

HOUSE BILL 1254

M3

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By: **Delegates Carr and Hucker**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Environment – Dental Amalgam – Reduction in Use

FOR the purpose of declaring a certain policy relating to reducing the use of dental amalgam; requiring a certain manufacturer or wholesaler of dental amalgam to submit a certain plan to the Department of the Environment and publish a certain plan on its Web site on or before a certain date; prohibiting a certain manufacturer or wholesaler of dental amalgam from selling or offering for sale dental amalgam on and after a certain date unless certain conditions are met; requiring a certain manufacturer or wholesaler of dental amalgam to make a certain annual report to the Department beginning on a certain date; defining certain terms; and generally relating to reducing the use of dental amalgam in the State.

BY adding to

Article – Environment

Section 6–910 to be under the new part “Part III. Dental Amalgam”

Annotated Code of Maryland

(2013 Replacement Volume)

Preamble

WHEREAS, According to a 2013 United States Geological Survey report, dental amalgam, which is approximately 50% mercury, represents, in the United States, a leading use of mercury (18 to 30 tons annually), the largest amount of mercury in use, and the leading end–use sector of mercury (accounting for approximately 35% to 57% of consumption in 2010); and

WHEREAS, Dental amalgam enters into the environment from numerous pathways, such as entering the water from dental clinic releases and human waste; entering the air from cremation emissions, dental clinic emissions, and sludge

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



incineration emissions; and entering the land from landfills, burials, and fertilizers; and

WHEREAS, When dental amalgam waste enters into the environment, it can change from elemental mercury to methylmercury, which is a highly toxic form of mercury that accumulates in fish, shellfish, and the animals that consume fish and shellfish; and

WHEREAS, Methylmercury can adversely impact brain and nervous system development in a fetus, an infant, or a child; and

WHEREAS, In 2009, in the United States, 28.5 tons of dental amalgam were released into the environment (24 tons emitted into the soil, 4 tons emitted into the air, and 0.5 tons entered into water systems), 6 tons of dental amalgam were recycled, and 3.5 tons of dental amalgam were treated and stored in hazardous waste landfills; and

WHEREAS, In 2009 the cremation or burial of individuals with dental amalgam contributed to the emissions of approximately 6 tons of mercury into the soil and 2 tons of mercury into the air; and

WHEREAS, In Maryland cremation is growing in popularity, which will lead to an increase of mercury emissions to the environment; and

WHEREAS, Due to the environmental costs of dental mercury pollution, dental amalgam is more costly than most dental amalgam alternatives; and

WHEREAS, With respect to the environment, safer alternatives to dental amalgam exist, including composites and glass ionomers; and

WHEREAS, Between 2010 and 2013, over 100 nations negotiated and agreed on the Minamata Convention on Mercury, a treaty that calls for a global reduction of dental amalgam; and

WHEREAS, In November 2013 the United States signed the Minamata Convention on Mercury and agreed to phase down the use of dental amalgam; and

WHEREAS, The advancement of nonmercury alternatives to dental amalgam has enabled other countries to phase out or substantially reduce the use of dental amalgam; and

WHEREAS, Manufacturer and wholesaler responsibility is the logical route to reducing the use of dental amalgam in Maryland; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

6-908. RESERVED.

6-909. RESERVED.

PART III. DENTAL AMALGAM.

6-910.

(A) IT IS THE POLICY OF THE STATE TO REDUCE THE USE OF DENTAL AMALGAM.

(B) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “MANUFACTURER” MEANS A MANUFACTURER OF DENTAL AMALGAM THAT SELLS OR OFFERS FOR SALE DENTAL AMALGAM IN THE STATE.

(3) “WHOLESALE” MEANS A WHOLESALE OF DENTAL AMALGAM THAT SELLS OR OFFERS FOR SALE DENTAL AMALGAM IN THE STATE.

(C) ON OR BEFORE SEPTEMBER 30, 2014, A MANUFACTURER OR WHOLESALE SHALL:

(1) SUBMIT A PLAN TO THE DEPARTMENT TO REDUCE THE USE OF DENTAL AMALGAM IN THE STATE; AND

(2) PUBLISH THE PLAN ON ITS WEB SITE.

(D) ON OR AFTER OCTOBER 1, 2014, A MANUFACTURER OR WHOLESALE MAY NOT SELL OR OFFER FOR SALE DENTAL AMALGAM UNLESS THE MANUFACTURER OR WHOLESALE HAS SUBMITTED AND PUBLISHED A PLAN IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(E) BEGINNING MARCH 30, 2015, AND ANNUALLY THEREAFTER UNTIL DENTAL AMALGAM IS NO LONGER USED IN THE STATE, A MANUFACTURER OR WHOLESALE SHALL SUBMIT A REPORT TO THE DEPARTMENT IDENTIFYING THE AMOUNT OF MERCURY IN DENTAL AMALGAM THAT WAS SOLD IN THE STATE DURING THE PREVIOUS YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.