

Enrolled
Senate Bill 704

Sponsored by Senator AVAKIAN, Representative DINGFELDER; Senators ATKINSON, BATES, BROWN, Representatives BOONE, BUTLER, DALLUM, ROSENBAUM, SHIELDS, TOMEI

CHAPTER

AN ACT

Relating to mercury in dental wastewater.

Whereas the primary component of amalgam dental fillings is elemental mercury, a toxin known to cause serious health harm; and

Whereas amalgam is a source of mercury in the environment and amalgam that passes through the wastewater drain lines of dental offices is a source of mercury in wastewater treatment plants; and

Whereas solid waste containing mercury is removed from wastewater treatment plants and is often spread as a soil amendment on cropland; and

Whereas best management practices for dental wastes developed by the Oregon Dental Association in 1998 in conjunction with the City of Portland, the Oregon Association of Clean Water Agencies and the Department of Environmental Quality are effective pollution prevention practices for preventing amalgam waste from entering the air, sewage systems, waterways and garbage; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 679.

SECTION 2. (1) A dentist who places in or removes from the human oral cavity dental materials containing mercury shall:

(a) Implement and maintain best management practices of dental wastes as developed by the Oregon Dental Association to prevent amalgam waste and mercury from entering the air, sewage systems, waterways and garbage;

(b) Have an amalgam separator installed on a wastewater drain in a dental facility where the dentist practices if dental materials containing amalgam pass through the wastewater drain. The amalgam separator must be verified by the manufacturer to remove at least 95 percent of the amalgam that passes through the drain on which it is installed;

(c) Maintain an amalgam separator installed as required by this subsection in accordance with the manufacturer's recommendations; and

(d) Place all dental waste materials containing mercury in a vapor-proof container that is clearly labeled as containing mercury and dispose of the materials in accordance with best management practices of dental wastes recommended by the Oregon Dental Association. Disposal may not be by incineration that would result in the release of mercury into the air.

(2) Each dental office shall keep proof of installation of an amalgam separator and maintain an amalgam separator maintenance log that the office shall make available for in-

specification by the Oregon Board of Dentistry. The board may inspect maintenance logs from a period of up to three years prior to the date of inspection.

SECTION 3. Each dental facility constructed on or after the effective date of this 2007 Act shall have amalgam separators that meet the requirements of section 2 (1)(b) of this 2007 Act.

SECTION 4. A dentist who follows the guidelines for best management of dental wastes recommended by the Oregon Dental Association and who is certified by a special district that manages wastewater treatment as following those guidelines is exempt from the requirements of section 2 (1)(b), (c) and (d) of this 2007 Act until January 1, 2011.

Passed by Senate May 3, 2007

Received by Governor:

Repassed by Senate June 7, 2007

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Approved:

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Secretary of Senate

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President of Senate

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Governor

Passed by House June 5, 2007

Filed in Office of Secretary of State:

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Speaker of House

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Secretary of State