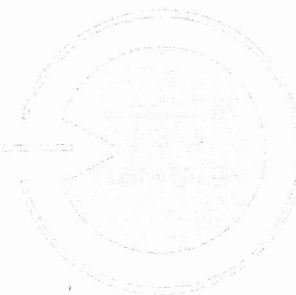


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NEWSLETTER



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CALIFORNIA PROP 65 ON AGAIN - AMALGAM WARNINGS REQUIRED!

The United States Ninth Circuit Court of Appeals ruled, on 5 August 1996, that consumers in California must be warned of exposure to mercury from amalgam dental fillings! The decision was based on appeal of a lower court decision that dental amalgam was exempted from the requirements of California's Proposition 65 because it fell under the regulation of the United States Food and Drug Administration (FDA).

California's Proposition 65 requires providers of products to inform consumers of potential health risk from materials on their toxic chemical list, which includes mercury. Penalties for disregarding the law accrue at the rate of \$2500 per day per violation. For dental amalgam, the warning reads: "Warning: This dental

office uses amalgam filling materials which contain and expose you to mercury, a chemical known to the State of California to cause birth defects and other reproductive harm. Please consult your dentist for more information."

The original charge had been brought by the Environmental Law Foundation (ELF) of Oakland, California. Although Generic/Pentron agreed to provide the warnings, the other amalgam manufacturers banded together in a legal action, convincing the lower court to rule in their favor. ELF then took their appeal to the higher court, and won this dramatic victory, which had been recently forecast by a similar decision on a different medical device by the Supreme Court of the United States.

ACLU DEFENDS UNIVERSITY PROFESSOR ON AMALGAM

Bio-Probe has previously reported that Dr. Dennis Lobstein has been fired from his position of the health and wellness program at New Mexico Highlands University (NMHU) for distributing newsletter articles questioning the safety of mercury/silver amalgam dental fillings [BPNL, 12(4), Jul 1996]. Local dentists had threatened suit against the University on the basis that Dr. Lobstein's articles were detrimental to their livelihood.

The American Civil Liberties Union (ACLU) has taken up the defense of Dr. Lobstein on the basis that the University has deprived him of his First Amendment and due process rights under the Constitutions of the United States and the State of New Mexico. The ACLU points out that the University might be guilty of intentional and negligent infliction of emotional distress and tortious interference with Dr. Lobstein's contractual rights. The ACLU attorneys also suggested that NMHU has violated Federal Law by acting in conspiracy with the local dentists. The University Faculty Grievance Committee is now addressing the issue.

Table of Contents

California Prop 65 on again - Amalgam warnings required!	1
ACLU defends university professor on amalgam	1
U.S. attorney nails W.H.O.	2
Health Canada on Dental Amalgam	2
Patient responses after amalgam removal	
The Marburg Amalgam Detoxification Study	3
SCIENCE	
Mercury vapor in amalgam waste discharged from dental office vacuum units. Rubin PG	5
Psychological and somatic subjective symptoms as a result of dermatological patch testing with metallic mercury and phenyl mercuric acetate. Marcusson JA	5
In vitro reaction of macrophages to metal ions from dental biomaterials. Wataha JC et al.	6
Catalase and superoxide dismutase activities as biomarkers of oxidative stress in workers exposed to mercury vapors.	6
Neurotoxicity of sodium fluoride in rats. Mullenix PJ et al.	7
Studies of human gastric mucosa after application of 0.42% fluoride gel. Spak CJ et al.	7
Influence of fluoride on titanium in an acidic environment measured by polarization resistance technique. Boere G	7
FORUM	
IAOMT 1997 Mid-Year Meeting	8
19th National Dental Seminar in Homeopathy	8
Rebuilding Your Patients' Health Through Free Radical Therapy	8

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U.S ATTORNEY NAILS W.H.O.!

On 16 January 1996, attorney James M. Love sent a letter to the Director General of the World Health Organization regarding the 1995 "WHO/FDI Consensus Statement on Dental Amalgam." The "FDI" is the Federation Dentaire Internationale, which represents dentists and dental manufacturers. Mr. Love stated: "The document is not signed by, or attributed to, any author. I am interested in learning the identity of the author(s) who prepared this document."

Mr. Love received his response from Dr. G.N. Pakhomov, chief of the Oral Health division of W.H.O., on 25 July 1996. Dr. Pakhomov explained: "The FDI World Dental Federation previously published a Policy Statement on Dental Amalgam, however, this statement did not incorporate the issue of amalgam on occupational and environmental health risks. Thus the draft of a WHO/FDI Consensus Statement on dental amalgam was prepared by staff of the WHO Oral Health Programme and the International Dental Federation Scientific Committee. The Statement was then approved by the FDI Council and was also endorsed by the International Association for Dental Research. The Consensus Statement was sent to all WHO Member States in the form of a 'note verbale'. Such communications, however, do not bear the signature of the Director-General.

It has now been formally verified that the "WHO/FDI Consensus Statement on Dental Amalgam" was solely the product of the dental division of WHO, working in concert with the dental industry! Neither the Director-General nor the scientists of WHO were aware of the document, let alone issuing any approval for it. Individuals wishing to protest should do so through their representatives to the United States Congress. The address for Dr. G.N. Pakhomov is: Oral Health, Division of Noncommunicable Diseases, World Health Organization, CH-1211 Geneva 27, Switzerland (T: 41-22-791 21 11; F: 41-22-791 07 46).

HEALTH CANADA ON DENTAL AMALGAM

Health Canada, shamefully bowing to the considerable pressure applied to it from the dental industry, has finally released its updated policy statement on mercury/silver amalgam dental fillings. While acknowledging that "dental amalgam is the single largest source of mercury exposure for average Canadians", the statement declares that this exposure is harmless!

Health Canada did, however, recommend limitations on the use of dental amalgam in the following instances:

1) Primary teeth in children; 2) patients with impaired kidney function; 3) individuals allergic to mercury; and 4) contact with existing oral metal devices. It was further recommended: 1) Whenever possible, amalgam fillings should not be placed in or removed from the teeth of pregnant women; 2) in placing and removing amalgam fillings, dentists should use techniques and equipment to minimize the exposure of the patient and the dentist to mercury vapour, and to prevent amalgam waste from being flushed into municipal sewage systems; 3) dentists should provide their patients with sufficient information to make an informed choice regarding the material used to fill their teeth, including information on the risks and benefits of the material and suitable alternatives; and 4) dentists should acknowledge the patient's right to decline treatment with any dental material.

Although the new recommendations for restriction of the use of dental amalgam are gratifying, the position of Health Canada that the mercury exposure from amalgam is harmless is nothing less than astounding. Health Canada has now commissioned two internal scientific evaluations of the risk from amalgam mercury, one in 1976 and the recent one in 1995. The scientists conducting these evaluations both concluded a risk and recommended stringent regulation of the material, reporting thus to Health Canada. The Canadian public, through media reports, is aware of both of these reports, as well as the medical research from the University of Calgary and elsewhere questioning the safety of dental amalgam. Health Canada, instead, elected to adhere to the policy of the dental industry, rather than the findings of their own scientists and the published valid research. It is now likely that the issue will be placed before the Canadian Parliament, with potential severe adverse repercussions to Health Canada, which should be representing the interests of the Canadian public rather than the dental industry.

PATIENT RESPONSES AFTER AMALGAM REMOVAL

BIO-PROBE COMMENT: The following preliminary study was sent to us by Dr Weber of Marburg, Germany. It is our understanding that the complete study will be published by the Institute in a new edition of their book "Amalgam - und was dann?" (Sick Through Amalgam - What Can I Do?). One of the diagnostic protocols used in the study is called "Electroacupuncture According to Voll" (EAV). Although the use of EAV is well documented and accepted in Germany, the use of this medical device has never been approved by the FDA. Consequently, its use in this country has been