

## Revised Petition to the Minnesota Board of Dental Examiners

### ACTION REQUESTED

- (1) Make Clear that No Gag Rule on Mercury Fillings Exists in Minnesota;
- (2) Prepare a Brochure on Health Risks Associated With Various Dental Materials, as the States of Maine and California Have Done.

### PETITIONERS

- 1) Coalition to Abolish Mercury Dental Fillings is a coalition formed by Consumers for Dental Choice, a non-profit organization seeking full disclosure of the health risks of mercury dental fillings and a level playing field for mercury-free dentists.
- 2) International Academy of Oral Medicine and Toxicology, based in Hattiesburg, Mississippi, has dentist members in every state and on five continents. The Academy funds research into toxic products used in dentistry, and has concluded that amalgam -- mercury fillings -- should never be placed in any human body, and that alternatives to mercury fillings are both safer and more practical.
- 3) Mary A. M. Puff, a Minnesota resident, has faced health challenges because of mercury toxicity for many years. Because of the gag rule enforced by this Board, she was unable to learn that her dental fillings were the source of the toxins causing ill health.
- 4) Nancy Hokkanen, a Minnesota resident, faces the awesome challenge of raising a mercury-damaged child. Because of the dental board gag rule, she was never told that her fillings exposed her body and that of her “developing fetus” to mercury.

### **Mercury Fillings: a Toxin Going into the Mouth, and a Hazardous Waste Coming Out**

Amalgam fillings are 50% mercury, a virulent neuro-toxin whom the EPA identifies as likely to harm the developing brain of a child or fetus. Amalgam has split dentistry into two camps, with mercury-free dentists, the minority, opposing their use, while the majority, spearheaded by the American Dental Association, still promoting them. Through its Seal of Acceptance program, wherein manufacturers pay the ADA for product endorsements, the ADA pronounces the fillings as safe and effective, but in reality the ADA has never done a single peer-reviewed study on amalgam to prove their safety. Nor has any federal agency; the U.S. Food and Drug Administration grandfathered in their use rather than require manufacturers adequately to test and prove their safety.

Although other health professionals used mercury in the distant past, such is no longer the case. Doctors quit giving mercury for syphilis 60 years ago. The federal government banned Mercurochrome and other mercury-based disinfectants a decade ago. The Center for Disease Control ordered mercury preservatives removed from childhood vaccines a few years ago. Hospital stopped using mercury-based thermometers in the 1990s. The contact lens solution manufacturers took mercury preservative out of their product voluntarily.

One, and only one, advocate of placing mercury in children's bodies remains: the American Dental Association, with its blatant self-interest in preserving mercury.

## **Organized Dentistry's Agenda: Hide the Presence of Mercury from the Patients, and Stop Competition from Mercury-Free Dentists.**

The ADA and the Minnesota Dental Association have taken strong steps to keep the public unaware that amalgam's major component is mercury, because the public is increasingly aware of mercury's horridly toxic properties. First, organized dentistry promotes mercury fillings under the misleading term "silver," an intentional effort to hide the reality that amalgam has twice as much mercury as silver. The amount of mercury in each filling is colossal: the same amount as is in a thermometer, at the very least, over one-half gram. The Environmental Protection Agency contaminates a small lake containing one gram of mercury. Dentists are the largest source of mercury in Minnesota's and America's wastewaters, contributing 35% to 40%.

In reality, mercury fillings (the accurate term) are a toxic material when placed in the mouth, and a hazardous waste material coming out. The moment a mercury filling is removed from the mouth, it is classified as hazardous waste.

Second, organized dentistry, in close cooperation with dental boards, enforce the notorious ADA "gag rule," blocking the free speech rights of organized dentistry. The gag rule, masquerading as a part of the code of ethics, seeks to block the dentist-patient relationship by enjoining dentists from initiating frank but necessary discussions about mercury's presence and toxicity. The gag rule limits dental advertising and other free speech rights.

Until Attorney General Mike Hatch took office, the Dental Board aggressively enforced the gag rule. A long-term prosecution against a prominent dentist for advocating mercury-free dentistry resulted ultimately in his turning in his license. The board condemned him for advertising he practiced mercury-free, even though mercury-free dentistry is legal and the First Amendment permits truthful advertising of legal products. All mercury-free dentists were put on notice to stop exercising their First Amendment rights. In 1999-2000, board staff turned their sights on another mercury-free dentist, demanding that he sign an agreement that was clearly false, more specifically, that "there is no scientific basis for believing amalgam is harmful to the patient." Prudently, Attorney General Hatch instructed the Board to stop this extralegal action, and the Board had no choice but to drop its demands.

The action was never publicized. Thus, the Board's last public action on amalgam was to prosecute dentists who advocate mercury-free dentistry or otherwise challenge the economically-motivated ADA gag rule. Hence, mercury-free dentists have never been apprised that the Board is not currently enforcing the gag rule, nor has the Board indicated whether it will resume enforcing the gag rule at the point Attorney General Hatch leaves his current position.

## Minnesota Should Follow States Like Maine and California, and Issue a Brochure about the Health Risks and Toxic Properties for Consumer Choices in Dental Materials.

Since 2002, the State of Maine has had a brochure that every dentist must give to patients. Stating the health and environmental risks of mercury fillings, it can be accessed through the following:

[www.state.me.us/dhs/boh/files/odh/AmalBrochFinal2.doc](http://www.state.me.us/dhs/boh/files/odh/AmalBrochFinal2.doc)

In California, dentists in larger offices must post a sign which reads:

### “NOTICE TO PATIENTS

“Dental Amalgam, used in many dental fillings, causes exposure to mercury, a chemical known to the state of California to cause birth defects or other reproductive harm.”

California’s dental board is completing work on a fact sheet similar to what Maine has produced. A draft was approved on March 12, and state consumer officials are reviewing it.

The government of Canada, back in 1996, asked all their dentists to cease placing mercury fillings into children, pregnant women, people with kidney problems and those with mercury hypersensitivity, or dental braces. Norway and Sweden are phasing out their use entirely, Britain has stopped their use for pregnant women, Austria, several years ago issued warnings for pregnant women and children and Japan no longer teaches the use of amalgam in their dental schools.

## Urgency of Request for Action

In a report issued in early 2003, the U.S. EPA says one woman of child-bearing age in 12 (an epidemic level) have so much mercury in their bodies they are at risk of having a retarded child. In 2004, EPA doubled the estimate, based on recognizing that the fetus absorbs the toxin mercury at a higher rate, per body weight, than the mother. Such women should have no more mercury exposure whatsoever.

In 1998, the U.S. Public Health Service said fish and mercury fillings, or mercury fillings and fish, are the two largest sources of mercury in most Americans. Now, supermarkets around the country display public warnings about the neuro-toxicity of mercury in fish for pregnant women and the developing fetal brain.

*Note: Upon request of Dr. King, Chair of the Policy Committee, we will submit documentation on the science to each member of the committee in advance of the meeting. This first step, the filing, aims to get the matter to the Committee for scheduling.*

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