

**A-Engrossed**  
**Senate Bill 704**

Ordered by the Senate April 30  
Including Senate Amendments dated April 30

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

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires dentist to have amalgam separator installed in wastewater drain if materials containing mercury pass through drain. Establishes reporting requirements. Requires Oregon Board of Dentistry to adopt rules to administer and enforce Act. Imposes civil penalty for violations.

**Applies only to dentists who practice in specified counties. Exempts certain other dentists until July 1, 2013.**

**A BILL FOR AN ACT**

1  
2 Relating to mercury in dental wastewater.

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

5       Whereas the analysis of data from the Centers for Disease Control and Prevention by the United  
6 States Environmental Protection Agency suggests that as many as 630,000 babies are born each year  
7 who are exposed to such high levels of mercury that they are at risk of brain damage; and

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

11       Whereas solid waste containing mercury is removed from wastewater treatment plants and is  
12 often spread as fertilizer on cropland; and

13       Whereas the biological material in the waste treatment plant methylates inorganic mercury, and  
14 methylated mercury is organic mercury and is discharged with the water effluent into Oregon's  
15 streams and rivers and organic mercury is found in fish; now, therefore,

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

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

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

20       **(a) Have an amalgam separator installed on a wastewater drain in a dental facility where**  
21 **the dentist practices if dental materials containing amalgam pass through the wastewater**  
22 **drain. The amalgam separator must be verified by the manufacturer to remove at least 95**  
23 **percent of the amalgam that passes through the drain on which it is installed and must be**  
24 **on a list of amalgam separators that is maintained by the Oregon Board of Dentistry;**

25       **(b) Maintain an amalgam separator installed as required by this subsection in accordance**  
26 **with the manufacturer's recommendations;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Provide to the board proof of purchase and of installation as recommended by the  
2 manufacturer of an amalgam separator, on a form adopted by the board by rule; and

3 (d) Place all dental waste materials containing mercury in a vapor-proof container that  
4 is clearly labelled as containing mercury and dispose of the materials in accordance with  
5 rules adopted by the board.

6 (2) A dental practice in which two or more dentists practice in a facility may submit a  
7 single form as required in subsection (1)(c) of this section if each dentist who practices in  
8 the facility is identified on the form. Each dentist who practices in the facility is responsible  
9 for the submission of the form and subject to penalties that may be imposed for failure to  
10 submit the required form.

11 (3) A dentist subject to this section shall submit biannually an amalgam separator  
12 maintenance report on a form adopted by the board by rule.

13 (4) A dentist who violates the provisions of this section or any rule adopted by the board  
14 under this section is subject to a civil penalty of \$100 for each day of violation. A civil penalty  
15 imposed under this section shall be imposed in the manner provided in ORS 183.745. Moneys  
16 received for payment of civil penalties imposed under this section shall be paid into the  
17 Oregon Board of Dentistry Account established under ORS 679.260 and shall be used to ad-  
18 minister and enforce this section.

19 (5) The board may increase the licensing fees imposed under ORS 679.120 in an amount  
20 necessary to pay the expenses incurred by the board in the implementation and enforcement  
21 of the provisions of this section.

22 (6) The board shall adopt rules necessary to implement and enforce the provisions of this  
23 section, including, but not limited to:

24 (a) Rules prohibiting the incineration of any dental waste material that would result in  
25 the release of mercury into the air; and

26 (b) Biannual reporting on requirements for the maintenance of amalgam separators, in-  
27 cluding certification by the person performing the maintenance that the maintenance was  
28 performed in accordance with the manufacturer's recommendations and the dates the  
29 maintenance was performed.

30 **SECTION 3.** (1) Section 2 of this 2007 Act applies only to dentists who practice in  
31 Multnomah, Washington, Clackamas, Lane, Linn and Polk Counties.

32 (2) Dentists who are following the guidelines for best management practices of dental  
33 wastes recommended by the Oregon Dental Association on the operative date of this 2007  
34 Act are exempt from the requirements of section 2 of this 2007 Act until July 1, 2013.

35 **SECTION 4.** The Oregon Board of Dentistry may take any action before the operative  
36 date of this 2007 Act that is necessary to enable the board to exercise, on and after the op-  
37 erative date of this 2007 Act, all the duties, functions and powers conferred on the board by  
38 this 2007 Act.

39 **SECTION 5.** This 2007 Act becomes operative on July 1, 2008.

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