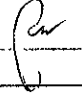


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SENATE
S. No. **2990**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Elemental mercury and mercury compounds are known to be toxic and hazardous to human health and to the environment. Despite its toxicity, however, mercury continues to be used in the Philippines as a component in dental fillings.

A dental amalgam, commonly referred to as a "silver filling," consists of 42 to 58 percent mercury, and contains 1/2 to 3/4 of a gram of mercury. Consumers may be deceived by the use of the term "silver" to describe a dental amalgam, which contains substantially more mercury than silver.

The mercury contained in dental amalgam is continually emitted in the form of mercury vapor, and the total amount of mercury released depends upon the total number of fillings; their age, composition, and surface area; the intra-oral presence of other metals; dietary and lifestyle habits; and other chemical and metabolic conditions affecting the mouth. When mercury vapors are inhaled, most of the mercury (about 80 percent) enters the bloodstream directly through the lungs and then rapidly deposits preferentially in the brain and kidneys. Mercury is scientifically known to cause birth defects or other reproductive harm. The mercury from amalgam passes through the placenta of pregnant women and through the breast milk of lactating women, increasing health risks to both unborn children and newborn babies.

According to the World Health Organization, the estimated average daily intake and retention of mercury from dental amalgam ranges from three to 27 micrograms per day, and is greater than all other sources combined.

Further, mercury from dental amalgam can enter the environment during any point of the product's life-cycle. This includes placement or removal of fillings; through bodily excretions;

when sewage sludge is incinerated, spread on crops, or dumped in landfills; when vapor is released or land-filled; when vapor is released directly from the filling (which increases with brushing, chewing, and consuming hot foods or salt); and during cremation.


When discharged to the environment, conditions may be right for waste dental mercury to methylate, become bioavailable, and subsequently biomagnify in fish as methyl mercury, the most toxic form of mercury.

Highly effective and durable alternatives to mercury-based dental fillings exist, and must be made available to consumers and included in publicly and privately financed health plans. Consumers and parents have a right to know, in advance, the risks of placing a product containing a substantial amount of mercury in their mouths or the mouths of their children.

our 
MIRIAM DEFENSOR SANTIAGO

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SENATE
S. No. **2990**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROHIBITING THE USE OF MERCURY IN DENTAL FILLINGS

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

3 SECTION 1. *Short Title.* – This Act may be cited as the “Mercury in Dental Fillings
4 Prohibition Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
6 protect and promote the right to health of the people.

7 SECTION 3. *Prohibition of Mercury in Dental Fillings.* – Section 18 of Republic Act
8 No. 3720, or the “Food, Drugs and Cosmetics Act,” is hereby amended as follows:

9 “SECTION 18. A drug or device shall be deemed to be adulterated: — (a)
10 (1) If it consists in whole or in part of any filthy, putrid, decomposed substance;
11 or (2) if it has been prepared, packed, or held under insanitary conditions
12 contaminated with filth or whereby it may have been rendered injurious to health;
13 or (3) if it is a drug and its container is composed, in whole or in part, of any
14 poisonous or deleterious substance which may render the contents injurious to
15 health; or (4) if it is a drug and it bears or contains, for purposes of coloring only,
16 a coal-tar color other than a permissible one.

17 (b) If it purports to be or is represented as a drug the name of which is
18 recognized in an official compendium, and its strength differs from, or its quality
19 or purity falls below, the standard set forth in such compendium, except that
20 whenever tests or methods of assay as are prescribed are, in the judgment of the

1 Secretary, insufficient for the making of such determination the Secretary, shall
2 promulgate, upon recommendation of the Food and Drug Administrator,
3 regulations prescribing appropriate tests or methods of assay in accordance with
4 which such determination as to strength, quality or purity shall be made. No drug
5 defined in an official compendium shall be deemed to be adulterated under this
6 paragraph because it differs from the standard of strength, quality or purity in
7 strength, quality, or purity from such standards is plainly stated on its label.

8 (c) If it is not subject to the provisions of paragraph (b) of this section
9 and its strength differs from, or its purity or quality falls below, that which it
10 purports or its represented to possess.

11 (d) If it is a drug and any substance has been (1) mixed or packed
12 therewith so as to reduce its quality or strength or (2) substituted wholly or in part
13 therefor.

14 **(e.) IF IT CONTAINS MERCURY INTENDED FOR USE IN A**
15 **DENTAL FILLING.”**

16 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive
17 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
18 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

19 SECTION 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
20 in at least two (2) newspapers of general circulation.

Approved,