

108TH CONGRESS
1ST SESSION

H. R. 1680

To prohibit after 2008 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2003

Ms. WATSON (for herself and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit after 2008 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mercury in Dental Fill-
5 ing Disclosure and Prohibition Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) Mercury is a highly toxic element.

1 (2) A dental amalgam, commonly referred to as
2 a “silver filling”, consists of 43 to 54 percent mer-
3 cury.

4 (3) Consumers may be deceived by the use of
5 the term “silver” to describe a dental amalgam,
6 which contains substantially more mercury than sil-
7 ver.

8 (4) Dental amalgam may contain about $\frac{1}{2}$ to
9 $\frac{3}{4}$ of a gram of mercury, depending on the size of
10 the filling.

11 (5) The mercury in a dental amalgam contin-
12 ually emits mercury vapors.

13 (6) Mercury toxicity is a retention toxicity that
14 builds up over years of exposure.

15 (7) The California Dental Association, by court
16 order, is sending health warnings about mercury fill-
17 ings to California dental offices for posting by
18 March 9, 2003. The warnings are to read “NOTICE
19 TO PATIENTS: PROPOSITION 65 WARNING:
20 Dental Amalgam, used in many dental fillings,
21 causes exposure to mercury, a chemical known to
22 the state of California to cause birth defects or other
23 reproductive harm”.

24 (8) According to certain scientific studies,
25 Health Canada, and the Agency for Toxic Sub-

1 stances and Disease Registry of the Public Health
2 Service of the Department of Health and Human
3 Services, children and pregnant women are at par-
4 ticular risk for exposure to mercury contained in
5 dental amalgam.

6 (9) The United States Food and Drug Adminis-
7 tration added Health Canada warnings regarding
8 mercury in dental amalgam to a consumer update
9 issued on December 31, 2002.

10 (10) According to the Agency for Toxic Sub-
11 stances and Disease Registry, the mercury from
12 amalgam goes through the placenta of pregnant
13 women and through the breast milk of lactating
14 women, giving rise to health risks to an unborn child
15 or a baby.

16 (11) The Environmental Protection Agency con-
17 siders removed amalgam filling and extracted teeth
18 containing amalgam material to be hazardous waste.

19 (12) A report issued June 5, 2002, by the Mer-
20 cury Policy Project, the Sierra Club, Health Care
21 Without Harm, and the Toxics Action Center stated
22 that because of mercury fillings dental offices are
23 now the leading source of mercury in the Nation's
24 wastewater.

1 (13) The use of mercury in any product being
2 put into the body is opposed by many health groups,
3 such as the American Public Health Association, the
4 California Medical Association, and Health Care
5 Without Harm.

6 (14) Consumers and parents have a right to
7 know, in advance, the risks of placing a product con-
8 taining a substantial amount of mercury in their
9 mouths or the mouths of their children.

10 (15) Alternatives to mercury-based dental fill-
11 ings exist, but many publicly and privately financed
12 health plans do not allow consumers to choose alter-
13 natives to mercury amalgam.

14 **SEC. 3. PROHIBITION ON INTRODUCTION OF DENTAL**
15 **AMALGAM INTO INTERSTATE COMMERCE.**

16 (a) PROHIBITION.—Section 501 of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 351) is amended by
18 adding at the end the following:

19 “(j) Effective January 1, 2008, if it contains mercury
20 intended for use in a dental filling.”.

21 (b) TRANSITIONAL PROVISION.—For purposes of the
22 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301
23 et seq.), effective December 31, 2004, and subject to sub-
24 section (a), a device that contains mercury intended for
25 use in a dental filling shall be considered to be mis-

1 branded, unless it bears a label that provides as follows:
2 “Dental amalgam contains approximately 50 percent mer-
3 cury, a highly toxic element. Such product should not be
4 administered to children less than 18 years of age, preg-
5 nant women, or lactating women. Such product should not
6 be administered to any consumer without a warning that
7 the product contains mercury, which is a highly toxic ele-
8 ment, and therefore poses health risks.”.

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