

LAWMAKERS SEEK HEARINGS AFTER COURT DROPS DENTAL AMALGAM CASE

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Frustrated by a federal court's refusal to address the issue, Reps. Diane Watson (D-CA) and Dan Burton (R-IN) are pushing for congressional hearings on health risks associated with dental amalgams, and plan to reintroduce legislation that would phase out such amalgams, a source says. At the same time, consumer groups are threatening new legal action if FDA doesn't immediately ban use of mercury amalgams in children and pregnant women.

The legislators are upset the U.S. Court of Appeals for the District of Columbia refused to issue a ruling in a case that pits several consumer groups and state legislators against FDA over whether mercury amalgams should be temporarily withdrawn from the market pending an FDA safety assessment.

"We hold that we lack jurisdiction over the subject matter, and thus dismiss the petition," the April 13 court opinion states.

The plaintiffs' counsel says he is considering filing a second suit, this time calling for the amalgams to be permanently removed from the market, if FDA does not respond to demands he outlines in a letter sent to the agency Thursday (April 19). The letter says FDA must immediately remove mercury amalgams from the market and ban the amalgams for children and pregnant women within 15 days. The letter also requests FDA send a notice to six "high-ranking FDA employees of personal liability exposure for their reckless indifference to the health of children and pregnant women" after FDA admitted five times in the court brief it does not know if mercury levels are safe or unsafe.

The letter was copied to House Oversight and Government Reform Chair Rep. House Waxman (D-CA) and domestic policy subcommittee Chair Rep. Dennis Kucinich (D-OH), and well as Reps. Jim Moran (D-VA), Watson and Burton.

The case was filed last April by groups including Moms Against Mercury and the Connecticut Coalition for Environmental Justice. The groups said FDA ignored its legal obligation to conduct environmental reviews as required by the National Environmental Policy Act.

But the American Dental Association welcomed the court's decision and blasted the suit.

"Some activist groups, relying on faulty science, tried to use the court system to force the FDA to deprive the nation's dentists and the patients that they serve of a safe, inexpensive option for treating dental decay," said an ADA statement.

In September, an FDA advisory panel found an agency paper on amalgams to be incomplete and told the agency it needs more information on potential health risks to pregnant and lactating women and children under six years old.