

**Statement by
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To the Members of the Subcommittee on Human Rights
and Wellness
05/06/03**

Although I am a member of the Dental Board of California, I am not speaking on behalf of the Board, nor am I authorized to speak on behalf of the Board. My comments reflect only my personal opinions.

I have been asked to comment on the subject of informed choices as it relates to dental fillings and specifically mercury (Hg) fillings. To do so, I'd like to focus on California's struggle to implement the California State Watson Bill. This bill, that was passed in 1992, sponsored by then State Senator Diane Watson, recognized the misconception that silver fillings are **not** actually primarily silver but mercury. 1. Most people of that time and many people even today do not know that mercury is the main or majority ingredient in their filling material. 2. It was widely believed by dentists that there is no way the Hg can be released because it is mixed together to form a solid metal. Both these concepts are still around today.

Point #1 – There are still today, major misconceptions on the part of consumers and dentists alike concerning Hg in fillings.

In 1992, the Watson Bill became law. It called on the California Dental Board to make a "fact sheet" on the "risks and efficacies" of dental materials. The emphasis at that time was on educating the dentists so they could educate their patients. Again, the main reason was to shed light on the misunderstood issue of Hg in fillings. This would make for a better-informed choice for consumers. Sadly, little progress was made for 7 years. And, I might add, during this time it was still considered practicing outside the scope of dental practice to discuss with a patient the "risks and efficacies" of Hg amalgam because that would surely contain references to Hg getting into the body and that would be outside the scope of the mouth.

2.

Today, it is the standard of care to discuss the risks and benefits of Hg amalgam before treating a patient with this therapy.

Point #2 – There was an effort to keep the word mercury out of the dental jargon.

So imagine what a discussion for the purpose of informed consent would sound like in 1992. “Doctor, I’m concerned about my baby I’m 4 months pregnant. I’ve heard that silver fillings have mercury in them.” “Well Mrs. Jones, you don’t have a thing to worry about because there is no Hg that escapes.”

Point #3 – It was well known but incorrect that Hg did **not** come out of fillings.

I jump ahead to 1999. Consumers for Dental Choice and The Center for Public Interest Law petitioned the California Dental Board to stop enforcement of the gag rule and to write the Fact Sheet as called for in the Watson Law. The Board contracted a behavioral scientist that contracted a dental materials professor to write the dental materials fact sheet. This dental materials expert appears to have worked alone. No toxicologists were asked to give input. Despite efforts to include scientific articles suggesting health risk, the bibliography lists in the biocompatible/toxicological section, only one primary science article not from a dental journal and very few primary science articles. The bibliography shows a distinct lack of the available scientific articles on toxicity of Hg and the associated health risk. Remember now that the Watson Bill’s intent and the needs of the people of the State of California were to clarify the Hg misconceptions.

Point #4 – The primary intent of the Fact Sheet, explanation of health risks from Hg in dental amalgam is not well inspected nor well documented.

2001, the Department of Consumer Affairs, Legislators and consumer groups criticized the draft fact sheet. The Board worked all year on the Fact Sheet amidst continued public attention and criticism. Board meetings involved testimony of the California Dental Association, who opposed further disclosures, against consumer, environmental, medical, and scientific groups. The Legislature then shut down the entire Dental Board. After

3.

being shut down, the lame-duck Board approved a Fact Sheet that many, and I believe contained deficiencies and omissions about the risks of mercury fillings.

Point #5 – It has been a struggle to bring a Dental Fact Sheet to the consumer because organized dentistry believes that Hg amalgam is completely harmless.

2002, a new law by Senator Liz Figueroa, created a new board, and required that dentists give the Fact Sheet to their patients. Again, this was an attempt to inform the consumers about health risks of dental materials and specifically Hg in Hg amalgam. The cumbersome fact sheet turned out to be difficult to understand, that is, not consumer friendly. Governor Davis appointed a new board. New President Alan Kaye appointed Board Member Chester Yokoyama to chair a committee to write a consumer-friendly fact sheet. A public informational hearing was convened to explore the question, “What peer reviewed scientific evidence exists that suggests health risks for pregnant women, children and diabetics from mercury from dental amalgam?” The reason the question was posed like this was that the existing fact sheet proclaimed that there was “no research evidence that suggests pregnant women, diabetics and children are at increased health risk from dental amalgam fillings in their mouth.” In my opinion this statement is incorrect and the implied conclusion that pregnant women and children are without risk is also false. It was proven at the informational hearing, that there was research evidence that suggests increased health risk and health risks in general. What is also clear is that there exists a strong scientific controversy. The implied and assumed conclusions from reading the existing fact sheet, in my opinion, are misinformation and should be corrected.

Point #6 - There has been a long struggle to implement the Watson Bill in the State of California. In my opinion, this has not allowed full disclosure and informed choice.

As a concerned citizen of the State of California and as a “mercury free” dentist practicing in the State of California, I am concerned with the full disclosure of all vital information necessary for a patient to make an informed decision. In my opinion, there should be an advisory issued since

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the safety or harm of mercury fillings is not yet “scientifically conclusive.” The Dental Board of California should advise parents and pregnant women that, as a precaution, children and pregnant women should not be given amalgam fillings. This reflects the “Precautionary Principal”, which requires action once the possibility of harm exists.

Point #6 - In my opinion, if “there exists a diversity of various scientific opinions regarding the safety of mercury dental amalgams” and that “these opinions are not scientifically conclusive” then advisories should be made and cautions given.

On the day that I was preparing for this testimony, I found in the Los Angeles Times, an article entitled “Warnings on Canned Tuna Urged.” The subtitle was, “Advocates question why public health advisories on mercury fail to give specific advice about the most frequently eaten seafood in the country.” In all industries, including medicine, there is an acute awareness of the dangers of mercury. Mercury is no longer used in Medicine. Yet, we continue to insist that Hg amalgam stored in the mouth presents no health risk. Let me repeat. The California Dental Board Dental Materials Fact Sheet states and implies that Hg in the mouth is safe and that there is no health risk. Additionally, the fact sheet states that there is no increased health risk for pregnant women and young children. Pregnant women are advised that Hg fillings are safe yet dental personnel are warned not to touch the mixed amalgam with ungloved hands. Skin contact exposes the dental assistant to Hg, which is a substance known to the State of California to cause birth defects and reproductive harm.

Questions: 1. Why does it take so long to get a consumer-friendly fact sheet?
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