

September 23, 2021

Brenda Mallory, Esq., Chair
Cecilia Martinez, Senior Director for Environmental Justice
White House Council on Environmental Quality

Re: Environmental justice impacts of agencies disregarding the year-old federal policy against dental amalgam use in children and other high-risk populations

Dear Chair Mallory and Dr. Martinez:

On September 24, 2020, the Food and Drug Administration's safety communication called for dentists to cease use of dental amalgam in children, most women of childbearing age, and people with either kidney impairments or neurological disorders – deeming each to be “high-risk populations.” A full year later – more than time enough to comply – the federal agencies which provide dental care of millions of Americans appear to be disregarding the recommendations of the nation's health regulator – even continuing to place amalgam in children.

With environmental justice issues paramount, we the undersigned 50+ organizations urge the White House Council on Environmental Quality to insist on full compliance with the FDA recommendations by the Indian Health Service, the Department of Defense, the Bureau of Prisons, the Veterans Administration, and the Center for Medicare and Medicaid Services.

Composed of 50% mercury, a well-known neurotoxicant, dental amalgam is a potential health risk for children and other vulnerable populations, and results in a significant release of mercury pollution. Once dominant in dentistry, amalgam has been surpassed in technology by non-invasive, non-polluting, tooth-friendly, and comparably-priced alternatives.

As noted in the Journal of the National Medical Association commentary “Is Amalgam Toxic to Children of Color?” the risks of mercury exposure falls most heavily on children of color. Amalgam's mercury disproportionately pollutes the lower-income and Black and Brown neighborhoods often located near remaining sources of mercury, including waste incinerators, coal-fired power plants and crematoria. The 2016 National Congress of American Indians resolution calling for the cessation of amalgam use on tribal lands, is being ignored by Indian Health Services.

One would hope that the government agencies providing dental care would be first in line to comply with FDA's recommendations – instead of the contrary. Thus “high-risk” consumers – including pregnant and breastfeeding women and children; soldiers, sailors, airmen and Marines and their families; Native American and Indigenous peoples; veterans; incarcerated persons; people with neurological or

kidney disease; and families receiving dental care via Medicaid – continue to receive mercury-laden dental fillings in contradiction to FDA’s recommendations.

It is not just exposure to mercury in the amalgam itself, but also the life cycle of amalgam that adds to cumulative and disproportionate impacts on communities of color. These communities already face higher exposure to mercury and other harmful chemicals where they live, learn, and work – such as dietary mercury from fish, crematoria, and toxic waste facilities.

Recognizing the paramount role of CEQ to correct environmental injustices heretofore ignored, we ask you to insist that the Indian Health Services, Department of Defense, Bureau of Prisons, and the VA immediately cease placing amalgam in (1) children; (2) women who are pregnant, breastfeeding, or planning pregnancy; (3) patients with kidney disease; and (4) patients with a neurological disease – and that the Center for Medicare and Medicaid Services change its financing system accordingly.

Sincerely,

National Organizations:

Katie Huffling, Executive Director
Alliance of Nurses for Healthy Environments

Nsedu Obot Witherspoon, Executive Director
Children’s Environmental Health Network

Charlie Brown, Executive Director
Consumers for Dental Choice

Tracy Gregoire, Healthy Children Project Director
Learning Disabilities Association of America

Sylvia Dove, Secretariat
World Alliance for Mercury Free Dentistry

Maureen Swanson MPA, Director of Environmental Risk Reduction
The Arc of the United States and Project TENDR

Nancy Buermeyer, Senior Policy Strategist
Breast Cancer Prevention Partners

Thomas R. Fox, Senior Policy Advisor
Center for Environmental Health

Robert Wendegass, President & CEO
Clean Water Action

Karen Wang, PhD, Director
Collaborative on Health and the Environment

Maya Nye, Federal Policy Director
Coming Clean

Eve Gartner, Managing Attorney, Toxic Exposure & Health Program
Earthjustice

Rebecca Meuninck, Deputy Director
Ecology Center

Olivia Gomez, Director, Health and Nutrition Policy
First Focus on Children

Charlie Cray, Senior Strategist
Greenpeace

Eric Uram, Principal Consultant
Headwater LLC

Charlotte Brody, National Director
Healthy Babies Bright Futures

Claire Barnette, Executive Director
Healthy Schools Network

Michael Bender, Executive Director
Mercury Policy Project

Sonya Lunder, Senior Toxics Policy Advisor
Sierra Club

Darree Sicher, President
United Sludge Free Alliance

Jamie McConnell, Deputy Director
Women's Voices for the Earth

State & Local Organizations:

Louis Allen, MD, Facilitator
Able Differently

Pamela Miller, Executive Director
Alaska Community Action on Toxics

Vi Waghiyi, Environmental Health and Justice Program Director
Native Village of Savoonga / Alaska Communities Action on Toxics

Robina Suwol, Executive Director
California Safe Schools

Anne B. Hulick, Director
Clean Water Action of Connecticut

Bill Magavern, Policy Director
Coalition for Clean Air

Hannah Donart, Program Director
Collaborative on Health and the Environment of Bolinas CA

Sharon Lewis, Executive Director
Connecticut Coalition for Environmental Justice

Patrick MacRoy, Deputy Director
Defend Our Health

Kim Moody, Executive Director
Disability Rights Maine

Cindy Seekins, Director
G.E.A.R. Parent Network

Dawud Shabaka, Associate Director
Harambee House, Inc. / Citizens for Environmental Justice

Cheryl Nenn, Riverkeeper
Milwaukee Riverkeeper

Tamara Massey, President
Learning Disabilities Association of Alabama

Brittany Franklin, Healthy Children Project Coordinator
Learning Disabilities Association of Arkansas

Gregg French, President
Learning Disabilities Association of Connecticut

Carolyn Kingsley M.Ed, Healthy Children Project Coordinator
Learning Disabilities Association of Georgia

Beverly H. Johns, President
Learning Disabilities Association of Illinois

Patty Useem, President
Learning Disabilities Association of Indiana

Vicki Goshon, President
Learning Disabilities Association of Iowa

Ann Johnson, President
Learning Disabilities Association of Maine

Amy Barto, Healthy Children Project Coordinator
Learning Disabilities Association of Michigan

Leslie Rubinstein, President
Learning Disabilities Association of New Jersey

Kathryn Cappella, Secretary & Treasurer
Learning Disabilities Association of New York

Anne Fogel, Secretary
Learning Disabilities Association of South Carolina

JoAnna J. Barnes Esq., President
Learning Disabilities Association of North Carolina

Pamela Smith RN, Healthy Children Project Coordinator
Learning Disabilities Association of Texas

Gaylia Tanner, Secretary
Learning Disabilities Association of Utah

Diane Sixel, President
Learning Disabilities Association of Wisconsin

Jesse Graham, Co-Director
Maine People's Alliance

Jamie Pang South, Environmental Health Program Director
Oregon Environmental Council

Robin Schneider, Executive Director
Texas Campaign for the Environment