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HOUSE BILL 1860

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State of Washington

61st Legislature

2009 Regular Session

By Representative Chase

Read first time 01/30/09. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the use of mercury in the practice of dentistry;  
2 adding a new section to chapter 70.95M RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Dentists in the United States purchase approximately thirty-  
6 four tons of elemental mercury annually. There are one hundred  
7 seventy-five thousand dentists in the United States and the state of  
8 Washington has approximately five thousand five hundred dentists.  
9 Proportionally, that means that Washington dentists import over two  
10 thousand one hundred forty pounds of elemental mercury per year into  
11 Washington. This importation of elemental mercury is an unacceptable  
12 burden to the state's environment, especially its waterways and fishing  
13 industry;

14 (2) Chairside traps and amalgam separators catch some of the  
15 mercury waste from dental offices which, along with mercury in  
16 biohazard bags, is recycled, incinerated, or buried as hazardous waste.  
17 However, most mercury used in dental offices is implanted into the  
18 mouths of the adults and children in Washington, where it ultimately  
19 returns directly into the environment through human waste via

1 wastewater treatment plants and septic systems, cremations that emit  
2 mercury into the air, and burials that place mercury in the ground.  
3 Thus, mercury imported for dental fillings is a major contributor of  
4 mercury into the environment of the state of Washington;

5 (3) Mercury from dentistry harms the Washington economy, which is  
6 dependent on fishing, outdoor recreation, and other activities  
7 requiring clean water and clean air;

8 (4) Mercury fillings are no longer necessary in dentistry. Current  
9 dental technology provides nonmercury dental materials for every cavity  
10 for any person. According to a 2007 survey, fifty-two percent of all  
11 dentists are now mercury-free, and all dentists know how to place  
12 alternatives to mercury fillings;

13 (5) Mercury fillings cause exposure to mercury, an acute  
14 neurotoxin, which is known to damage the developing brain of a child or  
15 fetus. Scientists for the United States environmental protection  
16 agency report that six hundred thirty thousand babies are born each  
17 year in the United States, one in six with so much in utero exposure to  
18 mercury they are at risk of brain damage. Thus, mercury exposure from  
19 any source should be avoided;

20 (6) The goal of the Washington state mercury chemical action plan  
21 is to target mercury as the first priority in the state's persistent,  
22 bioaccumulative toxins strategy and describes elements of a statewide  
23 campaign to virtually eliminate the use and release of human-caused  
24 mercury in Washington state. This goal cannot be met if the state  
25 allows an exemption for dentistry; and

26 (7) A transition to mercury-free dentistry is both feasible and  
27 necessary, and can be undertaken in a manner beneficial to dentists,  
28 dental workers, and dental consumers.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95M RCW  
30 to read as follows:

31 (1) Beginning August 1, 2009, all state and local government dental  
32 insurance plans, medicaid dental insurance plans, and private sector  
33 dental insurance plans must provide alternatives to mercury amalgam as  
34 a dental tooth restoration material. If there is a difference in cost  
35 for alternative nonmercury restoration materials, third-party payers  
36 may limit the coverage to the cost of the amalgam restoration unless  
37 the dental consumer is allowed to pay the difference.

1           (2) Beginning August 1, 2009, any person or institution in the  
2 state that offers training in dentistry, including dental hygiene and  
3 dental assisting, must teach the risks of exposure to mercury in dental  
4 offices and dental laboratories and safe techniques for protection of  
5 workers and patients.

6           (3) Beginning January 1, 2010, no mercury amalgam dental filling  
7 may be placed in children under six years of age or in pregnant women.

8           (4) Beginning January 1, 2012, no mercury amalgam dental filling  
9 may be placed in any person in the state of Washington.

10          (5)(a) Dentists and corporations providing consumer dental services  
11 are immune from liability for harm to dental consumers from past  
12 exposures to mercury in mercury amalgam dental fillings placed prior to  
13 the dates listed in subsections (1), (3), and (4) of this section.

14          (b) There is no immunity from liability for any entity involved in  
15 placing mercury amalgam dental fillings after the dates listed in  
16 subsections (1), (3), and (4) of this section.

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