

FOR IMMEDIATE RELEASE:

## **California Judge Approves Landmark Warning on Mercury Use in Dentistry**

(San Francisco, CA) - For the first time anywhere, dentists will be required to post a warning about the dangers of mercury in their dental fillings. A California Superior court judge finalized the language for the warning to be posted in dentists' offices here today.

The warning will read as follows:

Notice to Patients, Proposition 65:

Warning on dental amalgams, used in many dental fillings, causes exposure to mercury, a chemical known to the state of California to cause birth defects or other reproductive harm.

Root canal treatments and restorations including fillings, crowns and bridges, use chemicals known to the state of California to cause cancer.

The U.S. Food and Drug Administration has studied the situation and approved for use all dental restorative materials.

Consult your dentist to determine which materials are appropriate for your treatment.

The exact language of the warning was argued and then finalized before Superior Court Judge James A. Robertson II between the California Dental Association, the largest constituent organization of the American Dental Association and Attorney Shawn Khorrami (Cor-ahm-mee). The agreement requires its member dentists to warn patients about the toxic dangers of mercury dental fillings and root canals. The agreement also allows non-CDA dentists to opt in to the agreement and post the warning.

The warning is the result of a lawsuit filed by The Law Offices of Shawn Khorrami on behalf of As You Sow, a not-for-profit foundation dedicated to advocacy and activism in the public interest.

"This is the first admission by organized dentistry that amalgams pose a potential health risk," says Shawn Khorrami, lead attorney. "The only problem is that it's about 100 years too late."

This California consent judgment follows on the heels of recent lawsuits filed in Georgia, Texas, Ohio and Los Angeles, California charging that mercury fillings placed in a woman's mouth contributed to the autism of her child, as well as lawsuits in Maryland, California, and New York charging the American Dental Association with misrepresenting amalgam dental fillings as "silver." The lawsuits basically allege that such fillings actually contain approximately 50% mercury by weight. They cause continuous, daily exposure to mercury and, thereby pose substantial health risks to certain users. Mercury, a highly toxic substance, is the most widely used substance in dental fillings today.

The use of mercury-based thimerosal in vaccines also has been the source of the recent controversy in the Homeland Security legislation.

Khorrami filed the lawsuit against Roger Fieldman D.D.S., Inc., the Citadel Dental Group, Inc. dental offices, dental laboratories and private dental schools and training programs with more than nine employees. The suit won the enforcement of Proposition 65, Safe Drinking Water and Toxics Enforcement Act [Health & Safety Code § 25249.6].

Proposition 65 requires that a clear and reasonable warning be provided to persons prior to their exposure to a chemical known to cause cancer or reproductive harm. This statute lists mercury,

contained in dental amalgam, as a substance that can cause reproductive toxicity. The lawsuit was based on the absence of warnings to patients treated with amalgam restorative materials in dental offices.

The judgment on Proposition 65 mandates that all dental offices with more than nine employees provide warnings on the dangers of Mercury dental fillings to patients. Those in non-compliance could incur a fine of up to \$2,500 per day.

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