

June 28, 2011

Dear proprietor/chef:

*Aloha.* We are writing today to kindly remind you that a prohibition on the possession, sale, trade and distribution of shark fins and products containing the raw or dried fin or tail of a shark, will take effect in the state of Hawaii on July 1, 2011, per *Hawaii Revised Statutes § 188-40.7 Shark fins; prohibited*. As the lead sponsor of the legislation, and on behalf of thousands of shark and ocean protection supporters across Hawaii, we thank you for your cooperation and support of this measure.

Sharks are considered Hawaiian deities, also known as “aumakua,” and protectors of the oceans. This law came about because of our traditional reverence for sharks and the perils facing sharks. Tens of million sharks are killed every year primarily to supply fins for the global shark fin trade<sup>1</sup>. Demand for shark fins, to be used in shark fin soup, causes collapses in shark populations worldwide. According to the International Union for Conservation of Nature, nearly one third of pelagic shark species are classified as threatened<sup>2</sup>. Multiple scientific studies have shown that populations of many shark species have declined by as much as 90 percent in recent decades<sup>3</sup>.

Shark fins are often harvested through “shark finning” where a shark’s fins are cut off and the animal is then discarded at sea while still alive. This practice is cruel and wasteful, given that less than 5% of the animal is utilized. The implication of shark finning goes beyond sharks. Sharks are critical apex predators in our ocean ecosystem, playing a crucial role in regulating the diversity and populations of marine life in our entire ocean food chain. Massive depletions of sharks from our oceans have proven to have cascading effects throughout marine ecosystems<sup>4</sup>. Experts recommend that the most effective way to save sharks is to eliminate the demand for shark fins, as the above-referenced law does.

Since the adoption of Hawaii’s anti shark-finning law last July, several U.S. territories and states have followed in Hawaii’s footsteps. The Commonwealth of the Northern Mariana Islands, Guam and Washington State have enacted similar bans while legislation is also pending in the California and Oregon legislatures. In essence, what began as our state’s lone effort to save sharks has created a ripple effect and spawned a global protection movement.

As a member of the culinary business, your compliance with this law is greatly appreciated. Your support also helps to safeguard Hawaii’s legacy in shark protection and marine conservation.

Sincerely,

Hawaii State Senator Clayton Hee and Hawaii Shark Protection Advocates

---

<sup>1</sup> Clarke, et.al. Global estimates of shark catches using trade records from commercial markets. *Ecology Letters*, (2006) 9. 1115-1126.

<sup>2</sup> IUCN press release, June 25, 2009. “Third of open ocean sharks threatened with extinction.” <http://www.iucn.org/?3362/Third-of-open-ocean-sharks-threatened-with-extinction>

<sup>3</sup> Chapple, et al. 2011 (*Finding there are just 219 white sharks left off the coast of Central California.*); Baum, Meyers, et al. 2003 (*Finding all northwest Atlantic shark populations have declined by at least 50%.*); Baum, Meyers, et al. 2004 (*Finding whitetip and silky sharks in the Gulf of Mexico have declined by 99% and 90%, respectively.*)

<sup>4</sup> Ferreti, Worm, Britten, Heithaus. Patterns and Ecosystem Consequences of Shark Declines in the Ocean. *Ecology Letters* (2010)

**[§188-40.7] Shark fins; prohibited.** (a) It shall be unlawful for any person to possess, sell, offer for sale, trade, or distribute shark fins.

(b) Notwithstanding subsection (a), any person who holds a license or permit issued by the department of land and natural resources to conduct research or for educational purposes possesses, sells, offers for sale, trades, or distributes shark fins shall not be subject to the penalties in this section.

*(c) Prior to July 1, 2011, any restaurant holding a valid certificate, permit, or license issued by the department of health under section 321-11 may possess, sell, offer for sale, trade, or distribute shark fins possessed by that restaurant as of July 1, 2010 which are prepared for consumption.*

(d) Any person violating this section or any rule adopted pursuant to this section shall be penalized as follows:

(1) For a first offense, by an administrative fine of not less than \$5,000 and not more than \$15,000;

(2) For a second offense, by an administrative fine of not less than \$15,000 and not more than \$35,000. In addition, shark fins, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture pursuant to chapter 712A; and

(3) For a third or subsequent offense, by an administrative fine of not less than \$35,000 and not more than \$50,000 or by imprisonment of not more than one year, or both. In addition, shark fins, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture pursuant to chapter 712A.

(e) In addition to any penalties imposed under subsection (d), any person violating this section or any rule adopted under it shall be subject to any other penalties authorized by section 188-70, and may be assessed administrative fees and costs, and attorney's fees and costs.

(f) The department may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(g) For the purpose of this section, "shark fin" means the raw or dried fin or tail of a shark. [L 2010, c 148, §2]

2011年6月28日

您好：

我們今天致函給貴餐廳旨在提醒您夏威夷修正法裡第 188-40.7 條關於禁止販售魚翅法令，即將於今年 7 月 1 日正式生效。身為此項法案的主要推動者，以及代表全夏威夷州數千位鯊魚及海洋保護支持者，我們在此誠摯感謝您的合作與支持。

鯊魚在夏威夷被奉為神祇（原住民們稱之為 *aumakua*），是海洋的守護者。這項法令緣由首先是來自於夏威夷傳統上對鯊魚的敬畏，以及擔心鯊魚受到的威脅。根據統計，每年有成上萬隻鯊魚

遭到捕殺，其中絕大多數是爲了供應全球的魚翅貿易。魚翅湯的供應與需求導致全球鯊魚數量驟減。根據國際自然保育聯盟，高達三分之一的遠洋鯊魚種類面臨瀕臨絕種的威脅。數項研究報告更顯示，近數十年來，許多種鯊魚的數量減少高至百分之九十。

魚翅常常是透過所謂「割鰭棄身」的方式獲取，也就是漁民活生生地割取鯊魚的魚鰭後，將這些鯊魚扔回海裡。這種做法既殘忍又浪費，因爲只用到不到百分之五的鯊魚部份。但是割鰭帶來的影響卻遠遠超過鯊魚本身。鯊魚是海洋生態系統裡的頂級掠食者，扮演著控制海洋食物鍊中底層的海洋生物的種類與數目的重要角色。鯊魚數量的大幅驟減對我們海洋生態有著一連串的連鎖反應。專家們建議最有效的拯救鯊魚的方法是淘汰對魚翅的需求，也是此項法令所意欲達到的目的。

自去年七月夏威夷開始此項法令後，美國數州及屬地紛紛跟進。美屬馬里亞納群島、關島及華盛頓州已開始實施類似法令，加州和奧瑞岡州議會則在審視類似法案。當初我們夏威夷爲了保護鯊魚的獨自努力，竟造成前所未見的漣漪效應，引發全球保鯊運動。

您身爲餐飲業的成員，我們感謝您謹守此項法令。您的支持也將確保夏威夷的鯊魚保護與海洋保育傳統。

如果您有任何關於此項法案的問題，請隨時與我的辦公室聯絡。

參議員 Clayton Hee 與夏威夷保鯊支持者們敬上