

# Dentist Wins a Round On Mercury Warnings

By AVI SALZMAN

**A**DENTIST from Orange who has fought against the use of mercury in tooth fillings can speak his mind without risking the loss of his dental license.

The dentist, Dr. Mark A. Breiner, sued the State Department of Public Health in 2003 after it tried to restrict his public statements about the possible health dangers of the fillings. In a settlement reached recently, the department agreed that Dr. Breiner can speak and write about his views, as long as he does not tell patients he can cure mercury-related ailments.

"I'm relieved," he said in an interview. "I hope this will let a lot of dentists who have been sitting on the sideline afraid to open their mouths to voice their views."

Amalgam fillings, the "silver" fillings used to plug cavities, contain about 50 percent mercury. Dr. Breiner said he thinks the mercury can contribute to various diseases and ailments, including cancer and Alzheimer's disease.

The public health department focused on Dr. Breiner in the mid-1990's, when patients complained that he had told them that removing their fillings would cure their

diseases or alleviate their pain. Dr. Breiner has denied that he told patients he would cure them. But with his license in jeopardy, he signed a consent order with the public health department in 2001, limiting what he could say about the fillings.

The order prevented him from telling patients that removing fillings will cure any diseases and made him hand out a sheet of paper to new patients explaining the positions of other health professionals.

In 2002, Dr. Breiner wrote an opinion article in *The Connecticut Post* explaining his concerns about mercury in fillings and pushing for legislation to limit the use of mercury in fillings. A monitor from the public health department expressed concern that he had violated the order, but health officials said they would not take action as long as he agreed not to write more such articles.

But to Dr. Breiner and the American Civil Liberties Union of Connecticut, this was a First Amendment issue. So they sued the department.

Dr. Breiner said he was happy with the settlement, which allows him to speak out about the fillings and write editorials. But if he includes his views in advertising his dental services, he must add that his views "are not shared by traditional dentists and physicians."



Thomas McDonald for The New York Times

Dr. Mark A. Breiner has sparred with public health officials.

William Gerrish, a health department spokesman, said the agency was satisfied with the settlement and believed it continued to "protect the public."

The American Dental Association released a statement supporting the continued use of mercury in fillings.

"Dental amalgam (silver filling) is considered a safe, affordable and durable material that has been used to restore the teeth of more than 100 million Americans," it said. "It contains a mixture of metals such as silver, copper and tin, in addition to mercury, which chemically binds these components into a hard, stable and safe substance. Dental amalgam has been studied and reviewed extensively, and has established a record of safety and effectiveness."