

**STATEMENT OF THE
AMERICAN DENTAL ASSOCIATION
TO THE
ENVIRONMENTAL PROTECTION AGENCY
PUBLIC HEARING**

ON

**EFFLUENT LIMITATION GUIDELINES AND STANDARDS FOR THE
DENTAL CATEGORY**

SUBMITTED BY

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SPOKESPERSON FOR THE AMERICAN DENTAL ASSOCIATION**

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Good afternoon, my name is Doctor Sally Cram, and I am a practicing periodontist here in Washington, D.C. Today, I am speaking on behalf of the American Dental Association, the largest dental professional association in the United States, which represents over 157,000 dentists including over 65 percent of active U.S. dentists.

The ADA greatly appreciates the opportunity to provide our preliminary oral comments on the EPA's proposed rule for the dental category. Most dentists use services of their local sewage treatment systems or publicly owned treatment works, POTWs. The issuance of a pretreatment rule governing the discharge from dental offices would directly and significantly impact tens of thousands dentists and their patients.

These comments I am making today are only preliminary, we are still studying this proposal in detail. The ADA supports the use of amalgam separators and includes them in its best management practice guidance for dental offices. Specifically, our BMPs include the use of separators that comply with the international standards organization standard.

In 2010, the ADA governing body, the house of delegates unanimously passed a resolution supporting the promulgation of a pretreatment rule governing applicable dental offices as long as the final rule complies with nine common sense principles, including the use of amalgam separators that comply with the ISO standard. The ADA

reaffirms its support of a pretreatment rule that requires amalgam separators consistent with these nine principles.

The proposed rule complies with most of these principles and we applaud the EPA's efforts to incorporate them into this rule. Unfortunately, the proposed rule, in its current form, fails to meet some of these principles. Our final, more detailed comments will explain these problems, and offer constructive solutions that will allow the EPA to use a final rule that is effective and workable, and one that the ADA can support.

The ADA's review is ongoing, but our preliminary review had identified three major concerns which the agency must address before the ADA can support the EPA proposal. First, the ADA and National Association of Clean Water Agencies have stated that the rule should not impose undue and unnecessary burdens on either dentists or municipalities that operate sewage treatment plants. The ADA believes that some of the implementation requirements create unnecessary burdens with no discernable environmental benefit.

For example, the rule requires inspection of separators on a schedule unrelated to their recommendations of the separator manufacturers. The ADA's final comments will describe these burdens and offer alternative approaches that ensure that the regulators, whether the POTWs themselves, state governments, or the EPA have the assurance that amalgam separators are operated effectively.

Second, in addition to requiring installation of amalgam separators that comply with the ISO standard, the proposal actually establishes a 99 percent removal efficiency requirement for total mercury. These provisions are inconsistent.

First, the ISO standard is validated at 95 percent and is not a validated test for measuring a capture efficiency of 99 percent.

Second, EPA's proposed removal efficiency is based on removal of total mercury, not particulates. This requirement deviates from international community requirements as incorporated into the ISO standard. By citing conflicting requirements, EPA's proposed rule is not workable.

Third, EPA's proposal is based on incorrect numbers and assumptions. For example, the EPA utilizes a 1982 POTW study of total mercury reductions in POTW effluent to justify its assumption of a 90 percent amalgam particle removal efficiency for the POTWs. This is not scientifically supportable and underestimates the amount of amalgam particulates that the POTWs collect.

In our written comments, the ADA will document the changes needed to assure a scientifically sound rule.

The ADA believes that the EPA's proposed rule can be modified to comply with the ADA's nine common sense principles while still accomplishing the goal shared by us all, to protect our environment.

Thank you again for allowing me to share with you our preliminary thoughts.