

November 16, 2012

The Ontario Tattoo Association was formed in 2011 in response to the need for a voice from the tattoo community in the GTA to speak to the issue of licensing for PSS operators proposed by Toronto City Council. Comprised of experienced artists and long-time shop owners from the municipality, the group's goal was to shed light on concerns regarding licensing and to work with Toronto Public Health, offering information and suggestions regarding the manner by which the city conducted inspections and worked with the operators in general.

In November of 2011, the organization was afforded an opportunity to sit down with TPH representatives who were charged with the task of communicating with stakeholders over the matter, and we voiced our issues. TPH was most helpful in explaining that the goal of licensing, from their department's point of view, was to identify operators and to ensure that practices were safe, public health and safety was paramount. The focus of the initiative was to minimize the underground operators or those who tended to avoid inspection, or simply ignore the regulations, in order to save money, putting the health of clients and staff at risk. Our concerns regarding undue or excessive public health regulations were allayed, and the OTA agreed to work with TPH in good faith. We were assured that they were supportive of this association and that we would be kept updated with information as it became available. We offered to help with the licensing initiative by offering insight and even to help with training inspectors, as well as with disseminating information through our website and network.

The organization and those we represent recognize the need for standardized regulation in order to keep practitioners and the public safe. We have supported licensing, more or less, from the outset, but have insisted that it have substance and meaning, and not take on the form of an arbitrary tax on operators. We had hoped that we would be informed along the way by Municipal Licensing regarding progress that was being made on the report created by the Board of Health.

Now, just one week prior to a public meeting set for November 19th, we receive the report which outlines the stipulations for licensing of PSS operations in the GTA. Disconcerting, to say the least. Particularly because of the report's problematic nature, the points of which we will attempt to outline in detail.

Of particular concern are the regulations regarding MLSD's right of refusal (Appendix A, 1), insurance (Appendix A, 3), qualifications and training (Appendix A, 4) and the lack of information regarding fines levied against those who are in violation of the by-law nor information on zoning and other restrictions.

The MLSD retains the right to refuse a license to an operator, but the terms and guidelines are not represented in the report. This needs to be outlined clearly.

The insurance requirement, at first, seems reasonable as a measure against irresponsible practice and lack of recourse in the event of personal injury, but the mandate that operators carry said insurance is a much more complicated issue.

Apart from the added and burdensome expenditure that liability insurance will place on operators (after investigation, we have estimated an annual cost of \$5000-8000, depending on the circumstances), Municipal Licensing will essentially open the door for insurance companies to be the issuers of our licenses. Mandatory insurance means that providers maintain absolute power to dictate the terms under which they are willing to take on a client. Without insurance, and subsequently our adherence to said terms, we are unable, by law, to operate. We are uncomfortable with the dilemma that arises from relying on insurance companies to 'reasonable', and fear that many operators will feel compelled to go underground if insurance is refused or becomes painfully costly.

The 'qualifications and training' component is also worded in an open-ended manner, suggesting that MLSD wishes to leave the matter open for future interpretation. But by whom? We are now, through our compliance with licensing, leaving ourselves vulnerable to future regulations regarding training and education implemented by an unnamed governing body. We are happy to confer with MLSD on the matter, and agree that a health-based standard should be set through a common resource and training program (art and quality being too tough to standardize), however the report requires specification as to who will be responsible for the training, and a projected plan for a program would help to clarify.

Further, we have been provided with no information regarding zoning, fees, fines, insurance and enforcement questions, despite our regular inquiries, until very recently—just one day before this response was due, in fact. The fines for a first offense seem awfully low, and some may opt to keep their practices quiet in order to avoid the costly insurance, as they may deem it 'worth the risk'. The licensing itself costs more than the fine.

At the time of our meeting with TPH, we represented less than 50 supporters. At present, we are a registered non-profit group with over 150 members and hundreds of supporters. We have expanded our focus from beyond the GTA to include the rest of the province, as it is clear that other municipalities will be implementing licensing plans in the near future. Due to our large network, TPH has recognized us as a resource in the endeavour to develop a mutually beneficial relationship between PSS operators and the municipal government, and has asked us to endorse this report and the

licensing proposal to our supporters. We are unfortunately unable to do so, for all of the aforementioned reasons.

In essence, it is our belief that the licensing initiative, as it is represented in this report, endangers the very establishments who hold the current high standard lauded by TPH, and could potentially create a clandestine culture in the industry. At best, the by-law appears to be intentionally vague, and leaves us asking questions as to what is to come down the line if we blindly comply. At its worst, it places undue power in the hands of insurance providers and opens the door for the possibility of unreasonable regulations in the future that would leave the industry in the hands of 'money shop' owners with no real ties or connection to the industry (and therefore no real understanding of standards and practices), the tattoo school set (who turn out untrained and irresponsible practitioners) and underground operators—the very people who have created the problems that TPH and the City of Toronto are trying to eradicate.

It is our position that the proposed by-law is incomplete, and that the information collected during consultations with stakeholders was utilized in a manner to bolster support for the regulations and not for the purpose of education or communication with the community. While this organization's concerns regarding TPH's role in licensing were addressed to our satisfaction by Carola Ostach and Monica Mitchell, issues that we vocalized regarding the MLSD's requirements for licensing were never covered (and remain unclear and unanswered). We therefore cannot, in good conscience, support nor endorse the by-law to our supporters and members.

We appreciate the contact with TPH, but find it unfortunate that MLSD did not attempt to confer on a meaningful level with operators, who know the lay of the land and could provide valuable insight into the process of gaining the community's support and compliance. We strongly recommend that the by-law be thought through more thoroughly to ensure this support and compliance. We would like to see any vote on the matter held over until Municipal Licensing can complete this by-law in a manner that achieves its intended purpose (identifying and eliminating dangers to the community), rather than putting legitimate operators in jeopardy of being punished for being compliant with the law.

Thank you for your time, The Ontario Tattoo Association. - <http://ontariotattoo.com>