



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 040904

Introduced October 14, 2004

Councilmember Reynolds Brown

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter requiring dentists to post and distribute certain information concerning the use of mercury in dental procedures, and requiring dentists to install systems that permit the recycling of mercury waste; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-2900. USE OF MERCURY IN DENTISTRY.

§9-2901. Definitions. For purposes of this Chapter, the following definitions shall apply:

- (1) Department. The Department of Public Health.*
- (2) Dental office. Any dental clinic, dental office or dental practice, but not including the practice of oral and maxillofacial surgery.*

§9-2902. Official Mercury Amalgam Brochure and Poster.

- (1) No later than July 1, 2005, the Department shall:*

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(a) *Adopt by regulation a brochure that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using mercury or mercury amalgam in dental procedures, describes what alternatives are available to mercury amalgam in various dental procedures and what potential advantages and disadvantages are posed by the use of those alternatives, and includes such other information the Department believes will contribute to a patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the mercury amalgam and alternative materials;*

(b) *Adopt by regulation a poster that informs patients of the availability of the brochure; and*

(c) *Arrange for the publication on the City's official Internet site of a copy of the brochure suitable for downloading and printing by dentists, patients and other interested parties.*

(2) *Within thirty (30) days of the adoption of the regulations required by subsection (1), the Department shall use best efforts to notify, both by published advertisements and by direct mailing, all dental offices located within the City of the adoption of such regulations, how the required poster and brochures may be obtained, and of the requirements of §9-2903, provided that the failure of the Department to notify a dental office shall not be a defense to a violation of §9-2903.*

§9-2903. Required Display and Distribution.

(1) *No later than sixty (60) days after the date the regulations required by §9-2902 are adopted, a dentist who uses mercury or a mercury amalgam in any dental procedure*

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shall display the poster adopted by such regulations in the public waiting area of the dentist's office, and shall provide each patient with a copy of the brochure adopted by such regulations.

§9-2904. *Mercury waste.*

(1) *No later than September 1, 2005, a dental office that, in the course of treating its patients, adds, removes or modifies dental amalgam must install an amalgam separator system in the wastewater line in accordance with the following:*

(a) *Wastewater containing dental amalgam particles must pass through the amalgam separator system prior to discharge to either the City water and sewage system or a private septic or waste disposal system.*

(b) *The amalgam separator system must remove dental amalgam from the waste stream prior to its discharge with a removal efficiency of ninety-eight percent (98%), as determined through testing in accordance with standards contained in "ISO 11143, Dental Equipment--Amalgam Separators," published by the International Organization for Standardization, in effect on the date the system is installed.*

(c) *No later than July 1, 2005, the Department shall provide by regulation for acceptable methods by which waste containing dental amalgam collected from an amalgam separator system may be disposed. Waste containing dental amalgam collected from an amalgam separator system must be disposed of in compliance with such regulations.*

(d) *Once the amalgam separator system has been installed, the dental office shall provide the following information to the Department in writing:*

(.1) *The type of system installed and the method used to dispose of waste collected from such system;*

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(.2) *Certification that the system meets all requirements of this Section;*

and

(.3) *The date upon which the system became operational.*

If the amalgam separator system is connected to the City water and sewage system, the dental office shall also provide such information to the Streets Department.

(e) *Installation, operation and maintenance of an amalgam separator system by a dentist must be in accordance with the manufacturer's recommendations. A dentist must demonstrate proper operation and maintenance by maintaining for a period of three years all shipping records for replacement filters sent to licensed recyclers and written documentation that demonstrates that the system has been properly inspected and maintained.*

(f) *The Department, after receiving proper notification of the installation of an amalgam separator system and after being satisfied that it meets the requirements of this Section, shall provide the dentist or the dental practice with written confirmation of receipt of evidence of compliance with this Section in a format suitable for display by the dental office.*

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.