

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

SENATE
OFFICE OF THE SECRETARY

9 SEP 14 P2:48

SENATE
S. B. No. 3437

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Norway has become the first nation to legislate a sweeping ban on the use of amalgam fillings in dental work. Previous laws forbade the use of mercury containing fillings in more vulnerable segments of the population, such as pregnant women and children, but the new law is the first to forbid the use of the toxic metal without exception. Mercury has also been banned from all other products produced, imported, exported, sold and used in the country. In a prepared statement, Norway's Minister of Environment and Development, Erik Solheim stated that mercury is among the most dangerous environmental toxins and that since satisfactory alternatives to it are available, it is proper to introduce a ban.

Sweden followed suit with a ban on mercury fillings and other countries are now contemplating similar moves. Amalgam fillings, which unknown to many are composed primarily of mercury, raise the level of mercury circulating in the blood. Mercury is listed as one of the most toxic substances on Earth and many who are sensitive to the substance have reported improvements in health upon removal of the toxic fillings. The Norwegian and Swedish bans come at a time when alternative composite fillings have become strong enough to replace amalgams under practically any circumstance.

According to the Environmental Protection Agency, medical waste incinerators emit 70,000 pounds of mercury into the biosphere each year, making medical use of the metal one of the leading contributors to mercury pollution. There are viable non-mercury filling substitutes that are used everywhere in the world. According to Michael Bender of the U.S. Mercury Policy Project, by eliminating amalgam use, which is 50% mercury, we can reduce mercury pollution much more efficiently than end-of-the-pipeline solutions.

This bill seeks to ban the use of medical amalgam fillings to reduce the amount of mercury pollution in our country.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT BANNING THE USE OF MERCURY AMALGAM FILLINGS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

2 SECTION 1. *Banning of Mercury Amalgam Fillings.* – The use of mercury amalgam
3 fillings in dental work shall be phased out within a period of two (2) years. Within two years
4 after the effectivity of this Act, the production, sale and use of mercury amalgam fillings shall
5 be banned.

6 SECTION 2. *Penalty.* – Any person who fails to comply with the ban on mercury
7 amalgam fillings after the two year period shall be assessed a penalty of fifty thousand pesos
8 (P50,000.00). This ban shall be enforced by the Department of Health which shall issue the
9 appropriate implementing rules and regulations.

10 SECTION 3. *Separability Clause.* – If any provision or part hereof, is held invalid or
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
12 valid and subsisting.

13 SECTION 4. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
14 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or
15 modified accordingly.

16 SECTION 5. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
17 following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,