



# *CITY COUNCIL AGENDA REPORT*

---

**MEETING DATE:** October 19, 2010

**ITEM NUMBER:** IX-2

**SUBJECT:** Request of Council Member Monahan for Adoption of a Resolution Supporting a Ban on Dental Mercury

**DATE:** October 15, 2010

**FROM:** City Manager's Department

**PRESENTATION BY:** Gary Monahan, Council Member

**FOR FURTHER INFORMATION CONTACT:** Allan L. Roeder, City Manager  
(714) 754-5328

---

## **RECOMMENDATION:**

Consider adoption of proposed Resolution.

## **BACKGROUND:**

City Council Member Monahan, at the request of local residents as members of Californians for Green Dentistry, has requested that the City Council adopt a resolution opposing the use of mercury in dental clinics. Californians for Green Dentistry have provided substantial material regarding the adverse impacts of mercury on the environment as well as the impacts of its use in dental practices. Copies of the relevant materials have been attached to this report and petitions submitted to the City Council Member have been forwarded to the City Clerk as a matter of public record. The Council Member – with the assistance of representatives from Californian's for Green Dentistry – will provide the City Council and the public with a brief presentation at the City Council meeting.

It is unclear at this time as to whether the City of Costa Mesa, as a general law City, has any legal authority to ban the use of Dental Mercury. As a general rule, regulation of the medical professions is outside the purview of local government. However, the City clearly has the authority to express as a matter of public policy its support for a ban on Dental Mercury and to convey that support to the appropriate State and Federal authorities. Consequently, the attached Resolution has been prepared for consideration by the City Council and the public.

## **FISCAL REVIEW:**

No fiscal impact to the City of Costa Mesa in terms of expressing support for a ban on dental mercury. This is not intended to reflect on the financial impacts of dental mercury on the environment, clean-up and remediation or other costs that may be associated with its use.

**LEGAL REVIEW:**

The attached Resolution has been approved as to form.

**CONCLUSION:**

This is a matter of public policy in expressing the City's position on banning dental mercury. Should the City Council adopt the attached Resolution, it will represent a policy statement on behalf of the City but does not have the force of law. If the City Council is interested in research into what cities in California may legally do to ban dental mercury in their communities, a request should be made to the City Attorney for an assessment of the time required to conduct this research.

---

ALLAN L. ROEDER

City Manager

ATTACHMENTS: 1 [Information on Dental Mercury](#)

