



10.June 2020

Subject: **Phase out #1 use of mercury: Europe is ready.**

Honorable Virginijus Sinkevičius
European Commissioner for Environment, Oceans and Fisheries

Dear Commissioner Sinkevičius:

With the E.U.'s mercury law calling for your amalgam recommendation on 30 June 2020, civil society urges you to recommend the phasing out of dental amalgam on a date certain, and the end of the amalgam trade to developing nations.

Below is a letter from 15 major European NGOs which makes clear that Europe is ready for the final stage of ending its amalgam era: 24 Member States have either announced a phase out or have quite low use already; manufacturers are making the transition to alternatives so zero jobs will be lost; most dentists have ceased, practically or entirely, the use of amalgam; the public vote on the internet sought by the Commission showed 85% favoring amalgam's end; insurance and government programs have already shifted because of the partial ban (children and pregnant and breastfeeding women) as of 1/7/2018. The experience of Sweden has shown that exceptions, strictly and narrowly applied, have led dentists to realize they virtually never need to use these exceptions. Changing technology have made the alternatives superior and economics is no longer a barrier: Moldova, the poorest country in Europe, ended all amalgam use last year, by law.

Former MEP Stefan Eck, Rapporteur of the Mercury Law wrote you on 14 February (that email is at bottom, below the NGO letter), "***EU Mercury Law calls for expeditious and full phase out of dental amalgam.***" The European Parliament wrote this law expecting a phase out, the Rapporteur writes you, but recognized the essential role of the Commission: "*the Commission would use its expertise to determine how and when to end amalgam.*"

Sincerely,
Florian Schulze
European Center for Environmental Medicine
Berlin

cc—Honorable Stefan Eck, former MEP
Camilla Bursi, Member of Cabinet
Elena Lymberidi-Settimo, European Environment Bureau
Charlie Brown, World Alliance for Mercury-Free Dentistry

Fifteen European NGOs call for the Phase Out of Dental Amalgam

To the European Commission:

The transition to 21st –century dentistry – mercury-free and minimally-invasive – has substantially occurred across Europe. Now the imprimatur of government is necessary to complete the process to the benefit of all Europeans.

The past decade in Europe has witnessed a historic and drastic shift from amalgam to mercury-free dentistry: (a) by dentists in their clinics, (b) by consumers in their choices, (c) by manufacturers in their productions, (d) by scientists in their conclusions, and (e) by European Member and Non-Member States in their policies.

For the second time, the Commission’s consultant recommends an end to amalgam, the first being BIOIS in 2012. *At that time, Europe was not yet ready.* But since 2012 has come a torrent of developments that show, definitively and manifestly, that Europe stands ready for *the E.U. to take the necessary steps to complete the transition to mercury-free dentistry.*

2013: Manufacturers shift to welcoming the end of amalgam. The European Dental Materials Conference, announcing “the increasing likelihood . . . of a significant reduction or complete ban on the use of amalgam in the near future,” held its conference in Birmingham with the theme “The Demise of Amalgam.” The manufacturers welcomed the shift as an opportunity to make and market modern alternatives to amalgam.

2014: European public votes over 85% for the end of amalgam. The European Commission conducted an internet poll to determine public opinion about mercury issues. Twice as many Europeans voted on the amalgam issue than on the other questions (meaning half of them voted only on amalgam and exited the poll), and voted by more than 6 to 1 to end its use. By the high number of voters only on amalgam, the poll showed that the single biggest issue of concern on mercury was dental amalgam – and that its end was drawing almost universal support.

2014: SCHER adds major support to the environmental argument to ban amalgam. The environmental health scientists used the chilling term “secondary poisoning” to describe the process of dental amalgam getting into the fish, methylating, then being eaten by European children, the subpopulation most susceptible to permanent neurological harm.

2015: SCENIHR changes its position to disfavor amalgam. Reversing the robust support for amalgam in its 2008 report, the health scientists not only recommended an end to amalgam right away for children and pregnant women, but upon a question from Norway, withdrew its claim that amalgam is “safe,” retreating to the discomfiting claim that it is only “effective.”

2016: Parliament calls for complete phase-out. The ENVI committee of the European Parliament votes for a total phase-out of dental amalgam, then began negotiations with Council of Europe for a consensus solution.

2017: EU Mercury Law was enacted, with its strong amalgam provision. Implementation of the phase out comes in three phases: the virtual ban for children under 15 and for pregnant women, and breastfeeding women in 2018; the

mandate for each Member State to submit a further phasedown plan in 2019; and the Commission to recommend a route to a phaseout, and a date, in 2020.

2017: Berlin Declaration: Gathering at a two-day Pan-European Summit to plan the end of amalgam, environmental and consumer NGOs, dental associations, Parliamentarians, academicians, and industry issued the “Berlin Declaration to End Amalgam Use in Europe in 2020.”

2018: Partial amalgam ban begins. Without noticeably less resistance from the shrinking number of dentists still using amalgam, with insurance shifts in the largest Member State Deutschland, and with smooth implementation even in former oppositional Member States like the U.K., the virtual partial ban begins.

2019: Four Member States joined Sweden in deciding to phase out amalgam: Slovakia, Czech Republic, Ireland, and Finland. Three of these are high amalgam users, a signal to the other three remaining high users (Slovenia, Greece, and Poland) that they too can phase out amalgam. *The high users not yet phasing out represent only 11% of the Member States with (coincidentally) only 11% of the post-Brexit population.*

2019: Full amalgam ban on French territory: the self-governing territory of Nouvelle-Calédonie adopts an absolute ban in September 2019. France Metropolitan also has changed drastically; the biggest user of amalgam in 2012 (says the BIOIS report) is now at the lower end of Member States users as a percentage,

2019: Lowest income country in Europe bans amalgam. Demonstrating that the end of amalgam is not a question of money, Moldova enacts a law ending amalgam use.

2020: Almost three-quarters of the Member States (17/27) are either under 10% use or have filed a plan to phase out amalgam. Environmental rules can never wait for 100% support; the 70% support far surpasses any of the complicated weighted voting systems.

2020: European stakeholders coalesce around ending amalgam use. For example: “From the point of view of the EurEau, the European Federation of Water Services, we have consistently favoured a phase out of dental amalgam according to the Swedish model. “

Amalgam placement requires removal of more tooth tissue, in sharp contrast to today’s technology: the alternatives are minimally-invasive, tooth-friendly, and contribute to cavity prevention. This *primitive, tooth-unfriendly pollutant* – dating to the era of Napoleon III, Garibaldi, and Bismarck – has no place in 21st century dentistry.

The Council of European Dentists -- the last holdout for mercury fillings -- is a lobby group for the polluters: the dentists benefiting from a system that lacks the “polluter pays” principle. If the polluter paid, the real cost of amalgam would be prohibitively expensive. Here is the largest use of mercury in Europe – being subsidized by European governments who today pay the bill (the polluters skate) for the dangerous, far-reaching environmental releases wrought by dental amalgam.

Paying the heaviest prices *are the children of Europe who, are at manifest risk of neurological damage when dental mercury is released into the environment, e.g., from the fish or vegetables they eat.* **Certainly the health and safety of European children are more important than the inconvenience for some older dentists to switch to mercury-free dentistry.**

In contrast to many environmental decisions, the end of amalgam means *more jobs* for European workers, because Europe specializes in making minimally-invasive modern fillings, not in making amalgam.

All of the players, the stakeholders, including the majority of dentists and including three-fourths or more of the Members States, are ready – now – for mercury-free dentistry for Europe.

Sincerely,

Laurette Casal & Antoine Lecuyer, Non Au Mercure (France)

Hanna Schudy, EKO-UNIA (Polska)

Sascha Gabizon, Women Engage for a Common Future (Nederland)

Trine Jørgensen, Foreningen mod Skadeligt Dentalmateriale (Danmark)

Florian Schulze, European Center for Environmental Medicine (Deutschland)

Andjelka Mihajlov, Environmental Ambassadors for Sustainable Development (Србија)

Ann-Marie Lidmark, Tandvårdsskadeförbundet (Sverige)

Dr. Hanns Moshhammer, ÄrztInnen für eine gesunde Umwelt (Aegu), (Österreich)

Dr. Elena Manvelyan, Armenian Women for Health and Healthy Environment (Hayastan)

Monika Frielinghaus, SHV für Umweltgeschädigte e.V., (Deutschland)

Susana Fonseca, ZERO – Associação Sistema Terrestre Sustentável (Portugal)

Reinhard Lauer, Bundesverband der Beratungsstellen für Umweltgifte, insbesondere Amalgam, Schwermetalle und Holzschutzmittel e.V. (Deutschland)

Julia Tudare, Intoxication Métaux Nouvelle-Calédonie (Nouvelle-Calédonie)

Graeme Munro-Hall, World Alliance for Mercury-Free Dentistry (United Kingdom)

Leticia Baselga, Ecologistas en Acción (España)

Letter to you from Hon. Stefan Eck, Parliament's Rapporteur on Mercury Law

From: Stefan Bernhard Eck <stefanbernhard@ec.europa.eu>

Sent: Friday, February 14, 2020 6:32 AM

To: cab-sinkevicius-contact@ec.europa.eu

Cc: amitsios@deloitte.fr; Env-Mercury@ec.europa.eu

Subject: EU Mercury Law calls for expeditious and full phase out of dental amalgam

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Honorable Commissioner Virginijus Sinkevičius

Dear Mr Andreas Mitsios and Mr Chris Allen

As a Member of the European Parliament (2014 – 2019) I was the Rapporteur for the Mercury Regulation EU 2017/852 repealing the Regulation (EC) No 1102/2008.

On the dental amalgam provision, first, I guided the bill through the ENVI Committee, where we voted the full phase-out of amalgam in one step by 31 December 2022.

Then on behalf of Parliament I led the negotiations with the Council of Europe in December 2016, including on the amalgam issue, which resulted in a three-stage approach to phasing out amalgam.

The Mercury Regulation was enacted into law in 2017, and the three stages focused on ending amalgam for children under 15years, pregnant women and breastfeeding women (2018).

Each Member State submitting its plan for further phasedown in use, including the phase-out if they so wished (2019); then the phase-out decision (2020).

In this law, here were my expectations:

- I expected that the Commission would use its expertise to determine how and when to end amalgam. The “if” was decided – amalgam use must end in Europe – but getting there needs your expertise.*

Thank you for your work and your expertise.

- The year 2030 was the farthest date out, and I anticipated that you could bring amalgam to a close sooner than that. I understand you have tentatively chosen 2025. Based on the success so far – the end of amalgam for vulnerable groups, four more countries announcing a phase-out and 70% of Member States are either below 10% use or announcing a phase out – the year 2025 is certainly reasonable. Indeed, the evidence suggests you could choose 2023 and still have a successful transition.*
- If we ban amalgam use but not also ban the trade, we would be disloyal to the ideals and the mission of the European Union. Europe must not continue as amalgam profiteer to African children. I ask you to end the manufacturing and trade of amalgam for Europe effective on the same day you end its use.*
- The marginal exceptions are just that, highly marginal; they can probably come from existing stocks of amalgam after 2025; by the time the stocks are depleted, the need for exceptions will also be over.*

*Sincerely
Stefan Bernhard Eck
(Member of European Parliament 2014 - 2019)*