

# Dental Amalgam Rule

## Frequently Asked Questions

### Q1. Is NJ's Dental Amalgam regulation different than the federal EPA requirements?

In many ways they are similar because EPA modeled the federal requirements after NJ's regulation, however, there are some differences. Please review the comparison table [here](#).

### Q2. I am exempt under the federal regulation does that make me exempt from NJ's regulation?

Probably not. NJ is requiring that all dental facilities register to establish exemption and obtain an exemption certification. However, if your dental facility does not generate amalgam waste you are exempt from the annual certification requirement for amalgam separators. Please review the Dental Rule Comparison sheet for more information. ([See here.](#))

### Q3. The federal regulation does not require me to do anything until 2020. Why do I have to register now?

The deadlines established in the federal regulations do not apply in NJ. NJ adopted dental amalgam regulations and has been implementing its dental amalgam program since 2007. Dental facility registration has been required since that time and pre-dates the federal regulation.

### Q4. Is there any benefit to registering my dental facility even if I am exempt, and what happens if I don't?

The main benefit is to obtain an exemption certification for your records and be registered with the Department as an exempt facility. Establishing that status in the Department's data base will avoid needless communications and inspections as well as possible compliance issues.

### Q5. Is there any fee to register?

No; but failure to register with NJDEP and install/maintain an ISO 11143 compliant amalgam separator are punishable by fine and you MAY be required to obtain an SIU permit (>\$5000 with associated monitoring, etc.).

### Q6. How can I get copies of my previous registrations?

For those registrations completed in your account, scroll down to the section "My Services – Submitted". On the right-hand side of the table are three columns. The first "Summary" will display the Service Summary page. The third (labeled PDF) will display the official Certificate of Registration. The column labelled "History" will bring you to the SERVICE HISTORY page where you can get a snapshot view of the activities for the selected record. You only need the most recent registration's forms.

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### **Q7. How big of an Amalgam Collector do we HAVE to install and how often do we HAVE to change the Amalgam Separator waste container?**

The Federal Dental Rule has the following requirements:

§441.30 (a)(1) (ii) The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.

§441.30 (a)(1) (vi) The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

Based on the above, a separator which will handle the volume of flow expected must be installed and maintained as per the manufacturer's specification. In addition, although State and Federal regulations do not specify a frequency to changeout the amalgam separator waste container, most manufacturer's specifications require that the separator waste container **MUST** be changed at least on an annual basis to maintain proper operation.

### **Q8. Do I have to hire someone to inspect and maintain my separator?**

No, but it is highly recommended to utilize a reputable service that can remove and properly dispose any amalgam waste from the separator. Routine inspection can easily be carried out by a designated individual in the dental facility following manufactures recommendations. Inspection and maintenance must be logged and records maintained for 5 yrs. The Department has developed a template for this purpose.