

TO THE HOUSE OF REPRESENTATIVES

The Committee on Fish, Wildlife and Water Resources, to which was referred House Bill H.121, entitled “AN ACT RELATING TO PROTECTING THE AIR AND WATERS OF THE STATE BY BANNING CERTAIN USES OF MERCURY AMALGAM, AND BY REQUIRING MANUFACTURERS OF MERCURY-ADDED THERMOSTATS TO COLLECT THOSE THERMOSTATS FACING DISPOSAL”

respectfully report that they have met and considered the same and recommend that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ENVIRONMENTAL IMPACTS OF DENTAL AMALGAM

The general assembly finds:

(1) According to a 2004 study by the U.S. Environmental Protection Agency, titled “International Mercury Market Study and the Role and Impact of U.S. Environmental Policy,” mercury from dental amalgam is the source of the greatest reservoir of consumer-derived mercury, over 50 percent, when compared with the mercury contained in all other consumer products.

(2) As the rate of cremation increases, in the absence of state requirements that crematoria install expensive emission control equipment,

much of this reservoir of mercury derived from dental amalgam will be emitted to the atmosphere and eventually will be deposited into the waters of the state.

(3) Due to concerns about mercury emissions from crematoria, the Vermont air pollution control division in December 2006 recommended that the use of dental amalgam be banned or rapidly phased out.

(4) While dental practices in Vermont are required to self-certify compliance with best management practices, including the installation of amalgam separators on wastewater discharge systems, recent studies indicate that without proper installation and rigorous attention to ongoing and proper maintenance, the efficiency of mercury removal from pollution control devices may not be as high as removal rates in laboratory testing.

(5) After releases of mercury from dental offices, mercury from human wastes traced to the urine and feces of people with amalgam fillings is the second largest contributor of dental mercury to wastewater treatment plants, according to a 2002 study conducted by the Association of Metropolitan Sewage Agencies.

(6) Mercury in household wastewater can lead to mercury in sludge, the management of which in turn can lead to other routes by which mercury can enter the waters of the state and the food chain.

(7) Reducing the use of mercury amalgam is an important step in reducing the extent to which the general populace is exposed to mercury from environmental sources.

Sec. 2. 18 V.S.A. § 12 is added to read:

§ 12. MERCURY DENTAL FILLINGS; BROCHURE

(a) The commissioner, after reviewing similar initiatives in other states, shall produce a brochure explaining the potential advantages and disadvantages to oral health, overall human health, and the environment of using mercury or a mercury amalgam in dental procedures. The department shall make the brochure available on the internet or upon request.

(b) The brochure shall describe the available alternatives to a mercury amalgam, and the potential advantages and disadvantages posed by using those alternatives. The brochure shall also include other information that contributes to the patient's ability to make an informed decision when choosing between the use of a mercury amalgam and an alternative material in dental procedures, including information on durability, cost, aesthetic quality, and other characteristics.

Sec. 3. 26 V.S.A. § 726 is added to read:

§ 726. MERCURY DENTAL FILLINGS; INFORMED CONSENT

Effective April 1, 2008, no mercury amalgam filling shall be placed in a patient's tooth unless a dentist has provided the patient with a copy of the

brochure produced under section 12 of Title 18 and the patient has first signed an informed consent form, provided by the commissioner of health, that states: “Dental amalgam contains approximately 50 percent mercury, a highly toxic element with potential human risks. Such product should not be administered to a child 6 years of age or younger, pregnant women, or lactating women.” A dentist shall obtain the informed consent required from a patient under this section prior to treatment of ^{each} a diagnosis that requires the placement of a mercury amalgam filling in one or more of a patient’s teeth.

Sec. 4. REPORT CONCERNING MERCURY USED IN AMALGAM FILLINGS

Annually, by December 1 of 2008, 2009, 2010, and 2011, any person that supplies mercury-containing amalgam to dentists or dental offices in this state shall report to the department of environmental conservation the volume of mercury the person supplied to dentists and dental offices in this state during the prior year. Annually, by January 15 of 2009, 2010, 2011, and 2012, the department of environmental conservation, in consultation with the advisory committee on mercury pollution, shall report the quantity of mercury supplied to dentists and dental offices in this state to the committees on natural resources and energy and to the house committee on fish, wildlife and water resources. For the purposes of this section, “person” means an individual, partnership, corporation, or other legal entity.

The Committee further recommends that upon passage of the bill, the title shall read as follows:

AN ACT RELATING TO REQUIRING INFORMED CONSENT PRIOR
TO THE USE OF MERCURY AMALGAM