

To : Director Veronica Manfredi,
Cc: Christopher Allen, Acting Head of Unit,
Jenny Green, Policy officer

10 October 2022

Dear Director Manfredi,

On the 15th of September, a stakeholder workshop was organized by the European Commission and its consultants, with the aim to present the latest development concerning the impact assessment taking place as part of the revision of the EU Mercury regulation. While we greatly appreciated the organisation of such workshop, we would like to share with you some concerns.

Phasing out dental amalgam by 2025

A decision was taken not to retain a complete phase-out date of dental amalgam by 2025, but instead to only consider later phase-out dates. We believe, however, that there is not enough justification for making such a decision and that, dental amalgam should be in fact phased out by 2025.

The earlier the phase out, the less 'new' mercury will be (re)entering in the EU environment. Considering that dental amalgam represents the largest remaining EU mercury use, it will further prevent pollution and exposure of mercury via emissions from crematoria, dental clinics, waste incineration, human waste, burials, and other pathways. Mercury (which represents 50% of the composition of dental amalgam) is highly toxic to humans, especially to the developing nervous system. It is also very harmful to ecosystems and wildlife populations.

A 2025 phase-out date is feasible in the EU, also considering administrative constraints. First, non-mercury alternatives are more widely used in the EU than dental amalgam (at 81-90%), showing that practices have already significantly shifted to non-mercury alternatives. Moreover, dentists have already gained experience in the handling of Hg-free materials. Mercury-free fillings do also not require additional labour costs as studies have shown that there is little, if any, difference between amalgam and alternatives when it comes to treatment time dentists spend. Lastly, numerous are the examples of developed and developing countries, which have already phased out dental amalgam or are in the process of doing so in a very short phase-out period.

Administratively/legislatively speaking, a ban within a year is feasible, as it also happened with the current regulation – published in May 2017, requesting a ban for dental amalgam in children's teeth by 1 July 2018. Furthermore, the 2012 BIOS study had already evaluated that a phase out would have been possible by 2018 at the time.

The stakeholders' interest for a full mercury ban for dental fillings is also clear from the public [consultation results](#). It is evident that the EU is ready for that, and no more time should be wasted.

Therefore, we call on the European Commission to keep the 2025 phase-out date for dental amalgam as a serious and needed policy option in order to contribute to the reduction of mercury pollution in the environment as soon as possible.

Mercury specific Emission Limit Value in Crematoria

As far as crematoria is concerned, we strongly encourage the adoption of an EU-wide mercury specific emission limit value (ELV), that should be applied to facilities of all sizes. Derogation could be considered when a country/operator can guarantee that the cremated inputs are free from amalgam (e.g. teeth filling removed/no fillings from the dentist records).

While there is an increasing preference for cremation over burial, some Member States do not seem to be taking control measures¹. However, mercury emissions to air from dental amalgam due to crematoria are significant.

It was also proposed to the consultant to consider cumulative emissions expected given the mercury carried in people's mouths. We provided some data during the consultation, and this is estimated to be around 1500 tonnes. Looking at damage cost of mercury emissions to air from other studies, a rough estimate would show billions of euros as associated damage if all this mercury is to be emitted.

Therefore, legislative measures at EU level are necessary.

Exports of mercury added products

We are of the view that the EU should move towards banning the exports of all mercury-containing lamps which are banned in the EU market.

However, especially with reference to the linear fluorescent lamps (LFL), it must be assumed that a global ban will follow soon after, particularly given the EU political commitments on chemicals and climate, and the views of the Parties at the last Minamata Convention COP. The tentative dates for that ban as discussed in the Annex A&B Contact Group at COP4 were 2025, 2027 and 2030, with all but one country agreeing to 2027 for an LFL ban.

This very likely assumption needs to be taken into consideration and be clearly reflected when looking at job losses, revenue losses and even mercury content in potentially exported lamps. Consequently, it needs to be clearly considered and reflected in the discussion when analysing the different policy scenarios presented in the report.

Separate comments and input have been sent to the consultant (attached, together with CLASP).

Furthermore, for the EU to follow its EGD and CCS commitments, the export of the other mercury added lamp categories such as HIDs, metal halides etc, exceeding the specified mercury content allowed in the EU, should be proposed for a ban.

¹ Assessment on the feasibility of phasing out dental amalgam (Wood 2020) <https://circabc.europa.eu/sd/a/4fd46a0f-54aa-48c6-8483-288ad3c1c281/Dental%20Amalgam%20feasibility%20study%20-%20Final%20Report.pdf>

Let's act and no further delay

Finally, we urge the EU to stick to the foreseen agenda where the COM proposal was expected by the end of 2022. The announcement that the COM proposal may now be coming out in spring 2023, may delay alignment of the EU to its international commitments, affect decisions in preparation for the Minamata COP 5 (November 2023) and may endanger the completion of work in time, given the approaching 2024 European elections, which may further delay processes.

Mercury pollution is a serious issue, imposing severe stresses on both the environment and people's health. If this Commission is planning on delivering the European Green Deal, the Chemicals Strategy for Sustainability and its Zero Pollution Action Plan, the revision must start sooner than later.

Thank you for your time and consideration.

Yours sincerely,



Elena Lymberidi-Settimo
Policy Manager Zero Mercury Campaign