



Ethical and Legal Obligations for Dental Practitioners with respect to Dental Amalgam

Dental Practitioners have an ethical as well as a legal obligation to comply with these regulations. To this effect, dental practitioners must:

1. Ensure that valid and explicit informed consent has been obtained to treat a patient using dental amalgam if it is being used for the treatment in children under the age of 15 or in pregnant or breastfeeding women. This consent must be noted in the patient's record. The records should show clearly that a decision to proceed with the use of amalgam was made with the full knowledge and understanding of the patient or parent.
2. In the cases above, record the specific clinical reasons why, in the dentist's opinion, it is necessary to use dental amalgam. The best interests of the patient are paramount when considering appropriate treatment. If the care of a patient's either oral or general health could be compromised or made worse through the use of either an alternative, or no restorative material, then there may be a justification for the use of dental amalgam to prevent harm to the patient. The dentist's opinion of the clinical justification for the use of amalgam should be clearly recorded in the clinical notes.
3. Only use dental amalgam in pre-dosed encapsulated form complying with European standards or with other national or international standards that provide an equivalent level of quality and retention.
4. Ensure correct suggested methods of removing amalgam restorations are performed in the clinic i.e. the use of high volume suction adjacent to the restoration being removed to decrease mercury fumes being released and contaminating air, adequate ventilation in the operatory and use of the required personal protective equipment (PPE) by operator and assistant (safety specs/visor, gloves, mask, and clinical clothes).
5. Make sure that centrifugal amalgam separation is available on all suction systems in the clinic (EU Waste Directive 2008/98/EC).
6. Maintain proper records regarding the retention levels, installation, commissioning and maintenance of dental separators.

Amalgam separators must be maintained according to the manufacturer's instruction for the highest workable retention rate. All separators installed after 1st January 2018 must provide a retention level of at least 95%. All amalgam separators in use must provide a retention level of at least 95% by 1st January 2021.

7. Always store amalgam waste – including scrap amalgam, under water in a wide mouthed, airtight, single use plastic container labelled Amalgam Waste for Recycling. Ensure that the container is tightly sealed at all times. When the container is full, dispose of in line with current policy.

8. Dental practitioners shall ensure that their amalgam waste, including amalgam residues, particles and fillings, and teeth, or parts thereof, contaminated by dental amalgam, is handled and collected by an authorised waste management establishment or undertaking.
Documentation needs to be maintained as evidence that such waste is removed from the clinic by a licensed waste collector (Environment and Planning Act LN 184/2011).

Dental practitioners shall not release such amalgam waste directly or indirectly into the environment under any circumstances.