

TESTIMONY

SB 2169

LATE

From: zhara.mahlstedt@gmail.com on behalf of Hawaii Shark Encounters
[reservations@hawaiisharkencounters.com]
Sent: Tuesday, February 02, 2010 2:47 PM
To: WTL Testimony
Subject: Bill SB2169 Relating to Shark Fins

MEASURE: Bill SB2169 Relating to shark fins
DATE: Wednesday, February 3, 2010
TIME: 3:00 PM

NAME: Zhara Mahlstedt
ORGANIZATION: Hawaii Shark Encounters
DISTRICT: North Shore
SUPPORT: YES

LATE TESTIMONY

PLEASE prohibit any activity that has to do with shark finning in Hawaii. Sharks are necessary for our oceans to remain healthy and finning is the foremost activity that is wiping out the population not to mention it is one of the most inhumane acts that could be done to an animal.

Sincerely,

Zhara Mahlstedt
Hawaii Shark Encounters, Inc
Phone: 808-351-9373, Fax: 808-637-9757
P.O. Box 400
Haleiwa, HI 96712
www.hawaiisharkencounters.com

LIVE TESTIMONY

Testimony of Vicky Cayetano in Support of S.B. No. 2169, Relating to Shark Fins

February 3, 2010

My name is Vicky Cayetano and I am testifying as an individual in support of this measure. I have always been an advocate for laws that prohibit acts that I consider cruelty to animals. As set out in the preamble of this bill in Section 1, the practice of shark finning, where a shark is caught, the fin cut off, and the shark returned to the water to drown or otherwise die a slow death is a form of cruelty to animals that I am against.

This measure makes it unlawful for any person to sell, offer for sale, trade, or distribute shark fins. I would like to suggest that the terms “possession” and “use” be also added to the provision in Section 2 of the bill in order to make it more practical to enforce.

Thank you for the opportunity to testify on this bill.

From: WTLTestimony
Subject: FW: Testimony for SB2169 on 2/3/2010 3:00:00 PM

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Wednesday, February 03, 2010 3:20 AM
To: WTLTestimony
Cc:

Subject: Testimony for SB2169 on 2/3/2010 3:00:00 PM

Testimony for WTL 2/3/2010 3:00:00 PM SB2169

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: David Rolla
Organization: Individual
Submitted on: 2/3/2010

Comments:

Sharks play a vital role in maintaining the health of the oceans, and are especially vulnerable to pressure from human activities because of their slow growth and low reproductive potential. Conservationists are concerned about the influence of fishing, both on target and non-target species. Although sharks are specifically targeted in only a few fisheries, they dominate the by-catch of most marine fisheries. There is only a modest international demand for shark meat, but there is a large Asian market for shark fins. As the commercial value of a shark lies in the fins rather than the carcass, the practice of finning has become common; landed sharks have fins removed and the remainder of the animal is discarded at sea.

US Congress enacted the Shark Finning Prohibition Act of 2000 to prohibit U.S. fishermen from removing the fins of sharks and discarding the carcass at sea, and from landing or transporting shark fins without the corresponding carcass. As a result of the exploitation of loopholes in the law, the practice of shark finning has continued.

The Shark Conservation Act of 2009 (S.850, H.R.81) has been introduced in US Congress to strengthen the implementation and enforcement of that prohibition and ensure that the original intent of Congress is achieved.

Specifically, the Shark Conservation Act of 2009 amends the High Seas Driftnet Fishing Moratorium Protection Act to direct the Secretary of Commerce to list a nation in the biennial report on international compliance if the nation's fishing vessels are or have been engaged in fishing activities that target or incidentally catch sharks and the nation has not adopted a shark conservation program that is comparable, taking into account different conditions, to that of the United States, including measures to prohibit removal any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea. Amends the Magnuson-Stevens Fishery Conservation and Management Act to revise provisions prohibiting the removal of shark fins to make it a prohibited act to: (1) remove any shark fin (including the tail) at sea; (2) have a fin aboard a fishing vessel unless the fin is naturally attached to the carcass; (3) transfer a fin from one vessel to another or receive a fin unless it is naturally attached; or (4) land a fin that is not naturally attached to a carcass or land a carcass without fins naturally attached. Revises the current rebuttable presumption provision

concerning shark fins on fishing vessels to create a rebuttable presumption that, if any shark fin (including the tail) is aboard a non-fishing vessel without being naturally attached, the fin was transferred from a fishing vessel in violation.

H.R.81 passed in the US House of Representatives on Mar 2, 2009. S.850 was reported out of the US Senate Commerce, Science and Transportation Committee on November 19, 2009. This act would end the barbaric practice of finning sharks in U.S. waters, which is an essential protection when globally tens of millions of sharks are caught for their fins each year to feed the growing worldwide demand for shark fin soup.

The State of Hawaii has an opportunity to be a leader in shark conservation, and similar to the aforementioned bills introduced in US congress (the Shark Conservation Act of 2009), Hawaii SB2169 is a critical first step to increase protections for sharks against this cruelty and harm to their declining populations.

Thank you.

Sent: Tuesday, February 02, 2010 5:38 PM

To: Sen. Clayton Hee

Subject: Support for: SB2169 - "Prohibits the sale and distribution of shark fins in the State of Hawaii"

LATE TESTIMONY

Dear Senator Hee:

Thank you for introducing Bill SB2169 to prohibit the sale and distribution of shark fins in the State of Hawaii. We greatly appreciate the foresight and environmental leadership you've shown by introducing this very important bill.

As you know, the international shark fin trade is devastating shark populations and ocean ecosystems throughout the world. While laws in the United States prohibit the abhorrent practice of finning, it is still rampant in other parts of the world. Much of the shark fin trade also involves organized crime, often trading in shark fins as a way to launder drug money. (* Refs. Below)

By prohibiting the sale and distribution of shark fins, Hawaii will no longer contribute to this highly destructive and often illicit trade. Furthermore, Hawaii is setting a brilliant example that other states and countries throughout the world can follow.

On behalf of Shark Safe Network, which includes thousands of individual members and twenty-one organizations, we thank you. Please feel free to contact us if we can support you in any way.

Aloha,

Mary O'Malley
Lawrence Groth
Heidi DeRosa
Bob McNemey

Founders, Shark Safe Network
info@sharksafenetwork.com
Phone: 305-632-3688

* Report of the U.N. Secretary-General (2002), p. 6; Report of the U.N. Secretary-General (2003) p. 11; Kazmar, "The International Illegal Plant and Wildlife Trade"; and Cook, Roberts, and Lowther, The International Wildlife Trade and Organised Crime, p. 15.

* August 2003 Globe and Mail article referring to gang violence related to the shark fin trade -- including in Hawaii. <http://www.flmnh.ufl.edu/fish/sharks/innews/sharksoup2003.htm>

L A T E S T I M O N Y

S

From: Bradley Wilcox [shemp1964@hotmail.com]
Sent: Tuesday, February 02, 2010 2:50 PM
To: WTL Testimony
Subject: Bill SB 2169 relating to shark fins

MEASURE: Bill SB2169 Relating to shark fins
DATE: Wednesday, February 3, 2010
TIME: 3:00 PM

NAME: Bradley Wilcox
ORGANIZATION: Community Member
DISTRICT: North Shore
SUPPORT: YES

PLEASE prohibit any activity that has to do with shark finning in Hawaii. Sharks are necessary for our oceans to remain healthy and finning is the foremost activity that is wiping out the population not to mention it is one of the most inhumane acts that could be done to an animal.

Sincerely,
Bradley P. Wilcox
Waialua, HI

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LATE TESTIMONY

From: James Clarke [rollerjimbo@hotmail.com]
Sent: Tuesday, February 02, 2010 2:55 PM
To: WTL Testimony
Subject: MEASURE: BILL SB2169 relating to shark fins

MEASURE: BILL SB2169 relating to shark fins
MEASURE: BILL SB2169 relating to shark fins
Date: 03FEB2010
Time 3:00 pm

Name: James Clarke
District:
SUPPORT: YES

I support banning shark fin products.

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

LATE TESTIMONY

From: Steve Burton [alohahawaiiisland@yahoo.com]
Sent: Tuesday, February 02, 2010 3:43 PM
To: WTL Testimony
Subject: Shark finning bill SB 2169

I would like you to vote yes for SB 2169 and stop the shark finning completely. This is a brutal way for animals to die and uncalled for!!!! We need sharks for a healthy ocean ecosystem! Stop this practice by voting for SB 2169 and make a CHANGE in the way the world revolves on Earth!

Thank you,

Steve Burton

LATE TESTIMONY

From: Nai'a [naiawailea@maui-maven.com]
Sent: Tuesday, February 02, 2010 5:35 PM
To: WTL Testimony
Cc: Sen. Roz Baker; Sen. Shan Tsutsui; Sen. J. Kalani English
Subject: support SB 2169

To: Committee on Water, Land, Agriculture and Hawaiian Affairs,
Senator Clayton Hee, Chair; Senator Jill Tokuda, Vice Chair
Members Bunda, Fukunaga, Kokubun, Takamine and Hemmings

Aloha kakou--

I support S.B. 2169, which will prohibit the sale of sharks' fins in the state of Hawai`i. In addition to the protection offered sharks as endangered species, prohibiting the culling of their fins will prevent the horrid cruelty involved in catching them, cutting off their fins and releasing them to certain death. The assassination of so many hundreds of thousands of sharks is tilting the balance of nature in the sea and the result will be devastating for humans.

If Hawai`i wants to maintain its reputation of aloha and provide true sanctuary for marine life, we must outlaw this barbaric practice. Please vote in support of SB 2169; mahalo.

Nadine Newlight
67 Kainehe Place
Wailea 96753-6506
808-573-7730

P Please consider the environment before printing this e-mail

LATE TESTIMONY

From: georgie fong [peppisascho@yahoo.com]
Sent: Tuesday, February 02, 2010 6:50 PM
To: WTL Testimony
Subject: ban sale shark fin

Aloha:

I opposed the killing of whales for their fins to be made into shark fin soup. It is grossly irresponsible to kill a whole creature just for a small part to be made into a soup, for petty shallow self indulgence for the taste buds.

It is environmentally irresponsible. Sharks are top predators. Their natural duty is to control the population of seals, which will help to maintain a healthy fish population in the ecosystem. No shark, no fish, humans will then have to eat seals.

MEMBERS OF THE SENATE
STATE OF HAWAII
TWENTY-FIFTH LEGISLATURE, 2010

LATE TESTIMONY

RE: S.B. No. 2169

February 2, 2010

As the Founding Director of the Los Angeles based shark conservation group, Dorsal Friends, I strongly encourage you to pass SB 2169 for the sake of sharks and the health of our world's most vital resource, the ocean.

As top predators of the planet for over 400 million years, sharks play an essential role in sustaining the balance of our marine ecosystem. The ocean is the life support system of the planet, and seafood is the main source of protein for one billion people. By eating the sick, injured, and weak fish first, and controlling over-population of certain fish species, sharks help keep other fish stocks healthy and abundant.

It's estimated that more than 100 million sharks are killed by humans each year and as many as 73 million are slaughtered for their fins alone. Sharks, unlike other fish, reproduce as few as two pups every two years, and they may take 20 years or more to reach sexual maturity, making their populations devastatingly vulnerable to over fishing. Some species have decimated by 80 - 90% and many are listed on IUCN Red List of Threatened Species. Their recovery from exploitation will be very slow and difficult.

The consumption of shark is a known health risk and tests have found extremely high levels of methyl mercury in shark fins along with other poisonous metals, pollutants, and harmful toxins like the carcinogen formaldehyde and hydrogen peroxide, which may be used as bleaching or finishing agents. The FDA and the EPA have issued warnings against the consumption of long living predatory fish including shark for pregnant and nursing women as well as young children.

As a conservation leader internationally, the United States was a key player in developing the Food and Agriculture Organization's (FAO) International Plan Of Action for the Conservation and Management of Sharks. The unsustainable fishing practice of "finning", defined as removing the fins from a shark and discarding the remainder of the shark at sea, has developed to keep up with the demand of shark fin soup. Finning results in wasting approximately 95-98% of the animal. This practice is in direct contradiction of FAO recommendations.

By supporting SB 2169, Hawaii would be the first state to ban the sale and distribution of shark fins and would set an example for the rest of the country, and internationally. We must put a stop to exploiting a species that is in dire need of protection. We need sharks in the ocean in order for the eco-system to survive.

The practice of finning is inhumane, wasteful, and above all illegal in the U.S. It threatens shark stocks, the stability of marine ecosystems, and the food security of developing nations. By allowing the sale of shark fins, we are inadvertently

supporting the finning industry and are contributing to the demise of shark populations world-wide.

I strongly encourage you to ban the sale and distribution of shark fins in Hawaii, and help safeguard the survival of sharks and the marine ecosystem.

Sincerely,

Erika Marchino

Director

Dorsal Friends

5419 Hollywood Blvd. #C266
Los Angeles, CA 90027

LATE TESTIMONY

From: Sue France [smfrance@pacbell.net]
Sent: Tuesday, February 02, 2010 10:11 PM
To: WTL Testimony
Subject: Please vote in favor of Bill SB2169

MEASURE: Bill SB2169 Relating to shark fins
DATE: Wednesday, February 3, 2010
TIME 12:01

NAME: Susan France
ORGANIZATION:
SUPPORT: YES

Dear Senators,

I encourage you to pass bill SB2169 that will ban shark fins in Hawaii. This is such an important piece of legislation. It is essential that sharks are protected worldwide and Hawaii should be the leader in this endeavor. Hawaii has an opportunity to be the roll model for environmental awareness and conservation. This bill goes hand in hand with the fact that the Northern Hawaiian Islands have been designated a National Marine Sanctuary.

The State should be committed to preserve the environment; increase efforts in education with eco-tourism; and uphold the highest standards for the rest of the world. Shark fins should never be allowed to sit in a container at Honolulu Harbor, be transported through the islands, or flown through the airport. Lets be custodians of the ocean! With out the shark, our apex predator, the ocean is doomed. Again, I beg you to pass this bill.

Best Regards,
Susan France

STATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 4:25 AM
To: WTL Testimony
Cc: dolphinbate@yahoo.com
Subject: Testimony for SB2169 on 2/3/2010 3:00:00 PM

Testimony for WTL 2/3/2010 3:00:00 PM SB2169

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Jacqueline Webb
Organization: Individual
Address: 130 Adelaide St Toronto, Ontario
Phone:
E-mail: dolphinbate@yahoo.com
Submitted on: 2/3/2010

Comments:

I am writing today to express my support of SB2169. Shark fin commerce is an exceedingly vicious business subjecting sharks to suffering, pain, and death; indeed, the unprincipled nature of such operations includes mutilating the shark for fins and then discarding the still living shark to die in what can only be considered prolonged agony and fear. To deliberately subject an animal to such an incredibly savage practice is contrary to any established animal protection policies, and the majority of citizens, including voting constituents, has repeatedly voiced condemnation of Hawaii being host to such abuse. Also, it has been factually established that shark meat contains high levels of mercury. To promote oneself as environmental while enabling shark harvesting is both unethical and fraudulent. Please support SB2169 and make the ethical and ecologically-beneficial decision to illegalize the commerce of shark fin products; until passage of such important legislation, I feel my only recourse is to promote a boycott of your state.

Thank you.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 7:23 AM
To: WTLTestimony
Cc: stevengmann@gmail.com
Subject: Testimony for SB2169 on 2/3/2010 3:00:00 PM

Testimony for WTL 2/3/2010 3:00:00 PM SB2169

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: steve mann
Organization: Individual
Address: 34 Toms Point Lane Lincoln Park, NJ
Phone: +19737065247
E-mail: stevengmann@gmail.com
Submitted on: 2/3/2010

Comments:

Dear Senators Bunda and Hee,

I am writing today to express my support of SB2169, which would legalize the commerce of shark fins in Hawaii, and I respectfully request that you vote for passage of this bill. This important legislation would effectively prohibit containers of shark fins from being sold and distributed in Hawaii as allowed due to an existing loophole currently being exploited by corporations to engage in this practice.

Please allow me this opportunity to elaborate. Shark fin commerce is an exceedingly vicious business subjecting sharks to suffering, pain, and death; indeed, the unprincipled nature of such operations includes mutilating the shark for fins and then discarding the still living shark to die in what can only be considered prolonged agony and fear. To deliberately subject an animal to such an incredibly savage practice is contrary to any established animal protection policies, and the majority of citizens, including voting constituents, has repeatedly voiced condemnation of Hawaii being host to such abuse.

Additionally, it has been factually established that shark meat is essentially toxic: shark products contain harmful levels of mercury, the content of which could prove potentially harmful to people, particularly women and children, who have been advised to discontinue consumption. Furthermore, claiming a desire to be a leader in environmental protection, Hawaii has instead belied such convictions by sanctioning such an environmentally unsound business. To promote oneself as environmental while enabling shark harvesting is both unethical and fraudulent. Indeed, killing sharks has been proven ecologically detrimental, harming a very fragile and vitally important ecosystem, the consequences of which negatively affect all other marine and land life. Because these systems exist amongst each other in symbiotic relationships, no animal, human or non-human, is immune to such ramifications.

However, if the indicated facts don't impact your position, perhaps you should consider the primary reason for discontinuing an avenue for the exploitative nature of killing sharks, that of sharks being sentient beings deserving of lives free from exploitation and suffering. Humans have adopted a superior status to validate the malicious brutalization of non-human animals; however, to intentionally destroy these non-human animals only creates desensitization towards brutality inflicted on all living creatures. Sharks value their lives as you value your own, and the legal ability does not justify the brutal action regardless of diplomatic expressions meant to foster societal support.

As such, I am encouraging you to support SB2169 and make the ethical and ecologically-beneficial decision to illegalize the commerce of shark fin products; until passage of such important legislation, I feel my only recourse is to promote a boycott of your state. Sacrificing vital tourism business during the current financial climate may prove commercially damaging, and my hope is that this letter finds you willing to consider your actions and implement changes to ensure the safety of all animals, sharks and humans, as well as the vital ecology being continually eroded because of such damaging practices.

Thank you for your time and attention to this most important issue.

LATE TESTIMONY

S

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 8:37 AM
To: WTLTestimony
Cc: anna_coping@yahoo.com
Subject: Testimony for SB2169 on 2/3/2010 3:00:00 PM

Testimony for WTL 2/3/2010 3:00:00 PM SB2169

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Anna Copeland
Organization: Individual
Address:
Phone:
E-mail: anna_coping@yahoo.com
Submitted on: 2/3/2010

Comments:

Dear Senators Bunda and Hee,

I am writing today to express my support of SB2169, which would legalize the commerce of shark fins in Hawaii, and I respectfully request that you vote for passage of this bill. This important legislation would effectively prohibit containers of shark fins from being sold and distributed in Hawaii as allowed due to an existing loophole currently being exploited by corporations to engage in this practice.

Please allow me this opportunity to elaborate. Shark fin commerce is an exceedingly vicious business subjecting sharks to suffering, pain, and death; indeed, the unprincipled nature of such operations includes mutilating the shark for fins and then discarding the still living shark to die in what can only be considered prolonged agony and fear. To deliberately subject an animal to such an incredibly savage practice is contrary to any established animal protection policies, and the majority of citizens, including voting constituents, has repeatedly voiced condemnation of Hawaii being host to such abuse.

Additionally, it has been factually established that shark meat is essentially toxic: shark products contain harmful levels of mercury, the content of which could prove potentially harmful to people, particularly women and children, who have been advised to discontinue consumption. Furthermore, claiming a desire to be a leader in environmental protection, Hawaii has instead belied such convictions by sanctioning such an environmentally unsound business. To promote oneself as environmental while enabling shark harvesting is both unethical and fraudulent. Indeed, killing sharks has been proven ecologically detrimental, harming a very fragile and vitally important ecosystem, the consequences of which negatively affect all other marine and land life. Because these systems exist amongst each other in symbiotic relationships, no animal, human or non-human, is immune to such ramifications.

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As such, I am encouraging you to support SB2169 and make the ethical and ecologically-beneficial decision to illegalize the commerce of shark fin products; until passage of such important legislation, I feel my only recourse is to promote a boycott of your state. Sacrificing vital tourism business during the current financial climate may prove commercially damaging, and my hope is that this letter finds you willing to consider your actions and implement changes to ensure the safety of all animals, sharks and humans, as well as the vital ecology being continually eroded because of such damaging practices.

Thank you for your time and attention to this most important issue.

Anna Copeland
Daytona Beach Florida
USA

LATE TESTIMONY

From: Leila Atkin [atkin99@yahoo.com]
Sent: Wednesday, February 03, 2010 9:30 AM
To: WTLTestimony
Subject: shark finning

MEASURE: Bill SB2169 Relating to shark fins
DATE: Wednesday, February 3, 2010
TIME: 3:00 PM

NAME: Leila Atkin

ORGANIZATION: Makai Rover
DISTRICT: Hawaii

SUPPORT: YES

Shark finning, besides being totally inhumane, poses a serious threat to the ocean eco system, by destroying the largest predator and thereby drastically changing the balance in the oceans. This shark finning industry must be stopped world wide and we can take the first step in Hawaii.
Thank you for supporting this bill!
Leila Atkin

LATE TESTIMONY

MEASURE: Bill SB2169 Relating to shark fins
DATE: Wednesday, February 3, 2010
TIME: 3:00 PM

NAME: Peter Michelmore
ORGANIZATION: Gravity Hawaii
DISTRICT: 50
SUPPORT: YES

Aloha,

As a Outdoor sports business owner and longtime resident here in Hawaii I felt that I needed to write to the committee to have my voice heard on the Shark fin controversy.

I grew up fishing on the Big Island, Newport Beach, Calif, and Baja, Mexico. I've fished for over 48 years and I have never intentionally killed a shark. I am disgusted with the horrible act of shark finning that is killing hundreds of thousands of sharks worldwide just so someone can eat shark soup. The fisherman that kill and cut off shark fins do it while they are still alive, and then toss them back into the sea alive only to drown without fins or be eaten by their own kind.

This is NOT fishing. It is barbaric behavior carried out by greedy killers for profit.

To allow shark finning in Hawaiian waters is also taboo in Hawaiian culture. The shark is a god in Hawaiian culture. They are the oceans cleaners, and they are amazing to swim with. They have not changed for millions of years until mankind killed them in the millions to make soup.

I ask that the powers to be outlaw the catching, killing, and sales of shark fins in Hawaii and the US.

Sincerely,

Peter B. Michelmore

Owner

Gravity Hawaii

From: Anjie Pham [potteringpuck@yahoo.com]
Sent: Wednesday, February 03, 2010 11:24 AM
To: WTLTestimony
Subject: SB 2169 (Shark Fins): Support

LATE TESTIMONY

Dear Senators:

I firmly support SB 2169 to ban the sales and profits of shark fins in the islands of Hawaii.

Killing sharks for their fins is a cruel and frivolous practice catering only to a tiny segment of the population yet its impact on the ocean's ecological health balance is immense. We must not let in continue in our Aloha State, please do all you can to pass SB 2169!

Mahalo nui,

**Anjie Pham
Honolulu, Hawaii'i**



THE HUMANE SOCIETY
OF THE UNITED STATES

LATE TESTIMONY

TO: Honorable Chair Hee, Vice-Chair Tokuda

COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

DATE: Wednesday, February 3, 2010, 3:00pm

RE: Testimony in SUPPORT of SB 2169; Relating to Shark Fins

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

Dear Chair Hee, Vice-Chair Tokuda and Committee Members,

On behalf of our more than 49,315 members and supporters in Hawaii, The Humane Society of the United States **supports SB 2169**; to prohibit the sale and distribution of shark fins, and thanks Chair Hee for his introduction of this important measure.

Each year, more than 100 million sharks are killed, have their fins sliced off, and are then thrown back into the ocean-- dead or dying, due to the high demand for fins for shark fin soup. From 1991 to 1996, as the price of fins doubled, the shark catch reported at Hawaii's docks jumped 22-fold: from an estimated 200,000 pounds to 4.5 million pounds. Experts note that shark-finning is the primary contributing factor in the global decline of shark species.

While Hawaii has been a leader in establishing strong legislation and enforcement mechanisms to prevent sharks from being finned, loopholes remain. For example, in 2002 the U.S. Coast Guard confiscated more than 32 tons of shark fins from the King Diamond II, a vessel operating out of Hawaii. The vessel fought this seizure in court and won its case due to an unintended loophole in the law that applies only to "fishing" vessels and not *all* vessels. This case revealed a strong need for all conservation and management measures to apply to all vessels rather than just fishing vessels. Prohibiting the sale and distribution of all fins taken in contravention to the Hawaii state law would further strengthen enforcement of and close loopholes in the island's finning ban.

While we are currently working with Congress on the Shark Conservation Act (H.R. 81/S. 850) which has been passed by the House of Representatives and the Senate Commerce Committee, enforcement of federal laws are complex and also contain many loopholes. Because of this, the National Marine Fisheries Service implemented regulations that require federal shark fisheries in the Atlantic Ocean and Gulf of Mexico to land sharks with their fins still naturally attached. Atlantic states followed suit. However federal shark fisheries in the Pacific still use an imprecise ratio system to weigh shark fins and shark catches.

Prohibiting the sale and distribution of all fins taken in contravention to the Hawaii state law would further strengthen enforcement of and help to close loopholes in our current anti-finning law.

Thank you again for the opportunity to comment on this most important measure. We urge your support of SB 2169.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 1:28 PM
To: WTLTestimony
Cc: blueskyrc@sbcglobal.net
Subject: Testimony for SB2169 on 2/3/2010 3:00:00 PM

LATE TESTIMONY

Testimony for WTL 2/3/2010 3:00:00 PM SB2169

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Robin Culler
Organization: The Shark Finatics
Address: Brewster, NY
Phone:
E-mail: blueskyrc@sbcglobal.net
Submitted on: 2/3/2010

Comments:

I represent a very passionate group of children who are very concerned about the state of our oceans and the alarming rate at which sharks are being slaughtered. We are in complete support of this very necessary bill. The time is now to take firm action to ensure the health of our oceans. As apex predators, sharks are direly important to maintain the balance of marine ecosystems. The inhumane nature in which these creatures are mutilated and left to die is totally unacceptable. Our natural resources do not come in limitless supplies and at the rate sharks are being killed, we could soon see their extinction. And as the stability in our oceans crumbles, so will our life on this earth.

UNIVERSITY OF HAWAII' AT MANOA

Kewalo Marine Laboratory
Pacific Biosciences Research Center
41 Ahui Street, Honolulu, HI 96744

SB 2169

February 2, 2010

Senator Clayton Hee
Twenty Fifth Legislature
23rd Senatorial District
Hawaii State Capitol, Room 228
415 South Beretania Street
Honolulu, HI 96813

LATE TESTIMONY

Dear Senator Hee,

I am writing in strong support of Senate Bill No. 2169, "Relating to Shark Fins." As apex predators, sharks provide an essential service for marine ecosystem stability. Numerous studies have documented the rapid rate of decline of oceanic and coastal shark species, tied to the practice of finning for product destined for Asian markets. Hawaii is an ocean state and should set an example for the nation and world for sustainable marine resource and ecosystem management and conservation. The state can do its part by banning the practice as well as the sale and transshipment of shark fins through our islands. Additional actions should be considered against companies and their subsidiaries that participate in the shark fin market elsewhere, such as prohibiting their entry into any of Hawaii's ports and markets.

I highly commend you and your colleagues for introducing this bill and hope the Hawaii State Legislature will follow your leadership on this important and highly relevant issue.

Respectfully,



Robert H. Richmond, Ph.D.
Research Professor
Pew Fellow in Marine Conservation

LATE TESTIMONY

RE: SB2169
Hearing date: 2/3/2010 3pm

Dear Chair and members of the committee:

Thank you for introducing Bill SB2169 to prohibit the sale and distribution of shark fins in the State of Hawaii. We greatly appreciate the foresight and environmental leadership you've shown by introducing this very important bill.

As you know, the international shark fin trade is devastating shark populations and ocean ecosystems throughout the world. While laws in the United States prohibit the abhorrent practice of finning, it is still rampant in other parts of the world. Much of the shark fin trade also involves organized crime, often trading in shark fins as a way to launder drug money. (* Refs. Below)

By prohibiting the sale and distribution of shark fins, Hawaii will no longer contribute to this highly destructive and often illicit trade. Furthermore, Hawaii is setting a brilliant example that other states and countries throughout the world can follow.

On behalf of Shark Safe Network, which includes thousands of individual members and twenty-one organizations, we thank you. Please feel free to contact us if we can support you in any way.

Aloha,

Mary O'Malley
Lawrence Groth
Heidi DeRosa
Bob McNemey

Founders, Shark Safe Network
info@sharksafenetwork.com
Phone: 305-632-3688

* Report of the U.N. Secretary-General (2002), p. 6; Report of the U.N. Secretary-General (2003) p. 11; Kazmar, "The International Illegal Plant and Wildlife Trade"; and Cook, Roberts, and Lowther, The International Wildlife Trade and Organised Crime, p. 15.

* August 2003 Globe and Mail article referring to gang violence related to the shark fin trade -- including in Hawaii. <http://www.flmnh.ufl.edu/fish/sharks/innews/sharksoup2003.htm>

RE: S.B. No. 2169 February 2, 2010 _ Hearing 3pm

As the Founding Director of the Los Angeles based shark conservation group, Dorsal Friends, I strongly encourage you to pass SB 2169 for the sake of sharks and the health of our world's most vital resource, the ocean.

As top predators of the planet for over 400 million years, sharks play an essential role in sustaining the balance of our marine ecosystem. The ocean is the life support system of the planet, and seafood is the main source of protein for one billion people. By eating the sick, injured, and weak fish first, and controlling over-population of certain fish species, sharks help keep other fish stocks healthy and abundant.

It's estimated that more than 100 million sharks are killed by humans each year and as many as 73 million are slaughtered for their fins alone. Sharks, unlike other fish, reproduce as few as two pups every two years, and they may take 20 years or more to reach sexual maturity, making their populations devastatingly vulnerable to over fishing. Some species have decimated by 80 – 90% and many are listed on IUCN Red List of Threatened Species. Their recovery from exploitation will be very slow and difficult.

The consumption of shark is a known health risk and tests have found extremely high levels of methyl mercury in shark fins along with other poisonous metals, pollutants, and harmful toxins like the carcinogen formaldehyde and hydrogen peroxide, which may be used as bleaching or finishing agents. The FDA and the EPA have issued warnings against the consumption of long living predatory fish including shark for pregnant and nursing women as well as young children.

As a conservation leader internationally, the United States was a key player in developing the Food and Agriculture Organization's (FAO) International Plan Of Action for the Conservation and Management of Sharks. The unsustainable fishing practice of "finning", defined as removing the fins from a shark and discarding the remainder of the shark at sea, has developed to keep up with the demand of shark fin soup. Finning results in wasting approximately 95-98% of the animal. This practice is in direct contradiction of FAO recommendations.

By supporting SB 2169, Hawaii would be the first state to ban the sale and distribution of shark fins and would set an example for the rest of the country, and internationally. We must put a stop to exploiting a species that is in dire need of protection. We need sharks in the ocean in order for the eco-system to survive.

The practice of finning is inhumane, wasteful, and above all illegal in the U.S. It threatens shark stocks, the stability of marine ecosystems, and the food security of developing nations. By allowing the sale of shark fins, we are inadvertently supporting the finning industry and are contributing to the demise of shark populations worldwide.

I strongly encourage you to ban the sale and distribution of shark fins in Hawaii, and help safeguard the survival of sharks and the marine ecosystem.

Sincerely, –

Erika Marchino Director

Dorsal Friends, 5419 Hollywood Blvd. #C266 Los Angeles, CA 90027

LATE TESTIMONY

Regarding: HI SB2169

Hearing Date: Wed., Feb. 3, 2010, 3:00 PM Place: Conference Room 229

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Testimony:

Protecting sharks just makes sense. It makes sense economically and environmentally.

According to economic reports “[t]ourism remains Hawaii’s leading employer, revenue producer, and growth sector.” Sharks are one of the key attractions that draw people here from all over the world. Economic reports statistically bear out that sharks are worth more alive than dead by vast amounts of tourist dollars.

Environmentally, as top predators sharks are a critical to maintaining a thriving ocean ecosystem; Hawaii’s main attraction. Tourists flock to Hawaii for its breathtaking natural beauty. Studies have proven that coral reefs and other underwater jewels thrive where sharks are in natural numbers, not depleted by the fin trade.

There is no benefit to Hawaii from the fin trade. The money gained through the fin trade falls primarily into the hands of black-market syndicates, creating an obscene imbalance in distribution of wealth, benefiting only a corrupt few at the cost of the many. The threat of extinction of most shark species due to finning threatens to undermine Hawaii’s critical economic base, and further unleash the widespread destruction of its pristine ocean environment by removing this top predator.

Hawaii can be, and should be a leader to the world with this bill. Many steps are in process around the globe to bring the necessary protections to this species and stem the wanton destruction of the finning industry. The EU recently passed a “fins attached” mandate for landing sharks. The Shark Conservation Act is pending in the Senate to tighten U.S. regulations to actually prevent finning.

Hawaii already prohibits harvesting shark fins in State waters, or landing shark fins in the State unless the shark is landed whole with fins attached. [§188-40.5] This bill is the next logical and critical step. Hawaii is well positioned to lead the way. As a distribution point for Pacific freight traffic, Hawaii can significantly affect the end of the fin trade in many ways with this bill. I respectfully request that the Committee move this bill forward and give it swift passage into law. The world is watching.

Paula Walker, J.D.
Executive Director C-POD (Coalition to Protect Ocean Diversity)
paula@c-pod.org

LATE TESTIMONY

THE SENATE TWENTY-FIFTH LEGISLATURE REGULAR SESSION OF 2010

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

Wednesday, February 3, 2010
3:00 p.m., Conference Room 229, State Capitol

SENATE BILL NO. 2169 Relating to Shark Fins

Senator Hee, Senator Tokuda, and members of the committee, my name is Linda Paul and I am Executive Director for Aquatics for the Hawaii Audubon Society, Director of the Ocean Law & Policy Institute of the Pacific Forum CSIS, and International Director of the Endangered Species Program for Earthtrust. I am testifying in support of Senate Bill 2169, which would prohibit the sale and distribution of shark fins in the State of Hawaii. However, the language as written may be construed as regulating both interstate commerce, a power that the U.S. Constitution reserves to Congress, and international trade, which is governed by the foreign policy powers of the President and World Trade Organization treaties that the U.S. has ratified. Before drafting SD 1, I would recommend that this committee consult Professor Jon Van Dyke at the UH law school, as well as with both DOCARE and the U.S. Coast Guard regarding how it can be enforced.

The Practice of Shark Finning.

In 2000 this Legislature did a very good thing. It passed the current state law, which provides that no person shall knowingly harvest shark fins from the territorial waters of the State, or land shark fins in the State, unless the fins were taken from a shark landed whole in the State. That bill was supported by a broad spectrum of Hawaii residents including the Native Hawaiian community who find the practice of shark finning wasteful. The Hawaiian cultural practitioners believe that if a shark is going to be harvested, all parts of the shark should be used.

The Hawaii law paved the way for the passage of the federal Shark Finning Prohibition Act one year later, which in turn paved the way for a UN General Assembly resolution and several international fisheries commissions' resolutions that condemn the finning of sharks.

It also paved the way for the increasing number of shark species being proposed for listing on the Appendices of the Convention on International Trade in Endangered Species [CITES]. Shark species all over the world are threatened with extinction due to the global demand for shark fins. Next month the parties to CITES meet again and eight species of sharks are being proposed for listing, including six oceanic shark species. The continued existence of all of them are being threatened by the practice of cutting off their fins to provide fin rays for shark fin soup.

LATE TESTIMONY

In China shark fin soup is the rolex watch of soup: it is served at weddings, funerals and any time a host wants to impress his guests with his wealth. WildAid conducted a poll in Hong Kong not long ago and asked the question: "if you could buy a bowl of shark fin soup for \$10 instead of \$100, would you buy more, less, or the same amount?" The answer was "less". Ironically shark fin soup is chicken soup, with a few fin rays added to it for a little crunch.

The Hawaii-based longline fleet catch, as by-catch, about 60,000 blue sharks per year. Up until the early 1990s, those sharks were cut loose. As China became increasingly affluent the demand for shark fin soup increased and with it the killing of sharks for their fins only.

While Hawaii law requires that sharks be landed whole with their fins still attached, the federal law allows the fins to be cut off as long as the total weight of shark fins landed or found on board is no more than 5 percent of the total weight of shark carcasses landed or found on board. This provision has proven impossible to enforce. Currently federal law, not state law, is being enforced in Hawaii most probably because the federal law has promulgated rules and the state has not. There is now a bill before Congress, S. 850, which would make federal law more like Hawaii law in that it would require that sharks be landed whole with their fins still attached.

However, there are still large quantities of shark fins flowing into and out of Honolulu and through Honolulu by vessels that supply fuel and provisions to international longline fleets and collect fins. They don't unload the fins in Hawaii; they transfer them to other ships that take them to Hong Kong. There are also reputed to be container ships transshipping partially-processed fins through Honolulu where they are further processed in drying facilities located in Honolulu before they are flown to Hong Kong. Since they are not fishing vessels and they are operating under customs tags protection, they also conduct this activity with impunity.

The language in the pending federal bill would prevent the transport of fins into the U.S. by all vessels, not just fishing vessels. It does not, however, restrict the sale of fins from sharks that were legally landed whole with their fins attached, which this bill would do. The bill before this committee would stop the sale, trade or distribution of dried fins in Hawaii, language which could be construed as including fully processed fins that may have originated elsewhere in the U.S. and therein lies the potential interstate commerce clause problem. We would like to see an end to shark finning, not only here in Hawaii, but in all the U.S. If Hawaii could pass an even more restrictive law than it currently has, it would help make this happen, but we need to make sure that the language in this bill complies with the federal constitution and federal treaty law.

Thank you for giving me the opportunity to testify.



Linda Paul

ph. (808) 262-6859

TESTIMONY

SB 2169

LATE

(END)