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Notice of Liability

To: Office of the Director of the State of Hawai'i Department of Health, Elizabeth A. Char

The Hawai'i State Department of Education has indicated that they will defer to the Hawai'i State Department of Health concerning Covid-19 related safety measures in our public schools for the 2021-22 school year, including the use of face masks and the determination to mandate use.

This serves as notice that the mandate for any individual to wear a mask against COVID-19 for attendance at any school, university or other institution violates federal law. All COVID-19 masks, whether surgical, N95 or other respirators, are authorized, not approved or licensed, by the federal government; they are Emergency Use Authorization (EUA) only. They merely "may be effective." Federal law states:

Title 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I-III) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) states:

individuals to whom the product is administered are informed—

- (I) that the Secretary has authorized the emergency use of the product;
- (II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and
- (III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

EUA products are by definition experimental and thus require the right to refuse. Under the Nuremberg Code, the foundation of ethical medicine, no one may be coerced to participate in a medical experiment. Consent of the individual is "absolutely essential." A federal court held that even the U.S. military could not mandate EUA vaccines to soldiers. *Doe #1 v. Rumsfeld*, 297 F.Supp.2d 119 (2003).

In a letter dated April 24, 2020, the Food and Drug Administration stated that authorized face masks must be labelled accurately and may not be labeled in a way that misrepresents the product's intended use as "source control to help prevent the spread of SARS-CoV-2."

The letter specifies that the labeling “may not state or imply that the product is intended for antimicrobial or antiviral protection or related uses or is for use such as infection prevention or reduction.” Any EUA mandate requiring individuals to wear face masks conflicts with Section 360bbb-3(e)(1)(A)(ii)(I-III), which provides that the person must be informed of the option to refuse to wear the device.

It has become known that the regular use of any EUA face mask by healthy individuals carries significant risk of harm to the wearer not just physically, but emotionally and psychologically as well. The latest evidence proving the dangers of wearing face masks comes from Health Canada, the country’s national public health agency. It warned Canadians to not use face masks that contain graphene because people could inhale graphene particles.¹

Graphene is a nanomaterial that supposedly has antiviral and antibacterial properties. Manufacturers have been coating face masks with graphene and selling them as miracle cures for COVID-19.² Which is in itself a violation of federal law.

Research clearly shows that graphene is dangerous, and if inhaled it could lead to disastrous respiratory conditions. One study found that binding human cells to graphene damaged the cells. An animal experiment from 2016 found that mice with graphene in their lungs experienced localized lung tissue damage, inflammation and the eventual formation of granulomas. These formed because their bodies attempted to fend off the graphene by walling it off. The researchers also found persistent lung injury similar to what happens when humans inhale asbestos.³

Another study from March 2020 developed biological models that simulated the impact of high concentrations of aerosolized graphene on industrial workers. Their study found that long-term industrial exposure to graphene induced inflammation and weakened the protective barriers of the lungs.

These studies show the health impacts of breathing in microscopic graphene in large doses, which is what will inevitably happen due to the requirements of many local, state and national governments around the world for masks to be worn at all times.

¹ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75309a-eng.php>

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<https://theconversation.com/are-graphene-coated-face-masks-a-covid-19-miracle-or-another-health-risk-159422>

³ <https://www.naturalnews.com/2021-03-30-blue-masks-toxic-asbestos-destroys-lungs.html>

Health Canada's own preliminary assessment of the research has identified that inhaled graphene particles have the potential to cause early lung toxicity. This potential health risk was enough for the agency to warn people against using face masks labeled to contain either graphene or biomass graphene – graphene made from biomass waste.

The agency has asked mask manufacturers to assess the potential health risks of their graphene-coated masks. *Health Canada* is focusing on two specific manufacturers of face masks with graphene and is in the process of determining the safety and effectiveness of their products.⁴ It said in its statement:

“Until the Department completes a thorough scientific assessment and has established the safety and effectiveness of graphene-containing face masks, it is taking the precautionary approach of removing them from the market while continuing to gather and assess information. *Health Canada* has directed all known distributors, importers and manufacturers to stop selling and to recall the affected products.”

While the federal agency has no power over the decisions of Canadian provinces, it has written to their provincial health departments advising them to cease the distribution and use of masks containing graphene.

In a separate statement, *Health Canada* told *CTV News* that the health risks associated with masks with graphene or biomass graphene are unacceptable.

“Unless the manufacturers of these masks can provide substantial evidence to support the safe and effective use of graphene-coated masks, *Health Canada* considers the risk of these medical devices to be unacceptable.”

According to a study published in *JAMA Pediatrics* in June Of 2021 scientists determined that “there was ample evidence for adverse effects of wearing such masks” and that based on the findings of this study “children should not be forced to wear face masks.” The study is entitled *Experimental Assessment of Carbon Dioxide Content in Inhaled Air With or Without Face Masks in Healthy Children* and it reads:

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<https://www.ctvnews.ca/health/health-canada-issues-advisory-for-face-masks-containing-graphene-1.5372822>

“Many governments have made nose and mouth covering or face masks compulsory for schoolchildren. The evidence base for this is weak. The question whether nose and mouth covering increases carbon dioxide in inhaled air is crucial. A large-scale survey in Germany of adverse effects in parents and children using data of 25 930 children has shown that 68% of the participating children had problems when wearing nose and mouth coverings.

The normal content of carbon dioxide in the open is about 0.04% by volume (ie, 400 ppm). A level of 0.2% by volume or 2000 ppm is the limit for closed rooms according to the German Federal Environmental Office, and everything beyond this level is unacceptable.”

“Most of the complaints reported by children can be understood as consequences of elevated carbon dioxide levels in inhaled air. This is because of the dead-space volume of the masks, which collects exhaled carbon dioxide quickly after a short time. This carbon dioxide mixes with fresh air and elevates the carbon dioxide content of inhaled air under the mask, and this was more pronounced in this study for younger children. This leads in turn to impairments attributable to hypercapnia.”⁵

Any attempt to mandate a medical device that is not licensed by the FDA while that device is known to carry significant risks is a criminal act and constitutes willful misconduct and negligence as well as malfeasance and misfeasance. As a concerned parent it is my duty to protect the health and safety of my child. If you do not immediately cease and desist in continued implementation of policies which bind the Department of Education to commit these acts of child abuse, you will be held accountable to the fullest extent of the law.

⁵ <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2781743>