

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

CAVAN da PONTE
Fort Saskatchewan, Alberta

**CAVE ART TATU & CUSTOM ART
HOME-BASED TATTOO**
Fort Saskatchewan, Alberta

RE: HOME BASED TATTOOING

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. There was no evidence to support the sterility of tattoo needles, tubes or grips used on clients.
- b. There was no evidence to support that contaminated needles were being disposed in a safe manner after each client service.
- c. It could not be determined whether suitable disinfectants, antiseptics or tattoo inks were being used in the tattoo process.
- d. There were no client records being kept for tattoo services.
- e. There was no dedicated hand washing and equipment cleaning sink.
- f. The client service area and client contact surfaces were visibly dirty.
- g. Pets and pet feces were found in the client service area.
- h. The tattooing area was not separated from sleeping, dining, bathing, washroom or food preparation areas.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act, and the Personal Services Regulation and Health Standards and Guidelines for Tattooing there under, exist in and about the above noted premise, namely:

- a. Personal Services Regulation (AR 20/2003) Sec 6(1) and 8(a):
There was no evidence to support the sterility of tattoo needles, tubes or grips used on clients, which is in contravention of the Personal Services Regulation (AR20/2003) Section 6(1) which states that all equipment and instruments used in providing a personal service must be of durable construction and maintained in good repair and in a clean and sanitary condition and Section 8(a) which states that the owner of a personal service facility and the personal service workers in a personal service facility must maintain it in compliance with the Health Standards and Guidelines for Tattooing as approved and published by the Minister and as amended by the Minister from time to time; and Section III 2(e) of the associated Health Standards and Guidelines for Tattooing which states that the tattoo needle and needle tube tip shall be maintained in a sterile condition prior to being used and shall not come into contact with any contaminated surface during use.
- b. Personal Services Regulation (AR 20/2003) Sec 3(e) and 8(a):
There was no evidence to support that contaminated needles were being disposed in a safe manner after each client service, which is in contravention of the Personal Services Regulation (AR20/2003) Section 3(e) which states that a personal service facility must contain an appropriate number and type of waste disposal receptacles, including a puncture resistant container for the disposal of waste sharps if sharps are used in the facility, and Section 8(a) which states that the owner of a personal service facility and the personal service workers in a personal service facility must maintain it in compliance with the Health Standards and Guidelines for Tattooing as approved and published by the Minister and as amended by the Minister from time to time; and Section III 6(a) of the associated Health Standards and Guidelines for Tattooing which states that all waste sharps, such as needles and razors shall be placed in a puncture resistant container with a tight fitting lid and disposed in accordance with the Regional Health Authority's requirements.
- c. Personal Services Regulation (AR 20/2003) Sec 6(1) and 8(a):
It could not be determined whether suitable disinfectants, antiseptics or tattoo inks were being used in the tattoo process which is in contravention of the Personal Services Regulation (AR20/2003) Section 6(1) which states that all equipment and instruments used in providing a personal service must be of durable construction and maintained in good repair and in a clean and sanitary condition and Section 8(a) which states that the owner of a personal service facility and the personal service workers in a personal service facility must maintain it in compliance with the Health Standards and Guidelines for Tattooing as approved and published by the Minister and as amended by the Minister from time to time.
- d. Personal Services Regulation (AR 20/2003) Sec 8(a):
There were no client records being kept for tattoo services, which is in contravention both the Personal Services Regulation (AR20/2003) Section 8(a) which states that the owner of a personal service facility and the personal service workers in a personal service facility must maintain it in compliance with the Health Standards and Guidelines for Tattooing as approved and published by the Minister and as amended by the Minister from time to time; and Section III 8 of the associated Health Standards and Guidelines for Tattooing which states that the operator shall maintain a daily record of names and addresses of clients, name of tattooist and store them for two years.

- e. Personal Services Regulation (AR 20/2003) Sec 4(1):
There was no dedicated hand washing and equipment cleaning sink, which is in contravention of the Personal Service Regulation (AR20/2003) Section 4(1) which states that a personal service facility in which body piercing, ear piercing, electrolysis, tattooing or aesthetic services are provided must be equipped with a sink that is stainless steel, supplied with soap and hot air dryers or single service towels in suitable dispensers, not in a washroom, only used for washing hands or cleaning equipment, and in or readily accessible to the service provision area.

- f. Personal Services Regulation (AR 20/2003) Sec 3(b):
The client service area and client contact surfaces were visibly dirty, which is in contravention of the Personal Services Regulation (AR20/2003) Section 3(b) which states that a personal service facility must be maintained in a clean and sanitary condition.

- g. Personal Services Regulation (AR 20/2003) Sec 3(b) and 5:
Animals, animal feces and personal effects belonging to the tenants of the home were found in the client service area, which is in contravention of the Personal Services Regulation (AR20/2003) Section 3(b) which states that a personal service facility must be maintained in a clean and sanitary condition and Section 5 which states that a personal service facility must be located so that the service provision areas are separate from any sleeping, dining, bathing, washroom or food preparation areas.

AND WHEREAS, by virtue of the foregoing, the above noted home-based personal service facility is hereby declared to be **CLOSED**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the owner shall immediately cease the provision of all personal services, including tattooing, in the above noted premise until written permission to resume has been granted by an Executive Officer of Alberta Health Services.

2. That until such time that written permission to resume personal services is granted to the owner by an Executive Officer of Alberta Health Services, the above noted owner, Cavan da Ponte, shall not practice tattooing in the province of Alberta.

3. That within 7 days the owner shall submit of the following information to the undersigned:
 - a. Sterility assurance for all tattoo needles and tattoo tubes used in client services.
 - b. Names and contact information for all tattoo clients from the last two years (April 10, 2011 through to April 10, 2013).
 - c. Evidence of the safe and sanitary disposal of contaminated tattoo needles.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Edmonton, Alberta, on April 12, 2013

A verbal CLOSURE ORDER was issued to the person in care and control of the home-based tattoo facility at approximately 11:00am on April 10, 2013.

_____ (Original Signed)_____

Jason A. MacDonald; B.Sc, CPHI(C)
Executive Officer / Environmental Health Officer
Environmental Public Health - Alberta Health Services

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7) or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813. The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board at (780) 427-2813. You are advised that all orders remain in effect pending such an appeal