



CANADIAN DENTAL ASSOCIATION
L'ASSOCIATION DENTAIRE CANADIENNE

October 21, 2011

The Honourable Peter Kent
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, Quebec
K1A 0H3

The Honourable Leona Aglukkaq,
Minister of Health
Brooke Claxton Building, Tunney's Pasture
Postal Locator: 0906C
Ottawa, Ontario
K1A 0K9

Dear Ministers:

**Re: The United Nations Environment Program (UNEP) Mercury Control Treaty
Negotiations**

I am writing on behalf of the Canadian Dental Association to ask that Canada take a strong stand to ensure that no medical device appears in Annex C of the UNEP global legally binding instrument on mercury.

Over the years, we have been impressed by Environment Canada's understanding of the need to avoid initiatives that would encroach on the authority of Health Canada over the regulation of medical devices. This was most recently demonstrated when dental amalgam was exempted from the ban on the manufacture, import and sale of products containing mercury proposed by the Department of the Environment in late February 2011.

Ever since dental amalgam waste became an environmental issue, the Canadian Dental Association and Environment Canada have cooperated towards its management. This collaborative approach allowed us to sign a memorandum of understanding for the implementation of the Canada-wide Standard (CWS) on mercury for dental amalgam waste in 2002 and to support research to evaluate compliance with that standard. Environment Canada and CDA continued to work together after the expiry of the MOU and co-branded a poster promoting the implementation of the best management practice of the CWS in 2009.

As one of the few countries to work on legislation that successfully balances healthcare delivery and the control of mercury pollution, Canada has to take a leadership position to ensure that this balance is maintained in international treaties. To that end, in advance of the third negotiation

session to prepare a global legally binding instrument on mercury, the Canadian Dental Association ask that Canada adopt the following position: Regulation of medical devices should be carved out from the UNEP mercury treaty to allow national health regulators to address medical devices in a fashion that supports the best possible health outcomes. More specifically, Canada should insist that all medical devices be taken off Annex C of the *Draft Elements of a Comprehensive and Suitable Approach to a Global Legally Binding Instrument on Mercury* prepared by the UNEP secretariat after the second meeting of the International Negotiation Committee (INC2).

We thank you in advance for the attention you will give to this issue. Should you or your officials need any additional information on this matter, do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Robert MacGregor".

Robert MacGregor B.Sc., D.D.S.
President