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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Ms. WATSON of California introduced the following bill; which was referred
to the Committee on _____

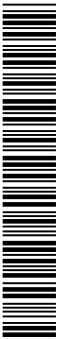
A BILL

To prohibit after 2006 the introduction into interstate commerce of mercury alloy intended for use as a dental amalgam, 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”.



1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) Mercury is an acute neurotoxin.

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

7 (3) Each such dental amalgam contains about
8 the same amount of mercury as is present in a mer-
9 cury thermometer, about $\frac{1}{2}$ to $\frac{3}{4}$ of a gram.

10 (4) The mercury in a dental amalgam contin-
11 ually emits poisonous vapors.

12 (5) Mercury does not change its physical prop-
13 erties when mixed with other metals in an amalgam.

14 (6) Consumers may be deceived by the use of
15 the term “silver” to describe a dental amalgam,
16 which contains substantially more mercury than sil-
17 ver.

18 (7) According to some manufacturer warnings,
19 Health Canada, the Agency for Toxic Substances
20 and Disease Registry of the Public Health Service,
21 the Institute of Medicine of the National Science
22 Foundation, and certain scientific studies, children,
23 including those still in the womb, are at particular
24 risk for exposure to mercury contained in dental
25 amalgam.

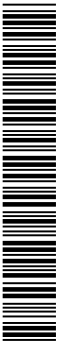


1 (8) According to the Agency for Toxic Sub-
2 stances and Disease Registry, the mercury from
3 amalgam goes through the placenta of pregnant
4 women and through the breast milk of lactating
5 women, giving rise to health risks to an unborn child
6 or a baby.

7 (9) Both the Institute of Medicine and the
8 American Pediatric Medical Association advise that
9 no product containing mercury should be given to
10 children or pregnant women, and the use of mercury
11 in any product being put into the body is opposed
12 by many governmental entities and health groups,
13 such as the Institute of Medicine, the American
14 Public Health Association, the California Medical
15 Association, and Health Care Without Harm.

16 (10) Consumers and parents have a right to
17 know, in advance, the risks of placing a product con-
18 taining a substantial amount of mercury in their
19 mouths or the mouths of their children.

20 (11) Alternatives to mercury-based dental fill-
21 ings exist, but many publicly and privately financed
22 health plans do not allow consumers to choose alter-
23 natives to mercury amalgam.



1 **SEC. 3. PROHIBITION ON INTRODUCTION OF DENTAL**
2 **AMALGAM INTO INTERSTATE COMMERCE.**

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

6 “(j) Effective January 1, 2007, if it is a mercury
7 alloy intended for use as a dental amalgam.”.

8 (b) TRANSITIONAL PROVISION.—For purposes of the
9 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301
10 et seq.), effective July 1, 2002, and subject to subsection
11 (a), a device that is a mercury alloy intended for use as
12 a dental amalgam shall be considered to be misbranded,
13 unless it bears a label that provides as follows: “Dental
14 amalgam contains approximately 50 percent mercury, an
15 acute neurotoxin. Such product should not be adminis-
16 tered to children less than 18 years of age, pregnant
17 women, or lactating women. Such product should not be
18 administered to any consumer without a warning that the
19 product contains mercury, which is an acute neurotoxin,
20 and therefore poses health risks.”.

