

06/15/2017

EPA rule requiring amalgam separators takes effect July 14



Following a six-month delay, the Environmental Protection Agency on June 14 published a final rule under the Clean Water Act to control the discharge of mercury and other metals entering the waste stream from dental practices. The rule regulates dental practices that place or remove amalgam.

The EPA finalized the rule last December with the rule expected to take effect in January but, as CDA reported in February, a Trump administration order froze all proposed and pending federal regulations to allow for executive review.

The effective date of the rule is July 14, 2017 — 30 days after its publication in the Federal Register. The compliance date for most dentists will likely be July 2020, three years after the effective date.

Under the rule, a dental facility that places or removes amalgam will be subject to two best management practices: 1) collect and recycle scrap amalgam; 2) clean the chairside traps with non-bleach or non-chlorine cleanser so as not to release mercury.

The rule also includes an amalgam separator requirement, stating that a dental facility must install an amalgam separator that is compliant with either the American National Standards Institute American National Standard/American Dental Association Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011) or the International Organization for Standardization 11143 Standard (2008) or subsequent versions so long as that version requires amalgam separators to achieve at least a 95 percent removal efficiency.

The rule is not intended to apply to dental practices such as orthodontic and periodontal practices except in limited emergency circumstances.

Dental practices that already have amalgam separators will be required to replace the equipment within 10 years of the rule's effective date with equipment meeting the new standard.

Additionally, there are reporting requirements. All dental facilities must submit to the local authority a compliance report and have maintenance and inspection records available for inspection.

CDA and the ADA advocated to the EPA for revisions to the proposed rule, published in 2014, with CDA calling for withdrawal of the rule to allow sanitation agencies, states and regions to "develop their own guidelines to use when developing and enforcing dental