

Consumers for Dental Choice

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James B. Bramson, Executive Director.
American Dental Association
211 East Chicago Ave.
Chicago, IL 60611-2678. *e-mail via ADA counsel --- Jerry Bowman and Wendy Wils*

Re: Majority of Dentists Have Abandoned Mercury Fillings;
Litigation Against Dwindling Band of Pro-Mercury Dentists Now Inevitable

Dear Dr. Bramson:

The one remaining defense for the mercury-placing dentists – everyone else is doing it so it's OK – has been eviscerated. A survey by a dentist magazine (attached) shows that 52% of American dentists, including 54% of general dentists and 56% of women dentists – have stopped placing mercury fillings.

The community standard defense for mercury amalgam, sir, is history.

The American Dental Association has missed its opportunity to exit mercury amalgam. You could have gotten out of the mercury morass by declaring that, as environmental stewards, you would phase out amalgam (never needing to mention the health issues). But the ADA remained its old self, oblivious to modern dentistry. You cast your lot against the modern dentists. You cast your lot with the obsolete, the lazy and the assembly-line dentists – and, as of May 2007, the minority: the mercury users.

Nor may you continue with your defense that the FDA blesses mercury fillings. The Food and Drug Administration admitted five times in its brief to the United States Court of Appeals in February that it doesn't know if mercury amalgam is safe or unsafe.

Those dentists still implanting mercury fillings, especially in children and women of child-bearing age, can and should be sued, unless they tell patients: (1) Amalgam is mainly mercury, not silver; (2) the mercury vapors go to the developing brain of the child or the developing body of the fetus and create a risk of birth defects or permanent brain damage; and (3) non-toxic alternative materials are available. (Then, of course, virtually no one would want them.)

Consumers for Dental Choice does not do individual tort cases and is not advising you about any lawsuit. Rather, we are putting you on notice that the end is here.

When your members realize you kept them on the sinking ship of mercury fillings, they will start exiting the ADA in droves. The harm you have caused, and continue to cause, to the health of the dental workers and the colossal damage to the environment will be hard for you to explain as an unbiased policy choice ... in light of your mercury amalgam patents, your pay-to-play Seal of Acceptance endorsement schemes, and your deceptive promotional materials that amalgam is a "silver" filling. Thus, your rallying dentists around this lost cause, even after mercury fillings became

interchangeable with resin, likely marks the end of the ADA as an organization composed of the majority of American dentists.

The liability Sword of Damocles hangs now over every single American dentist still placing mercury fillings. Unless you tell DDSs immediately to stop using mercury fillings, the ADA is liable too, as the working partner to this toxic tort.

Sincerely,

Charles G. Brown
National Counsel
5/14/07