODUCTION

Public Law 2021, Chapter 268, *An Act to Require Vehicle Safety within the Funeral Industry*, directs the State Board of Funeral Service to adopt rules governing the safety of drivers of vehicles owned, leased, or otherwise used by a practitioner of funeral service or a funeral establishment (also called "funeral homes") for the transport of human remains. A provisionally adopted rule must be submitted for legislative review no later than January 1, 2023.

P.L. 268 requires the Board to develop the rules in collaboration with stakeholders, including a practitioner of funeral service, a member of the public who is not a member of the Board, a representative of the Department of Transportation with expertise in cargo transportation, a representative of the State Police, a representative of the insurance industry, and other parties as necessary.

P.L. 268 also requires the Board to submit a report to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business on the progress of the stakeholder group's work. The Board, however, has not reviewed this report since the stakeholder process has not concluded. This report is instead submitted by staff of the Office of Professional and Occupational Regulation (OPOR) in fulfillment of the IDEA Committee's request. Staff plans to share this report with the Board at the same time it is shared with the IDEA Committee.

OPOR staff thanks the stakeholders for their active participation and contribution of their time and expertise.

II. STAKEHOLDER GROUP

Chapter 268 became effective on October 18, 2021. However, OPOR staff appreciated the IDEA Committee's express interest in moving as quickly as possible. While OPOR staff were fully committed with legislative responsibilities during the session, they were able to begin the process of identifying volunteers to serve as subject matter experts on the stakeholder committee along with the process of contracting for a facilitator and project manager.

On May 4, 2021, OPOR staff sent an email to Ms. Charest, Mr. Pineau (on behalf of the Funeral Directors Association) and Corporal Cote to gather suggestions for possible stakeholders. From May through July staff solicited suggestions and secured volunteers to serve as subject matter experts on the stakeholder committee. The final list of stakeholders is attached. The stakeholder list includes those mandated by LD 1214 plus some additional expertise to assist with this complex and technical subject matter. OPOR staff were very grateful for the willingness of almost everyone we contacted to serve as volunteers on this project. Once the stakeholders list was finalized, OPOR staff scheduled its first meeting date via Doodlepoll. The date that worked best for most was August 10, 2021.

On May 24th, staff began the process of identifying possible facilitators. After four failed attempts to find a trusted facilitator who had time to work on this project, the decision was made to have Joan Cohen, Deputy to the Commissioner, serve as facilitator. Ms. Cohen has mediation training and has other experience facilitating complex projects.

On June 4th, staff began the process of identifying a policy research consultant to conduct research, assist with stakeholder management and ensure that the deliverables translate into the report back to the committee. With the generous assistance of the State's procurement team staff was able to contract with Eileen Griffin, who accepted the assignment the week of July 23rd.

Actions to Date:

- **First Meeting 8.10.21**
  The first meeting took place by videoconference on August 10, 2021 and lasted approximately two hours. The agenda and slide deck from that meeting is attached. At the August 10th meeting, stakeholders were invited to identify the information that was needed to inform their work. This information fell into these categories:

  - Information about the accident that occurred and the frequency with which similar accidents occur.
  - Information about current state and federal law applicable to the transport of human remains.
  - Information about current practice for transporting human remains, including the types of vehicle used, the types of platforms, equipment and containers[1] used, why certain types of these are used or needed, and what the cost implications would be for requiring alternative vehicles, equipment and containers.
  - Information about engineering and public safety issues associated with the transport of human remains.
  - Information about the cost of modifying current practice, and any implications for the insurance industry.

  As subject matter experts, stakeholders were able to provide much of the information identified. Ms. Griffin compiled the information and performed additional research as needed. This information was compiled and shared with stakeholders.

- **Second Meeting 9.15.21**
  The second meeting took place on September 15, 2021 in person at the Department of Professional and Financial Regulation's office in Gardiner. The second meeting lasted approximately two hours. The agenda is attached. At this meeting:

  - Three members of the stakeholder group, Kevin Simoneau (from Dignity Memorial representing larger funeral establishments), Joseph Kiley (from Kiley

[1] These terms are defined in the following section.

and Foley Funeral Home representing smaller funeral establishments), and Michael Parks (from Parks Superior which sells funeral vehicles), each brought a different vehicle used for transporting human remains. Each vehicle demonstrated the different ways that vehicles are used and can be adapted to accommodate different types of equipment, platforms, and containers. This demonstration also revealed that the type of vehicle and equipment used can vary based on the size and budget of the funeral establishment. Stakeholders were given the opportunity to explore and ask questions about each of the vehicles.

- Stakeholders reviewed and discussed the information that had been gathered as follow-up to the first meeting.
- Stakeholders came to agreement on certain key principles that should be incorporated into the draft rule.
- Stakeholders identified several issues that remain unanswered, based on the market availability of certain types of equipment.

The next two sections of this report present the information collected, and the stakeholders' preliminary assessment of how to proceed.

I. INFORMATION GATHERED

Motor Vehicle Accidents and the Transport of Human Remains

The Legislature's interest in driver safety for drivers of funeral service vehicles was informed by a tragic accident occurring in November 2017. In that case, Richard Charest, a funeral attendant employee was transporting human remains from Auburn to an Augusta area funeral establishment. The accident report provides key details about the accident:

- Mr. Charest was driving a Ford Flex. He was transporting the body of a deceased woman on a stretcher. A sheet of plywood was in the vehicle, resting on folded down seats. The plywood was not secured to the vehicle.
- Mr. Charest had slowed down for a vehicle that had stopped to make a left turn. At the time of the collision he was traveling at approximately 8 miles per hour.
- A second driver, in a Hummer and traveling at approximately 48 miles per hour, rear ended Mr. Charest's vehicle. The second driver did not apply his brakes.
- The force of the collision propelled Mr. Charest's car forward and off the road. It also caused the plywood to push through the driver seat of the vehicle at an upward angle, immediately causing a fatal injury to Mr. Charest.

National Data on Fatal Collisions

Based on national data, fatal rear-end collisions are less common than other types of fatal collisions. According to National Highway Traffic Safety Administration (NHTSA) statistics, while rear-end collisions accounted for 46 percent of all vehicle-to-vehicle on-road

accidents between 2014 - 2019, rear-end collisions only accounted for 7 percent of fatal collisions during that same period. Between 2014 and 2018 there were five fatal rear-end crashes nationwide with sports utility vehicles (SUVs) and (multi-purpose vehicles (MPVs) vehicles classified as ambulances, which are equipped similarly to mortuary vehicles. The NHTSA data is for all vehicles and does not separately identify *funeral vehicles*. NHTSA estimates that, for every accident resulting in a fatality, there are 75 accidents resulting in injury.

U.S. Bureau of Labor Statistics collects data on occupational fatalities, including specifically for funeral home and funeral service employees. From 2012 through 2019 (the most recent eight years for which data are available), there were a total of 19 transportation-related fatal injuries for funeral home and funeral service employees.[2] (*See chart below*.) It is unclear how many of these transportation-related fatalities involved a rear-end collision.

Fatal Occupational Transportation-Related Injuries for Funeral Homes and Funeral Service Employees in the U.S. 2012 - 2019[3]

YEAR								TOTAL
2012	2013	2014	2015	2016	2017	2018	2019	
4	0	1	5	1	4	4	0	19

Applicable State and Federal Law

- All Maine drivers have a duty to secure loads so that no portion of the load will fall from the vehicle. See 29-A MRSA §2396.
- In Maine, all vehicles used for transporting human remains must protect the body or the container from excessive movement, although "excessive" is not defined. This requirement appears to be designed to preserve the dignity of the human remains rather than the safety of the driver or front seat passenger. See Maine Board of Funeral Service rule, 02-331 ch.12, §2.

[2] A "transportation-related" fatality includes roadway and non-roadway, air, water, and rail fatal occupational injuries, as well as fatal occupational injuries resulting from being struck by a vehicle.

[3] Sources: 2019: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2019. 2018: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2018. 2017: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2017. 2016: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2016. 2015: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2015. 2014: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2014. 2013: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2013. 2012: Table A-1. Fatal occupational injuries by industry and event or exposure, all United States, 2012.

- No state or federal law explicitly establishes an employer's duty to protect employees from injury caused by unsecured loads carried in the vehicle, except in the context of construction. However, under state and federal Occupational Safety and Health Administration (OSHA) law, employers have a general duty to protect employees from known hazards likely to cause death or serious physical harm. See 29 USC §654 and 26 MRSA §561-A. It is unclear whether the general duty would apply to this type of accident.

- No applicable state or federal law establishes standards for how to secure loads to protect drivers and front seat passengers. However, the Federal Motor Carrier Safety Administration has established standards for securing cargo in large commercial vehicles (i.e., vehicles with a gross vehicle weight of more than 10,000 pounds). These regulations are aimed at preventing loads from falling off or preventing a shift in the loads that would impair the vehicles maneuverability or stability. See 49 CFR §§393.100-393.136.

Current Practice in the Transport of Human Remains

When most people think of funeral services, they think of caskets transported in hearses to a memorial service or a cemetery. However, human remains are transported for other reasons and in other ways. For example, "first call" transport is the term used for conveying a body from the place of death to a funeral establishment. Human remains are also transported to and from airports or to crematoriums.

Following is a summary of information about the different ways that funeral establishments might be outfitted for transporting human remains. This information was gathered from stakeholder group members in the business of providing funeral services or supplying funeral establishments with vehicles fitted to their needs.

- ***Containers.*** Depending on the purpose of transport, human remains might be transported in a casket, a body bag, or a category of containers called "alternative containers."

    - *Caskets* are made of wood, wicker, metal, fiberglass, plastic, or like materials. Caskets are typically used for transporting a body to a memorial service or cemetery.

    - *Body bags* are bags made of vinyl, plastic, or other nonporous materials. Body bags are used for first call transport.

    - *Alternative containers* might be used for first call transport, transport to a crematorium, air transport, or for other purposes. Alternative containers may be constructed of fiberboard, pressed wood, or composite materials. Some alternative containers are also made of cardboard. Some alternative containers are reinforced with a plywood base and wooden frames.

- ***Equipment.*** Different types of equipment are used in different circumstances. The equipment used for transporting human remains varies, often in relationship to the type of container used. Examples of the type of equipment include:
    - *Cots and Stretchers.* A cot (or stretcher) is also used for moving bodies. Typically, the cot has wheels that fold under the cot when it is loaded into the vehicle, and a set of short legs that provide stability and limit movement when the wheels are in the folded position.
    - *Cot Mate:* A cot mate is a tray used for facilitating the loading and unloading of cots. Cot mates typically have post cups to hold the legs of the cot in place.
    - *Trays.* Trays are used for added protection or support when transporting human remains. For example, air trays are used for shipping caskets by air, while cremation trays are used for transporting human remains to the crematorium.
- ***Platforms.*** A platform is a removeable rigid surface used to facilitate the loading and unloading of containers and equipment, and to protect the vehicle from wear and tear. Some platforms, such as a casket floor or a loading deck, are designed specifically for the funeral services industry. A casket floor may have rollers to facilitate loading, and can be used for caskets, first call trays, air trays and other types of equipment and containers. Typically, a hearse deck (mortuary deck) will have bier[4] pins and bier pin plates, which are designed for holding a casket in place during transit in the rear compartment of a hearse. A deck comes with a ramp and may be used for stretchers, cots, and caskets. It may also be equipped with rollers and bier pin plates. A rack or double deck system has many of the same features of the deck but has two levels that provide capacity for transporting up to four stretchers at once.

  Both casket floors and decks can be installed in the vehicle or may be removeable. Racks must be installed in the vehicle.

  In some cases, a platform might be a sheet of plywood or another type of rigid surface that is used to facilitate loading or unloading a stretcher or a cot. These improvised platforms are not installed.
- ***Vehicles.***

  In general, three types of vehicles are used for transporting human remains:
    - *A Hearse.* A hearse is a vehicle specifically designed for transporting caskets. Some hearses are built to be hearses by the manufacturer, while others are vehicles that have been modified aftermarket; some automobile manufacturers sell a package specifically designed for transforming their vehicle into a hearse. Hearses are usually lower to the ground to make it easier to load or unload, and longer to accommodate the casket. Hearses are customized for the purpose of transporting a casket to make loading, unloading, and securing the casket easier.

[4] A bier is what the casket is placed on at a funeral or committal service.

Hearses typically have a bulkhead, or partition, providing protection between the driver and the casket.

- *A First Call Vehicle.* For first call transport, many funeral establishments prefer to use vehicles that are less obtrusive, and less expensive, than a hearse. Usually, a first call vehicle is a minivan that has been modified or customized for the purpose of transporting human remains. For example, the second row of seats in an SUV might be permanently removed so that a platform can be permanently installed. A first call vehicle may be modified to have a bulkhead between the driver and the rear of the vehicle.
- *A Dual-Purpose Vehicle*. For smaller funeral establishments, it may not be feasible to dedicate a vehicle exclusively to first call transport, if the vehicle is also need for transporting family of the deceased or for other purposes. Minivans, SUVs, and station wagons can all serve these dual purposes.
    - For dual-purpose vehicles, removing the seats is not practicable. Instead, the rear seats are folded down or stowed away when the vehicle is needed for transporting human remains. Some minivans are designed to stow rear seats into the floor of the vehicle, leaving a level plane for the vehicle floor. SUVs are designed to have a higher clearance and typically do not have the depth for stowing seats into the floor of the vehicle. Instead, SUVs are more likely to have seats that fold down.
    - Examples of the types of vehicles that are used as dual-purpose vehicles include: the Toyota Sienna, the Honda Odyssey, the Chrysler Pacifica, the Dodge Grand Caravan, the Chevrolet Suburban, and other similar vehicles.

Safety Issues and Unsecured Loads

The safety considerations presented in this section focus on driver and front seat passenger safety in relationship to the forward movement of unsecured loads. As noted above, Maine law already requires drivers to secure loads to prevent them from falling off the vehicle.

When a vehicle stops abruptly, unsecured loads in the rear of the vehicle will continue in motion, potentially injuring the driver or passengers. If a vehicle is in a rear end collision of sufficient force, the driver and passengers might also be endangered if an unsecured load is propelled forward.

The *Driver's Handbook on Cargo Securement* was developed to help commercial carriers comply with Federal Motor Carrier Safety Administration regulations for securing loads. Stakeholders have referenced this handbook as a guide for securing human remains during transport. The Handbook identifies two elements of a cargo securement system relevant here:

- ***The Vehicle Structure.*** In addition to the sides and floor of the vehicle, vehicle structure includes a number of elements, including anchor points for securing devices and bulkheads separating the driver and front seat passenger from the load carried in the rear.

- ***Securing Devices.*** A securing device would include mechanisms such as latches, straps, or other devices that can be used to attach or secure the load to the vehicle.

Loads can be immobilized by a combination of the vehicle structure and securing devices of adequate strength. The adequacy of the securement system is based on the strength of each securing device and anchor point. For commercial carriers, most securing devices have a "working load limit" specified by the manufacturer, that can be used to determine whether it is of adequate strength, given the weight of the cargo.

As discussed below, in the context of transporting human remains, further research and discussion is required to provide clear guidance on how to translate the principles of securing cargo in a commercial carrier to the transport of human remains in a minivan or SUV. For example, in some but not all cases, the tether anchors for a child's car seat could be used as anchor points. When that option is not available, what other strategies would work?

II. SUMMARY OF PRELIMINARY FINDINGS

Based on the information gathered and stakeholder discussions, the following are preliminary findings, pending further analysis and discussion:

- When used, a platform must be secured to the floor of the vehicle or it must be on a plane level to the vehicle floor and below the seat hinges for the front seats. The seat hinge attaches the seat back to the seat mount. A platform meeting this standard would collide with the seat mount rather than the seat.

  If a platform with an upward tilt were thrust forward from behind, it would be more likely to collide with the seat back itself, increasing the likelihood of injury to the driver or a front seat passenger. In the case of a platform with a downward tilt, the backend of the platform would be more likely to rise in a collision, increasing the likelihood that everything resting on the platform would tilt forward toward the driver or front seat passenger. A platform placed on top of folded down seats that cause the platform to tilt, is not level and is not likely to be on a plane below the seat hinges.

- When used, equipment must be secured to the platform or to the vehicle floor. By itself, a cot placed in post cups is not secure and other means of securing the cot must be used.

- Any container made of rigid material must be secured to the equipment or the platform upon which it is placed.

- Standards for securing platforms, equipment and containers must be easily understood, simple to use, and should take into account the commonly found features in vehicles (e.g., anchor points installed for securing child car seats) and commonly available and affordable devices.

III. REMAINING ISSUES FOR DISCUSSION

Stakeholders agree that the safety rules need to protect drivers and passengers as much as is reasonably practicable, while also minimizing the expense and disruption for the funeral industry. In consideration of these goals, the following issues have been identified:

- Ideally, a dual-purpose vehicle would have stowaway seats so that the platform can be secured to the vehicle floor on a level plane. Requiring stowaway seats would limit vehicle options to a subset of minivans. Of those, only one – the Chrysler Pacifica – has both stowaway seats and all-wheel or four-wheel drive. It was noted that:
    - The Chrysler Pacifica is more expensive than other minivans.
    - All-wheel drive is a highly valued feature for first call transport services.
    - Minivans do not always have sufficient ground clearance as compared to an SUV.
    - A grandfather clause should be considered to allow funeral establishments to maintain their current vehicles for a certain period or until their current vehicle needs to be replaced.
- It is not clear that the market currently supports appropriate mechanisms needed for securing equipment, containers, and platforms. The stakeholders will continue to explore what is feasible, to confirm that options exist or could readily be developed without excessive cost.
- Stakeholders report that funeral establishment employees responsible for loading and unloading human remains run the risk of back injury without the proper supports. Standards for protecting drivers and front seat passengers from unsecured loads should not increase the employee's risk of injury from unsafe lifting.

IV. POLICY CONSIDERATION

This project presented some unique challenges for OPOR since transportation and transportation safety are not within the expertise of OPOR staff. In addition, employee safety is not a role of licensing. While the tragic situation that precipitated this stakeholder process occurred in a funeral transport context, it raises broader issues of employee safety in the transportation of cargo - which are more appropriately addressed under transportation and labor laws.

V. NEXT STEPS

- Staff will continue discussions with stakeholders and other subject matter experts about feasible options for securing equipment, containers, and platforms.
- Staff will develop a draft rule to implement the concepts identified in this report and share the draft with the Board of Funeral Service. Staff's goal is to share a draft with the Board by January 2022 although timing depends on staff resources and balancing competing priorities.

- The Board will have the opportunity to consider the findings of this report, to review the staff's draft rule and make changes to the draft rule, if desired. The Board will ultimately vote to adopt a final version as its proposed rule. At that point, the Maine Administrative Procedures Act (APA) rulemaking process begins. The APA process requires a public rulemaking hearing with public comment period. For more information about the APA process please see Maine Secretary of State's Guide to Rulemaking.

Appendices

Appendix A: Public Law 268, *An Act to Require Vehicle Safety within the Funeral Industry*

Appendix B: Stakeholder Group Members

Appendix C: Agenda and Slide Deck - First Meeting 8/10/21

Appendix D: Agenda Second Meeting 9/15/21

APPROVED
JUNE 17, 2021
BY GOVERNOR

CHAPTER
268
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-ONE

H.P. 889 - L.D. 1214

An Act To Require Vehicle Safety within the Funeral Industry

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1501, as amended by PL 2017, c. 210, Pt. C, §1, is further amended by adding a new 6th paragraph to read:

The board shall adopt rules governing the safety of drivers of vehicles owned, leased or otherwise used by a practitioner of funeral service or a funeral establishment for the transport of human remains. Rules adopted under this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Rulemaking. In developing rules under the Maine Revised Statutes, Title 32, section 1501 governing the safety of drivers of vehicles owned, leased or otherwise used by a practitioner of funeral service or a funeral establishment for the transport of human remains, the State Board of Funeral Service, referred to in this section as "the board," shall collaborate with stakeholders, including a practitioner of funeral service licensed under Title 32, section 1501, a member of the public who is not also a member ofthe board, a representative of the Department of Transportation with expertise in cargo transportation, a representative of the State Police, a representative of the insuranceindustry and other parties as necessary.

No later than December 1, 2021, the board shall submit a report to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business on the progress of the stakeholders' work in developing the rules. The board shall submit a provisionally adopted rule to the Legislature for review no later than January 1, 2023.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates one-time funds for the costs associated with contracting for professional services to provide project management and facilitation while collaborating with stakeholders to develop rules governing the safety of drivers of vehicles used by a practitioner of funeral service or funeral establishment for the transport of human remains.

Appendix A

OTHER SPECIAL REVENUE FUNDS	**2021-22**	**2022-23**
All Other	$20,500	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$20,500	$0

Appendix B

LD 1214 Stakeholder/Subject Matter Expert List			
Name	**Organization**	**Title/Business**	**Email**
Lt. Bruce Scott	Department of Public Safety	Commander of the MSP Traffic Safety Unit	bruce.g.scott@maine.gov
Bob Skehan	Department of Transportation	Director, Office of Safety	Robert.Skehan@maine.gov
Charlie Soltan	Insurance - auto underwriting experience	Maine Association of Insurance Companies MAIC	Charles.Soltan@SoltanBass.com
Marie Charest	Public Member		rmwcharest@gmail.com
Malcolm Ray, P.E., Ph.D.	Engineer - Public member with expertise in engineering related to vehicle design and payload distribution	Road Safe	mac@roadsafellc.com
Kevin Simoneau	Funeral Practitioner - Large	The Fortin Group, Redington FH	kevin.simoneau@dignitymemorial.com
Joseph (Joe) Kiley	Funeral Practitioner - Small	Kiley and Foley FH	joe@kileyandfoley.com
Michael Parks	Funeral Vehicle Sales	Parks Superior	parksm@parkssuperior.com
Dan Ford	National Funeral Directors Assn	Member NFDA Board of Directors	dan@fordfh.com
	DPFR STAFF		
Eileen Griffin	Project management: research & writing	Consultant	eileen.j.griffin@maine.gov
Joan Cohen	DPFR Staff	Deputy	joan.cohen@maine.gov
Candice Wright	OPOR Staff	Funeral Board - Investigator	candice.b.wright@maine.gov

LD 1214
Stakeholder/Subject Matter Expert Group Meeting

Agenda

8/10/2021

2-3:30pm

1. Welcome and Charge to Group
2. Introductions
3. Meeting Ground Rules

4. Key Questions We need to Answer
5. Tools and Priorities for Next Steps
6. Meeting Feedback

Meeting Ground Rules

- Please mute yourself when not speaking
- Please Raise your virtual hand to speak
- Please be on time and be prepared
- Please let everyone participate
- Please try not to interrupt
- Please keep video on unless you need to step away
- Attack the problem, not person/respectfully challenge the ideas

Key Questions We Need to Answer

- **Are there any other questions/aspects about the accident that would help inform the fact-finding?** (M. Charest)
- **Questions Regarding Current Practice for First Call Removal of Human Remains** (J. Kiley, K. Simoneau,
- M. Parks, D. Ford)
  - What types of vehicles are used for this kind of transport?
  - How are the vehicles currently modified?
  - What types of trays, platforms, decks, etc. are utilized and for what purposes?
    - Clarify terminology (e.g. trays, platforms, decks, etc.)
    - What are the benefits and drawbacks of using trays, platforms, decks, etc.?
    - Is a hard surface necessary?
    - Why do some businesses require one type versus another?
  - Under what circumstances are seats removed or lowered?
  - Are there ever other passengers (employees/non-employees) in the vehicle?
  - How are loads secured?
    - With or without platforms, etc.? With or without seats? When seats are lowered?

Key Questions We Need to Answer

- **Securing a Load in the Rear of a Vehicle** (Engineering and Safety SMEs)
  - Are there existing requirements?
    - Does OSHA or MDOL have rules or regs?
    - Does NHTSA have rules or regs?
  - If there are rules or regs, what are the range of options to meet those requirements?
  - If no rules or regs, what are the options for securing loads? (Lt B. Scott, B. Skehan, M. Ray)
  - What are the safety benefits/drawbacks of removing or lowering seats or keeping seats in place?
  - Safety implications of using, or not using a tray, platform, decks, etc.?
  - Is there a point at which you cannot protect against speed/force? (M. Ray, B. Skehan)
- **National Data, if Available**
  - Similar types of accidents involving vehicles transporting human remains (J. Kiley, K. Simoneau, D. Ford,
- M. Parks)
  - Similar accidents involving rear cargo (non-funeral vehicles) (Lt Bruce Scott, B. Skehan, C. Soltan)
- **Business Implications of Potential Recommendations**
  - Questions re: insurance - auto, business, worker's comp, etc. (C. Soltan, Others?)
  - Questions re: manufacturer warranties - auto, product etc. (M. Parks, Others?)
  - Safety considerations for employees?
  - Costs of implementing, making modifications, purchasing new equipment or other recommendations?
  - Issues related to consistency with national or corporate standards?

Appendix D

LD 1214 Stakeholder/Subject Matter Expert Group Meeting
Agenda
9/15/21
2:30 – 4:30 (or 5) PM

1. **Demonstration of Current First Call Vehicles (2:30 – 3:15)**
2. **Welcome and Introductions (3:15 – 3:20)**
3. **Confirm Understanding of Securing Cargo and Key Questions for Assessing Current Practice (3:20 – 3:45)**
4. **Review Current Practice (3:45-4:30)**