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## FISCAL IMPACT REPORT

SPONSOR Wirth ORIGINAL DATE 01/28/11  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Dental Amalgam Waste Reduction Act SB 12  
ANALYST Hanika-Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$106.0	\$106.0	\$212.0	Recurring	Various

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

Department of Health (DOH)

New Mexico Environment Department (NMED)

### SUMMARY

#### Synopsis of Bill

Senate Bill 12 (SB 12) creates the Dental Amalgam Waste Reduction Act (DAWRA) which requires dental offices to remove dental amalgam before it is discharged in sewer systems, by December 31, 2012. The Act further requires the New Mexico Board of Dental Health Care to monitor the proper installation, operation, maintenance and amalgam waste recycling or disposal in accordance with an amalgam separator manufacturer's recommendations.

### FISCAL IMPLICATIONS

The New Mexico Board of Dental Health Care reports that it would need an additional 2 FTE's for the supplementary services at an estimated cost of \$106 thousand for personal services and benefits. Because the Board's operation is sustained through licensing fees, an increase may be necessary to cover the cost of the added personnel.

The cost of amalgam separators appears to vary, but the most popular models cost \$600-\$700 installed. Only one separator is usually required per vacuum system, so that cost may be shared among dental practices with a shared vacuum line. If significant plumbing modifications are required to complete the installation of a separator, then the installation cost may be higher. The

estimated cost of additional disposal of amalgam and other wastes is about an additional \$200 per year for each dental office.

### **SIGNIFICANT ISSUES**

Dental amalgam fillings are comprised of about 50% mercury and are a known source of mercury exposure. Mercury in the environment is bioaccumulative, which means that it can build up in fish and cause health problems in humans and other animals that eat fish. Many health professionals recommend limiting fish consumption, especially for children and pregnant women.

According to the American Dental Association (ADA), dental amalgam should not be disposed of in the garbage, infectious waste “red bag,” or sharps container. Amalgam also should not be rinsed down the drain. These cautions are important because some communities incinerate municipal garbage, medical waste, and sludge from wastewater treatment plants. If amalgam waste ends up in one of these incinerated waste streams, the mercury can be released to the environment due to the high temperatures used in the incineration process. However, amalgam waste, kept separate from other waste, can be safely recycled. The mercury can be recovered from amalgam wastes through a distillation process and reused in new products. The ADA strongly recommends recycling as a best management practice for dental offices.

### **PERFORMANCE IMPLICATIONS**

DOH reports that the bill is consistent with the findings of the Mercury Exposure Reduction Task Force and the Dental Mercury Exposure Reports prepared as a result of House Memorial 5 and 13 passed during the 2006 Legislative Session. Recommendations included the request of a statutory change requiring that all dental facilities in New Mexico that are engaged in amalgam replacement, removal or modification be equipped with amalgam separators to assure that little or no solid mercury drains into municipal wastewater or septic systems.

Dental offices that are not engaged in amalgam placement, removal, or modification would be exempt from the provisions within the Act.

### **ADMINISTRATIVE IMPLICATIONS**

The bill requires the New Mexico Board of Dental Health Care to monitor amalgam remover installation, operation and recycling efforts by dental offices, which would likely require some disciplinary action.

The NM Board of Dental Health Care will also be required to promulgate rules by June 30, 2012 to require that dental offices maintain records of maintenance and inspection for the three years following the most recent inspection of an amalgam separator.

### **OTHER SUBSTANTIVE ISSUES**

The New Mexico Environment Department (NMED) reports that it completed a pilot project with two dental offices in Albuquerque. Sampling was done prior to installation of amalgam separators and sampling was done after installation. The average concentration of mercury in the clinic’s waste stream before the use of the amalgam separator was 160.4 parts per billion (ppb).

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The average concentration of mercury after the installation of the separators was 5.78 ppb, showing 96 percent removal efficiency.

Wastewater treatment plants are designed to treat wastewater containing conventional pollutants such as human and food waste. Heavy metals, including mercury, are not completely removed by the treatment process.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Dental offices would continue to be encouraged, and not required, to remove amalgam prior to depositing its waste water into public and private water streams.

**AHO/mew**