

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

WEDNESDAY, MARCH 1, 2023
2:00 PM
CONFERENCE ROOM 325 & VIDEOCONFERENCE

HOUSE BILL NO. 1348 HD1
RELATING TO LABELING OF MACADAMIA NUTS

Chairperson Tarnas and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1348 HD1. This measure clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the label of a consumer package of raw or processed macadamia nuts. Allows a private right of action for violations. The Department of Agriculture (DOA) supports this bill and offers comments.

DOA's Measurement Standards Branch investigates and enforces statute HRS 486-120.5 relating to macadamia nuts. The words "Foreign-Grown Macadamia Nuts" with a percentage of product by weight may be clearer than listing multiple countries on the package. The wording "By any other means" on page 1 line 14 is a broad term and vague in nature and with different interpretations. It is difficult to enforce as found in the Made In Hawaii statute 486-119. The Department would like to see language that is more identifiable and would stand up better to a legal challenge.

Thank you for the opportunity to testify on this measure.





TO: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: **HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition**
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Judiciary & Hawaiian Affairs Committee:

My name is Michelle Leon-Guerrero and I serve as Chief Administrative Officer for Hawaiian Host Group which includes the Hawaiian Host, Mauna Loa and KOHO brands. Mahalo for the opportunity to submit this testimony in **STRONG OPPOSITION** to HB 1348, HD1.

Hawaiian Host is a local company whose origins date back to 1927. Our founders, Mamoru and Aiko Takitani from Maui, were the innovators that created the first chocolate covered macadamia confections from Hawaii. The Takitanis' continued to innovate macadamia nut products. Their legacy is now known and shared all over the world.

Throughout our nearly 100 years, Hawaiian Host has been a company dedicated to its Hawaii roots. We operate two manufacturing facilities, one in Honolulu and one in Hilo, and proudly employ over 300 local employees - many that have been with us for decades. There are even generations of families in some cases working side by side in our factories, continuing to grow their legacy with our company.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawaii the bill as currently drafted is too broad and subject to inconsistent interpretations with potentially negative impacts on the industry, local companies, and our local community.

Unlike other crops grown in Hawaii, there are many products that use macadamias as an ingredient but not the sole source of the package. Macadamias, like other crops, are seasonal and require some importing to maintain consistency and supply, with end products that include chocolate, shortbread, cookies, ice creams, nut milks, butters, and other confections. Those products likely contain some ingredients that are not grown but are made into value-added products in Hawaii. These products account for thousands of local jobs and a valuable diversification from tourism.

February 23, 2023

Page 2

Indeed the legislature has identified in HB 1426 HD1 the need for food and product innovation, including value-add facilities, to support Hawaii's agriculture and economic diversification goals. Many local businesses focus our innovation efforts to continue to support creating new value-added products in Hawaii. HB 1348 HD1 as proposed, creates laws that not only hurt the industry, but threaten many local employers and their employees, who are also important to our community.

HB 1348 HD1 as it is currently written also does not provide notice or clearly define what is or is not prohibited regarding packaging. Given the broad language of the bill, companies could incur tremendous expenses to redesign and set up new packaging and be left with considerable amount of packaging inventory that will result in additional financial burden for these local businesses. In addition, there is concern that local farmers may not meet the demand for macadamia nuts for all products manufactured in Hawaii throughout the year.

Finally, HB 1348, HD1 presents several legal issues which could result in violations of federal law, and the Hawaii and U.S. constitution including vagueness, violations of the dormant Commerce Clause and trademark rights under the

I believe HB 1348 HD1 needs more time for both growers, processors, and CPG companies to come up with standards that work together in order to ensure the long-term success of the macadamia industry in Hawaii.

Thank you for the opportunity to submit testimony.

Mahalo,



Michelle Leon Guerrero
Chief Administrative Officer
Hawaiian Host Group

Testimony of Jeffrey Clark

Ka'u Farms Management and Hamakua Macadamia Nut Company

March 1, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jeffrey Clark. I manage Ka'u Farms Management which grows Hawaii-grown macadamia nuts in Ka'u and Hilo. I am the Chief Operating Officer of the Edmund C Olson Trust No 2 which owns Hamakua Macadamia Nut Company and Ka'u Farms Management. I **STRONGLY SUPPORT** House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

Our organization farms macadamia nuts in Ka'u and Hilo on approximately 1,500 acres of land. We also process macadamia nuts in our factory at Hamakua Macadamia Nut Company in Kawaihae. We use only Hawai'i-grown nuts.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops. There are about 650 farms, which employ thousands of workers growing macadamia nuts in Hawaii.

Now, the industry is **failing** due to the fact that the largest brands do not purchase most of their mac nuts from Hawaiian growers. Instead, they now rely largely on foreign nuts, mostly from Africa, which are much cheaper. Then, they peddle these foreign nuts in packaging that exploit their brands' long-standing history in Hawai'i without explaining they are selling "a taste of Africa," not a taste of Hawai'i.

This practice creates the greatest threat to the viability of macadamia farming in Hawaii. Unfortunately, there is now little or no regulation to prevent the use of Hawaiian names and images in marketing macadamia nuts grown outside of Hawaii.

Consumers now are not made aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

In Hawaii, the macadamia nut industry is slightly larger than the coffee industry at the farm level. Unlike coffee, the macadamia industry does not have labelling laws to protect farmers from brands that use less than 100% Hawaii-grown crop. Similar to coffee, there are many products that use macadamia as an ingredient. Many products use coffee or macadamia such as chocolate products, cookies, ice cream and other confections. The legislation under HB1348 HD1 seeks to strengthen the law to protect the farming community and inform consumers.

Vagueness

Supposedly, there is some concern about vagueness in the bill, as written. The bill should be clear that it covers all products that contain macadamia nuts, since consumers can be fooled by any product that appears to contain products from Hawai'i.

Dormant Commerce Clause

The Dormant Commerce Clause does not apply in this case. The Tariff Act of 1930 already requires brands to label country of origin on packaging at the federal level. This legislation adds protections for Hawaii-grown macadamia

nuts similar to other states, like “Florida Oranges”, “Idaho Potatoes”, “Napa Valley Wines”, etc. Many states have sought to protect the rights of farmers within certain growing regions. This is not something new. It only serves to prevent deception.

Trademark Rights

Nothing in the bill impinges on federal trademark rights. The trigger for the bill’s labeling contents is the content of the products; nothing restricts the use of any trademark. Rather, the bill only prevents deception by requiring disclosure.

A trademark does not allow a company to deceive consumers by omission or false statements. You can’t trademark “Hawaii Organic Macadamia Nut Company” on a package while using product that is not certified organic and not labelled as such. There are labelling laws at both the state and federal level to protect and inform consumers about the product inside the package. This bill simply extends that requirement to protect the integrity of the Hawai’i mac nut industry by requiring disclosure if a company that wants to take advantage of the hard-won and long-standing high quality, premium brand enjoyed by Hawaii-grown macadamia nuts, while using a low cost supply from a foreign source.

Unduly Burdensome

It is practical and reasonable to expect that there will be a brief grace period for brands to comply with the new law. It would make sense to allow 3 months from when the bill is passed to allow for new packaging to be produced and distributed. It is not expensive to add stickers to existing packaging to avoid deception.

Under the Tariff Act of 1930 and reinforced in the 2008 Farm Bill, macadamia nuts that are imported need to be labelled properly on retail packaging. Several brands are currently not in compliance with this law at the federal level and will have to redesign their packaging to comply.

This is the perfect time to incorporate these new regulations under HB1348 HD1.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Jeffrey Clark
Chief Operating Officer
Edmund C Olson Trust No. 2 / Ka’u Farms Management / Hamakua Macadamia Nut Company



Testimony of Andrew Trump

Island Harvest Inc.

March 1st, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Andrew Trump and I am a second-generation macadamia farmer writing on behalf of Island Harvest Inc. to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS. Island Harvest manages over 700-acres of organic macadamia nuts in Kapa'au on the Island of Hawai'i. As a farming company, we employ agricultural and business practices that contribute positively to our environment and community while ensuring that our farming team can work in a safe environment.

Many of the macadamia nut products sold to consumers in Hawai'i contain macadamia nuts grown in foreign countries, like Kenya, South Africa, Guatemala, and Australia. These products are often sold under brands that use Hawai'i-based language and images on their packaging.

We are not opposed to macadamia nuts grown in foreign countries being sold in Hawai'i, however, we feel consumers should not be misled to believe that the product they are purchasing contains "Hawaiian Macadamia Nuts" when it does not. Other states have already passed laws to protect the integrity of important agricultural products, such as Vermont with "Vermont Maple Syrup".

At a federal level, Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. § 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. § 1304 was "that the ultimate purchaser should be able to know by an inspection of the marking on the imported goods the country of which the goods is the product." United States v. Friedlander & Co., 27 C.C.P.A. 297 at 302 (C.A.D. 104) (1940).

We support Hawai'i specific legislation on macadamia labeling to reinforce federal laws in Section 304 of the Tariff Act of 1930. HB 1348 H.D. 1 provides a means of enforcement of misleading labeling through a private right of action.

We support allowing companies time to comply with labeling law set out by HB 1348 through the setting of an effective date or safe harbor clause.

We support further clarification, if needed to address vagueness, to Section 1. (b) and offer a possible alternative here:

(1) Contains language that a portion of the raw or processed macadamia nuts contained in the package was grown in Hawai'i; or

(2) Contains representations of the State, which in conjunction with other package branding, creates a reasonable expectation that the raw or processed macadamia nuts originate from any place within the State.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

A handwritten signature in black ink that reads "Andrew Trump". The signature is written in a cursive, flowing style.

Andrew Trump

Vice President

Island Harvest Inc.

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am a distributor with Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa and KOHO. I have been with the company for over 20 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai'i, I oppose HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Glen Kyono
Owner, M&K Distributors, Inc.

Testimony of Jason Stith

Mahina Mele Farms LLC

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jason Stith and I am a farmer and processor of Hawaii-grown macadamia nuts in South Kona. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,


Jason Stith
Owner, Mahina Mele Farms, LLC

Testimony of Charles Ensey

February 27, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Charles Ensey and I was a farmer of Hawaii-grown macadamia nuts in Hilo side of The Big Island. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling. If nothing is done this agricultural product will be the same as sugar cane and pineapples, GONE.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Charles Ensey

Past President

Hawaiian Sunshine Farms Inc.

Testimony of Rebecca Hemstead

Hawaiian Macadamia Nut Company

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Rebecca Hemstead and I am a farmer of Hawaii-grown macadamia nuts in Kona, Hawaii. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

A handwritten signature in black ink that reads "Rebecca Hemstead". The signature is written in a cursive, flowing style.

Rebecca Hemstead

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am a distributor with Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Jeffrey Lam



INTERNATIONAL LONGSHORE & WAREHOUSE UNION

LOCAL OFFICE • 451 ATKINSON DRIVE • HONOLULU, HAWAII 96814 • PHONE 949-4161

HAWAII DIVISION: 100 West Lanikoula Street, Hilo, Hawaii 96720 • **OAHU DIVISION:** 451 Atkinson Drive, Honolulu, Hawaii 96814
MAUI COUNTY DIVISION: 896 Lower Main Street, Wailuku, Hawaii 96793 • **KAUAI DIVISION:** 4154 Hardy Street, Lihue, Hawaii 96766
HAWAII LONGSHORE DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814

LOCAL 142

February 28, 2023

The Thirty-Second Legislature
Regular Session of 2023

THE HOUSE OF REPRESENTATIVES

Committee on Judiciary and Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

State Capitol, Conference Room 325 & Videoconference

Wednesday, March 1, 2023; 2:00 PM

STATEMENT OF THE ILWU LOCAL 142 ON HB 1348 – RELATING TO LABELING OF MACADAMIA NUTS

The International Longshore and Warehouse Union Local 142 (ILWU 142) testifies in **strong support of HB 1348, HD1**. The ILWU 142 is a labor union comprised of 18,000 members in the longshore, tourism, pineapple, and general trades industries – which includes workers in the Hawaii Macadamia Nut Industry.

HB 1348 HD1 concerns the integrity of the Hawaiian Macadamia Nut industry-identity. Out of that matter arises several matters, but not limited to, job security for local workers in the agricultural industry; labor, environmental and health standards within the agricultural industry more broadly; and consumer protections. HB 1348 HD1 provides important clarification on existing statute that will close a loophole in the law. In doing so, it provides greater clarity to business in the industry and further protects the industry-identity of the Hawaiian Macadamia Nut industry. The ILWU has a strong interest in protecting the industry-identity of the Hawaii Macadamia Nut industry where many our members work and take pride in their labor.

We appreciate the opportunity to testify in **strong support** to this measure.

Testimony of Donna Miller

Yamada Enterprises, Inc.

February 27, 2023

RE: HB1348 HD1 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Donna Miller. My family farms macadamia nuts in Kalapana on the Big Island. I am writing to you in support of House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy with about 17,000 acres grown on about 620 farms. In 2021, the industry generated \$62.73 million. In 2020, it was the 2nd largest agricultural commodity produced in Hawaii, only behind seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia nut farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Like many consumers, I was not aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. As I share this realization with others, we make it a concerted effort to buy products that we know are made with Hawaii-grown nuts but most consumers would not know which products these are. It is in the best interest of consumers of Hawaii to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Thank you.

Donna Miller
Yamada Enterprises, Inc.
President

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am a partner of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with working the company for 20 years. They have been great partners and have always shown integrity in all of our interactions and business dealings.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Simone Perez
7131 Makaa Street
Honolulu, HI 96825

HB-1348-HD-1

Submitted on: 2/27/2023 10:26:05 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Shimotsu-Tamura	Hawaiian Host Group	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 1 month.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Christopher Shimotsu-Tamura

HB-1348-HD-1

Submitted on: 2/27/2023 10:28:23 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimberley Siufanua	Hawaiian Host Group	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 25 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Kimberley Siufanua

HB-1348-HD-1

Submitted on: 2/27/2023 10:30:41 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rhianna Aerial Mantos	Hawaiian Host Group	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition**

Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for over a year.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Rhianna Mantos

HB-1348-HD-1

Submitted on: 2/27/2023 10:55:18 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steven Lim	Hawaiian Host Group	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I oppose HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The financial impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands. To be clear this would not only impact the farmers, but also the processors as well as corporate employees. It would then have a cascading effect on all the local goods and services providers to the Hawaiian macadamia nut industry.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Steven Lim

HB-1348-HD-1

Submitted on: 2/27/2023 11:00:25 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruby Lee	Hawaiian Host Group	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 1 year and a life-long fan of the company's products.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Ruby Lee

February 27, 2023

HB1348

Macadamia Nuts; Labeling Requirements; Country of Origin; Private Right of Action

Aloha Committee Chair Tarnas, Vice Chair Takayama and Committee Members,

My name is Cara Souza, and I am testifying in support of HB1348. I am an employee of Hawaiian Macadamia Nut Services on the Big Island for over 14 years. Hawaiian Macadamia Nut Services farms over 5,000 acres of macadamia and employs a large number of the community in Pahala as well as Hilo.

When I began working for the company in 2008, the company was able to sell the annual macadamia crop locally. But in more recent years, the company has been unable to compete with the extremely low cost of international macadamia, especially in the local market.

Local macadamia nut products are now being flooded with sub-quality foreign macadamia, while still maintaining the original Hawaiian branding. This hurts all local macadamia farmers, especially the small farmers who are now being turned away by prominent local processors. Why pay higher prices for local macadamia when large local companies can cut off local farmers for the benefit of their bottom line, all the while selling their macadamia products under false pretense due to their branding.

Any entity that would market and sell "Hawaiian" macadamia products should be transparent as to the origin of the product. It would be disturbing to learn that an authentic product I was sold was not in fact completely authentic or genuine, especially if the seller willingly withheld this information.

Hawaii is truly a special place, and I believe in the integrity of locally grown macadamia nuts and the farmers who grow and harvest them. Once again, I am in full support of HB1348. Please help to protect and strengthen our local macadamia farmers and their livelihoods before it becomes a thing of the past.

Thank you for your time and consideration,

Cara Souza

HB-1348-HD-1

Submitted on: 2/27/2023 12:38:22 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
PAMELA A. SALMO	HAWAIIAN MACADAMIA NUT SERVICES	Support	Written Testimony Only

Comments:

I Pamela Salmo a Supervisor for Hawaiian Macadamia Nut Services strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:52:41 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
imelda aurelio	HAWAIIAN MACADAMIA NUT SERVICES	Support	Written Testimony Only

Comments:

I Imelda Aurelio Support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:54:19 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Domingo Corpuz	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:41:43 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruby Manantan	Hawaiian Macadamia Nut Services	Support	Written Testimony Only

Comments:

Hi my name is Ruby Manantan I am a harvesting supervisor for Hawaiian Macadamia Nut Services out in the Ka'u Orchard. I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:47:29 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Yolanda Norberte	Hawaiian Macadamia Nut Services	Support	Written Testimony Only

Comments:

I Yolanda Norberte employee for Hawaiian Macadamia Nut Service support Bill HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 12:55:29 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Reima Corpuz	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:54:21 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eugenio Asistin	HAWAIIAN MACADAMIA NUT SERVICES	Support	Written Testimony Only

Comments:

I support Bill HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 12:57:29 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emelda Bilog	HAWAIIAN MACADAMIA NUT SERVICES	Support	Written Testimony Only

Comments:

I support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:58:15 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauro Manzano	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:59:06 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Antonio Calaro	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:01:12 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodolfo Manzano	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:01:55 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
marcelina mangoba	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:02:57 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Esmeria Garo	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:05:24 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Fe Caluya	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:03:45 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Manuel Prado	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:08:13 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Villamor Viernes	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:11:14 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosita Castillo	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:12:01 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Adela Fukunaga	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:12:52 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nenita Dulig	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:13:57 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amelita Santos	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:19:26 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emeterio Castro	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:22:51 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leonarda Castro	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 1:28:32 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Efres Nethon	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:31:36 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Simion Neor	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:37:45 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jezekial Jara	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:38:45 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andre	Hawaii macadamia nuts services, llc	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:39:36 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Josephine Ceredon	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:41:30 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodrigo Bagaoisan	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 7 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Brad Akagi

Testimony of John Kei Smith

New Hawaii Macnut Company

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is John Kei Smith and we own and farm Hawaii-grown macadamia nuts in Pahala in Kau. Our company has been in business for over 32 years. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

Our orchards as well as Hawaii macadamia nut industry in general is under threat from economic pressures. High inflation, rising costs but the increased use of foreign cheaper macadamia nuts in products that appear to be from Hawaii is making our industry not viable.

Today our company owns over 300 acres of orchards and we see our hard work in creating jobs and an industry threatened and we will cease to exist if nothing is done.

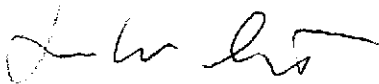
The misleading labeling of Hawaiian macadamia nut products is one of the key problems with little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

When I ask my friends, family, acquaintances about where they think the macadamia products they bought in Hawaii comes from. They all think it was all grown and made in Hawaii.

It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,



2/28/23

John Kei Smith

President, New Hawaii Macnut Company

HB-1348-HD-1

Submitted on: 2/27/2023 7:51:42 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Miller	Sweet Brown Hawaii	Support	Written Testimony Only

Comments:

Thank you Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs for taking the time to read my testimony regarding HB1348.

My name is Steve Miller and I along with my wife run a very small confectionary business making caramels. Two of our very popular flavors are Vanilla Macadamia Nut and Kona Coffee Macadamia Nut caramels. We take great pride in using only Hawaii grown Macadamia Nuts in our caramels (using only 100% Kona Coffee too). We feel if it is important to 'practice what we preach' so to speak when it comes to Buy Local when possible.

Companies pretending to be selling Hawaii grown Macadamia Nuts without actually having the content or percentage of the nuts that are actually sourced in Hawaii clearly labeled hurts the manufacturer and is unfair to the consumer.

Please consider passing this legislation to put an end to this practice.

Aloha,

Steve Miller - Sweet Brown Hawaii

Synergistic Hawaii Agriculture Council



HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Wednesday, March 1, 2023
Conference Room 325 & Videoconference

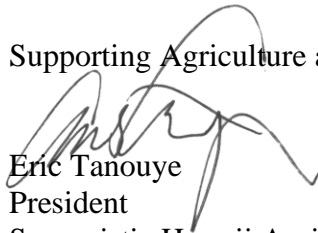
My name is Eric Tanouye and I am the President of the Synergistic Hawaii Agriculture Council (SHAC). SHAC is a statewide organization consisting of four associations - the Hawaii Coffee Association (HCA), the Hawaii Floriculture and Nursery Association (HFNA), the Hawaii Macadamia Nut Association (HMNA) and the Hawaii Papaya Industry Association (HPIA), and represents over 1000 businesses, from growers to processors and shippers, stretching across the State of Hawaii. Our mission is to support the growth of Hawaii agriculture and founded with the effort to better market Hawaii commodities to foreign and domestic markets.

SHAC SUPPORTS HB1348 RELATING TO LABELING OF MACADAMIA NUTS

We find that HB1348 has positive changes to HRS 486-120.5 and though we would like to see further changes to the labeling, we support this bill. It is important to our local Macadamia industry to properly convey the knowledge that their products are produced in Hawaii.

If you have any questions, I can be reached by phone at 808-959-3535 ext. 2627, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,


Eric Tanouye
President

Synergistic Hawaii Agriculture Council

Synergistic Hawaii Agriculture Council (SHAC)
190 Keawe St. Suite 204 Hilo HI 96720



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 1, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 1348, HD1
RELATING TO LABELING OF MACADAMIA NUTS

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 1348, HD1, which clarifies labeling requirements for macadamia nuts and requires country of origin to be included on the label of a consumer package of raw or processed macadamia nuts and allows a private right of action for violations.

Hawai'i is the 5th largest producer of macadamia nuts in the world (620 farms, operating on 17,000 acres), after Australia, South Africa, China, and Kenya. Production in 2021 totaled 51 million pounds; **the farm value was estimated at \$62.7 million.**

The Hawai'i macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawai'i is the misleading labeling of macadamia nut products. Currently, there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawai'i.

House Bill 1348, HD1 enacts positive changes to protect macadamia nut farmers in the State and the premium brand of goods grown and produced in Hawai'i.

Thank you for the opportunity to testify on this measure.

Testimony of Mary Mahina Lorenzo

Ka'u Farms Management LLC.

February 16, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Nakashima, Vice Chair Sayama, and the members of the House Committee on Consumer Protection & Commerce,

My name is Mary Mahina Lorenzo and I am the Manager's Assistant for Ka'u Farms Management LLC., a company that grows Hawaii-grown macadamia nuts in Pahala, Ka'u, Hawaii Island. I have been living in a community supported by the Hawaii macadamia nut industry all my life. I am writing to you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Mary Mahina Lorenzo

Manager's Assistant

Ka'u Farms Management LLC.

Testimony of Frank Lorenzo Sr.

Ka'u Farms Management LLC.

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Frank Lorenzo Sr., and I am the Orchard Manager for Ka'u Farms Management LLC., a company that grows Hawaii-grown macadamia nuts in Pahala, Ka'u, Hawaii Island. I have been working in the Hawaii macadamia nut industry since 1983. I am writing to you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Frank Lorenzo Sr.

Orchard Manager

Ka'u Farms Management LLC.

**TESTIMONY IN SUPPORT OF HB 1348,
RELATING TO LABELING OF MACADAMIA NUTS**

February 28, 2023

Rep. David Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

Aloha Chair Tarnas, Vice Chair Takayama and Committee Members:

The Macadamia Growers of Hawai'i strongly supports HB 1348, Relating to Labeling of Macadamia Nuts. We are concerned the era of Hawai'i's macadamia nut industry is at risk of coming to a close. For the past few years, our industry has faced increasingly intense global competition and now dumping of foreign nuts into the U.S. market. This has been exacerbated by companies that undermine the value of Hawai'i-grown macadamia nuts through their labeling practices. As a result, for the current 2022-2023 crop year, millions of pounds of nuts have gone unharvested, and growers are facing millions of dollars of losses due to unsold or unharvested inventories. Many of the workers on Hawai'i Island are at home with no work.

The largest brands use low-cost foreign macadamia nuts in their products with images and packaging that portray them as authentic Hawai'i products to capitalize on the brand and value of Hawai'i-grown macadamia nuts. This unsavory practice allows them to sell their products at prices that yield better margins and dominate retail shelves, but misleads customers, both visitors and local residents, into believing they are buying Hawai'i-origin products. The practice also wreaks havoc on the local macadamia nut industry, and robs multiple generations of Hawai'i residents of quality jobs.

The proposed amendment, as revised by the House Committee on Agriculture and Food Systems, will strengthen the existing state statute. The proposed amendment will also provide welcome relief for the local macadamia nut industry.

Thank you for allowing Hawai'i's macadamia nut growers to share our concerns on this bill.

Sincerely,

Bradford Nelson
Director
Macadamia Growers of Hawai'i

Testimony of Ikaika Grace

Ka'u Farms Management LLC.

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Ikaika Grace and I work for Ka'u Farms Management LLC., a company that grows Hawaii-grown macadamia nuts in Pahala, Hawaii. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Ikaika Grace

Equipment Operator & Mechanical Harvester

Ka'u Farms Management LLC.

HB-1348-HD-1

Submitted on: 2/28/2023 6:58:17 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon Estabilio	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:02:52 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Navarro	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:03:47 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Navarro	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:12:54 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shaine Kuilipule	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:21:41 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Arnold Abellera	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:22:40 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keenan	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:28:54 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Aurelio	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:29:36 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paris Marques	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:31:27 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lyle Matthews	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 7:39:35 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ezra Keohuloa	Hawaiian Macadamia Nut Services, LLC	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

Testimony of Matthew Zilch
Hawaii Tart Innovations
February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Matthew Zilch, and I am a farmer and value-added producer of Hawaii-grown macadamia nuts and products in Kealahou. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii. Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,
Matthew Zilch



HAWAIIAN
HOST
GROUP

TO: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

FROM: Ed Schultz
President & CEO, Hawaiian Host Group

RE: **HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition**

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

Hawaiian Host Group supports the *intent* of HB 1348 HD1 to protect macadamia nut farmers in the State and the premium brand of goods grown and produced in Hawai‘i, but *must oppose* HB 1348 HD1 as currently written due to numerous legal and policy concerns, including that the bill in its current form:

1. Is likely to be found void for vagueness.
2. May violate the dormant Commerce Clause.
3. May conflict with the rights of holders of federally registered trademarks under the Lanham Act.
4. Is unduly burdensome and not commercially reasonable as it does not have any phase-in over time provisions to allow vendors to come into compliance.

We address each of these issues in detail below.

Void for Vagueness

HB1348 HD1 is likely to be found void for vagueness where it: (1) fails to give notice that will enable ordinary people a reasonable opportunity to understand what it prohibits so they may act accordingly;¹ and (2) fails to provide explicit standards for those who will be tasked with

¹ *Planned Parenthood of Cent. & N. Arizona v. State of Ariz.*, 718 F.2d 938, 948 (9th Cir.1983) (holding that a statute is void for vagueness if persons of common intelligence must necessarily guess at its meaning); *Chicago v Morales*, 527 U.S. 41, 119 S.Ct. 1849, 144 L.Ed.2d 67 (1999) (recognizing that vagueness may invalidate a statute for two independent reasons: “[f]irst, it may fail to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits; second, it may authorize and even encourage arbitrary and discriminatory enforcement.”); *Grayned v. City of Rockford*, 408 U.S. 104, 108–09, 92 S.Ct. 2294, 2298–99, 33 L.Ed.2d 222 (1972) (“Vague laws offend several important values. First, because we assume that man is free to steer between

applying the law. As a result, the bill as written can enable and even encourage arbitrary and discriminatory enforcement under the following circumstances:

First, that HB1348 HD1 provides that the use of “images of the State” on packaging of a product which contains raw or processed macadamia nuts *per se* (automatically and by itself) represents the origin of the raw or processed macadamia nuts as being from any place within the State, is overbroad and susceptible of being found void for its vagueness.

Importantly, HB1348 HD1 does not require that the use of “images of the State” be used together with an express written representation that the macadamia nuts were in fact grown in Hawai‘i, *e.g.*, “Hawai‘i-Grown Macadamia Nuts.”² Moreover, HB 1348 HD1 does not require or even allow that the use of images of the State be viewed in context to determine whether, as a whole, the packaging is likely to be construed by consumers as representing the origin of the raw or processed macadamia nuts as being from any place within the State. Consequently, HB1348 HD1 essentially creates an automatic and potentially irrebuttable presumption that the use of images of the State *per se* represents that the macadamia nuts were in fact grown in Hawai‘i regardless of the context in which the images appear.

Second, the phrase “images of the State” is an undefined term that on its face, is overbroad, vague and ambiguous. For example, HB1348 HD1 does not require that the image depict any natural or manmade landmark that is “famous” or provide explicit standards to allow ordinary persons to understand what qualifies as an image of the State. Under HB1348 HD1, “ordinary” and / or “generic” images of coconut, macadamia nuts, plumeria, hibiscus, and orchids which are often associated with, but are neither native nor exclusive to the State, could arguably trigger compliance. Similarly, images of ordinary and / or generic beach

lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.”)(footnotes omitted).

² See HB1348 HD1 (proposing to amend HRS 486-1250.5 at section (b), which would require compliance with the labeling requirements thereunder if a label on a consumer package “(1) Contains language that a portion of the raw or processed macadamia nuts contained in the package was grown in Hawaii or (2) By any other means, including but not limited to a company name or use of the images of the State, represents the origin of the raw or processed macadamia nuts as being from any place within the State[.]”). The use of the disjunctive “or” (instead of the conjunctive “and”) means that only one or the other need be present to require compliance.

scenery, pineapple fields, or volcanos could be misattributed as being “images of the State” when in fact they are not.

Third, HB1348 HD1 creates a bright line rule that a company name alone can represent the origin of the raw or processed macadamia nuts as being from any place within the State, but does not articulate the criteria by which a company name necessarily represents the origin of the macadamia nuts as being from any place within the State. Under HB1348 HD1, arguably, a company name which includes words such as “Hawaiian”, geographic descriptors such as “Hawai‘i”, “Diamond Head”, “Kaua‘i”, “Maui”, “Honolulu”, or “Hilo”, or Hawaiian language words such as “Aloha” or “Mele”, whether used together or with other words, could require compliance with HB1348 HD1.

Hawaiian Host Group enjoys a rich heritage in Hawai‘i, including through its wholly-owned subsidiaries doing business as Hawaiian Host and Mauna Loa Macadamia Nut Company. These companies have been in place for decades and have accrued considerable value and goodwill to each respective company as a result thereof. HB1348 HD1 would effectively penalize our companies for the use of their names, significantly impairing our companies’ valuable intellectual property rights.

We note that there are numerous company names that could potentially be impacted by HB1348 HD1 as written – whether or not those companies know or realize as much. Given the potentially sweeping impacts HB1348 HD1 may have, reasonable notice and opportunity for potentially impacted companies to be fairly heard on this issue is necessary.

Fourth, HB1348 HD1 includes the phrase “including but not limited to” which precedes “company name or the use of images of the State” as ways in which product packaging may be deemed to represent the origin of the raw or processed macadamia nuts as being from any place within the State. This catch-all phrase even further expands the overbroad nature of HB1348 HD1 to allow potentially infinite ways in which the law could require compliance without providing notice to ordinary people of what is prohibited or explicit standards for enforcement.

Fifth, the overbroad, vague and ambiguous language of HB1348 HD1 may lead to confusion enabling, or even encouraging, arbitrary and discriminatory enforcement, including, but not limited to, frivolous and costly litigation.

Violations of the Dormant Commerce Clause

HB1348 HD1 may violate the dormant Commerce Clause to the extent it (1) discriminates against interstate commerce in favor of in-state commerce; and (2) imposes a burden on interstate commerce that is excessive relative to the putative benefits as there has been no demonstration that the intent of HB1348 HD1 cannot be served by reasonable nondiscriminatory

alternatives.³ HB 1348 is not facially discriminatory, but appears purposefully discriminatory because it burdens commerce, including interstate commerce, with new onerous labeling requirements for macadamia nut products designed and specifically intended to benefit of Hawai‘i based mac nut farmers. The labeling requirements are made more burdensome and onerous as a result of the vague language and the proposed private right of action. Additionally, the burden falls disproportionately on out of state manufacturers and distributors. For example, out of state manufacturers doing business in Hawai‘i would be subject to the private right of action, causing them to have to travel to Hawai‘i to defend, a very different burden than what would be experienced by the Hawai‘i based manufacturer.

Conflicts with Trademark Rights under the Lanham Act

HB1348 HD1 may conflict with the rights of holders of federally registered trademarks under the Lanham Act. A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies the source of goods or services. Importantly, one of the express purposes of the Lanham Act is “to protect registered marks ... from interference by State, or territorial legislation....” 15 U.S.C. § 1127 (1994).

Hawaiian Host and Mauna Loa Macadamia Nut Company are the owners of dozens of well-known and widely recognized federal and state trademarks (as well as trademarks registered in other countries). Hawaiian Host and Mauna Loa Macadamia Nut Company have spent significant time, energy, and expense promoting their respective trademarks and those trademarks have accrued considerable value and goodwill to each company as a result thereof.

³ “The first prong targets the core concern of the dormant commerce clause, protectionism—that is, differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter. Protectionist laws are generally struck down without further inquiry[.]”*Id.* at 449 *International Dairy Foods Ass’n v. Boggs*, 622 F.3d 628 (6th Cir. 2010). A rule is protectionist if it results in “differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter.” *Tenn. Scrap Recyclers Ass’n v. Bredesen*, 556 F.3d 442, 449 (6th Cir.2009) (citation omitted). “A [state regulation] can discriminate against out-of-state interests in three different ways: (a) facially, (b) purposefully, or (c) in practical effect.” *E. Ky. Res. v. Fiscal Court of Magoffin County*, 127 F.3d 532, 540 (6th Cir.1997). If a state statute does either, it is “generally struck down ... without further inquiry.” *Brown–Forman Distillers Corp. v. N.Y. State Liquor Auth.*, 476 U.S. 573, 579, 106 S.Ct. 2080, 90 L.Ed.2d 552 (1986); *see also Dep’t of Revenue of Ky. v. Davis*, 553 U.S. 328, 338, 128 S.Ct. 1801, 170 L.Ed.2d 685 (2008) (holding that a discriminatory state law is “virtually per se invalid” and “will survive only if it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives” (citation and internal quotation marks omitted)). But if the “statute has only indirect effects on interstate commerce and regulates evenhandedly,” *Brown–Forman*, 476 U.S. at 579, 106 S.Ct. 2080, a court then moves on to the second inquiry, which requires the application of the balancing test set forth in *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970). That test upholds a state regulation unless the burden it imposes upon interstate commerce is “clearly excessive in relation to the putative local benefits.” *Id.* at 142, 90 S.Ct. 844.

Each company's claims of ownership in their respective trademarks are based upon long existing and clearly delineated common law and statutory rights. These rights constitute legally protectable property. As to the trademarks for which Hawaiian Host and Mauna Loa Macadamia Nut Company hold federal registrations, it is well-established that the federal trademark laws are designed to promote and encourage uniform trademark use, and to discourage activities which would result in confusion among purchasers. Local labeling regulations, such as HB1348 HD1, which disproportionately burden those owning federally registered marks incorporating Hawai'i place names, conflict with federal law and underlying public policy.

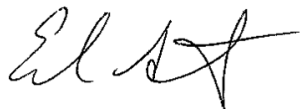
Unduly Burdensome and Not Commercially Reasonable

HB1348 HD1 is unduly burdensome and not commercially reasonable as it does not have any phase-in over time provisions to allow vendors to come into compliance. HB1348 HD1 could impact many companies and require significant economic investment to modify packaging (e.g., complete redesign or, at minimum, placement of label stickers over existing packaging). The expense of redesigning product packaging to comply with HB1348 HD1 would apply broadly to products consisting solely or primarily of macadamia nuts to products in which the quantity of macadamia nut is negligible.

It may be impossible or impractical to retrieve products already being offered for sale or in the possession/control/ownership of third-parties and imposing the requirements of HB1348 HD1, including without any phase-in over time provisions, is not commercially reasonable. The concerns regarding having adequate time to come into compliance are exacerbated here where HB1348 HD1 is vague as written and fails to provide ordinary people a reasonable opportunity to understand what it prohibits so they may act accordingly.

Lastly, when the overbroad, vague and ambiguous language is coupled with the bill's private right of action, that empowers "any person injured by a violation of this section [to bring] a civil action in court for damages", this statute could potentially create massive exposure for local companies. If many suits are brought it will substantially increase the cost of doing businesses in Hawaii causing prices for residents to increase substantially. Alternatively, if additional consumer protections are needed, Hawaii consumers could easily rely upon the Attorney General to ensure there are no actual violations of the law. Simply put, the private right of action provides no legitimate benefit to consumers.

For these reasons, we respectfully ask you to hold this measure. Thank you for the opportunity to submit testimony.



Ed Schultz
President & CEO

Testimony of Jesse Lorenzo

Ka'u Farms Management LLC.

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Frank Lorenzo Jr. and I work for Ka'u Farms Management LLC. a company that grows Hawaiian macadamia nuts in Pahala, Hawaii. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Jesse Lorenzo

Equipment Operator

Ka'u Farms Management LLC.



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
Treasurer

Chapter Presidents

Madeline Ross
Kohala, Hawai'i

Odysseus Yacalis
East Hawai'i

Puna, Hawai'i

Andrea Drayer
Ka'u, Hawai'i

Chantal Chung
Kona, Hawai'i

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the House Judiciary & Hawaiian Affairs Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB1348.**

HFUU believes that clearly stated labels provide better information to consumers and promote truth in marketing.

By making sure that the country of origin is included on the label of macadamia nuts, consumers get an accurate representation of food products. As a result, it creates transparency for all producers, especially Hawaii's macadamia nut growers, allowing them to remain competitive in the market. Furthermore, the private right of action for violations provides an avenue for impacted macadamia nut producers to recoup any losses attributed to violations.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

Testimony of Reginald Souza

Hawaiian Macadamia Nut Services, LLC

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Reginald Souza and I am a farmer of Hawaii-grown macadamia nuts in Keaau and Ka'u. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Reginald Souza

Hawaiian Macadamia Nut Services, LLC

HB-1348-HD-1

Submitted on: 2/28/2023 11:38:27 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce Corker	Rancho Aloha	Support	Written Testimony Only

Comments:

Chair Tarnas and Members of the Committee:

I am a coffee and avocado farmer in Hawaii County and **STRONGLY SUPPORT HB1348.**

Hawaii needs to protect the economic interests of Hawaii farmers and to protect the reputation of Hawaii-grown specialty agricultural crops.

Hawaii needs protect consumers from deceptive labeling and fraud.

As a state whose economy is heavily dependent on tourism, Hawaii should be concerned about protecting the reservoir of goodwill it enjoys on the Mainland and around the world. Failure of Hawaii to follow basic principles of Truth-In-Labeling undermines that reservoir of goodwill. Visiting consumers do not like to be misled and cheated by deceptive labeling and deceptive advertising.

Please protect Hawaii's goodwill. Please pass HB1348.

Thank you,

Bruce Corker

Rancho Aloha

Holualoa, Hawaii County



House Committee on Judiciary & Hawaiian Affairs

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB1348 HD1

Wednesday, March 1st, 2023 2 p.m. Conference Room 325

Aloha Chair Tarnas, Vice Chair Takayama and Members of the Committee,

We support HB1348 HD1 which clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the label of a consumer package of raw or processed macadamia nuts.

We are hopeful that truth-in-labeling reform for macadamia labeling will be a step toward broader protection for the “Hawai'i Brand” and for all other Hawai'i-grown agricultural products—including coffee, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the “Hawaii Brand”¹

If supply goes down, prices go up. Removing from the supply the non locally grown macadamias sold in Hawai'i under Hawaiian marketing will cause both retail demand and farmgate prices for available genuine Hawaiian macadamia to go up—not down.

Hawaii should defend the integrity and quality of its premier products, such as macnuts, in the same way that Idaho protects the integrity of Idaho Potatoes, or Georgia protects Vidalia Onions, or Vermont protects Vermont Maple Syrup.

Please support HB1348 HD1.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

¹ <https://www.sfgate.com/hawaii/article/hawaii-products-not-from-islands-17312415.php>



Email: communications@ulupono.com

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Wednesday, March 1, 2023 — 2:00 p.m.

Ulupono Initiative supports HB 1348 HD1, Relating to Labeling of Macadamia Nuts.

Dear Chair Tarnas and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy and clean transportation choices, and better management of freshwater resources.

Ulupono supports HB 1348 HD1, which clarifies labeling requirements of macadamia nuts; requires country of origin to be included on the label of a consumer package of raw or processed macadamia nuts; and allows a private right of action for violations.

Ulupono supports the State's goal to double local food production by 2030. The local macadamia nut industry is known as one of Hawai'i's iconic food crops and continues to be a top commodity grown in the state. In 2021, local macadamia nut growers produced 51 million pounds of wet-in shell sales, accounting for \$62.73 million.¹ While a top, local agricultural commodity in the state, Hawai'i-grown macadamia nuts compete with production from countries like South Africa, Australia, Kenya, and China², emphasizing the need to protect the Hawai'i brand.

Ulupono supports truth and accuracy in labeling as it is critical to enabling individuals to make informed choices about the products they support through their purchases. Weakened accuracy undermines the Hawai'i brand across the industry, diminishing one of the few potential advantages local producers have to grow the local ag industry.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

¹ https://www.nass.usda.gov/Statistics_by_State/Hawaii/Publications/Fruits_and_Nuts/FTNTHI052022.pdf

² Statistical data published in the "Nuts and Dried Fruit Statistical Yearbook – 2021/22" by the International Nut and Dried Fruit Council (INC).

HB-1348-HD-1

Submitted on: 2/28/2023 1:18:56 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Garrett Gum	Hawaiian Host Group	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for twenty eight years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I oppose HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB 1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Garrett Gum

HB-1348-HD-1

Submitted on: 2/28/2023 1:28:24 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christian Zuckerman	Kuwale Ridge Farms	Support	Written Testimony Only

Comments:

Aloha,

My name is Christian Zuckerman and I am in strong support of HB 1348. The macadamia nut industry is a significant contributor to Hawaii’s agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai’i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.



**Testimony of Barbara Anderson, Secretary
Hawaii Macadamia Nut Association
March 1, 2023
RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS**

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing to you on behalf of the Hawaii Macadamia Nut Association in support of House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The Hawaii Macadamia Nut Association was established in 1960 and currently consists of 49 members who are growers, processors, or marketers of macadamia nuts in Hawaii. Our association exists to educate the public on topics pertaining to all facets of the Hawaii macadamia nut industry.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms in the state of Hawaii. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

At a federal level, Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. § 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. § 1304 was "that the ultimate purchaser should be able to know by an inspection of the marking on the imported goods the country of which the goods is the product." United States v. Friedlander & Co., 27 C.C.P.A. 297 at 302 (C.A.D. 104) (1940).

In summary:

1. We support Hawai'i specific legislation on macadamia labeling to reinforce federal laws in Section 304 of the Tariff Act of 1930. HB 1348 H.D. 1 provides a means of enforcement of misleading labeling through a private right of action.

2. We support allowing companies time to comply with labeling law set out by HB 1348 through the setting of an effective date or safe harbor clause.

3. We support further clarification, if needed to address vagueness, to Section 1. (b) and offer a possible alternative here:

(1) Contains language that a portion of the raw or processed macadamia nuts contained in the package was grown in Hawaii; or

(2) Contains representations of the State, which in conjunction with other package branding, creates a reasonable expectation that the raw or processed macadamia nuts originate from any place within the State.

Thank you for taking the time to consider our testimony.

Mahalo,

Barbara Anderson

Secretary

Hawaii Macadamia Nut Association

HB-1348-HD-1

Submitted on: 2/28/2023 6:31:01 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cindy Salmo	HAWAIIAN MACADAMIA NUT SERVICES	Support	Written Testimony Only

Comments:

I strongly support Bill HB1348.

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Vivian Fung

HB-1348-HD-1

Submitted on: 2/28/2023 12:59:42 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Luke Octavio	Individual	Oppose	Remotely Via Zoom

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition**

Hearing Date: Wednesday, March 1, 2023 at 2pm

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

Since 1994, I have been a proud employee of the Mauna Loa Macadamia Nut Company. Mauna Loa gave me my first job as a Data Entry Clerk and I worked my way up to Production Manager of our facility in Kea’au. Many of my team members today started around the same time as me, some have even been here for 40 years now. Mauna Loa helped us raise our families on the Big Island.

The Big Island is a special place. It has a very close-knit community and Mauna Loa is very much part of that community. Over the years, Mauna Loa has supported our community in many different ways. From the hundreds of jobs it has created, to the community events (e.g., Merrie Monarch) it supports, I know I speak for many of us in the community when I say we are grateful to have a large company like Mauna Loa on an island that doesn’t have a lot of industry.

My fear is that HB 1348 HD1, as it is currently written, will force companies like Mauna Loa to go out of business or simply do business elsewhere. While I understand the intent of HB 1348

HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit this testimony.

Mahalo,

Luke Octavio

Production Manager

Mauna Loa Macadamia Nut Company

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

As a resident of O'ahu for 31 years and an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO for the past three years, I am familiar with the local culture and the unique challenges faced by businesses in Hawai'i.

I oppose the current version of HB1348 HD1, which aims to enhance the protection of macadamia nut farmers and consumers in Hawai'i. While I appreciate its intent, the bill is too vague and broad, leading to varying interpretations of the permitted or prohibited company names or images.

Even if the language of the bill were clarified, it would be impractical to implement a complete packaging redesign and remove all existing packaging from stores. This can have a severe impact on local food manufacturing companies and retailers, potentially affecting the livelihoods of hundreds of Hawai'i residents.

Additionally, the lack of clear guidance on compliance and enforcement will result in inconsistent application, rendering the bill ineffective in achieving its purpose.

Thank you for considering my testimony.

Sincerely,
Rick Komori

HB-1348-HD-1

Submitted on: 2/27/2023 10:40:11 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marsela Cani	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition** Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 6 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB 1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Marsela Cani

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Kamalei Grace

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023 at 2pm

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

Thirty-seven years ago, I started working for Mauna Loa Macadamia Nut Company. Mauna Loa helped me raise my family and put my kids through school. I even met my husband at Mauna Loa, who has also been with the company for 29 years now.

The community is proud of Mauna Loa, as it has employed so many people for so long. People work here for 30+ years and eventually retire with the company. The Mauna Loa brand is our identity. We worked very hard to make this company grow and it is sad to see that HB1348 HD1 might take it all away.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit this testimony.

Mahalo,
Merle Alvarado
Quality Assurance Supervisor
Mauna Loa Macadamia Nut Company

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 1 year.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Alicia Akamichi

February 1,2023

HB1348

Macadamia Nuts; Labeling Requirements; Country of Origin; Private Right of Action

Aloha Committee Chair and Members,

I am Noel Sebastian and I am testifying for in support of HB1348. I am an Employee of Hawaiian Macadamia Nut Services on the Big Island for 13 years. I am originally from Philippines and Migrated to Hawaii since 2010, and since then, I've been working for the company.

Many of the farmers in Hawaii depends on Macadamia Nut Harvest. Being flooded with foreign Macadamia nuts gives a tremendous impact to local Macadamia nut farmers. Again, I am strongly support HB1348.

Thank you for your time,

Noel Sebastian

HB-1348-HD-1

Submitted on: 2/27/2023 12:01:54 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jordan Ancheta	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:01:59 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Francine Kekona	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition**

Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 29 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Francine Kekona

HB-1348-HD-1

Submitted on: 2/27/2023 12:02:58 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ernesto Abellera	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:03:49 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Philip Alaoan	Individual	Comments	Written Testimony Only

Comments:

I support HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:04:14 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryan Davis-Natividad	Individual	Support	Written Testimony Only

Comments:

I fully support HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:05:27 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Almaliza Tuzon	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 12:06:40 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roslyn L. Fukunaga	Individual	Support	Written Testimony Only

Comments:

I SUPPORT THIS BILL.

HB-1348-HD-1

Submitted on: 2/27/2023 12:07:43 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sally Rose Aguinaldo	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB 1348.

HB-1348-HD-1

Submitted on: 2/27/2023 12:08:36 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ernesto Gallarde	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:09:28 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clive Galban	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:10:16 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jhames Kenneth Soriano	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:11:08 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alfred Keanu	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:12:22 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kerman Dilipau	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:12:23 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Ortega	Individual	Support	Written Testimony Only

Comments:

I support this bill

HB-1348-HD-1

Submitted on: 2/27/2023 12:13:05 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Galban	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 12:14:08 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maricel Aguinaldo	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:15:03 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raul Simulata	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:16:00 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor Salmo	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:17:26 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pablo Sebastian	Individual	Comments	Written Testimony Only

Comments:

I strongly support HB1348!

HB-1348-HD-1

Submitted on: 2/27/2023 12:17:28 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keanu Beddow	Individual	Support	Written Testimony Only

Comments:

I support this bill!

HB-1348-HD-1

Submitted on: 2/27/2023 12:21:54 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Owen Salmo	Individual	Support	Written Testimony Only

Comments:

I support this Bill!

HB-1348-HD-1

Submitted on: 2/27/2023 12:18:08 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
blaine navarro	Individual	Support	Written Testimony Only

Comments:

I support this bill

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 8 months.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Dayna Tamashiro

HB-1348-HD-1

Submitted on: 2/27/2023 12:35:10 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Philip Rafael	Individual	Support	Written Testimony Only

Comments:

I support Bill HB1348

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for nearly 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Stanley Huang

HB-1348-HD-1

Submitted on: 2/27/2023 12:41:42 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roy Belmes	Individual	Support	Written Testimony Only

Comments:

I SUPPORT BILL HB1348

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 1.5 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Caryn Tangalin

HB-1348-HD-1

Submitted on: 2/27/2023 12:45:38 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
CAESARIA SALMO	Individual	Support	Written Testimony Only

Comments:

I Caesaria Salmo support Bill HB1348.

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for almost 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Tricia Sills

HB-1348-HD-1

Submitted on: 2/27/2023 1:00:48 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Mangoba	Individual	Support	Written Testimony Only

Comments:

I support Bill HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 1:06:44 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Desiree Salmo	Individual	Support	Written Testimony Only

Comments:

I support Bill HB1348

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Dane Otani

HB-1348-HD-1

Submitted on: 2/27/2023 1:08:29 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roscoe Young	Individual	Support	Written Testimony Only

Comments:

I support Bill HB1348.

HB-1348-HD-1

Submitted on: 2/27/2023 1:09:11 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Darryl Miki	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition**

Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 11 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Darryl Miki

HB-1348-HD-1

Submitted on: 2/27/2023 1:43:40 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Guy Ward	Individual	Support	Written Testimony Only

Comments:

I strongly support the bill requiring origin labeling of macadamia nuts. I am a small farmer in North Hilo. This year I cannot sell my crop for more than \$0.80/lb. At that price it's not worth harvesting. In previous years I got \$1.20/lb.

I have heard that nuts from elsewhere are being sold under a label that implies a Hawaii origin. We have been through this with coffee and taro chips and probably other products.

The portion of the consumer dollar that goes to the farmer is so small that being truthful about the origin of the product and offering a fair price to the farmer should not seriously damage the processor's business.

Much mahalo,

Guy Ward

HB-1348-HD-1

Submitted on: 2/27/2023 1:46:32 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanette Castillo	Individual	Support	Written Testimony Only

Comments:

I support this bill!

HB-1348-HD-1

Submitted on: 2/27/2023 1:52:26 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ron Hackett	Individual	Support	Written Testimony Only

Comments:

I support Bill 1348

HB-1348-HD-1

Submitted on: 2/27/2023 2:00:31 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeremiah Almond	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition Hearing Date: Wednesday, March 1, 2023, 2pm HST**

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Jeremiah Almond

HB-1348-HD-1

Submitted on: 2/27/2023 2:05:53 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keilana Hunter	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition** Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Keilana Hunter

HB-1348-HD-1

Submitted on: 2/27/2023 2:07:36 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
bonie gamilo	Individual	Support	Written Testimony Only

Comments:

I support bill HB1348

HB-1348-HD-1

Submitted on: 2/27/2023 2:11:47 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
patrick lucas	Individual	Support	Written Testimony Only

Comments:

I SUPPORT HB1348

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for only 2 years, yet I have known Hawaiian Host & Mauna Loa my entire life. These products are so iconic & are considered as one of the best omiyage for those on the mainland & abroad.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai`i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what constitutes a violation, company names, or images that would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical for any company to undergo a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on any macadamia company based in Hawai`i, local food manufacturing companies and retailers can hinder jobs and livelihoods of hundreds of Hawai`i residents across the Islands.

As of now, HB1348 HD1 lacks clear language about consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai`i as this bill aims to do. Instead, it may endanger the macadamia industry in Hawai`i as a whole.

Thank you for the opportunity to submit testimony.

Mahalo,
Brooke Isa

HB-1348-HD-1

Submitted on: 2/27/2023 2:16:49 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rocky Badua	Individual	Support	Written Testimony Only

Comments:

i support this bill.

HB-1348-HD-1

Submitted on: 2/27/2023 2:20:07 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Polido	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-1348-HD-1

Submitted on: 2/27/2023 3:43:53 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Guy Watarai	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Being a tourism driven state there many food products containing Macadamia nuts being sold as made in hawaii.

Why does labeling a product containing macadamia grown locally or showing a percentage of local content make sense? The cost for the packaging changes for all of the Local businesses would be tremendous.

Also where does this end - will product labels for all food products need to state if local salt or dead sea salt is used? Sugar from Hawaii or Brazil? Oils local or Indonesia? Flour from Mainland US or Ukraine? Kalua Pig & Lau Lau from local or mainland pork. These are only the food products - think about anything else you have seen or purchased as made in Hawaii.

HB-1348-HD-1

Submitted on: 2/27/2023 3:58:18 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce Miyata	Individual	Support	Written Testimony Only

Comments:

I Bruce Miyata,

A second generation Macadamia Nut Farmer, Echo the words of Mr. James Trump of Kohala.

I Support this inportant bill for Hawaii Macadamia Nut Farmers.

Thank You

HB-1348-HD-1

Submitted on: 2/27/2023 4:07:38 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Witcover	Individual	Support	Written Testimony Only

Comments:

I am a farmer of Hawaii-grown macadamia nuts in Captain Cook. **I Support House Bill 1348.** The macadamia nut industry is a significant contributor and currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii. Consumers may not be aware that **many** of the macadamia nut products sold in Hawaii contain **little to no Hawaii-grown nuts**. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling. Mahalo.

HB-1348-HD-1

Submitted on: 2/27/2023 4:38:45 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Elmore	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this measure.

I understand the bill's intention but there will be consequences that will directly impact local businesses.

I'm sure other local businesses will express their specific concerns as well but I personally know of local businesses that will have a tremendous amount of expenses to relabel their products. It might be well intentioned but the economic consequences could significantly hurt local businesses and their employees.

Mahalo,

Gerard Elmore

HB-1348-HD-1

Submitted on: 2/27/2023 6:47:00 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.

HB-1348-HD-1

Submitted on: 2/27/2023 7:39:57 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John C. Cross	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and Members of the House Judiciary and Hawaiian Affairs Committee, My name is John C. Cross and I am in strong support of HB 1348. My whole life has been involved in some way or another with Hawaiian grown Macadamia Nuts. My father was manager of Royal Hawaiian Macadamia Nut company and planted the first trees at Keaau on the Big Island in 1949.

This orchard would become the epi-center of the largest macadamia operation in the WORLD. The State of Hawaii became the world leader in growing and producing macadamia nuts for consumption. Other countries started to grow macadamias seeing the success in Hawaii. Sadly now some of those countries are threatening to destroy the industry where it all started. Unscrupulous processors are blending cheap foreign grown kernel into bags of what is supposedly a Hawaii labeled product! This must stop. The Hawaiian kernel is known to be of SUPERIOR quality and taste to that grown in other world locations. These sub-quality foreign grown macadamias are threatening the industry in Hawaii. Local Hawaiian growers are finding nowhere to sell their Hawaii grown nuts due to processors shutting their doors to local grown nuts and having replaced them with foreign grown kernels.

Hawaii has made a name for itself as being leaders in the macadamia nut industry. Our University of Hawaii CTAHR has developed some of the best varieties of trees, as well as improved methods of cultivation, disease control and even processing methods. Dont let all this wonderful research and decades of dedication to the soil and the orchards go the way of sugarcane and pineapple. Please support this bill and the Macadamia growers of Hawaii !

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 3 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Lance Nakamura

HB-1348-HD-1

Submitted on: 2/27/2023 9:36:43 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aron Chock	Individual	Support	Written Testimony Only

Comments:

I am a citizen and consumer in Hawaii and in strong support of this bill.

HB-1348-HD-1

Submitted on: 2/27/2023 9:39:24 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Supaporn Chock	Individual	Support	Written Testimony Only

Comments:

I am a consumer and citizen in Hawaii and I am in support of this bill. We need to protect Hawaiian businesses.

HB-1348-HD-1

Submitted on: 2/27/2023 9:41:35 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Owen Chock	Individual	Support	Written Testimony Only

Comments:

I am a consumer and long-time citizen born and raised in Hilo, Hawaii and I am in support of this bill to properly label Macadamia Nuts in Hawaii.

Testimony of Lori-Lee Lorenzo

Hawaii Community College: Manono Campus

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Lori-Lee Lorenzo and I am a student at Hawaii Community College, earning my degree in Tropical Ecosystem and Agroforestry Management. I am a resident of Pahala, Hawaii, and I have worked in the past doing on-line record keeping and operating a mechanical harvester in the Hawaii macadamia nut industry. I am very interested in Hawaii conservation and sustainable agriculture. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Lori-Lee Lorenzo

HB-1348-HD-1

Submitted on: 2/28/2023 12:10:32 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hannah Hyun	Individual	Oppose	Written Testimony Only

Comments:

The proposed changes would incur tremendous costs and efforts for many local food manufacturers and retailers during a time when it's already challenging.

HB-1348-HD-1

Submitted on: 2/28/2023 4:57:49 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Wiley	Individual	Oppose	Written Testimony Only

Comments:

This bill is too vague. While I see the intention, there is not clearly defined definitions and deadlines for local businesses to comply with this rule. You're basically destroying any "Hawaii" brand.

Please stop making it difficult on businesses in Hawaii.

HB-1348-HD-1

Submitted on: 2/28/2023 5:29:40 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruby Soares	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Ruby Soares and I support HB1348.

I support the country of origin labeling requirements for macadamia nuts because greater transparency with respect to origin is important to me. I support the macadamia nut industry in Hawaii and packaging that accurately conveys the origin of macadamia nuts will make it easier for me as the consumer and ensure that I am truly supporting the Hawaii macadamia nut industry. Further, I purchase macadamia nuts for family and friends as a gift from Hawaii and I fully intend for macadamia nuts to actually be Hawaii-grown.

Macadamia nuts have long been a well known Hawaii commodity, but the increase in macadamia nuts being grown globally has threatened our local industry. Enacting this bill will help to keep the Hawaii macadamia nut industry going, in turn supporting the livelihood of those who work in the macadamia nut industry in Hawaii, their families, and local economy.

Thank you for the opportunity to testify in support of this important matter.

Testimony of Frank Lorenzo Jr.

Ka'u Farms Management LLC.

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Frank Lorenzo Jr. and I am a resident of Pahala, Hawaii, a town where many people support their families by working for companies that grow Hawaiian macadamia nuts. I also supported myself throughout high school and college by working on weekends and during the summer for small private farmers who grow Hawaiian macadamia nuts. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Frank Lorenzo Jr.

HB-1348-HD-1

Submitted on: 2/28/2023 7:19:59 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joy Takanishi	Individual	Oppose	Written Testimony Only

Comments:

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The financial impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

Testimony of Raylyne Welker

February 28, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Raylyne Welker and I am a resident of Pahala, Hawaii, a community supported by the Hawaiian macadamia nut industry. I have many friends and relatives who work for companies in Pahala that grow Hawaiian macadamia nuts. I am writing you to support House Bill 1348 RELATING TO LABELING OF MACADAMIA NUTS.

The macadamia nut industry is a significant contributor to Hawaii's agricultural economy. There are currently about 16,000 acres of macadamia nuts statewide on roughly 620 farms. In 2021, the industry generated \$62.73 million (51 million pounds of wet-in shell sales), and in 2020, it was the 2nd largest agricultural commodity produced in Hawai'i, behind only seed crops.

The Hawaii macadamia nut industry is under great stress from economic and environmental pressures. One of the greatest threats to the viability of macadamia farming in Hawaii is the misleading labeling of macadamia nut products. Currently there is little to no regulation to prevent the use of Hawaiian names and images to market macadamia nuts grown outside of Hawaii.

Consumers may not be aware that many of the macadamia nut products sold in Hawaii contain little to no Hawaii-grown nuts. It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo

Raylyne Welker

HB-1348-HD-1

Submitted on: 2/28/2023 8:27:33 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Erald Aurelio	Individual	Support	Written Testimony Only

Comments:

I am strongly support HB1348.

HB-1348-HD-1

Submitted on: 2/28/2023 9:50:19 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Romel Balbag	Individual	Support	Written Testimony Only

Comments:

I support this bill

HB-1348-HD-1

Submitted on: 2/28/2023 9:18:55 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Varel	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and Vice Chair Takayama and House Committee on Judiciary and Hawaiian Affairs;

I am John Varel owner of Waihee Valley Plantations on Maui.

I am testifying for your support on passing HB1348, relating to the labeling of macnuts and macnut products in Hawaii.

As a farmer we are under pressure, from enough natural causes; ever increasing labor cost, ever increasing freight cost for fertilizer, the list seems endless. The least we could do, is let the consumer know that they are buying macnut products that meet the high standards we have set for the quality we provide and would be supporting the local community and work force.

By letting them know they are buying product grown on the islands, they will also know, we are helping dramatically to reduce the carbon footprint attributed to shipping in product from outside the island.

Please pass HB-1348 and show your support for the hundreds of farmers on the island trying to make a living providing local produce.

HB-1348-HD-1

Submitted on: 2/28/2023 9:24:52 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
emmamnuel c. candia	Individual	Support	Written Testimony Only

Comments:

i support this bill



Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been working with the company for 4 years now.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai'i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit this testimony.

Best,
Stijn Spaas
Director of Corporate Brand Strategy

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 5 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Gene Uehara

HB-1348-HD-1

Submitted on: 2/28/2023 10:42:49 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Forni	Individual	Oppose	Written Testimony Only

Comments:

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

HB-1348-HD-1

Submitted on: 2/28/2023 10:56:21 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Courtney Asato	Individual	Oppose	Written Testimony Only

Comments:

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

HB-1348-HD-1

Submitted on: 2/28/2023 11:22:02 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Self	Individual	Support	Written Testimony Only

Comments:

I am in full support of HB1348 HD1. The private right off action is very important to protect Hawai'i's Macadamia farmers and preserve the industry.

Thanks,

Bonnie Self

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Hello Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 2 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai‘i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Sincerely,
Nicole Morisugi

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 1 year.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

I strongly feel this bill lacks appropriate verbiage that explains what images or company names would be prohibited. This bill is too vague and is open to interpretation by many, which would lead to inconsistent compliance and enforcement. Furthermore, this bill does not guarantee protection to macadamia nut farmers, it only adds complexity for the buyers and manufacturing companies.

This bill also does not take into account the employees of the Hawaii based manufacturing and retail companies across the state. The cost associated with being compliant with this bill would put businesses in the position of having to cut jobs and wages amidst record levels of inflation. Additionally, I strongly feel this would set the precedent for other Hawai‘i based industries to pass similar bills which would have an overwhelming negative impact on our local economy. Many residents depend on the success of Hawai‘i based businesses to support our families and this precedent has the potential to devastate families. This bill is not a comprehensive solution to the challenges macadamia nut farmers are facing.

Overall, the lack of clear guidance under HB1348 HD1 will not improve protections for macadamia nut farmers and consumers in Hawai‘I, as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Diana Tellechea

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice-Chair
Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 9 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai'i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Earl Kurisu

HB-1348-HD-1

Submitted on: 2/28/2023 1:41:14 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Trump	Individual	Support	Written Testimony Only

Comments:

Testimony of James Trump
Island Harvest
March 1, 2023

RE: HB1348 RELATING TO LABELING OF MACADAMIA NUTS

Aloha Chair Tarnas, Vice Chair Takayama, and the members of the House Committee on Judiciary and Hawaiian Affairs,

This is a letter in support of HB 1348. We are a medium sized grower of macadamia nuts in North Kohala but this testimony also reflects the views of most, if not all, small growers in our district. North Kohala macadamia growers ship their in-shell nuts to on-island processors who buy, crack and package our crop. Hawaii kernel has a great reputation for its freshness, distinct oil content and its association to the State of Hawaii. We can compete globally because of these distinctions. When cheaper foreign kernel is sold implying Hawaii as a place of origin, local growers cannot compete. Fairness in labeling is necessary or Hawaii macadamia nut farming will be history. Truth in labeling is the request; we are not asking for subsidies or bailouts.

Thank you,

James Trump
President
Island Harvest Inc.

HB-1348-HD-1

Submitted on: 2/28/2023 1:52:02 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Riedel	Individual	Support	Written Testimony Only

Comments:

I support 1348. Local hawaii Mac nut labeling.

HB-1348-HD-1

Submitted on: 2/28/2023 1:59:42 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken Yeung	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to the changes contained in HB1348 HD1 because it is too broad and subjective, leaving it open to interpretation what it means to contain "any other means" that represents the origin of nuts, especially when there is no limit to what these means may entail. This will just lead to frivolous civil suits by anyone who feels like they have been hurt, wasting time and resources due to what amounts to whatever injured party feels.

HB-1348-HD-1

Submitted on: 2/28/2023 2:04:53 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon Iwaoka	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition**

Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 20 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Jon Iwaoka

HB-1348-HD-1

Submitted on: 2/28/2023 4:54:06 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Wakukawa	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In Opposition
March 1st, 2023 2:00PM

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn’t prohibited, it would be impractical to implement a complete packaging redesign and pull all existing packaging out of stores. The financial impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai‘i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,
Chris Wakukawa

HB-1348-HD-1

Submitted on: 2/28/2023 6:48:18 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Bernardo	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 1348.

HB-1348-HD-1

Submitted on: 3/1/2023 2:28:40 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanine DeFries	Individual	Oppose	Written Testimony Only

Comments:

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice-Chair

Committee on Judiciary & Hawaiian Affairs

**RE: HB1348 HD1 Relating to Labeling of Macadamia Nuts – In
Opposition**

Hearing Date: Wednesday, March 1, 2023, 2pm HST

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

I am an employee of Hawaiian Host Group, the parent company of Hawaiian Host, Mauna Loa, and KOHO. I have been with the company for 1.5 years.

While I understand the intent of HB 1348 HD1 to strengthen existing protections for macadamia nut farmers and consumers in Hawai‘i, I *oppose* HB 1348 HD1 as it is currently written.

HB1348 HD1 in its current form is too broad and vague, leaving people to their own different interpretations of what company names or images would be prohibited or permitted under the proposed new labeling requirements.

Assuming the bill language were clarified and macadamia brands would understand what is and isn't prohibited, it would be impractical to implement a complete packaging redesign and pull all

existing packaging out of stores. The impact this will have on local food manufacturing companies and retailers can impact jobs and livelihoods of hundreds of Hawai'i residents across the Islands.

The lack of clear guidance under HB1348 HD1 will result in a lack of consistent compliance and enforcement, which will not improve protections for macadamia nut farmers and consumers in Hawai'i as this bill aims to do.

Thank you for the opportunity to submit testimony.

Mahalo,

Jeanine DeFries