

The National Environmental Health Association (NEHA) represents more than 7,000 governmental, private, academic, and uniformed services sector environmental health professionals in the U.S., its territories, and internationally. NEHA is the profession's strongest advocate for excellence in the practice of environmental health as it delivers on its mission to build, sustain, and empower an effective environmental health workforce.

Policy Statement on Body Art

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As defined by the NEHA Body Art Model Code (BAMC), body art includes the practices of piercing, tattooing, branding, scarification, and cosmetic tattooing. The popularity of body art has grown at a rate outpacing regulation. The U.S. has no federal law regulating body art or body artists. Rather, body art is regulated by state and local jurisdictions, and there is great variation in licensing and training requirements across jurisdictions. Body art safety is a critical element of environmental health as the nature of the practice presents health risks associated with the transmission of bloodborne pathogens such as hepatitis B, hepatitis C, and HIV. Adopting uniform body art regulations helps protect public health while the industry changes and grows.

NEHA's Policy Statement

NEHA supports federal, state, local, tribal, and territorial health department efforts to improve the safety of the body art industry through thoughtful regulation to protect the health of the public.

As such, NEHA supports the following:

- Adoption of the most recent version of the BAMC, which provides standards and regulations for the design, operation, and maintenance of safe and sanitary establishments and practicing safe body art techniques. The accompanying BAMC Annex provides justification, rationale, and best practices to support the requirements in the BAMC and aid in its adoption.
- Robust legislation requiring that body artists are licensed and work in licensed facilities. Legislation should ensure that facilities have met licensing thresholds and that there is an enforcement mechanism for upholding such requirements.
- Standardized body art-specific training requirements and uniform national training for body artists and environmental health professionals. Uniform training in body art best practices and facility inspection procedures will reduce the risk exposure that occurs when inspection practices are learned in the field, where standards vary widely.
- Mechanisms to monitor and adapt to local, national, and global health concerns, and

timely dissemination of guidelines and data from trusted organizations such as the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) when emergency events do occur.

- Continued research on best practices for body art practitioners that improves the quality of current standards and stays up-to-date with the constantly growing and evolving body art industry.

Analysis

In the U.S., body art has developed from a niche practice, banned in some places well into the 20th century, to a mainstream, legal practice (Cambridge Public Health Department, 2020; Chicago Tribune, 2006). About 3 in 10 U.S. adults have at least one tattoo and 53% of Americans have at least their earlobes pierced (Shannon-Missal, 2016; Statista Research Department, 2021). Body art standards and regulations, while advancing, are struggling to keep up with the growing popularity and evolving trends of the practice. Regulations vary by jurisdiction and even across different procedures within body art. Unregulated body art practices and establishments present a public and environmental health threat, exposing clients to the risks of nerve damage, infections, and scarring, and exposing both clients and body artists to the spread of bloodborne pathogens. Variation in regulations across jurisdictions and procedures leaves opportunity for that public health threat to grow, as fragmentation makes the prioritization of safety standards and recognition of risks unclear.

The Food and Drug Administration (FDA) does consider the inks used in tattoos as cosmetics and will respond to safety issues; however, FDA commonly does not regulate the pigments in tattoo inks. FDA (2020) leaves the practice of tattooing to regulation by local jurisdictions.

Lack of uniform regulation across jurisdictions presents challenges to various aspects of body art, including waste management, as wide variation in guidelines might result in worker and client exposure to bloodborne pathogens. Between different states and jurisdictions, the lack of standardization in categorization and management of different types of waste, such as regulated medical waste, biohazardous waste, chemical waste, and infectious waste, can lead to confusion and knowledge gaps, posing further risks to public health.

The currently fragmented landscape of body art legislation enables inconsistent safety standards and professional requirements, as well as a lack of enforcement mechanisms. Safe body art practice knowledge requirements and standards are not incorporated into professional trainings and exams at a level that is sufficient to protect public health. There is no standardized national training for body art professionals and body art facility inspection is not a common educational subject within the environmental health field. Inspectors often are not uniformly trained in body art facility inspection standards and best practices, which can expose the public to health risks even in cases where environmental health professionals are present. In addition to the absence of a federal law or uniform state laws, the gap in body art-specific training opportunities for the environmental health workforce makes it challenging to ensure a standardized base level of

knowledge for regulators.

In 2021, NEHA (2021a) conducted a body art needs assessment that surveyed 268 environmental health professionals involved in regulating body art. Of the survey respondents, only 49% felt qualified to conduct a body art facility inspection and 80% felt that training and development opportunities around body art facility inspections are important in their role. The overall results of the body art training needs assessment revealed a need for training across each component area of the BAMC except for handwashing. Excluding handwashing and depending on the topic section of the BAMC, 75–94% of respondents indicated that training in each topic is somewhat or greatly needed. For example, ≥85% of survey respondents indicated that training was somewhat or greatly needed in sanitation and sterilization, exposure control plans, infectious and biomedical waste management plans, jewelry standards, procedure setup and breakdown, recordkeeping requirements, body art terms and definitions, and specific considerations for procedures. Respondents noted that their jurisdiction regulations are outdated and more current standards and guidelines are needed (NEHA, 2021a). The data show that updated and uniform regulations and standardized training to those standards are needed to equip public health professionals with the tools and knowledge necessary to effectively conduct body art facility inspections.

Variation in regulation among jurisdictions also presents a challenge when it is necessary to monitor and adapt to local, national, and global health concerns. Such concerns do not always fall along state and county lines and instead require coordination across jurisdictions. When there is not a mechanism in place to address widespread public health issues, operators may be unsure of what measures to take to protect public health and safety. The COVID-19 pandemic demonstrated this challenge and the importance of rapid, widespread regulatory response and guidance. Adapting to emerging health concerns quickly and effectively is crucial for body artists and operators to be able to continue practicing safely while following additional sanitary guidelines, such as more frequent sanitation and disinfection of surfaces, social distancing, masking, or limiting the number of customers in a facility. Organizations such as CDC and OSHA are useful for providing the most up-to-date research and guidelines on health concerns or events that are generally applicable to goods and service providers. There exists, however, a lack of guidelines pertaining specifically to body art. NEHA recognizes the need for body artists to be equipped with specific guidelines for operation of facilities in the face of growing health concerns at any level and encourages trusted scientific organizations to provide accurate and timely information for service providers such as body artists.

Lastly, a major challenge to ensuring safe body art practices is the slow pace of research, science, and updated policy relative to the pace of change in the industry. The industry is relatively young and constantly changing. Despite changes in terminology, body art techniques, best practices, and safety procedures, legislation and regulations are not updated at a rate that adequately captures these changes. Additionally, funding for research and policy action on public health threats specific to body art remain extremely limited.

Justification

Widespread adoption of the BAMC will protect public health by eliminating the challenges that arise due to variation in regulation across jurisdictions. The BAMC provides uniform standards for biomedical waste management, jewelry materials, recordkeeping requirements, disinfection and sterilization procedures, licensing requirements, and much more. Adoption of the BAMC would not only ensure safe and sanitary practices among body artists but also ensure that inspectors know how to conduct comprehensive inspection of facilities and are able to identify hazards.

Comprehensive legislation requiring that body artists and body art facilities are licensed protects public health and the confidence of the client. Body artists and clients alike support regulation of the industry and in many cases, it is the body art practitioners themselves who lobby for and help write legislation. In Florida, body art practitioners asked to be regulated and in 1999, with input from the industry, a piercing law was enacted. Soon after, tattoo artists began to lobby for regulations as well. In 2010, the Florida legislature passed a tattoo law and 2 years later the Department of Health began licensing tattoo artists (Mercer, 2017). Clients and body artists express a desire for regulation but as the results of NEHA's body art needs assessment show, environmental health professionals responsible for inspecting body art facilities also want comprehensive regulation and accompanying standardized training (NEHA, 2021a).

Standardization in requirements and training throughout the body art industry for both body artists and environmental health professionals responsible for regulating body art ensures that clients receive services at an establishment that is trained, knowledgeable, regulated, and able to effectively protect them from bloodborne pathogen transmission and other health risks. Training for body artists ensures they are all operating with a knowledge of minimum standards for safe performance of body art procedures. Training for environmental health professionals responsible for regulating body art enables them to uphold and enforce the standards for safe body art.

Currently, environmental health professional certifications have elements relevant to body art. Many environmental health professionals responsible for conducting inspections of body art facilities are Registered Environmental Health Specialists/Registered Sanitarians (REHS/RS). The REHS/RS examination requires knowledge of sanitary measures, such as universal blood and body fluid precautions, aseptic technique, medical waste disposal, bloodborne pathogen control, and facility standards (NEHA, 2021b, p. 204). Aside from professional certification exams, a nationwide, standardized training for regulators that is specific to body art does not exist. Many environmental health professionals currently learn body art inspection practices in the field (NEHA, 2021a). This type of on-the-job training presents a public health risk, as practices and regulations vary widely by jurisdiction, body art procedures are specific and complex, and the health risks inherent to body art are critical. NEHA supports more comprehensive and uniform training for inspectors to learn best practices and how to identify and mitigate health hazards prior to conducting inspections.

Standardization and mechanisms to unify responses across jurisdictions will also play an

essential role in protecting public health within the body art industry. As a result of the COVID-19 pandemic, many local health departments released guidance for safely reopening body art establishments during the pandemic and operating them in a manner that provided an extra layer of protection beyond established sanitation standards. For example, the Michigan Department of Health and Human Services published recommendations for body art facilities that included preopening guidance and guidance for staff and procedures once open. Recommendations included changing air filters at least 1 day prior to opening, providing employee training on personal protective equipment, restricting guest access to only the individual client unless necessary (e.g., minor with a parent, guardian, caregiver, etc.), and more. The guidelines also recommend following protocols established by the U.S. Environmental Protection Agency, OSHA, and CDC (Michigan Department of Health and Human Services, 2020; OSHAcademy, 2017). Although this guidance sheet provided timely and pertinent guidance to facility operators in Michigan, there was no similar widespread and timely federal guidance for the U.S. as a whole. An established body art-specific response to widespread health events and concerns, created by federal organizations and available to all states and jurisdictions, would ensure that body art facilities across the country and the health departments that support them, are given trustworthy recommendations in a timely manner.

Continued research on best practices is needed to ensure practitioners are using the safest, most up-to-date practices and that everyone involved in the operation of body art facilities is aware of and knowledgeable about changes to the industry and regulation procedures. Body art is a large umbrella and having current research on various procedures enables practitioners to conduct them safely and environmental health professionals to regulate them effectively. For example, branding can create unhealthy airborne toxins and there is currently a large gap in research on the effects of the procedure and the best methods for preventing harmful health outcomes. The same holds true for many other aspects of and procedures within body art, including color additives, jewelry materials, determining exposure within a body art facility or area where body art is performed, and more.

The body art industry consists of various practices, a diverse array of professionals, and constantly evolving health standards, all of which rely on up-to-date research and knowledge to protect public health. NEHA recognizes the challenges and the importance of regulating and standardizing body art requirements nationwide and supports adoption of uniform standards, efforts to improve training for practitioners and inspectors, licensing standards for body artists and body art establishments, and increased research on best practices for body artists. As body art continues to increase in popularity among the public, so too will the need for robust precaution and regulation in the industry.

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