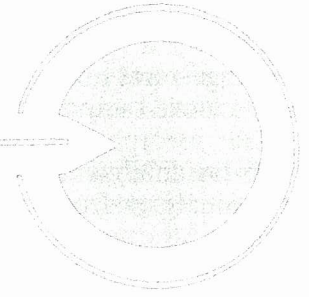


# BIO-PROBE

# NEWSLETTER



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## REPORT ON THE 50-STATE PETITION [Courtesy of Charles G. Brown, Esq. And James S. Turner, Esq.]

Consumers for Dental Choice, working closely with DAMS and Citizens for Health and their state affiliates, filed petitions with all 50 dental boards on 24 September 1997. We seek a level playing field for mercury-free dentistry. Each petition was sent to the dental board, the Governor, and the state Attorney General. With the 50-state petition, we have taken the offensive! But filing the petition is only the start. To succeed in 1998, we must:

- Be prepared to go to states having hearings.
- Respond to those states who need information.
- Prod states who are unwilling to answer.
- Combat those states whose positions are adverse to ours.

We must prepare on three levels - legal arguments, fact based scientific research, and grassroots consumer activism. The challenge is great, but so are the stakes. We need financial resources now so that we can begin this undertaking for 1998.

No fewer than 15 states are scheduling meetings to consider our petition in a public hearing. Most of these meetings will be early in 1998, although a few have been held already. They include Alaska, Arizona, Colorado, Georgia, Idaho, Kentucky, Louisiana, Montana, Nevada, New Mexico, Ohio, Oklahoma, Pennsylvania, Virginia, and Wyoming. We expect more states to have hearings - if we push the issue forward.

Several states profess neutrality between mercury-free and amalgam-based dentistry, including California, Delaware, Kansas, Missouri, North Carolina, and Washington. Kansas says nothing prevents a dentist there "from discussing the pros and cons about fillings containing silver amalgams." California's board president writes: "The Board fully supports the right of California consumers to select not only the types of fillings to be placed in their teeth, but all aspects of dental treatment performed, including the dentist providing the treatment." New York rather ambiguously states it "does not regulate what materials a dentist may use in his/her professional judgement."

Some states are more adverse. Indiana's health director gives a ringing endorsement to amalgams, but then says dentists are free to advise consumers on the choice of fillings. Florida's letter endorses amalgams, but concedes consumers may choose their filling. New Jersey states, bluntly, it is sticking to the ADA's guidelines.

Other states indicate they need to examine the issue before giving a substantive response, including Hawaii, Illinois, Maine, Michigan, New Hampshire, South Carolina, Texas, Vermont, and West Virginia. We should follow through with these.

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The other states have not yet responded. We would like to contact them again.

We suggest not giving up on any state appearing to have a closed mind. Here is an example. Wyoming law incorporates the ADA Code of Ethics position on amalgam, seemingly a major impediment to amalgam-free dentistry. But we contacted that state's Attorney General, presenting legal arguments against the ADA's hostile pro-amalgam advisory opinion. To our delight, the AG's office replied that the amalgam advisory opinion is not enforceable!

**BIO-PROBE COMMENT:** The *Consumers for Dental Choice* have accomplished a great deal to help mercury-free dentistry and patient freedom of choice. Their victories for mercury-free dentists in dental board actions (California, Florida, etc.), along with their 50 state petition has effectively sent a message to state dental boards that they can no longer arbitrarily punish mercury-free dentists with impunity. The Governor and Attorney General of every state are now aware of the amalgam controversy within the dental profession, as well as the scientific and legal arguments supporting mercury-free dentistry.

To date, this effort has been financially supported by a few dedicated individuals. Now, it is imperative that every one involved in the issue offer their financial support, no matter how large or small! [Consumers for Dental Choice, 1424 16th Street, NW, Suite 105, Washington, DC 20036.]

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### MORE GOOD NEWS FROM AUSTRALIA!

In our last issue, Bio-Probe reported that Dr. Roman Lohyn and others of the Australasian Society of Oral Medicine and Toxicology (ASOMAT) had succeeded in getting the health agency of the Australian government to withdraw their pamphlet supporting the safety of mercury fillings. This had been accomplished by pointing out the invalidity of the one reference utilized to reach the conclusion of amalgam safety.

Now, the National Health and Medical Research Council (NHMRC) of the Australian government, having been obliged to publicly acknowledge that they have no position or even information on the safety of amalgam mercury, have established a meeting to investigate the issue. ASOMAT, the Australian Chapter of IAOMT, has been invited to participate!

Further, the Australian Dental Association (ADA) has implied action against ASOMAT and some of its leaders, based on their claim of firm instructions from the Australian government

(NHMRC). In response, ASOMAT has challenged the ADA to produce the claimed firm instruction, which NHMRC has denied exists. Should be quite interesting!

ASOMAT has prepared a superb package of information for distribution throughout Australia.

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### USEPA MERCURY REPORT!

On Thursday, 18 December 1997, the *Duluth News-Tribune* featured a lead article entitled "Bigger Threat Seen in Mercury: EPA Report packs strong message." The article pointed out that the EPA (Environmental Protection Agency) has determined that mercury is a critical problem for the country's environmental and human health.

Gary Glass, a mercury expert and EPA researcher, is quoted as saying: "The thing that struck me the most is how (the report) shows the enormity and magnitude of the problem. It's clear that's why it was delayed so long politically." The article noted that mercury poisoning can cause severe neurologic damage, tremors, loss of sight, headaches, behavior changes, nausea and even death. It also emphasized that unborn babies and children up to age 7 are especially vulnerable.

Although the EPA report focused on human intake of mercury from eating fish, the article emphasized that environmentalists and scientists warn that the real problem is eliminating the sources of mercury that cause the environmental contamination leading to accumulation of mercury in the fish. Six recommendations from the scientists and environmental groups for curbing the problem were cited, including: "**Require hospitals, dentists and clinics to use mercury-free products** whenever possible and encourage separation of mercury products from medical waste that's burned."

The EPA draft report to Congress was also cited as stating: "The EPA recommends that a 150 pound adult should consume no more than 7 micrograms of mercury daily, while a 30 pound child should consume only 1.4 micrograms daily, and a 15 pound child only 0.7 micrograms." [Bio-Probe Comment: This EPA recommendation can be compared to acknowledged daily intake of mercury from amalgam dental fillings. The mercury toxicology experts, including those from the World Health Organization, conclude daily intake of amalgam mercury to be 3-17 micrograms; while the dental profession even admits to a daily intake of 1-3 micrograms. Even the dental authorities must now admit that children are at risk from amalgam mercury, and adults are at borderline risk!]

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