

The Latest Updates on the Fight Against Dental Amalgam

Analysis by Charlie Brown, J.D.

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STORY AT-A-GLANCE

- › Consumers for Dental Choice is a small non-governmental organization campaigning for mercury-free dentistry in the U.S. and worldwide. Our goal is to, first, end amalgam for vulnerable people and, second, to end the use of amalgam in the entire world
- › Dental amalgam is approximately 50% mercury, which is such a dangerous neurotoxin, brain poison and nephrotoxin that it is the only subject of an entire international environmental treaty
- › The Children's Amendment to the amalgam reduction requirement of the Minamata Convention on Mercury in 2022 sets a new floor for the world. If we can end amalgam for children, we can end it for all of us
- › If you have choices, you need to go to a dentist who's mercury-free. If you can't persuade that dentist to stop giving amalgam to everyone, don't give them your hard-earned dollars
- › Dr. Mercola will match every dollar you donate to Consumers for Dental Choice until Saturday night August 27, 2022 (up to \$150,000). Here is your chance to help send dental amalgam to the hazardous waste bins of history!

As a former state attorney general, elected twice in my state, I feel I can bring attention to the cause of mercury-free dentistry in a creative, energetic and experienced way. My legal experience has allowed us to sue the U.S. Food and Drug Administration (FDA) and beat them in court. It's allowed us to figure out political, as well as legal strategies, organizing strategies from the administrative background that I had.

I think I've been able as a citizen, as a lawyer, as a former state attorney general and as an author to bring together forces to bring us to the near point of ending the use of mercury in the mouth on our wonderful planet, Earth.

Paving the Way Toward a Mercury-Free Planet

Consumers for Dental Choice is a small non-governmental organization (NGO), national and worldwide in scope. We have a single mission: We are considered, by any measurement, an effective organization in getting results and an efficient organization in spending per dollar. Not only important results, but important results on a per dollar basis of our budget.

If you're interested in donating, we ask that you recognize that your dollars will be very well spent if you give to Consumers for Dental Choice. Up until August 27, 2022, Dr. Joseph Mercola will double whatever you choose to give. So, we urge you; if you are interested in helping the cause of mercury-free dentistry, now is the time.

DONATE TODAY

When we started, only 3% of the dentists were mercury-free, and dental boards were shutting them down one by one. But we were able to get dentists who are mercury-free into a good situation. We won state fact sheet laws. We sued and beat the U.S. FDA. Then we went worldwide, founding the World Alliance for Mercury-Free Dentistry and getting our campaign for mercury-free dentistry into 60 nations.

So, it would be very welcoming, for whatever level that people would choose to give, to donate. And again, we ask you to recognize that your dollars are well spent on this effective and efficient organization.

The Indisputable Dangers of Mercury

Mercury is such a dangerous neurotoxin, brain poison and nephrotoxin (kidney poison) that it is the only subject of an entire international environmental treaty. It's the only one time it's been done.

Amalgam is a workplace hazard. Remember that mercury is the most vaporous of the heavy metals. And we know that because it's the one that's liquid at room temperature. When you look at mercury, it's very shimmery – that's the vapors coming off.

So, in the workplace, it's quite poisonous for the dental staff. They are breathing mercury the entire workday. And for the women of childbearing age, it is a particular risk to their newborn children. It has been proved that it's a workplace risk.

Amalgam is also a health risk, indisputably. So much so that it has been banned for use in children, pregnant women and breastfeeding women by the European Union (EU) since 2018 and by other places. Many countries have simply disallowed its use, and the FDA has gotten close because they issued a safety communication recommending against its use.

Finally, amalgam is an environmental injustice, because who gets amalgam these days? In the past we all did, because dentists didn't have good alternatives. But they have good alternatives now, so we're seeing amalgam less and less, and not so much in the private dental office.

But there's still continued use by the government bureaucracies (federal and state), in the prisons, in the school services, in the military services, in the Indian Health Service – the places where we would expect our government to be ahead of the curve. But they are way behind the curve, because apparently, in government programs, the consumer choice doesn't matter and the consumer doesn't matter. I promise you, we're working to change that.

The Minamata Convention Has Started the Paradigm Shift

The game changer for the world was the Minamata Convention on Mercury, where the World Alliance for Mercury-Free Dentistry, the group I lead, won a three-year siege, a

three-year battle, in the negotiations, and got a requirement. Every country started scaling down the use of mercury in dentistry. In getting that, we also were able to get it in the annex part of the treaty, which meant that future amendments could come, and assuredly, a future amendment has come.

The Children's Amendment to the amalgam reduction requirement of the Minamata Convention on Mercury in 2022 sets a new floor for the world: end of dental amalgam for children. It is a landmark accomplishment. It was done through the leadership from the civil society by the World Alliance for Mercury Free-Dentistry. From Consumers for Dental Choice, we provide the staffing leadership.

If you donate to Consumers for Dental Choice, you are helping protect from amalgam use, both the children under 15, and pregnant women and breastfeeding women. It is a landmark achievement, which we won and which every government agreed to. Africa, in fact, provided the leadership for this amendment. It came out of Africa. We're very proud to work with the African governments that pushed this amendment from the floor of the convention.

So, we now have a minima, a floor: No amalgam for children. It is itself a key accomplishment, but it's also a springboard, because if we can end amalgam for children, we can end it for all of us.

The Chicago Declaration: A Big Win Toward Mercury-Free US

The Chicago Declaration for mercury non-use in the dental industry was the game changer in the United States because the FDA agreed shortly thereafter to meet with us. We were able to bring them the information of how much Europe had already done, how much countries around the world had already done, and to show that the U.S. was, frankly, way behind by not acting against dental amalgam.

The next year, 2019, the FDA convened a hearing of its advisory committee. And this is to the great credit of the director for the Center for Devices and Radiological Health, Dr. Jeff Shuren. He supervised this directly and met with us.

The hearing was held in 2019. We brought a team of 15 people to Washington, including a commissioner from Los Angeles, a commissioner from Oregon, one Democrat and one Republican.

We brought four lawyers. We brought Native American representatives, the Children's Environmental Health Network, Learning Disabilities Association of America, holistic pharmacist, holistic dentist, physician with a National Medical Association, a former dental school dean, Dr. Reuben Warren, a stellar human being. Just a strong, strong team to Washington, came and testified. Others spoke by phone or we read their testimony.

And the advisory panel said to the FDA, "You need to move on this. You need to tell people that silver fillings aren't silver, they're mercury, and you need to give warnings to particular people." It took one more year.

It was hard to get all this together, but September 24, 2020, the FDA acted and issued a safety communication warning, warning against amalgam use. And then the FDA issued infographics to make it very clear to the consumer, issued them in English, and then at our request, issued them in Spanish as well.

So, that has changed the perception here, and changed the dynamic for manufacturers, for dentists, for consumers and for policy makers, because the FDA has stepped up and said, "Amalgam use must be drastically curtailed."

The FDA Is Finally Taking Steps After a 20-Year Battle

We did win against the FDA – we won the safety communication. It was not easy, and that's why support from dentists in America, from consumers in America and from foundations in America, like Dr. Mercola's, made such a difference to those who stayed with us. It took 20 years. We had a hearing at FDA in 2006 we thought we'd won.

I can vividly remember Dr. Hal Huggins, the lead pioneer dentist for mercury-free dentistry, so pleased he was crying, because he thought we won. The bureaucrats took it

away from us. In 2008, we thought we won because we beat FDA in court. The FDA had to classify amalgam under an order of a federal judge.

That time, it wasn't the bureaucrats, it was the politicians in Washington that beat us. And the rule came out much weaker, much different from what it appeared that was promised and we were told.

We had to win internationally. The World Alliance for Mercury-Free Dentistry, which I was honored to be elected as president in 2010, had to go out and win all over the place, particularly with the EU. Then the FDA realized it was way behind the curve.

When we produced the Chicago Declaration and added to our credibility and showed we had a national powerhouse coalition, which we did, the FDA acted and that's to the credit of Director Shuren, but I think it's also to the credit of our organization, our tenacity, and to the support of men and women across North America, who stayed with us.

The WHO Was a Hurdle That We Successfully Overcame

The World Health Organization (WHO) was a huge problem for mercury-free dentistry. In 2010, at the start of the treaty negotiations, they actually endorsed more amalgam use in Africa, as sickening an idea as that is. They just couldn't visualize African dentists being able to do mercury-free dentistry, which is pretty darn insulting, frankly.

They didn't visualize how important mercury-free dentistry was across the world. We made a decision that our campaign was mercury-free dentistry for everyone, that the Minamata Convention on Mercury was going to address mercury-free dentistry for everyone.

We're so proud that the Africa region – the African governments – became the engine, the leadership in the world, to push for stronger action. The WHO stood in the way in those early years throughout the decade of the 2010s. Thankfully, they changed chief dental officers, and the new chief dental officer, Dr. Benoit Varenne, came in with an open mind. The WHO started to hear from regional offices who were recognizing the changes going on in the countries.

In 2022, at the Minamata Convention on Mercury, the WHO endorsed minimally invasive mercury-free dentistry. See, amalgam's not minimally invasive. It's tooth-unfriendly. It destroys good tooth matter. So, as a technical matter, amalgam is terribly inferior to the alternatives.

The WHO endorsed minimally invasive, which is the alternative, and mercury-free, which is the same thing. The minimally invasive are mercury-free. The one that is invasive and tooth-unfriendly, one and only, is mercury.

Tirelessly Working to Abolish Amalgam Use for Good

Our goal is to, first, end amalgam for vulnerable people: children, women of childbearing age, and those with neurological and kidney problems. Second is to end the use of amalgam, period, in the United States, Canada and in the entire world.

We moved toward that goal step by step, in the years that we've been here, starting at the state level in the United States, then the federal level, and then the world level. We will work alone on that solitary mission. The end of the use of dental amalgam and the requirement in dentistry that only mercury-free, pollution-free dental materials be used.

The Plan to Eliminate Amalgam Has Been Set in Motion

When the FDA acted, the paradigm shifted our way. And the largest manufacturer of dental products in the world, they make everything in dental care, Dentsply, stopped selling amalgam. They fought us for years all at once. The handwriting was on the wall. They announced to their shareholders they had stopped selling at the end of 2020. Three months after the FDA acted, they were out of the amalgam business. The largest manufacturer won't make them, won't sell them.

The no. 2 manufacturer acted next in 2021. And that's Envista. Their company's manufacturer subsidiary is Kerr. So, the two publicly traded dental product makers in America no longer make amalgam. We intend to continue to crash the amalgam industry to make finding amalgam really hard.

We have now shifted to the major importers into North America, who are Ivoclar Vivadent Inc. from Europe and Southern Dental Industries from Australia, and trying to get them to discontinue making amalgam. We are also now shifting to the wholesalers, to the distributors. We want to make it so hard that even the United States government will say, "I wonder where we can get our amalgam?" And the answer is, "You don't need it, so quit buying it."

It's quite an exciting year ahead for us. We hope you'll help us get there. First, we have a worldwide minimum that we want to get enforced: No amalgam for children in the U.S. and Canada, and worldwide. We need to end amalgam in federal government programs, which, hopefully, the states will pay attention and do, and we're working on it.

Next, we're going to crash the industry. That is going to continue. Remember: The two major U.S. dental products makers, Dentsply and Envista, no longer sell amalgam. We're going to go after the importers, and we're going to go after the publicly traded distributors.

We have a campaign in place. We have state-based NGOs. We have a national committee, U.S. mercury-free dentistry committee. We have a particular focus now in Latin America. We've opened up campaigns in the four largest, most populist nations in Latin America: Brazil, Mexico, Colombia and Argentina. We have a campaign in the Caribbean as well, led by an NGO in Jamaica.

Finally, we are on the cusp in Europe — the EU, 27 nations now. Basically, it's most of the continent of Europe, making its decision this year on whether to put together a mercury regulation that includes the end of amalgam. We can get it in the regulation this year. We take it to the European parliament in 2023. If we succeed, it's the end of amalgam in the third largest jurisdiction on Earth.

Many Countries Are Phasing Out Amalgam — We Can Do It, Too

Quite a few countries have ended amalgam use or set an end date, and they're all over the world. Quite a few countries in the EU have set an end date for amalgam. Tanzania is

the first African country to set an end date. I mean by law, not just say as a hope. It is required by law in Tanzania. Nepal, Philippines, Italy, some of the largest economies in the world, all have set end dates for the use of amalgam.

Some countries have already ended it, like Norway and Sweden. In Moldova, the poorest country in Europe, there's no amalgam; you can't use it. New Caledonia, an island territory in the Pacific owned by France, has ended all amalgam. It should embarrass the government of France. I don't think the government of France can be embarrassed, but it should embarrass them because their territory in the Pacific has ended amalgam.

So, we are seeing in country after country, the end. Not the phase down, not the reduction, not just the end for children – but the end of amalgam. It's coming, and coming, and coming more and more often. Saint Kitts and Nevis in this hemisphere has ended the use of amalgam.

We can do it in the United States. We can do it in Canada. Countries, big and small, rich and poor, have ended amalgam already. We have the prototypes. It means all of us, including here in North America, can go all the way.

A Prototype for the US: How Other Nations Limited Amalgam Use

Countries are adopting different strategies to phase out amalgam by taking major steps within use. The third largest military force in the world, the Indian Armed Forces, have ended amalgam entirely. Pentagon can't say they don't have the money. They have all the money they need. India has ended amalgam. The Bangladesh Army, certainly not a well-funded army, has ended all amalgam use. So, the armed forces are one route.

Another is going to end amalgam in children, which the Philippines has done, Mauritius has done, Tanzania has done, Guiana has done, the entire EU with 27 countries have done. We can end amalgam for children. Dozens of countries now have ended amalgam for children. And usually, with that, for pregnant and breastfeeding women, too.

Changing the dental schools so they stop teaching amalgam use – that is true in Uruguay. So, we have that breakthrough in Latin America, where the dental schools no

longer teach amalgam. And in Nigeria, we just got word that one of the dental schools no longer gives amalgam to children and is doing the same steps.

The Dentists Committee for a Mercury-Free Africa have adopted this initiative all over the continent. So, we're seeing routes that countries are taking. They're all useful routes, and they're all headed in the same direction – substantial reduction of amalgam use and moving to phase out, as several countries have already done.

Thank You, Dr. Mercola, for Taking a Stand With Us

We express our gratitude to my good friend, Dr. Joseph Mercola, who began a matching-funds campaign with us 11 years ago. For the 12th year in a row during August, and this year it ends August 27, 2022, he has matched every dollar put on the table. This year, he will match up to \$150,000.

DONATE TODAY

In those 12 years, Dr. Mercola has provided funding to be sure. He has also provided his network, where if we want to get a message out to policy-makers, they get that to the consumers of America, North America, the world, Europe, wherever we're working, and the consumers act and get a message to the policy makers.

Dr. Mercola has provided strategic advice to give us ideas, to give us an approach, because we don't win without the right strategy. The ideas are important, and that's why I stress that as a strategic partner, how important it is to have Dr. Joseph Mercola as our partner as we move forward to transition North America and the world to ending the use of mercury in the mouth.

Help Us End Amalgam Here and Around the World

There's a role you can do to end amalgam, and that would be, first of all, to not get amalgam. Don't let you or your family get amalgam. Insist on mercury-free dentistry.

Second, go to a mercury-free dentist if you have any control. We recognize those who are in the military, who are incarcerated, who are on Medicaid, or living on tribal lands may not have those choices, and we are trying to change that. But if you have choices, you need to go to a dentist who's mercury-free.

If you can't persuade that dentist to stop giving amalgam to everyone, don't give them your hard-earned dollars. Go to a dentist – because they exist in your community, I assure you – who provides mercury-free dentistry.

So, don't get amalgam, don't go to dentist that does; instead, go to a mercury-free dentist, and support us, Consumers for Dental Choice, because we're reaching way beyond individual situations, individual communities, to the country and the world to end dental amalgam.