

## Consumers for Dental Choice

316 F St., N.E., Suite 210  
Washington DC 20002  
Ph. 202.544-6333; fax 544-6331  
[www.toxicteeth.org](http://www.toxicteeth.org)

Donald F. Schwarz, M.D., M.P.H.  
Deputy Mayor, Health & Opportunity, and  
Health Commissioner  
1101 Market Street, Suite 840  
Philadelphia PA 19107

Re: New fact sheet law on mercury amalgam requires prompt action by Board of Health

Dear Deputy Mayor and Commissioner Schwartz:

Congratulations on your new appointment. With your commendable background in assisting at-risk children, we believe you already recognize the need for children to avoid unnecessary exposure to virulent neurotoxins whenever possible. As you would know, mercury is one such neurotoxin, and the major component of amalgam fillings is mercury. The exposure is unnecessary, since alternatives to amalgam such as composite exist. Yet the existence of the mercury, and the availability of nontoxic alternatives, have been hidden from many consumers.

Addressing this major problem, Councilwoman Blondell Reynolds Brown has written a law to require dentists who persist in implanting this 19<sup>th</sup> century device to distribute a “fact sheet” which explains to patients and parents that (1) dental amalgam contains mercury; (2) the mercury exposure from amalgam contains oral health risks, overall body health risks, and environmental risks; and (3) alternatives to mercury amalgam exist. The law has a tight time frame: The Board of Health must both write and gain the approval of Council of the fact sheet within six months, and get it into the hands of dentists within another 30 days. After Councilwoman Reynolds Brown adopted a series of amendments acceptable to affected parties, her bill, we are pleased to add, was adopted unanimously on December 13, 2007; the vote was 17 to zero.

As the hearings clearly showed, this law was needed because so many consumers were never told by their dentists that amalgam fillings are mainly mercury. Amazingly, the policy of the American Dental Association was to conceal the mercury; the association engaged in such nefarious practices as distributing brochures miscalling amalgam as silver fillings. The ADA’s “silver fillings deception” worked: A 2006 Zogby poll, [www.toxicteeth.org/natcamp\\_fedgovt\\_zogby\\_poll\\_2006.cfm](http://www.toxicteeth.org/natcamp_fedgovt_zogby_poll_2006.cfm), showed that three-fourths of consumers still do not know about the mercury – and if they knew, three-fourths would pay more to get a non-mercury filling. (Medicaid in Pennsylvania covers both already.) Despite what you are likely to hear from the pro-mercury half of dentistry, dentists don’t need to place mercury fillings any longer, due to technological improvements in composite and other alternatives. A 2007 dental magazine poll last year said half of general dentists have totally abandoned implanting mercury fillings, always using non-toxic alternatives, [www.toxicteeth.org/natCamp\\_grassroots\\_May2007.cfm](http://www.toxicteeth.org/natCamp_grassroots_May2007.cfm). If half of general dentists have stopped using mercury, the other half could likewise transition out of it.

We urge both you and your legal counsel to review key provisions of this law:

- The law requires the Board of Health to consult with Consumers for Dental Choice. We hereby inform you that we have appointed Freya Koss, to be our point person for the Board to consult with. Ms. Koss, head of the head of the Pennsylvania Coalition for Mercury-Free Dentistry, can be reached at [frekoss@aol.com](mailto:frekoss@aol.com) or telephone 610.649-2606. Already, she has assembled a broad team of advisors, including scientists, national dental societies, environmental organizations (note that environmental risks must be included), dental workers injured from mercury exposure, consumers injured from mercury amalgam, and mercury-free dentists from metropolitan Philadelphia. To learn more about our group, we invite you to our website, [www.toxicteeth.org](http://www.toxicteeth.org)
- The law requires the fact sheet to include, quoting from the bill, “[i] the potential advantages and disadvantages to oral health, overall human health and the environment of using dental amalgam which contains mercury in dental procedures, [ii] describes what alternatives are available to dental amalgam which contains mercury in various dental procedures and [iii] what potential advantages and disadvantages are posed by the use of those alternatives.” *Emphases and numbers added*. Those are the topics to be addressed. In other states, special interests groups colluding to conceal the mercury tried to frontload such fact sheets with advice about brushing your teeth, flossing, etc., hoping no doubt that the consumer or parent would stop reading before discovering the mercury. Brushing one’s teeth can certainly be the topic of a brochure, but not this one. This one is about disclosure the existence of the mercury, its risks, and its alternatives.
- The law requires the Board of Health to act; *n.b.*, the law does not allow the Board to delegate this issue to dentists – and for good reason. Dentists have far less expertise than physicians or toxicologists to determine the risk to fetal health of implanting mercury in expectant mothers, and dentists have far less expertise than physicians and toxicologists to determine the neurological risk to the developing brain of children with mercury impacted an inch from their brains. Dentists also have an intense conflict of interest; a dentist makes more per chair per day implanting mercury – hence its predominant use with children and in minority communities. In each state which have passed a fact sheet law – no city has done so until your great city acted – the pro-mercury faction in dentistry attempted to commandeer the process and write a brochure to conceal the mercury controversy.

Dentistry is deeply divided over mercury fillings. A mercury-free dental society, the International Academy of Oral Medicine and Toxicology, [www.iaomt.org](http://www.iaomt.org), is working closely with Freya Koss to ensure that the Board of Health realizes the issue is not consumers vs. dentists, but consumer awareness of a right to mercury-free fillings.

Myths from the pro-mercury faction in dentistry suggest that the federal government and all other governments endorse mercury fillings. The reality is different. (1) Norway and Sweden ban mercury fillings outright, and other nations are phasing them

out. (2) The Centers for Disease Control warned in 2005 that amalgam constitutes a “major exposure” to mercury. (3) The World Health Organization has never endorsed mercury fillings. (A rump committee of dentists wrote a draft report 25 years ago that the ADA masquerades into a WHO “endorsement.”) The WHO says no safe level of mercury exposure exists. (4) The US Food and Drug Administration, which has never classified encapsulated mercury amalgam, remains stymied in regulatory equipoise. An unauthorized “white paper” by unidentified staff persons that endorsed mercury fillings was resoundingly rejected by two FDA Scientific Advisory Committees on September 7, 2006; [www.fda.gov/cdrh/meetings/090606-summary.html](http://www.fda.gov/cdrh/meetings/090606-summary.html). After the scientists repudiated the staff position (one formulated by dentists), FDA adopted the public position that it does not know if mercury fillings are safe or unsafe – a point it confessed five times to a federal court in 2007. [www.toxicteeth.org/natcamp\\_fedgovt\\_fda\\_admits\\_Mar07.cfm](http://www.toxicteeth.org/natcamp_fedgovt_fda_admits_Mar07.cfm)

Hence with FDA standing on the sidelines trying to make up its mind, cities and states must provide these disclosures. It is to the great credit of Councilwoman Blondell Reynolds Brown and the Philadelphia City Council that this consumer protection initiative is now law.

We made two requests. We ask for a meeting with you about this law. We ask that when you next convene the Board of Health, that implementing this statute be agendized. Thank you.

Sincerely,

Charles G. Brown  
National Counsel  
5 February 2008

*cc, via e-mail:* The Honorable Blondell Reynolds Brown, via Joseph C. Meade, Legislative Director, [joseph.meade@phila.gov](mailto:joseph.meade@phila.gov); Freya Koss, [frekoss@aol.com](mailto:frekoss@aol.com); Eva Lopez, [Eva.Lopez@phila.gov](mailto:Eva.Lopez@phila.gov); Donald Pollock, [James.Pollock@phila.gov](mailto:James.Pollock@phila.gov)