

Toxins from burning bodies bad for Oakland, lawsuit says

Will Kane

Published 5:19 pm, Wednesday, December 11, 2013

(12-11) 17:18 PST OAKLAND -- Oakland approved a large crematorium in an East Oakland industrial area without first considering the health impacts of burning some 3,000 bodies a year, according to a lawsuit filed Monday by an East Oakland environmental group.

The suit, announced Wednesday by **Communities for a Better Environment**, alleges that Oakland's city planners wrongly considered the crematorium a "general manufacturing facility" that could be approved without a public hearing.

Residents of East Oakland worry the crematorium planned at 98th Avenue and **Kitty Lane** will spew toxins into an area already polluted by exhaust from a nearby freeway and airport.

"We're in the midst of more toxic pollution here because we're a disenfranchised community," said **Maxine Oliver-Benson**, a resident of East Oakland and member of the environmental group. "Our families' health is not being taken seriously and we don't want the dead to kill the living."

The plan is for the Neptune Society, owned by Stewart Enterprises, to shutter its long-standing crematorium in Emeryville and move to an empty building at the corner of industrial East Oakland, made up of mostly warehouses, truck yards and parking lots. Stewart Enterprises was also named in the suit.

Neptune's Emeryville facility is small and outdated, and with Baby Boomers getting older, demand in the Bay Area for crematoriums is only going to keep rising, the company has said.

Mike Miller, president of the Neptune Society of Northern California, said he hadn't seen the suit and could not comment. **Alex Katz**, a spokesman for City Attorney **Barbara Parker**, also declined to comment.

The city approved a permit for the new facility without fanfare in the spring of 2012. Regulators with the Bay Area **Air Quality Management District** said at the time that the crematorium would not release enough pollution to be a risk to the community.

When residents learned of the plan they immediately took issue. The City Council has since passed emergency legislation regulating crematoriums and tried to slow the process, but efforts to kill the plan or force a public hearing have so far failed.

The fiery rhetoric, nevertheless, continues.

"Stewart Enterprise have been tone deaf to seniors, families and other residents in the community who have expressed legitimate health and safety concerns about this project," said Rev. [Daniel Buford](#) of East Oakland's [Allen Temple Baptist Church](#). "As a result of not considering these concerns, I am calling upon all clergy to boycott them because we are deeply concerned with the health and well being of the living."

Will Kane is a [San Francisco Chronicle](#) staff writer. Email: wkane@9sfchronicle.com Twitter: [@WillKane](#)