

# YES on AB 376!

## FOUR FACTS

### 1. The Shark Fin Trade Decimates Sharks

The shark fin trade is like the now-illegal trades in ivory, rhino horns, and bear paws, where the demand for a single high-value animal *part* drives the unsustainable slaughter and waste of the *whole animal*.

As many as 73 million sharks are killed each year to supply fins for the international shark fin trade.<sup>1</sup> The value of shark fin far exceeds other shark parts (20 to 250 times the value of meat by weight), providing an overwhelming economic driver to hunt as many sharks as possible for their fins.<sup>2</sup>

Nearly one third of shark species are threatened with extinction and multiple recent, peer-reviewed scientific reports show that populations of sharks worldwide are declining dramatically.<sup>3</sup>

### 2. California Contributes to the Problem

California imports and re-exports shark fins from all over the world, including Asia.<sup>4</sup> *Approximately 85% of all U.S. dried shark fin imports come through California.*<sup>5</sup> Los Angeles and San Francisco are recognized points of entry for the shark fin trade.<sup>6</sup>

The U.S. accounts for 70% of all shark fin imports outside of Asia.<sup>7</sup> The United States ranks 7<sup>th</sup> out of 85 countries that are origins of shark fin exports to Hong Kong.<sup>8</sup>

By joining Hawaii, Washington, and Oregon in ending its contribution to the trade in shark fins, California can help shut down the international shark fin trade.

### 3. Only a Trade Ban Can End California's Contribution & Help Save Sharks

Some AB 376 opponents suggest that California should allow the shark fin trade to continue by “just killing sharks in our own waters to meet the fin demand here.” The authors, sponsors, supporters, and ocean science and policy experts have thoroughly explored this approach and disagree. Here's why:

The opposition's scheme...

- **Is illegal:** Such a scheme likely violates the U.S. Constitution and international trade rules.<sup>9</sup> These legal barriers have led other U.S. states that also want to stop the unchecked slaughter of sharks for their fins to adopt the same trade ban as embodied in AB 376. (Opposition cannot demonstrate how its scheme could exist without violating federal and international law.)
- **Does not address the problem:** Domestic, trade-only schemes for high-value exotic and luxury animal items like shark fin (bear paw, elephant ivory, etc.) fail to protect species; the *trade* – which is the major problem – is still allowed to continue, the animal *continues to be slaughtered* for its high-value item, inhumane practices continue to be incentivized, and laundering and illegal imports are pervasive.<sup>10</sup> (Opposition cannot demonstrate that its scheme would end California's contribution to the slaughter of sharks for their high-value fins.)
- **Harms California's shark populations:** Domestic, trade-only schemes will increase domestic killing to compensate for banned out-of-state and imported product. Currently, sharks in California waters are fished at relatively low rates in just two limited fisheries (mako and thresher sharks).<sup>11</sup> Opposition's scheme would immediately and strongly incentivize the slaughter of sharks in our waters for their fins – undermining our shark conservation efforts. (Opposition cannot demonstrate how its scheme could be structured to maintain the status quo for California shark fisheries.)

- **Is unworkable and unenforceable:** There is no way to track the chain of custody of individual shark fins without exorbitant cost and without inviting laundering and fraud. It is not possible to tag or barcode and provide DNA testing for each and every fin to ensure that it is accurately marked with necessary information from slaughter to soup. A simple receipt or form from a fin vendor is no real option. That's because these type of documents do not accurately track chain of custody (especially for high-priced luxury items like shark fin or elephant ivory) and they are subject to massive fraud. Such schemes have been tried and failed disastrously to protect species. (Opposition cannot offer a chain of custody program that would work to accurately track shark fins. Opposition also cannot show how such a program would be enforced and how its scheme would deal with imported, illegally tagged fins, and illegal shark fin contamination in the domestic market.)
- **Is cost prohibitive:** AB 376 is enforced at no new cost to state or local enforcement bodies. AB 376 places no additional burdens on local governments, state entities, California fishermen, or our state's Fish and Game wardens. (Opposition cannot show how it would pay for its proposal, *which does not address the problem*, and how its proposal would place no costs or burdens on the state, local governments, fishermen, or wardens even if it could work.)

AB 376 is very similar to other shark fin trade bans enacted or poised to be enacted in other U.S. states and countries around the world. The legislation is carefully crafted to end California's role in the shark fin trade.

#### 4. AB 376 is Not a Cultural Attack

Consuming shark fin is a practice for those who can afford it, but it is not a defining aspect of Chinese culture. In addition, practices *do, in fact*, change over time. Consider the now-banned practice of binding women's feet, which was considered by some to be an important element of cultural beauty but which has been outlawed as a result of its cruelty. Moreover, other highly-prized *and sustainable* seafood products exist, such as farmed abalone, which can be substituted for shark fin to celebrate special occasions. Finally, and most importantly, polling shows that *70% of California Chinese American voters support AB 376*. The poll also shows that 38% of California Chinese Americans have never eaten shark fin soup.<sup>12</sup> Also, a 2011 survey in Hong Kong shows that *attitudes are shifting in Asia as well*. In China, there is increasing awareness of declining shark populations and a growing movement to stop the consumption of shark fin.<sup>13</sup>

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<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> Stefania Vannuccini, FAO (Food and Agriculture Organization of the United Nations). FAO FISHERIES TECHNICAL PAPER 389. Rome, 1999. <http://www.fao.org/docrep/005/x3690e/x3690e1t.htm> (Table 3)

<sup>3</sup> Camhi, M.D., Valenti, S.V., Fordham, S.V., Fowler, S.L. and Gibson, C. 2009. The Conservation Status of Pelagic Sharks and Rays: Report of the IUCN Shark Specialist Group Pelagic Shark Red List Workshop. IUCN Species Survival Commission Shark Specialist Group. Newbury, UK. x + 78p. [http://cmsdata.iucn.org/downloads/ssg\\_pelagic\\_report\\_final.pdf](http://cmsdata.iucn.org/downloads/ssg_pelagic_report_final.pdf); See also for examples: 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> FAO Fisheries and Aquaculture Statistics and Information Service. 2010. Fisheries commodities production and trade 1976-2008. FISHSTAT Plus - Universal software for fishery statistical time series [online or CD-ROM]. Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/fishery/statistics/software/fishstat/en>

<sup>5</sup> National Marine Fisheries Service: 2008-2010 Import Data: [http://www.st.nmfs.noaa.gov/st1/trade/cumulative\\_data/TradeDataDistrict.html](http://www.st.nmfs.noaa.gov/st1/trade/cumulative_data/TradeDataDistrict.html)

<sup>6</sup> 2010 NOAA Report to Congress [http://www.nmfs.noaa.gov/sfa/domes\\_fish/ReportsToCongress/SharkFinningReport10.pdf](http://www.nmfs.noaa.gov/sfa/domes_fish/ReportsToCongress/SharkFinningReport10.pdf)

<sup>7</sup> [Average value for 2000-2008] FAO Fisheries and Aquaculture Statistics and Information Service. 2010. Fisheries commodities production and trade 1976-2008. FISHSTAT Plus - Universal software for fishery statistical time series [online or CD-ROM]. Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/fishery/statistics/software/fishstat/en>

<sup>8</sup> "The International Trade of Shark Fins." Oceana. March 2010. [http://na.oceana.org/sites/default/files/reports/OCEANA\\_international\\_trade\\_shark\\_fins\\_english.pdf](http://na.oceana.org/sites/default/files/reports/OCEANA_international_trade_shark_fins_english.pdf) (Table 1: "Origins of Shark Fin Exports to Hong Kong." Source: 2008 Hong Kong Census Trade Statistics).

<sup>9</sup> See Art. I, Sec. 8, U.S. Constitution, see also, e.g. *United Haulers Ass'n v. Oneida-Herkimer Solid Waste Mgmt. Auth.* 550 U.S. 330 (2007); see General Agreement on Trade and Tariff (GATT), Article XX, World Trade Organization.

<sup>10</sup> See for example failure of domestic ivory trade programs (Environmental News Service, June 4, 2007: "*an investigative report into Japan's domestic ivory trade controls released last week by the International Fund for Animal Welfare details loopholes in the Japanese system that allow illegal ivory from elephants poached in the wild to be laundered in astronomical sums into the legal domestic ivory market.*")

<sup>11</sup> California Department of Fish and Game 2009 commercial catch data: <http://www.dfg.ca.gov/marine/fishing.asp#Commercial> (indicating 62.24 mt of thresher shark and 20.15 metric tons of short fin mako landed in 2009; below Pacific Fisheries Management Council Highly Migratory Species FMP harvest guidelines of 340 mt for common thresher and 150 mt for mako)

<sup>12</sup> Fairbank, Maslin, Maullin, Metz & Associates, 2011 Survey Results on Proposed Shark Finning Legislation

<sup>13</sup> "Attitudes Shifting on Shark Fin Soup." Bettina Wassener. April 24, 2011. The New York Times.; "Survey on Shark Consumption Habits and Attitudes in Hong Kong." Bloom & University of Hong Kong Social Sciences Research Center. Results Press Conference, April 12 2011. <http://bloomassociation.org/bloom/media/SurveysharkconsumptionhabitsinHong%20Kong.pdf>