

107TH CONGRESS
2^D SESSION

H. R. 4163

To prohibit after 2006 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2002

Ms. WATSON of California (for herself and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit after 2006 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mercury in Dental Fill-
5 ing Disclosure and Prohibition Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) Mercury is a highly toxic element.

1 (2) A dental amalgam, commonly referred to as
2 a “silver filling”, consists of 43 to 54 percent mer-
3 cury.

4 (3) Consumers may be deceived by the use of
5 the term “silver” to describe a dental amalgam,
6 which contains substantially more mercury than sil-
7 ver.

8 (4) Dental amalgam may contain about $\frac{1}{2}$ to
9 $\frac{3}{4}$ of a gram of mercury, depending on the size of
10 the filling.

11 (5) The mercury in a dental amalgam contin-
12 ually emits mercury vapors.

13 (6) Mercury toxicity is a retention toxicity that
14 builds up over years of exposure.

15 (7) According to certain scientific studies,
16 Health Canada, and the Agency for Toxic Sub-
17 stances and Disease Registry of the Public Health
18 Service of the Department of Health and Human
19 Services, children and pregnant women are at par-
20 ticular risk for exposure to mercury contained in
21 dental amalgam.

22 (8) According to the Agency for Toxic Sub-
23 stances and Disease Registry, the mercury from
24 amalgam goes through the placenta of pregnant
25 women and through the breast milk of lactating

1 women, giving rise to health risks to an unborn child
2 or a baby.

3 (9) The Environmental Protection Agency con-
4 siders removed amalgam filling and extracted teeth
5 containing amalgam material to be hazardous waste.

6 (10) The use of mercury in any product being
7 put into the body is opposed by many health groups,
8 such as the American Public Health Association, the
9 California Medical Association, and Health Care
10 Without Harm.

11 (11) Consumers and parents have a right to
12 know, in advance, the risks of placing a product con-
13 taining a substantial amount of mercury in their
14 mouths or the mouths of their children.

15 (12) Alternatives to mercury-based dental fill-
16 ings exist, but many publicly and privately financed
17 health plans do not allow consumers to choose alter-
18 natives to mercury amalgam.

19 **SEC. 3. PROHIBITION ON INTRODUCTION OF DENTAL**
20 **AMALGAM INTO INTERSTATE COMMERCE.**

21 (a) PROHIBITION.—Section 501 of the Federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. 351) is amended by
23 adding at the end the following:

24 “(j) Effective January 1, 2007, if it contains mercury
25 intended for use in a dental filling.”.

1 (b) TRANSITIONAL PROVISION.—For purposes of the
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301
3 et seq.), effective July 1, 2002, and subject to subsection
4 (a), a device that contains mercury intended for use in
5 a dental filling shall be considered to be misbranded, un-
6 less it bears a label that provides as follows: “Dental amal-
7 gam contains approximately 50 percent mercury, a highly
8 toxic element. Such product should not be administered
9 to children less than 18 years of age, pregnant women,
10 or lactating women. Such product should not be adminis-
11 tered to any consumer without a warning that the product
12 contains mercury, which is a highly toxic element, and
13 therefore poses health risks.”.

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