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U.S. FDA Warns Women and Children about Mercury Dental Fillings, Settles Lawsuit;
Statement of Michael Bender, Plaintiff in the Lawsuit

“After 32 years of delay, the United States Food and Drug Administration has finally agreed to comply with the law and classify mercury amalgam as a substance that poses a health risk to pregnant women and unborn babies, and children. This about-face resulted from settling, earlier this week, our lawsuit, *Moms Against Mercury et al. v. Von Eschenbach, Commissioner, et al.* The FDA also agreed to and, with uncharacteristic speed, already changed its website on mercury amalgam -- dramatically.

Gone are all of FDA’s claims that no science exists that mercury amalgam is unsafe, or that other countries have acted for environmental reasons only, or that the 2006 FDA advisory panel affirmed amalgam’s safety, all of which are untrue. Instead, the FDA has moved to a more neutral course, while still recognizing the serious health risks posed by amalgam in particular for children and unborn children, for pregnant women, and for those with mercury immuno-sensitivity.

The Updated June 3, 2008 US FDA website (see:
<http://www.fda.gov/cdrh/consumer/amalgams.html>) now states, for example:

“Dental amalgams contain mercury, which may have neurotoxic effects on the nervous systems of developing children and fetus.”

“Pregnant women and persons who may have a health condition that makes them more sensitive to mercury exposure, including individuals with existing high levels of mercury bioburden, should not avoid seeking dental care, but should discuss options with their health practitioner.”

In September 2006, an advisory panel to the FDA reviewed FDA’s research and heard presentations from the public about the benefits and risks of mercury and amalgam. The panel concluded with personal recommendations, including that FDA should:

Consider informed consent for patients receiving amalgam
Consider labeling changes restricting its use in pregnant woman and children
Consider the relevancy of the “precautionary principle.”

For a summary of the FDA panel meeting see:
<http://www.fda.gov/cdrh/meetings/090606-summary.html>

The FDA website now states that “Some other countries follow a “precautionary principle” and avoid the use of dental amalgam in pregnant women and provides links to advice about amalgams from regulatory agencies in other countries:

Canada: http://www.hc-sc.gc.ca/ahc-asc/media/nr-cp/1996/1996_63_e.html

France: <http://afssaps.sante.fr/ang/pdf/amalgam.pdf>

Sweden: <http://www.kemi.se/templates/Page.aspx?id=5233> “

The plaintiffs included a team of four nonprofit groups, two public officials, three dental professionals, and two consumer victims.”

More Information: www.mercurypolicy.org

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