

Talking points, testimony of Representative Johnson, before Subcommittee on Wellness and Human Rights, United States House of Representatives, in Los Angeles, January 26, 2004.

Thank you very much Chairman Dan Burton and Ranking Member, Diane Watson for allowing me to speak with your committee.

Chairman Burton, you led the way to getting mercury preservatives removed from childhood vaccines, and have a national reputation for making government agencies accountable to the people. You are now spotlighting mercury in dental fillings, and those of us from Arizona are deeply appreciative of your work.

Congresswoman Watson, you are the lead sponsor of the bipartisan Watson-Burton bill to ban mercury fillings for children, pregnant women, and nursing mothers, and to eventually phase out their use entirely. We used your bill as a prototype in Arizona, and I understand lawmakers all over the country are doing the same.

I am pleased to report that the legislation I sponsored last year requiring full disclosure cleared both relevant committees, and got to the floor for a vote. Because of strong lobbying opposition from the Arizona Dental Association the bill was referred back to a third committee from the floor – in hopes it would die in committee. Once again we got the bill to the floor but the time that was incurred in all of this maneuvering allowed the opposition to pull off several supporters from the floor vote and we narrowly lost the battle. However, we did get to raise the issue of mercury fillings as never before. The state's largest newspaper editorialized, twice, for disclosure. We have been able to bring together a citizen's brigade that, ultimately, will prevail.

Congresswoman Watson, I also understand that, as a state legislator, you wrote the state Watson Law, requiring the California Dental Board to disclose the risks of mercury fillings. I believe you are focusing today on the fact that the California Dental Board will not enforce the law. I have a similar story from Arizona.

I represent a District in Mesa, Arizona, and entered the Legislature in 1997. Because of a great interest in the health of our children and the increased problems with childhood immunizations – I began research into the mercury issue which ultimately led me to the Arizona Dental Board and their harassment of mercury-free dentistry.

One of my concerns is that our regulatory agencies, federal and state, are restricting choices. In the area of dentistry, I was shocked to see the state dental board trying to shut down a dentist because he offered mercury-free dentistry and other cutting-edge techniques, always with full disclosure and always based on consumer choice. As I attended some of the board hearings and alerted other legislators about what was happening – the dental board backed off of their efforts at that time. Unfortunately, the dental board did not give up persecuting dentists and continued this harassment because some dentists offered alternatives to traditional dentistry.

No profession can change if every member must do what every other member is doing. It is fair to debate the cutting-edge issues in dentistry, such as the advisability of root canals or the efficacy of cavitation surgery. The state has no business taking sides in issues the marketplace can decide.

However, organized dentistry seems to feel otherwise. One issue of ongoing concern is that the American Dental Association has a gag rule, yes a gag rule, telling dentists not to give warnings about the toxic effects mercury might have on the body. Studies now show that mercury does indeed emanate from the teeth to the rest of the body, and it is important that consumers know it. But the ADA thinks otherwise. A few years back, a scholar at the Arizona-based Goldwater Institute, Mark Genrich, wrote several articles about the First Amendment rights of dentists to advocate an end to mercury fillings.

One of the major changes we need, and we may be close to getting in Arizona, is to give low-income families a choice not to get mercury fillings. AHCCCS or the Arizona Health Care Cost Containment System in Arizona is our Medicaid. AHCCCS simply told dentists to put in mercury fillings. Our Assistant Minority Leader and Arizona's only African-American lawmaker, Leah Landrum-Taylor, and myself have co-authored a letter that we sent in December to Governor Napolitano asking that this program be changed to include informed choice for our constituents in the AHCCCS program. We have identified the problem and are currently winding it through the bureaucracy step by step to secure such a change. This is a change that I hope will occur everywhere.

Now, if I might address the problem of our state dental board which ignores the law.

Four years ago, in SB 1155, we enacted a statute in Arizona stating it is unprofessional conduct to “fail to inform a patient of the type of material the

dentist will use in the patient's dental filling and the reason why the dentist is using that particular filling".

One would think that every parent and every pregnant woman would learn, in advance, that mercury is the major component of amalgam fillings, and would also learn the rationale for and against the use of that particular type of filling.

Not so.

In the past four years the Arizona Dental Board has turned a deaf ear to enforcing this simple statute. A consumer group filed a petition. I even appeared personally before the board and asked for its adoption. As the chair of the sub-committee overseeing the Dental Board's budget, I have raised this question year after year. Promises are made, promises are broken.

This year I am proceeding with my House bill to insure the dental board follows the law, or we have the Governor replace the members of the board. I believe you have also done this in California. This legislation will require that the Arizona Dental Board send a disclosure to every dentist who will then be required to hand to every patient who gets fillings the following information:

- a) You have a choice in dental materials.
- b) Amalgam fillings are 50% mercury, so the term silver is not an accurate term.
- c) Notice to parents and pregnant women: Because amalgam fillings are 50% mercury, the use of amalgam fillings is increasingly a matter of public controversy.

My bill would also require neutrality in enforcement, where informed choice, not the economic policies of the Arizona Dental Association, govern. The board would be required to post such an enforcement policy.

I would be happy to work with this sub-committee in any way that would be useful. I look forward to the day when no child, pregnant woman or nursing mother is subjected to mercury fillings simply because dentists in this country refused to inform them of the toxic dangers associated with mercury.

Thank you for your attention to this imperative issue.

