

B-Engrossed
Senate Bill 704

Ordered by the House May 22
Including Senate Amendments dated April 30 and House Amendments
dated May 22

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 requirements regarding proof of installation and maintaining amalgam separator maintenance log.**

Exempts from specified requirements, until January 1, 2011, dentist who follows guidelines for best management of dental wastes recommended by Oregon Dental Association and who is certified by special district that manages wastewater treatment as following guidelines. [*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 amalgam is a source of mercury in the environment and amalgam that passes through
6 the wastewater drain lines of dental offices is a source of mercury in wastewater treatment plants;
7 and

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

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

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

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

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

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

22 **(b) Have an amalgam separator installed on a wastewater drain in a dental facility where**

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 the dentist practices if dental materials containing amalgam pass through the wastewater
2 drain. The amalgam separator must be verified by the manufacturer to remove at least 95
3 percent of the amalgam that passes through the drain on which it is installed;

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

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

10 (2) Each dental office shall keep proof of installation of an amalgam separator and
11 maintain an amalgam separator maintenance log that the office shall make available for in-
12 spection by the Oregon Board of Dentistry. The board may inspect maintenance logs from a
13 period of up to three years prior to the date of inspection.

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

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