

Legislative Analysis



DENTAL AMALGAM: SEPARATE FROM WASTEWATER

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House Bill 6307

Sponsor: Rep. Marie Donigan

Committee: Health Policy

Complete to 9-24-08

A SUMMARY OF HOUSE BILL 6307 AS INTRODUCED 7-16-08

The bill would require dentists to install equipment to separate dental amalgam from wastewater; require the Michigan Board of Dentistry to promulgate rules regarding dental amalgam collection, disposal, and recycling; make a violation grounds for investigation by the Department of Community Health; and preempt local control of amalgam waste.

Amalgam has been used by dentists for decades to fill cavities. It is made by blending elemental liquid mercury with silver, tin, copper, zinc, and other metals; mercury makes up about 50 percent of the amalgam.

House Bill 6307 would add a new section to the Public Health Code to require, on or before December 31, 2013, a dentist to install or have installed and use -- on each wastewater drain used to discharge dental amalgam -- a separator with an efficiency of 95 percent or more as specified in the bill. The requirement would apply to dentists who use dental amalgam and to dentists who remove it. The bill would not apply to oral and maxillofacial surgeons and radiologists, oral pathologists, orthodontists, periodontists, or dentists while providing services in a dental school or hospital.

On or before the expiration of 90 days of the bill's effective date, the Michigan Board of Dentistry would be required to promulgate rules regarding best management practice for dental amalgam collection, disposal, and recycling. Rules would also have to be promulgated regarding the retention and inspection of dental office records on the type of amalgam separator installed, the method used to dispose of or recycle the amalgam waste collected, shipping and delivery records documenting the transfer of amalgam waste to licensed recyclers or disposers, the maintenance of the separator, and compliance with best management practices.

A dentist who did not install and use an approved dental amalgam separator after December 31, 2013 would be subject to the provisions of Section 16221, which authorizes the Department of Community Health to investigate listed activities and report its findings to the appropriate disciplinary subcommittee for possible administrative sanctions.

Further, beginning on the bill's effective date, the bill would preempt and supersede any local ordinance, regulation, or resolution that imposed conflicting, different, or additional

standards or requirements on dentists than those contained in the bill or departmental rules. The bill would also prohibit a local unit of government from enacting, adopting, maintaining, or enforcing an ordinance, regulation, or resolution imposing conflicting, different, or additional standards or requirements on dentists including, but not limited to, the requirement to obtain a permit that limited the discharge of mercury into wastewater with a limitation greater than that capable of being achieved by full compliance with the bill.

As introduced, the bill is tie-barred to House Bill 6308, which would provide a tax credit to a dentist who purchased and installed an amalgam separator or separators in the year prior to or after the bill took effect.

MCL 333.16631

FISCAL IMPACT:

House Bill 6307 will have modest state fiscal implications for the Board of Dentistry in the Department of Community Health. Costs to the Board will include the promulgation of rules regarding best management practice for dental amalgam collection, disposal, and recycling and retention and inspection of related dental office records. Costs may also be increased to the Department for inspection of dental office records. Recent data indicate that approximately 7,850 dentists are licensed in Michigan.

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