

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: David McClure
"the Owner"

RE: The personal services facility located in Edmonton, Alberta and municipally described as:

David McClure Tattoo

WHEREAS I, an **Executive Officer of Alberta Health Services**, have inspected the above noted 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 in any manner the prevention or suppression of disease, namely:

- a. The tattoo operator would not provide access to the bag of tattoo ink/supplies present within the tattooing space. The operator would not provide detailed information regarding the tattooing equipment and practices being used.
- b. The owner/operator of the tattooing services business (David McClure) had not notified Alberta Health Services (the Regional Health Authority/RHA) advising of tattoo services being offered at this/other locations.
- c. There was no disinfectant present to facilitate disinfection of the re-usable tattoo equipment. The operator indicated he did not have a disinfectant present on-site.
- d. There was no disinfectant present to facilitate disinfection of the tattoo service area surfaces.
- e. There was no packaging or information present to verify the sterility of the tattoo needles being used for services.
- f. There was no sharps container or puncture-resistant container present within the tattooing space to facilitate proper disposal of used needles/sharps.
- g. There was a bottle of black calligraphy ink present within the tattooing space. It appeared that the black calligraphy ink was being used for tattoo services.
- h. The location where the tattooing services were taking place (8503 118 Avenue NW Edmonton, AB T5B 4L2) was experiencing a cockroach infestation. Cockroach nymphs were observed within the washroom of the suite.
- i. The immediate area around the tattooing services was not being maintained in a clean condition. Specifically, there was a large (open) container of used cigarettes present on the table, an opened bag of potato chips was present on the table, and opened bottles of pop/alcohol were present along the table. Furthermore, there was a table lamp being used within the tattoo space that had visible signs of ink staining.
- j. The chairs being used by both the tattooing operator and client were in disrepair. As a result, the surfaces were not smooth, impervious to moisture, and easy to clean.
- k. The tattoo operator's knowledge of cleaning and disinfection procedures appeared to be inadequate.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Personal Services Regulation, Alberta Regulation 1/2020 and the Personal Services Standards there under exist in and about the above noted premises, namely:

- a. The tattoo operator would not provide access to the bag of tattoo ink/supplies present within the tattooing space. The operator would not provide detailed information regarding the tattooing equipment and practices being used. This is in contravention of Section 71 of the Public Health Act (RSA 2000, Ch P-37), which states that “No person shall obstruct, molest, hinder or interfere with a person in the execution of any duty imposed or in the exercise of any power conferred on the person by this Act or the regulations.”
- b. The owner/operator of the tattooing services business (David McClure) had not notified Alberta Health Services (the Regional Health Authority/RHA) advising of tattoo services being offered at this/other locations. This is in contravention of Section 1.2 of the Personal Services Standards, which states that “The operator of an existing personal service business must notify the RHA of: 1.2.1 the name and contact information of the operator of the business; 1.2.2 the address and location information where personal services are/will be provided; and 1.2.3 all personal services and activities that the business currently offers.”
- c. There was no disinfectant present to facilitate disinfection of the re-usable tattoo equipment. The operator indicated he did not have a disinfectant present on-site. This is in contravention of Sections 3.25 and 3.26 of the Personal Services Standards, which state that “Equipment classified as non-critical must be cleaned and disinfected using, at a minimum, a low-level disinfectant.”, and furthermore that, “Equipment classified as semi-critical must be cleaned and disinfected using, at a minimum, a high-level disinfectant.”
- d. There was no disinfectant present to facilitate disinfection of the tattoo service area surfaces. This is in contravention of Sections 5.5 and 5.6 of the Personal Services Standards, which state that “Any environmental surface in the facility that becomes accidentally contaminated with blood or body fluid must be thoroughly cleaned. 5.5.1 The surface must be thoroughly cleaned and disinfected with, at a minimum, a low-level disinfectant, if there is a likelihood of contact with personal services worker or client skin.”, and furthermore that, “When using disinfectants for environment cleaning and disinfection, personal services workers must follow all manufacturer’s instructions.”
- e. There was no packaging or information present to verify the sterility of the tattoo needles being used for services. This is in contravention of Section 3.67 of the Personal Services Standards, which states that “Sterility assurance documentation must be available for all equipment purchased as sterile.”
- f. There was no sharps container or puncture-resistant container present within the tattooing space to facilitate proper disposal of used needles/sharps. This is in contravention of Sections 3.3 and 3.4 of the Personal Services Standards, which states that “Client service areas where needles, filaments, lancets, or other single-use equipment with sharp edges, are used to puncture the skin or enter sterile tissue must be equipped with puncture-resistant containers with tight-fitting lids.”, and furthermore that, “Needles, filaments, and lancets that are used to puncture the skin or enter sterile tissue, and any other single-use equipment with sharp edges, must be immediately discarded after a personal service into a puncture-resistant container with a tight-fitting lid.”
- g. There was a bottle of black calligraphy ink present within the tattooing space. It appeared that the black calligraphy ink was being used for tattoo services. This is in contravention of Section 4.4 of the Personal Services Standards, which states that “With the exception of cosmetic products containing a prohibited ingredient, cosmetic products must only be used

- in a manner that is inconsistent with the manufacturer's instructions for safe use when an Executive Officer has approved alternative written procedures submitted by the operator."
- h. The location where the tattooing services were taking place (8503 118 Avenue NW Edmonton, AB T5B 4L2) was experiencing a cockroach infestation. Cockroach nymphs were observed within the washroom of the suite. This is in contravention of Section 5.2 of the Personal Services Standards and Section 5(1)(b) of the Personal Services Regulation, which state that "The facility must be maintained in a visibly clean state.", and furthermore that, "A personal service facility must... (b) be maintained in a clean and sanitary condition".
 - i. The immediate area around the tattooing services was not being maintained in a clean condition. Specifically, there was a large (open) container of used cigarettes present on the table, an opened bag of potato chips was present on the table, and opened bottles of pop/alcohol were present along the table. Furthermore, there was a table lamp being used within the tattoo space that had visible signs of ink staining. This is in contravention of Sections 5.2, 5.3, and 5.4 of the Personal Services Standards, which state that "The facility must be maintained in a visibly clean state.", that, "Cleaning, and when necessary disinfection, must be conducted as set out in Appendix 1.", and furthermore that, "In addition to frequencies set out in Appendix 1, prior to providing any personal service, the personal services worker must ensure that the immediate area where the client service is to be provided is visibly clean."
 - j. The chairs being used by both the tattooing operator and client were in disrepair. As a result, the surfaces were not smooth, impervious to moisture, and easy to clean. This is in contravention of 5(1)(a) of the Personal Services Regulation (AR 1/2020), which states that "A personal service facility must (a) be maintained in good repair".
 - k. The tattoo operator's knowledge of cleaning and disinfection procedures appeared to be inadequate. This is in contravention of Section 1.1 of the Personal Services Standards, which states that "The operator must ensure that personal services workers have the skills and knowledge to:
1.1.1 Follow labeled instructions for use of disinfectants and antiseptic products.
1.1.2 Classify equipment in accordance with Standard 3.6 of these Standards.
1.1.3 Follow the written procedures required under Standards 1.5, 1.6, and 1.7 of these Standards.
1.1.4 Where applicable, follow the manufacturer's instructions, or alternate written procedures approved by an Executive Officer, for the safe use of energy-emitting equipment or cosmetic products.
1.1.5 Where applicable, follow manufacturer's instructions for use of piercing guns, steam sterilizers, and instrument washer-disinfectors."

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed**.

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

1. That the Owner immediately close the above noted premise/service and cease all operations.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Cease all tattoo services at 8503 118 Avenue NW Edmonton, AB T5B 4L2 and all other locations within the province of Alberta until such time as an Executive Officer from Alberta Health Services Environmental Public Health has rescinded this Notice of Closure order.

- b. The owner/operator shall refrain from obstructing or interfering with an Executive Officer while they are exercising their duties under the Public Health Act.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

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, October 13, 2023.

Executive Officer
Alberta Health Services

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 by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Order of an Executive Officer – Notice of Closure

RE: The Personal Services facility located in Edmonton, Alberta and municipally described as: David McClure Tattoo

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