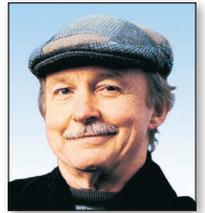


Lawsuit Exposes FDA Denial of Dental Amalgam Mercury Filling

By Bill Wolfe D.D.S.



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Justice will not be served until those who are unaffected are as outraged as those who are. ~ BEN FRANKLIN

Several groups have filed suit against the FDA in Washington, DC District Court seeking an order compelling the agency to respond to 2009 petitions calling for either a formal ban on dental amalgam use or its placement in the Class 3 device category. Despite “growing evidence of harm caused by dental amalgam, the FDA continues to delay its decision to protect public health against the dangers of mercury tooth fillings,” said one of the plaintiffs, the *International Academy of Oral Medicine & Toxicology*. Part of the impetus for the IAOMT’s legal action was the government’s neglect for the well-being of consumers, dental professionals, and the environment, as exhibited by FDA’s failure to take timely action against a dental material known to include a potent neurotoxin. Fifty-six months have passed without an FDA response to the petitions, the suit complains, adding that the agency’s own regulations require a response within 180 days.

Attorney James M. Love, who filed the lawsuit, said American consumers and dental professionals are being misled by the *American Dental Association (ADA)*. “The ADA has misrepresented FDA’s lack of regulation as proof of safety, and continues to use this toxic dental filling, despite scientifically demonstrated risks,” Love said. “Most individuals remain unaware that those ‘silver’ fillings, prevalently used as a dental restoration and covered by insurance policies, consist of 45-55% metallic mercury, and that there are health and environmental risks associated with those fillings. The IAOMT’s claim also establishes that the FDA and the *American Dental Association (ADA)* have disregarded scientific data about the dangers of using this poisonous substance as a dental restorative material.

A previous 2007 lawsuit, *Moms Against Mercury v. Eschenbach*, alleged that more than thirty years ago the agency was legally obligated to classify dental amalgam, but it did not do so. That suit resulted in FDA agreeing to classify dental amalgam.

However, FDA classified the device in Class 2, assigning no controls or other measures intended to protect the public. The lawsuit filed by IAOMT calls for either a formal ban of amalgam use or placement in FDA’s class 3. Such a classification would require additional restrictions for vulnerable individuals, more stringent proof of safety, and an environmental impact statement.

The IAOMT lawsuit holds the FDA accountable for long overdue action to classify dental amalgam accurately, to protect American citizens, dental professionals, and the environment, as other nations have already done. The scientific evidence of harm from this toxic dental material is clear beyond a reasonable doubt.

Plaintiffs in the current lawsuit also include *Moms Against Mercury, DAMS, Inc., CoMeD, Inc.*, and several individuals who were adversely affected by mercury in their amalgam fillings.

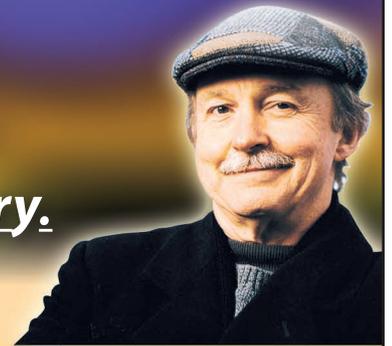
The previous information and additional information about this litigation can be found at www.IAOMT.org.

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The *American Dental Association* does admit that mercury vapor is emitted from silver amalgam fillings, but concludes that it can’t be proven that the mercury release causes any certain disease. Perhaps it can’t be proven that its release causes any certain diseases...except of course...MERCURY TOXICITY.

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