

June 22, 2020

Via Certified Mail

Gran Havana Cigar & Hookah Lounge
745 Fourth Ave.
San Diego, CA 92101

Re: **Withdrawal of Proposition 65 Notice of Violation**

To Whom It May Concern:

Please take notice that Kim Embry hereby withdraws her 60-Day Notice of Violation AG 2018-02030, a copy of which is enclosed with this letter.

Please do not hesitate to contact our office with any questions.

Sincerely,



Noam Glick

Enclosure

cc (via email): Harrison M. Pollak
Robert Thomas
Trish Gerken

November 6, 2018

Via Certified Mail

Gran Havana Cigar & Hookah Lounge
745 Fourth ave.
San Diego, CA 92101

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Kim Embry, a citizen of the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.6 of the Health and Safety Code ("Proposition 65"), by knowingly and intentionally exposing its customers, consumers, guests, the public, and employees to tobacco smoke and other chemicals listed below and designated by the State of California to cause cancer and reproductive toxicity without first giving clear and reasonable warning of that fact to the exposed persons (Health & Safety Code Section 25249.6).

The violations alleged by this notice consist of types of harm that may potentially result from exposures to environmental tobacco smoke, including but not limited to hookah smoking. Tobacco smoke was listed as a developmental toxin on June 9th, 2006. Tobacco smoke is a chemical known to the State of California to cause cancer. Tobacco smoke also contains carcinogens and reproductive toxins including: Carbon disulfide, 1,1-Dimethylhydrazine (UDMH), 1,3-Butadiene, 1-Naphthylamine, 2-Naphthylamine, 2-Nitropropane, 4-Aminobiphenyl (4-amino-dyphenyl), 7H-Dibenzo[c,g]carbazole, Acetaldehyde, Acetamide, Acrylonitrile, Aniline, Urethane, Arsenic (inorganic arsenic compounds), Benz[a]anthracene, Benzene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[j]fluoranthene, Benzo[k]fluoranthene, Cadmium, Captan, Chromium (hexavalent compounds), Chrysene, Dibenz[a,h]acridine, Lead, Dibenz[a,h]anthracene, Dibenz[a,j]acridine, Dibenzo[a,e]pyrene, Dibenzo[a,h]pyrene, Dibenzo[a,i]pyrene, Dibenzo[a,l]pyrene, Dichlorodiphenyltrichloroethane (DDT), Formaldehyde (gas), Hydrazine, Lead and lead compounds, Nickel and certain nickel compounds, N-Nitrosodiethanolamine, Toluene, N-Nitrosodiethylamine, N-Nitrosodi-n-butylamine, N-Nitrosomethylethylamine, N-Nitrosomorpholine, N-Nitroso-nicotine, N-Nitrosopiperidine, N-Nitrosopyrrolidine, Ortho-Anisidine, Ortho-Toluidine, Urethane (Ethyl carbamate), Carbon monoxide (CO), and Nicotine.

Additionally, the exposures to carcinogens and toxicants from hookah smoking are not limited to the use of tobacco; the burning of charcoal and tobacco alternatives have been found to contain high levels of carbon monoxide (CO), heavy metals (including: arsenic, cadmium, lead,

and nickel) as well as several carcinogens that can be found on the Prop 65 list. These carcinogens include, but are not limited to: benzene, quinoline, benzofuran, ethylbenzene, and styrene.

The route of exposure to the chemicals listed above have been and are from smoking through inhalation, meaning that smoke has been and is being breathed in via the ambient air by the exposed persons causing inhalation contact with their mouths, throats, bronchi, esophagi, and lungs. In addition, the route of exposure for users of hookah pipes occurs through inhalation from a mouthpiece on the hookah device.

The location of the environmental exposure is inside of the premises designated for use of hookah devices, and other tobacco delivery devices, including seating areas where the premise has tables and chairs and/or couches, in addition to any front or back seating or patio areas where hookah pipes are used to smoke, where smoking has been or is occurring. People entering or passing through such areas are affected by smoke that permeates, migrates, and travels from nearby or adjacent areas where hookah smoking is permitted also constitute locations of the violation.

This Notice includes violations of Proposition 65 for occupational exposure. The employees include those reasonably foreseeable employees who have to enter rooms designated for smoking and/or using hookahs, including waiters and waitresses, bar tenders, people that bus tables, repair/maintenance personnel, entertainment providers, maintenance workers, security personnel, cashiers and managers of the locations who have been and are entering or passing through areas/rooms/outdoor adjacent patio spaces that are designated for smoking including but not limited to, outdoor entrances, outdoor corridors, and other areas/rooms designated for smoking where smoking and using hookahs has been and is occurring, as the tobacco smoke permeates, migrates, and travels through the openings of doors and windows and through other structural openings of the areas/rooms designated for smoking and hookah use. The affected employees of the Party in violation are exposed to environmental tobacco smoke (ETS) regularly during business hours. The Party permits customers to smoke tobacco in indoor and outdoor seating areas. Customers and employees of the Party are exposed to tobacco smoke when loitering or walking through these designated smoking areas.

The route of exposure for employees is through inhalation contact with their mouths, throats, bronchi, esophagi, and lungs as described above. Second-hand tobacco smoke causes environmental exposure through inhalation. The environmental and occupational exposures have been occurring since the smoking of tobacco and/or the use of hookah has been permitted on the premises, which we understand has been at least for the past four years and continues to this day and will continue to occur as long as the establishment is in operation.

Proposition 65 requires that a clear and reasonable warning is provided regarding the exposures to environmental and direct inhalation of tobacco smoke in designated smoking areas. The Parties are in violation of Proposition 65 by failing to provide such warning to the public,

November 6, 2018

Notice of Proposition 65 Violation

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consumers and employees and as a result exposure to tobacco smoke have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60 days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Noam Glick". The signature is written in a cursive, flowing style.

Noam Glick

Enclosures