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**ACLU Files Lawsuit to Protect Free Speech Rights of Connecticut Dentist** (11/12/2003)

**FOR IMMEDIATE RELEASE**

HARTFORD -- The American Civil Liberties Union of Connecticut today filed a federal lawsuit to prevent the state Department of Public Health from disciplining an Orange dentist, Dr. Mark Breiner, for publishing an op-ed article in the *Connecticut Post*.

Breiner's article expressed his continuing concerns about the health dangers of mercury amalgam fillings. Dr. Breiner had previously agreed to restrict his comments to his patients about amalgam fillings in a 2001 consent order with the Department. The Department has claimed that Dr. Breiner's op-ed piece violates the 2001 agreement.

But ACLU attorneys said that Dr. Breiner has not waived his First Amendment rights to publicize his concerns outside of the office and in the media. The ACLU said in legal papers that the Department of Public Health's threat to enforce the 2001 consent order if Dr. Breiner continues to speak out publicly violates the First Amendment.

New Haven attorneys Lewis Chimes and Robert Richardson are assisting the ACLU with the case.

A copy of Dr. Breiner's July 6 op-ed article follows.

Mercury use in dentistry requires deep reexamining

by Mark Breiner, DDS

*Connecticut Post*, July 6, 2003

On June 9, old thermometers that leaked during removal from a Monroe high school science laboratory caused school officials to test more than 100 students for mercury exposure and shut the school as a precautionary measure. Cleanup of the small amount of mercury spilled, and testing to confirm no contamination remained, kept the school closed for two days.

From all reports, school officials and local and state health authorities responded to the accident in an exemplary fashion. But understandably the incident caused much anxiety among Masuk High School's 1,200 students and their families until the results came back. Mercury is a toxic substance. The U.S. Food and Drug Administration has banned

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all over-the-counter medicines using mercury and the state of Connecticut is urging everyone to stop using thermometers containing the element.

With so much concern about mercury contamination, it is ironic -- and really stunning -- that on any given day across the country, including Connecticut, thousands of similar incidents occur, without evacuations, cleanups or alarm. The incidents occur in dentists' offices where patients have their teeth filled. What most of these patients do not know is that the fillings, so-called "silver" fillings, routinely contain significant amounts of mercury. I am convinced that mercury in these amalgams is neither stable nor inert; scientific evidence suggests it goes to all tissues and organs, especially the jaw, liver, kidneys and brain.

Other facts that are indisputable:

- The amount of mercury in our brains relates to the number of fillings in our mouths.
- Mercury from fillings crosses the placental barrier and goes to the fetus; it also passes to newborns via a mother's milk.
- Only mercury has been shown in experiments to cause three hallmark signs of Alzheimer's Disease.
- Toxicologists state there is no safe level of mercury in the human body.

The American Dental Association (ADA) has steadfastly maintained that mercury-based amalgams are safe. As a Connecticut dentist, I have disputed this contention for decades and have battled the ADA and the Connecticut State Dental Association for the right to remove such fillings from patients' mouths and for my call to ban all further use of mercury in dental procedures. So far, my efforts, and those of other concerned medical professionals, have been unsuccessful.

One question that remains unanswered by the powerful ADA: if mercury fillings are so safe inside your mouth, why, when removed, are they considered by the federal Environmental Protection Agency to be treated as extremely hazardous waste, with severe penalties if not disposed of properly?

Is one's mouth the only safe place to store mercury?

Thankfully, a bipartisan bill (HR 1680) to prohibit mercury amalgam fillings has been introduced by U. S. Rep. Diane Watson D - California, and U. S. Rep. Dan Burton R - Indiana. That bill deserves the wholehearted support of anyone who values their health and that of their children.

Twelve states have either passed or are considering legislation that addresses the implanting of mercury in the mouth. Maine and New Hampshire have already passed bills on mercury fillings. Sadly, Connecticut's Legislature has done nothing to date.

There are excellent, environmentally benign composite materials available today for filling teeth and there are a growing number of professionals who practice mercury-free dentistry. These materials also

are more aesthetic than silver amalgams and even help strengthen teeth.

However, there are thousands of dentists in the United States. It is way past time for all of them to do likewise. If not voluntarily, they should be required to do so under the excellent law proposed by Watson and Burton.

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