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'Right to Know' Win: New Maine Rule Requires Dentists to Collect Informed Consent Before Using Toxic Mercury Fillings

Nearly 200 Mainers submitted public comments demanding new rule

AUGUSTA—Children's advocates, environmentalists, and consumer rights groups are praising a new rule for Maine dentists, adopted Tuesday, April 7, by the Maine Board of Dental Practice, to better protect Maine dental patients and the environment from mercury, a neurotoxin whose major use today is in mercury fillings, or dental amalgam. The new rule requires dentists to collect written informed consent from patients before placing dental amalgam, proving that the patient has been informed about the health and environmental risks. The Maine Board of Dental Practice agreed on the new rule in response to nearly 200 public comments.

The new rule was badly needed, because despite a 2001 Maine law that required dentists who recommend dental amalgam to provide every patient with a Maine Department of Health factsheet on the health and environmental risks associated with mercury, there was no policy that required dentists to demonstrate that patients had actually seen this fact sheet before consenting to dental amalgam. In practice, this left many Maine dental patients uninformed about the dangers of mercury.

"Parents of children with disabilities often go to great lengths to avoid exposing their children to neurotoxins," said **Tracy Gregoire, with the Learning Disabilities Association of Maine**. "But parents can only avoid toxins if they are provided with the information. Thankfully, the dental board recognizes consumers' right to know with this new rule. This is a big win for patient's rights, and critical to helping all Mainers to know their rights when it comes to mercury fillings."

"We Mainers have the right to know about the health and environmental risks of amalgam's mercury," said **Katherine Paul, Organic Consumers Association**. "Dental mercury does methylate and can hence poison our fish. Consumers would choose mercury-free dentistry if the mercury in amalgam were not hidden from them."

"We are pleased that the Board of Dental Practice has made it clear that dentists must inform patients about the dangers associated with mercury dental amalgam and that patients must be given the option to choose other effective, affordable dental

fillings,” said **Sarah Woodbury, State Advocacy Director for the Environmental Health Strategy Center**. “Our end goal is to discontinue the use of mercury dental amalgam, but the ruling by the Board of Dental Practice is a great first step to ensuring the health and safety of dental patients across Maine.”

“It is an historic shift for our entire movement in the U.S. The burden to disclose is lifted from the amalgam-free dentist who was forced to disclose why s/he does not use amalgam, and shifted to whom it should be: the pro-mercury dentist still using amalgam,” said **Charlie Brown of Consumers for Dental Choice**.

Mercury is a dangerous developmental neurotoxin. Once released into the environment, it accumulates in fish, presenting an exposure risk. Its major use today is dental amalgam (up to 57% of mercury use according to the U.S. Geological Survey) despite safe and affordable alternatives.

Mercury levels in Maine fish, loons, and eagles are among the highest in North America. This has led the Maine Bureau of Health to issue a [statewide advisory](#) recommending that pregnant women, women of childbearing age, and young children limit their consumption of certain high-mercury fish.

After being petitioned by the Learning Disabilities Association of Maine, Consumers for Dental Choice, Mercury Policy Project and Organic Consumers Association, and receiving nearly 200 public comments by Maine citizens, the Maine Board of Dental Practice added the new rule on dental amalgam to their dental practice requirements ([Chapter 12, section III](#)).

The rule states, *“A licensee who uses mercury or mercury amalgam in any dental procedure shall obtain written informed consent from the patient (or the patient’s legal guardian). The informed consent will identify the risks, benefits, contraindicators and alternatives to the use of mercury or mercury amalgam in dental procedures.”*

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[Learning Disabilities Association of Maine](#) (LDA) provides support to people with learning disabilities, their parents, teachers and other professionals with cutting edge information on learning disabilities, practical solutions and a comprehensive network of resources.

[Environmental Health Strategy Center](#) works for a world where all people are healthy and thriving, with equal access to safe food and drinking water, and products that are toxic-free and climate-friendly.

[Organic Consumers Association](#) (OCA) is a national 501(c)(3) consumer and environmental health advocacy organization representing more than 2 million consumers in the U.S. and Mexico.

[Consumers for Dental Choice](#) (CDC) is a non-profit organization that aims to inform the public about the dangers of mercury fillings and amalgam fillings.

[The Mercury Policy Project](#) (MPP) works to promote policies to eliminate mercury uses, reduce the export and trafficking of mercury, and significantly reduce mercury exposures at the local, national, and international levels.