



Dental Patients' Frequently Asked Questions About Proposition 65

What is Proposition 65?

In November 1986, California voters passed Proposition 65, also known as the Safe Drinking Water and Toxic Enforcement Act. Under Proposition 65, the Governor is required to publish a list of chemicals known to be carcinogens and/or reproductive toxicants, as determined by the State of California. This list which must be updated annually designates the chemicals that are subject to this law's requirements. Over 800 chemicals have been listed as of June 2009.

What does Proposition 65 require?

Proposition 65 requires businesses with ten or more employees to give a "clear and reasonable warning" prior to exposing any person to a detectable amount of a chemical listed by the state as covered by this statute. The intent of the warning is to allow consumers to make informed decisions about the products and services they purchase, and to enable other exposed persons to take whatever action they deem appropriate to protect themselves from exposures to these harmful chemicals. You may have noticed these signs at your local dry cleaner, parking garage, hotel, and/or gas station. Many retail businesses are required to post the sign.

Proposition 65 also includes provisions designed to protect drinking water by prohibiting discharges of listed chemicals into state waters.

What kinds of chemicals are on the list?

The Proposition 65 list contains two types of chemicals: carcinogens, which can cause cancer, and reproductive toxicants, which can cause birth defects or other reproductive harm.

The list contains a wide range of chemicals. These chemicals may be naturally occurring or synthetic. Many of them are ingredients of common household products. Some chemicals may be additives or ingredients in pesticides, foods, or drugs such as alcoholic beverages and aspirin. Others may be industrial chemicals, dyes, or solvents used in dry cleaning, manufacturing, or construction. Still others may be byproducts of certain combustion processes, such as motor vehicle exhaust, tobacco smoke and burning natural gas.

Most of the chemicals on the list commonly used in dentistry are components of restorative (filling) materials and include mercury, nickel compounds, beryllium, hexavalent chromium, and crystalline silica. Nitrous oxide, an anesthetic gas, was added to the list in 2008. Most, if not all, are believed to present "no significant risk" to the public, but as that term is defined in the statute, unproductive and expensive litigation would be required to avoid posting the notice. As indicated in the notice, all restorative (filling) materials used in dentistry have been approved by the U.S. Food and Drug Administration after this agency's review of the science.

How does a chemical get listed?

A chemical can be listed if it has been classified as a carcinogen or reproductive toxicant by one of the following organizations: U.S. Environmental Protection Agency, U.S. Food and Drug Administration, National Institute of Occupational Safety and Health, the National Toxicology Program, and the International Agency for Research on Cancer. In addition, two independent committees of scientists and health professionals appointed by the Governor can determine whether a chemical should be listed, based on



scientific evidence that clearly shows it to cause cancer or reproductive harm. A chemical can also be listed if it is required to be labeled or identified as a carcinogen or reproductive toxicant by an agency of the state or federal government.

What are the responsibilities of dentists practicing in California?

Any dental business that operates within the State, employs ten or more employees and utilizes any listed chemical in the scope of treatment must comply with the requirements of Proposition 65. Dental offices, like other businesses, are required to provide a “clear and reasonable” notice before knowingly and intentionally exposing anyone to a listed chemical. Generally, dentists provide notice to patients by posting a sign in their office. In addition, a Dental Materials Fact Sheet is published by the Dental Board of California. The Fact Sheet describes the contents of the various restorative (filling) materials currently used in dentistry and must be provided to patients the first time they seek restorative treatment.

What does a Proposition 65 notice in a dental office mean?

If a notice is posted at a dental office, this means that one or more listed chemicals are used in dental treatments as stated in the notice which is displayed to comply with this California state law. As indicated in one notice, all restorative materials used in dentistry have been approved by the U.S. Food and Drug Administration. That agency has concluded “there is overwhelming agreement among major health authorities that have assessed these risks that there is no evidence of a serious threat to the general population whose dental caries are treated with amalgam.” The Food and Drug Administration, the National Institutes of Health, the U.S. Public Health Service, the Centers for Disease Control and Prevention, the World Health Organization, the Agency for Toxic Substances and Disease Registry, and other respected U.S. and international health agencies, continue to review and monitor scientific evidence with regard to the use of restorative (filling) materials and, to date, have determined that they are safe and effective to use in treating dental patients.

Is my dentist required to post the notice sign?

Dental offices employing ten or more employees are required to post the notice sign but any office may post the notice. The California Dental Association encourages you to consult your dentist about any aspect of your dental treatment.

Where I can obtain additional information on the dental materials and procedures listed on the notice?

Oral health fact sheets on amalgam and nitrous oxide are available on a CDA Web site, http://www.cda.org/page/patient_education_tools. A Dental Materials Fact Sheet is available from your dentist, or from the Dental Board of California, <http://www.dbc.ca.gov/formspubs/index.shtml#pubs>. Additional information also can be found at the American Dental Association, <http://ada.org/public/topics/alpha.asp>, and through a U.S. Health & Human Services search engine, <http://www.healthfinder.gov/>

Where I can obtain additional information on Proposition 65?

For information on Proposition 65, refer to a document entitled “Plain Language Overview of Proposition 65” on the Office of Environmental Health Hazard Assessment (OEHHA)’s website:

<http://www.oehha.ca.gov/prop65/background/index.html>

OEHHA, a division of the California Environmental Protection Agency, is the state agency responsible for the administration of Proposition 65.

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