

Possible Connecticut Ban On Mercury Uses Could Be National Model

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The American Dental Association argues that dental fillings containing mercury are excluded from a phase-out under a controversial Connecticut law, and that mercury-control methods prevent the substance from becoming a water pollutant. The state will decide in October whether the law requires the phase-out of dental fillings containing the neurotoxin. Connecticut could be the first state to institute such a ban, which environmentalists say could be a national model.

The trade group argues in June 10 comments to the Connecticut Department of Environmental Protection that nearly all dental amalgam, a mixture that contains mercury and an alloy of powdered metals, is captured before reaching wastewater treatment facilities, and that even if uncontrolled the “environmental impact would be negligible” from the fillings. *Relevant documents are available on InsideEPA.com.*

At issue in Connecticut is whether dental amalgam is a “mercury-added” product under a 2002 law known as the Mercury Reduction and Education Act. The dental association argues that because a pre-packaged mercury capsule is separate from the rest of the amalgam, it does not fall under the definition of a product banned under the law. But proponents of a ban argue that the mercury is mixed with the alloys at the dental office, and therefore the amalgams are “mercury-added” products. Additionally, these proponents point out that the law does not explicitly exempt the amalgams, whereas it does exempt a number of other products.

The dental association also point to the use of so-called best management practices that limit any possible pollution from the mercury-containing fillings. The group says a number of other states have laws similar to the one in Connecticut, and none of those have been interpreted to ban dental amalgam.

If Connecticut decides to include the dental amalgam fillings on that list, it would be the first state to ban such products, and opponents of the fillings hope other states will follow suit. Regulation of mercury has become a top priority among New England states, and recently environmental officials from those states have been calling on Congress to create tighter controls on mercury pollution from consumer products and waste.

Industry sources say dentists in Connecticut are currently following best management practices when handling the mercury. These practices include treating the filling material as a solid waste, as opposed to discharging the wastes through the sewer system, and installing a device in dental office discharge pipes that capture the amalgam.

Despite these controls, opponents argue significant amounts of mercury are being discharged to wastewater treatment facilities, which in recent years have said that these discharges add to the difficulty of meeting water quality standards. Mercury in small amounts is known to cause developmental problems in children and neurological effects in the general population.

Environmentalists and public health advocates say that use of the silver-colored fillings have declined over the past decade, with only about a third of all fillings containing mercury. But the advocates say lower-income populations receive the largest share of the fillings, with higher income populations opting for alternatives, such as gold or ceramic crowns.

The group Consumers for Dental Choice, which supports a ban, argued in recent comments to the state that because the mercury is mixed with an alloy to create the amalgam, a ban on the fillings is required. The group also argues the discharge from the fillings significantly contributes mercury to the environment.

The group first filed a petition last year making similar arguments, but the petition was dismissed on procedural grounds. State officials began to address the issue earlier this year before a statewide ban under the mercury reduction act takes effect in 2006.

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