

Will you be affected by new federal requirements for dental waste?

Proposed Pollution Prevention Planning Notice for Dental Facilities

FACT SHEET

On April 18, 2009, a Proposed Pollution Prevention Planning Notice was published in Canada Gazette Part I outlining intended requirements for the owners and/or operators of certain dental facilities to prepare and implement pollution prevention plans in respect of mercury releases from dental amalgam waste. This Proposed Notice initiated a 60-day comment period.

You can read it here: <http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-04-18/html/notice-avis-eng.html#d101>

Following the comment period and after review of the comments received, the Minister of the Environment intends to publish a final Notice requiring the preparation and implementation of pollution prevention plans in the Canada Gazette, Part I, before the end of 2009.

Dentists who have not already implemented the best management practices (agreed to in an MOU between Environment Canada and the Canadian Dental Association in 2002) will have to implement Pollution Prevention plans after the final Notice takes effect when it is published before the end of 2009.

Dentists, who have already adopted the best management practices or whose facilities are in compliance with provincial or municipal legislation that meet the requirements of the Notice about mercury disposal, will not be affected when the new Notice takes effect.

Q. What is this Notice about?

This Notice is about keeping the mercury found in dental amalgam waste out of the environment. It will require dental facilities who have not implemented best management practices for dental amalgam waste before the publication of the final Notice, to prepare and implement a pollution prevention plan.

Q. What are the environmental or health risks associated with mercury?

Mercury is a neurotoxin - this means it can cause damage to the brain and central nervous system. It can be converted to methylmercury, one of the most toxic forms of the substance. Methylmercury is harmful to the environment as it can build up in living organisms over time and is highly toxic to fish and wildlife.

Methylmercury is known to affect learning ability and neuro-development in children.

Q. How does dental amalgam enter the environment?

When dental amalgam is washed down drains at dental facilities, it travels through municipal sewer systems to wastewater treatment plants, or directly to waterways. It is also found in sewage sludge.

Mercury can also enter the environment when amalgam waste is accidentally or intentionally disposed of with municipal solid waste or biomedical waste at dental facilities.

Q. Have dentists and Environment Canada worked on this issue already?

Yes. In 2002 Environment Canada and the Canadian Dental Association signed the *Memorandum of Understanding (MOU) Respecting the Implementation of the Canada-wide Standard on Mercury for Dental Amalgam Waste*.

The MOU contained several best management practices, including:

- Installing an ISO certified amalgam separator;
- Contacting a certified hazardous waste carrier for recycling or disposal of the amalgam waste;
- Using alternative restorative materials; and
- Avoiding the disposal of amalgam waste in the trash, down the drain, in the sharps container or with bio-medical wastes.

Q. Where can I find a copy of the best management practices?

The best management practices can be found in Appendix A of the current Proposed Notice published in the Canada Gazette on April 18th 2009: (<http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-04-18/html/notice-avis-eng.html#d101>)

The best management practices were also included in the MOU between the Canadian Dental Association and Environment Canada for the voluntary implementation of the *Canada-wide Standard on Mercury for Dental Amalgam Waste* and are still available on Environment Canada's web site: (<http://www.ec.gc.ca/MERCURY/DA/EN/da-damou.cfm?SELECT=DA#AnnexD>).

Q. Can I still implement these best practices before the final Notice takes effect?

Yes you can. Environment Canada strongly encourages owners of dental facilities to be proactive and implement the best management practices before

the publication of the final Notice. By doing so they will not be subject to the Notice, which means they will not have to prepare a pollution prevention plan nor will they have to submit the mandatory declarations.

In addition, the final Notice will not target dental facilities already subject to provincial regulations or municipal by-law as long as these regulations meet the requirements specified in the Notice.

The final Pollution Prevention Planning Notice will only target dentists who have not implemented the best management practices, and will not apply to dentists who acted voluntarily.

Q. If I do not implement all the best management practices before the final Notice is published, how will I comply with the Notice?

The final Notice will set out all the requirements and deadlines.

In general, those who are subject to a Pollution Prevention Planning Notice must:

- prepare a pollution prevention plan;
- ensure that the plan meets all the requirements of the final Notice;
- file the Schedule 1 *Declaration That a Pollution Prevention Plan Has Been Prepared and is Being Implemented*;
- implement the pollution prevention plan and file the Schedule 5 *Declaration That a Pollution Prevention Plan has Been Implemented*;
- respect all the deadlines published in the final Notice;
- ensure that the information provided in the declarations is consistent with the pollution prevention plan;
- keep a copy of the pollution prevention plan on-site; and
- have the pollution prevention plan available for submission if requested.

Q. What is a Pollution Prevention Plan?

A pollution prevention plan presents how a facility will prevent or minimize the creation of pollutants and waste. It identifies cost-effective options and shows where investment in pollution prevention would lead to cost savings.

Q. What should my pollution prevention plan look like?

A pollution prevention plan may be prepared in whatever format makes the most sense for an organization (or facility), as long as the plan meets all the requirements in the final Notice and includes information required to complete the declarations.

Environment Canada has developed various support tools, including fact sheets and an online tutorial which provides information on pollution prevention planning

processes and practices. These support tools and others can be found at www.ec.gc.ca/planp2-p2plan .

Q. Is a Pollution Prevention planning Notice stringent enough to prevent mercury releases from dental amalgam waste? What are the consequences if I don't comply with this new regulation?

The Pollution Prevention planning Notice is enforceable under the *Canadian Environmental Protection Act*, 1999. Persons who do not comply with the requirements of such a Notice are subject to enforcement actions under the *Canadian Environmental Protection Act*, 1999 and the principles set out in the *Compliance and Enforcement Policy for the Canadian Environmental Protection Act*, 1999.

Q7. How can I get more information and answers to specific questions?

For more information on the Notice and best management practices with respect to dental amalgam please contact:

Environment Canada
Waste Reduction and Management Division
mercury@ec.gc.ca
(819) 934-6059

For more general information on pollution prevention and pollution prevention plans please contact:

Environment Canada
Innovative Measures Section
cepap2@ec.gc.ca
(819) 954-0686