



Berkeley City Council

ACTION CALENDAR
September 17, 2013

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Laurie Capitelli and Linda Maio
 Subject: Proposed Council Resolution Regarding Dental Amalgams

RECOMMENDATION

Adopt a Resolution recommending that dentists in Berkeley educate their patients on the risks and benefits of dental amalgams and composite restorations; continue education on dental amalgam and other sources of anthropogenic mercury within the City; distribute the Resolution to the City's state and federal representatives and other cities in Alameda County; and write letters to the U.S. Food and Drug Administration, the National Institute of Health, and the World Health Organization regarding the need for more research on dental amalgam and support for phasing down its use whenever possible.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts for the City are minimal — writing letters, distributing the Resolution, and posting documents received on dental amalgam to the City web pages.

The incremental cost for dentists if they follow the City's recommendations would be the minor expense associated with preparation and administration of information leaflet and Dental Materials Fact Sheet prior to placement of each dental amalgam.

BACKGROUND

On October 2, 2012, the City Council requested that the Community Health Commission (CHC) and Community Environmental Advisory Commission (CEAC) research major sources of anthropogenic mercury in the environment and strategies used by other municipalities to reduce its use, consult with the dental community regarding mercury in dental amalgams, and return to Council with a draft resolution regarding this pollutant including recommendations for reduction of use within the City of Berkeley.

On July 16, 2013, the City Council received reports and recommendations from both commissions and City staff. In its Council report, staff concurred with most of the Commissions' recommendations; however, as determined by staff, the Commissions' recommendations to require specific actions by local dentists are preempted by state law. Their proposed resolution incorporated key points from the Commissions' resolutions, but changed the language from "requires" to "urges". In addition, while staff supported the CEAC recommendation to "continue educating the public" on these issues, the resolution recommended by staff limited the education to posting of

arguments from both sides to City's web pages. Staff stated they were not qualified to educate the public or dentists on medical or dental procedures.

(Additional information can be found in the [July 16, 2013 Report](http://www.ci.berkeley.ca.us/Clerk/City_Council/2013/07Jul/Documents/2013-07-16_Item_44c_Reducing_Exposure_to_Anthropogenic_Mercury_CM.aspx); http://www.ci.berkeley.ca.us/Clerk/City_Council/2013/07Jul/Documents/2013-07-16_Item_44c_Reducing_Exposure_to_Anthropogenic_Mercury_CM.aspx.)

The City Council decided to hold over adoption of any resolution until its September 17, 2013 meeting. Councilmembers Capitelli and Maio agreed to develop a compromise resolution for Council consideration. The revised resolution is attached.

CONTACT PERSON

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Attachment:

1. Resolution

RESOLUTION NO. ##,###-N.S.

REDUCING EXPOSURE TO ANTHROPOGENIC MERCURY

WHEREAS, the City of Berkeley is charged with protecting the public health and welfare of its residents; and

WHEREAS, the City of Berkeley has adopted the precautionary principle, where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the City to postpone measures to prevent the degradation of the environment or protect human health; and

WHEREAS some members of the public have expressed serious concern about the safety of dental amalgam; and

WHEREAS, the U.S. Food and Drug Administration's (FDA) most recent labeling instructions to dentists on amalgam state that "very limited to no clinical information is available regarding long-term health outcomes in pregnant women and their developing fetuses, and children under the age of six, including infants who are breastfed"; and

WHEREAS, on average about 25% of cavities restored in the city of Berkeley are filled with dental amalgam containing mercury; and

WHEREAS, the scientific debate continues on whether the mercury in dental amalgam poses a risk to the population; and

WHEREAS, the Community Health Commission (CHC) and Community Environmental Advisory Commission (CEAC) researched major sources of anthropogenic mercury in the environment and strategies used by other municipalities to reduce its use, consulted with the dental community regarding mercury in dental amalgams, and recommended strategies for reduction of use within the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, as recommended by the Community Health Commission, dentists practicing in Berkeley are urged to follow applicable regulations regarding dental amalgam practices and separators preventing mercury from reaching the environment.

BE IT FURTHER RESOLVED that, as recommended by the Community Environmental Commission, the City:

1. Encourage dental offices to post the standard Proposition 65 labels or posters regardless of the number of employees.
2. Encourage dental offices to provide the Dental Board of California's Dental Materials Fact Sheet as required by the Dental Board of California, and to exercise their professional responsibility to thoroughly discuss with all patients the relative risks, costs and benefits of patient-specific, clinically appropriate and available restorative materials prior to rendering treatment.

3. Request and strongly encourage that the DBC ensure that the Dental Materials Fact Sheet "Facts about Fillings"(Dental Board of California, 2004, http://www.dbc.ca.gov/formspubs/pub_dmfs2004.pdf) accurately reflects current scientific evidence and restorative techniques as determined by the board, and request the DBC to remind dentists of their legal obligation to provide the fact sheet to new patients and to patients considering initial restorative treatment options;
4. Write letters to the Food and Drug Administration(FDA) and the National Institute of Health (NIH) to request that they close specific knowledge gaps in the field of dental amalgam by soliciting and reviewing peer- reviewed scientific papers that address each specific issue that the 2010 FDA panel requested regarding specific research on mercury and dental amalgam;
5. Write a letter to support the efforts of the United Nations Environment Program to negotiate a global, legally binding instrument on mercury that will encompass all products and uses;
6. Write a letter to the World Health Organization(WHO) pledging to support the WHO's strategies to phase down the use of dental amalgam whenever possible;
7. Direct staff to provide copies of this resolution to the City's state and federal representatives and to the other cities in Alameda County ;
8. Direct staff to continue to educate the community on ways to minimize other sources of mercury in their bodies from fish and shellfish consumption, and proper disposal of batteries, fluorescent lights, and other mercury-containing household hazardous waste. This will be achieved by posting documents on the City's web pages, by continuing to post recommendations at the Marina about risks of mercury in fish, by continuing to inspect industry and train them on proper management and disposal of universal wastes including fluorescent bulbs, dental amalgam filling waste, monitors, batteries etc.