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Eating Our Way to Their Extinction: What Florida Should Learn From California on Banning Shark Fin Soup and the Shark Fin Trade

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Cover Page Footnote

Bettina Tran was born in Arkansas and raised in Florida by Vietnamese immigrant parents. She is a third-year law student at Florida A&M University College of law with an undergraduate degree from the University of Central Florida. At FAMU, she served as President of the Asian Pacific America Law Students Association and is currently participating in the Client Counseling Competition. She would like to thank Professor Randall Abate for his mentorship and continual support.

Eating Our Way to Their Extinction:
What Florida Should Learn from California on Banning
Shark Fin Soup and the Shark Fin Trade

Bettina Tran[†]

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I. INTRODUCTION

It is a special occasion, and a family has decided to go out to indulge in a hot bowl of shark fin soup, an Asian delicacy. “We would like four bowls of shark fin soup, and yes we know it is \$100

per bowl, but well worth it,” says the man. Now, imagine an 18-foot shark laying deep in the bottom of the ocean, motionless, bleeding to death until all 4,000 pounds of its carcass ceases to exist. The shark’s fins have been viciously sliced off and thrown into a bin aboard a vessel because this family and many others would like a bowl of shark fin soup. What once was considered a predator has now become prey due to the exploitation of sharks to fuel the lucrative market of shark fin soup.

The shark fin trade and the people who carry out this practice are wasteful, inhumane, and threatening the health of our oceans by driving sharks to extinction. Before enactment of federal and state regulations conserving our marine ecosystem, people could freely profit through shark harvesting without limits or remorse for their careless actions. A shark fin alone can command premium prices, which inspired the practice of shark finning and the shark fin trade.² Shark finning occurs when a fisher catches a shark and slices off the shark’s fin, taking the fin back to the market to sell while dumping

² Jill Hepp & Elizabeth G. Wilson, *Shark Conservation Efforts: as diverse as sharks themselves*, in *SHARK CONSERVATION, GOVERNANCE & MANAGEMENT*, 176, 180 (Erika J. Techera & Natalie Klein eds., 2014).

the carcass back into the ocean, often when the shark is still alive.³ The progression of shark extinction is not a natural phenomenon or a mystery. The atrocity of shark finning conducted by humans are the driving force behind unnecessary and barbaric shark extinction. When federal and state government first started enacting regulations around marine ecosystem conservation, licensed fishermen easily gained access to the bounty of sharks and their fins. Soon, sharks were harvested all around the world with minimal surveillance, and over the course of the harvest cycle continuing, human greed has pushed a 400-million-year-old species to the brink of extinction.

Approximately 100 million sharks are killed each year. On average the demand for shark fins causes between 63 and 273 million shark deaths.⁴ Sharks have been roaming the Earth's oceans well before many other organisms and are considered apex predators in the marine ecosystem. This means that sharks play a major role in regulating all aquatic food chains below them.⁵ Most developing

³ Jeremy Iloulian, *From Shark Finning to Shark Fishing: Strategy for the U.S. & EU to Combat Shark Finning in Hong Kong*, 27 DUKE ENVTL. L. & POL'Y F. 345, 346 (2017).

⁴ Hepp & Wilson, *supra* note 2, at 179.

⁵ *The Importance of Sharks in the Ecosystem*, OCEANA, <https://perma.cc/NMU9-VL9A> (last visited Oct. 20, 2017).

countries capitalize on shark finning with little to no remorse because regulation is minimal or nonexistent in these countries.⁶ What many Americans do not know is that the United States is both an importer and exporter of shark fins, thereby perpetuating this widespread injustice.⁷

The long-term health of the fishing industry depends on the existence of healthy fish stocks and healthy oceans.⁸ Without sharks to regulate the food chain, the amount of fish in the sea will fluctuate and directly affect how much fish can be caught for sale and consumption. Healthier oceans will lead to healthier fish stocks, healthier fish stocks will lead to more fish to catch, and more fish to catch will lead to more food to supply to consumers. However, maintaining healthy oceans has been increasingly difficult when shark-fin fisheries around the world are continuing to support a

⁶ FAO, *State of the global market for shark products*, 1, 85 (2015), <https://perma.cc/B459-E7LR> (last visited Oct. 10, 2018).

⁷ *Id.*

⁸ Josh Eagle, *Domestic Fishery Management*, in *OCEAN AND COASTAL LAW & POL'Y*, 275, 292 (Donald C. Baur, Tim Eichenberg, & Michael Sutton eds., 2008).

market that, according to a 2013 estimate, involves trading the fins of 100 to 273 million sharks per year.⁹

While existing U.S. regulations at the state and federal level have provided a legal foundation to bring an end to shark finning and the shark fin soup market, additional regulations are needed to provide a comprehensive and effective solution to these issues. Other coastal states, specifically around the Pacific and Pacific Northwest regions, have already implemented regulations regarding the shark fin market and trade. In Florida, the practice of shark finning has been prohibited since 1992 by requiring sharks harvested to be “landed” in a whole condition, but the market for buying and selling shark fins is still legal today.¹⁰

Part I of this paper examines why humans harvest shark fins, and the ripple effect of such wasteful practices. It then discusses the shark welfare concerns regarding inhumane slaughtering, and how the market demand is threatening sharks’ role as the apex predator.

⁹ The Ocean Portal Team, *Sharks*, <https://perma.cc/G57M-82UQ> (last visited Sept. 1, 2017).

¹⁰ FLA. ADMIN. CODE R. 68B-44.004 (2017) (The term “land” means the physical act of bringing a harvested shark organism, or any part thereof ashore).

Part II addresses Florida's attempt at regulation and its shortcomings, followed by evolution of federal regulation governing shark finning. This section also includes analysis of public policy, legal challenges, and successes of other coastal states as a model to solve Florida's problems. Part III proposes reforms that Florida should adopt from California's successful ban, which includes short and long-term goals with expansion of closing foreseeable loopholes, and benefits to Florida residents for amending Florida law.

II. SHARK FINNING IS THE DRIVING CAUSE OF SHARK EXTINCTION

High demand for fins is the underlying incentive for humans to kill sharks for their fins, mainly because the market is so lucrative. Fins are considered the most valued part of a shark and consumers are willing to pay considerable money for them. Because shark finning is so lucrative, regulations are often overlooked. The modern-day phenomenon of affording a luxurious bowl of soup is deeply rooted in ancestral times and will be explained in subsection A. To portray a realistic snapshot of the problem, subsection B will discuss the climbing shark death tolls, identify which parties are benefitting by these death tolls, and explain the effects of finless

sharks sunken at the bottom of the ocean. Currently, the biggest threat to shark sustainability is humans overfishing for fins, therein jeopardizing sharks' role as apex predators.¹¹ "When any component of this [aquamarine] web is removed the balance in the system is altered."¹² Removing sharks in large quantities can have a ripple effect that throws entire ecosystems out of balance.¹³

A. Why Humans Harvest Sharks for Their Fins and the Wasteful Practices

In ancient China, shark fins were made into soup, and the rarity of shark fin soup was said to please Chinese emperors.¹⁴ Shark fin soup usually consists of chicken broth with sliced shark fin, primarily for texture because the fin itself is tasteless.¹⁵ Chinese emperors used to favor it in their dishes, creating a sense of luxury

¹¹ *Shark Threats What are the main shark threats?*, SEE THE WILD, <https://perma.cc/5GQT-D5T9> (last visited Sept. 29, 2017).

¹² SHARK CONSERVATION, FLORIDA MUSEUM OF NATURAL HISTORY, <https://www.floridamuseum.ufl.edu/discover-fish/sharks/shark-conservation/> (last visited Dec. 14, 2018) (discussing the importance of apex predators for the health of an entire ecosystem).

¹³ Caty Fairclough, *Shark Finning: Sharks Turn Prey*, SMITHSONIAN NAT'L MUSEUM OF NAT. HIST., <https://perma.cc/HUJ4-XUS6> (last visited Sept. 29, 2017).

¹⁴ Mike Rogers, *The Shark Fin Soup Industry*, SHARKSIDER, <https://perma.cc/7TDM-E4LH> (last visited Sept. 29, 2017).

¹⁵ *Id.*

that surrounds the dish.¹⁶ This soup represented a victory against powerful sharks.¹⁷

Fast forward to the 21st century and this popular soup is now considered a delicacy in many Asian cultures.¹⁸ “The soup is considered a symbol of prosperity and conferrer of health benefits, the sine qua non of luxury dining.”¹⁹ Shark fin soup is commonly found at weddings, celebrations, and upscale business lunches to demonstrate a host’s good fortune.²⁰ Proposed health benefits include but are not limited to: improving your kidneys, lungs, and bones.²¹ However, these benefits are only unconfirmed and actually refuted by sources that flatly say “there is no evidence to support these claims [of health benefits] and the reality is that shark meat is

¹⁶ Iloulian, *supra* note 3, at 346 n.13; *see also* Krista Mahr, *Shark-Fin Soup and the Conservation Challenge*, TIME (Aug. 9, 2010), <https://perma.cc/GX8W-8384>.

¹⁷ Fairclough, *supra* note 13.

¹⁸ Iloulian, *supra* note 3, at 346.

¹⁹ Matthew Kassel, *Here’s What Happens When You Order A \$65 Bowl of Shark Fin Soup*, BUS. INSIDER (Mar. 19, 2012, 2:38 PM), <https://perma.cc/5Q72-3BPE>.

²⁰ Iloulian, *supra* note 3, at 346.

²¹ *Shark Fin Soup – what’s the scoop?*, STOPSHARKFINNING (2007-2013), <https://perma.cc/NRL9-HFE2> (last visited Sept. 29, 2017).

barely fit for human consumption.”²² In 2012, researchers conducted a study on marine drugs and toxins with a follow up study in 2016 discovering “ β -N-methylamino-l-alanine (BMAA) is a risk factor for several degenerative brain disorders caused by sampling shark fin and meat.”²³ Furthermore, sharks have high levels of mercury through bioaccumulation, which could lead to serious medical issues when humans consume shark fin soup.²⁴ In fact, sharks are often referred to as “trash fish” in the fishing industry because their meat sells for about a dollar per pound, an economic rationale to discard the unprofitable carcass and keep only the fins.²⁵

This lucrative shark fin trade is very wasteful in comparison to the rest of the shark carcass. The extraordinary value of the fins incentivizes wasteful practices because shark meat dealers can only

²² *Id.*

²³ Allison Guy, *A National Shark Fin Ban Could Have a Surprising Benefit: Helping Protect Diners from Dementia*, OCEANA (March 16, 2017), <https://perma.cc/RMK8-DYZC> (BMAA or β -N-methylamino-l-alanine is a toxin manufactured by aquatic microbes called cyanobacteria which build up in the flesh of filter and bottom feeding ocean animals, which are then passed on to the predators that eat them).

²⁴ *Study Finds Shark Fins & Meat Contain High Levels of Neurotoxins Linked to Alzheimer’s Disease*, ROSENSTIEL SCHOOL OF MARINE & ATMOSPHERIC SCIENCE: PRESS RELEASE (Aug. 29, 2016), <https://perma.cc/S3N6-XTEM>.

²⁵ *Id.*

sell the shark's meat for around \$1 per pound as the meat is often not palatable.²⁶ Indeed, “[s]hark fin soup is not cheap – it can easily cost upwards of \$100 per bowl, this fact has helped ensure a steady supply of fins as fishermen and middlemen ... slaughter sharks wherever they can find them to satisfy the market.”²⁷ The price of one fin at the port costs pennies on the dollar per pound, whereas the end consumer price value of fins is up to \$2,000 per pound.²⁸ Over 95% of the actual shark meat is wasted with shark finning because only the fins are kept, and the rest of the shark is thrown overboard to create space on the vessel.²⁹ Throwing the rest of the shark overboard is very wasteful, because “for every person fed by a shark fin, nineteen additional people could have been fed.”³⁰

B. Market Demand Is Threatening Sharks from Fulfilling Their Role as Apex Predator

²⁶ Rebecca Tatum, *The Ecology and Controversy of Soup*, 43 MCGEORGE L. REV. 667, 668 (2012).

²⁷ *Shark Fin Soup – what’s the scoop?*, *supra* note 21.

²⁸ Tatum, *supra* note 26, at 668; *see also* Rosanna Xia, *Chinese Am. Food Purveyors Object to Law Banning Shark Fins*, L.A. TIMES (Oct. 10, 2011), <https://perma.cc/TXH7-UP2C>.

²⁹ Mathew Schonfeld, *Everything You Need To Know About Eating Shark*, FIRST WE FEAST (Aug. 5, 2013), <https://perma.cc/CT97-UW9P>.

³⁰ Iloulian, *supra* note 3, at 347.

Apex predators are at the top of the food chain, making sharks a vital component of our oceans because they feed on a wide variety of fish below their chain.³¹ Although sharks have few or no natural predators, sharks are highly susceptible to extinction due to their slow growth and low reproductive rates.³² Scientists maintain that “some of the world’s most unusual sharks are on the brink of extinction because of threats such as commercial fishing.”³³ To breathe, sharks need to move around to force water through their gills for oxygen, but without their fins, they simply sink to the bottom of the ocean waiting to die.³⁴

Apex predators like sharks keep populations of their prey species aligned as they serve a crucial role in keeping the marine ecosystem balanced.³⁵ On land for example, some species such as the tiger in the animal kingdom have no natural predators within

³¹ SHARK CONSERVATION, *supra* note 12.

³² Fairclough, *supra* note 13.

³³ Helen Briggs, *World’s strangest sharks and rays ‘on brink of extinction’*, BBC NEWS, (Dec. 4, 2018), <https://perma.cc/8PVJ-K3DA>.

³⁴ Tatum, *supra* note 26, at 675 (analyzing ocean ecology and Chinese-American opposition).

³⁵ Tatum, *supra* note 26, at 675 (discussing what an apex predator is).

their habitat, with the exception of humans, who are the only threat to such apex predators on Earth.³⁶ Without sharks, unbalanced fisheries have the potential to damage global food security.³⁷ Continuing the practice of shark finning for consumption while depleting the population is a lose-lose situation; not only is shark meat incredibly dangerous to human health, the extinction of sharks disrupts the marine ecosystem.³⁸

III. CURRENT FLORIDA STATE GOVERNANCE IS NOT ENOUGH TO PROTECT SHARKS

Part II of this paper begins with Florida's current law, how the shark fin trade in Florida is affected by it, and how Florida tried and failed to address the buying and selling of fins through the state's port. Thereafter, Part II presents a historical timeline of both

³⁶ *Top 9 Apex Predators In The World*, TMW (2018), <https://perma.cc/M8XT-STPH> (last visited Nov. 2, 2018).

³⁷ See, e.g., Iloulian, *supra* note 3, at 348; Chris Jackson, *Sharks: Half (51%) of Americans are Absolutely Terrified of Them & Many (38%) Scared to Swim in the Ocean Because of Them...*, IPSOS (July 7, 2015), <https://perma.cc/3NGB-WY8K>; Boris Worm, *Global catches, exploitation rates, and rebuilding options for sharks*, 40 *MARINE POL'Y* 194, 197 (2013) (although shark fin soup is declining in popularity, the sheer number of sharks being consumed is still a problem even if the number is reduced).

³⁸ Michael Rogers, *Shark Meat: Delicacy or Dangerous?*, SHARKSIDER BLOG (July 13, 2016), <https://perma.cc/NJ2C-K877>.

federal and coastal state shark finning regulations with policy rationale, legal challenges, and examples of successful regulatory legislation if Florida adopted a more protective model.

A. Florida's Shark Fin Law

In 1992, Florida banned the practice of shark finning and required sharks harvested to be landed in a whole condition. However, the market for buying and selling shark fins continues at Florida ports.³⁹ As a coastal state, Florida plays a major role in the shark finning industry but the state's current statutory language is not as protective of sharks as it should be. Florida should enact stronger statutory protections for sharks, because sharks will soon be extinct.

1. Florida Statute § 379.2426

Florida Republican Senator Travis Hutson introduced SB 884,⁴⁰ and the proposed bill was subsequently filed with Secretary of State May 24, 2017, approved by the Governor May 23, 2017, and went into effect on October 1, 2017.⁴¹ SB 884, codified as

³⁹ FLA. ADMIN CODE R., *supra* note 10.

⁴⁰ 2017 BILL TRACKING FL S.B. 884.

⁴¹ *Id.*

statute § 379.2426, prohibits possession of separated shark fins on the water, and penalizes people who engage in certain activities despite suspended or revoked licenses.⁴² The original intent of SB 884 was to make it a first-degree misdemeanor in Florida to trade or sell shark fins and tails, as well as suspending or revoking permits of commercial and recreational fishers found in violation.⁴³ The enacted language differs from the original language by completely eliminating any language banning the trade of shark fins through the Florida's ports, thereby only making it illegal to possess shark fins, but not revoking any permits or licenses⁴⁴ The new law increases fines and penalties for people illegally in possession of shark fins, starting from \$4,500 to \$9,500, depending the degree of violation.⁴⁵

⁴² *Id.*

⁴³ Emelia Hitchner, *Sale and trade of shark fins to continue in Florida, despite threat to ecosystem, tourism*, THE FLORIDA TIMES UNION JACKSONVILLE.COM: JACKSONVILLE NEWS, SPORTS, ENTERTAINMENT (Mar. 20, 2017), <https://perma.cc/K93J-34HQ>.

⁴⁴ *See* The Fla. Senate Bill Analysis and Fiscal Impact Statement, <https://perma.cc/YVT4-U8LJ> (last visited Oct. 1, 2017).

⁴⁵ *Id.*

2. Shark Trade Laws in Florida

The Florida Constitution authorizes the Florida Fish and Wildlife Conservation Commission (FWCC) to promulgate rules and regulations regarding the state's fish and wildlife resources.⁴⁶ The FWCC requires a Saltwater Products License (SPL) and Limited Access Permit (LAP) license for both the sale and purchase of sharks.⁴⁷ Under current Florida law, commercial fishermen may catch and take certain species of sharks in federal waters and land them in Florida. Once they re-enter state waters, boats carrying sharks cannot stop traveling until they are docked.⁴⁸ Fishermen holding both a State of Florida SPL and a federal annual vessel permit for sharks are subject to FWCC regulations.⁴⁹

The National Oceanic and Atmospheric Administration (NOAA) imposes quotas on commercial fishermen that limit their

⁴⁶ FLA. CONST. art. IV, § 9

⁴⁷ Commercial Regulations for Sharks, FLA. FISH & WILDLIFE CONSERVATION COMMISSION, <https://perma.cc/N7ZP-WF8W> (last visited Nov. 3, 2017).

⁴⁸ *Commercial Regulations for Sharks*, *supra* note 47.

⁴⁹ *Id.*

catch to one shark per day and a maximum of two sharks per vessel per day even if more than two fishermen are on board.⁵⁰

3. Shark Finning and Florida

Florida legislation can make a large impact on shark conservation despite the fact that there are only five known restaurants in Florida that serve shark fin soup.⁵¹ Although a shark fin ban would minimally impact the demand created by these restaurants, a ban could greatly affect cities that import, export, buy, sell, and trade fins to other states or countries at Florida's ports.⁵² Florida is a major importer of shark fins from Hong Kong and Miami is currently the nation's top importer of shark fins.⁵³ A pending bill known as the Shark Fin Sales Elimination Act of 2017 could eliminate Florida and all other states from the global shark fin

⁵⁰ *Id.*

⁵¹ Animal Welfare Institute, *Restaurants currently serving shark fin soup*, MARINEBIO CONSERVATION SOC'Y, (Nov. 10, 2018), <https://perma.cc/X9CX-PRM2> (last visited Nov. 10, 2017); MarineBio, *supra* note 76 (listing of every known restaurant serving shark fin by location, name of restaurant, and detailed address).

⁵² Jenny Staletovich, *Miami now nation's top importer of shark fins. Many states have banned the product.*, MIAMI HERALD (May 1, 2018), <https://perma.cc/5GL7-K3KT>.

⁵³ *Id.*

trade by banning the possession and sale of shark fins in the United States.⁵⁴

4. Florida's Attempt and Shortcomings

Florida's shark fin laws successfully prohibit people from engaging in certain behaviors (e.g. buying, selling, trading fins), but they fall short in protecting sharks and their marine ecosystem. Although possession of shark fins is illegal, Florida's ports can still be used for the shark fin trade.⁵⁵ This language is toothless, thereby only making it illegal to possess shark fins and prohibiting those with current revoked permits or licenses in engaging certain activities, but not permanently revoking any permits or licenses for violators until the third violation.⁵⁶ As a port city and major player in the shark fin trade, Florida's legislature must amend the law to effectively protect sharks.⁵⁷

⁵⁴ *Sharks in Florida Worth More in the Water: A 2016 Econ. Analysis*, OCEANA, (2016), <https://perma.cc/M7JQ-PBTN>.

⁵⁵ *Florida Shark Fin Law Loses Teeth*, SHARK STEWARDS (Apr. 24, 2017), <https://perma.cc/FW5S-E9K8>.

⁵⁶ The Fla. Senate Bill Analysis and Fiscal Impact Statement, *supra* note 44.

⁵⁷ Vance Kondon, *Ending the Shark Fin Trade in the US.*, Keys Weekly (Jun. 21, 2018), <https://perma.cc/7JLL-QVPC>.

B. Model Federal and Coastal State Shark Finning Regulations

1. Federal Legislative History

Federal legislation was enacted to protect, conserve, and enhance fisheries resources in the United States.⁵⁸ To manage fishing in the exclusive economic zone, regional Fishery Management Councils (FMCs), comprised of state and federal officials, were created. Since its enactment, FMCs evolved to meet the needs of our citizens. As a result, many acts and reauthorizations passed, extended appropriation authorizations, streamlined conservation efforts, and reaffirmed FMCs' commitment to protect America's fisheries while keeping commercial and recreational fishing communities strong.⁵⁹

a. Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) was enacted in 1976 to establish a federal-regional partnership to manage fishery resources.⁶⁰ In 2006,

⁵⁸ Magnuson-Stevens Fishery Conservation & Management Act, 16 U.S.C. §§ 1801-1884 (2012).

⁵⁹ MAGNUSON-STEVENS FISHERY CONSERVATION & MANAGEMENT REAUTHORIZATION ACT OF 2006., Pub. L. No. 109-479, 2007 U.S.C.C.A.N S83, 2007 WL 892712.

⁶⁰ 16 U.S.C. §§ 1801-1884 (1976).

President Bush signed the Magnuson-Stevens Reauthorization Act to reaffirm the nation's commitment to end overfishing by 2011 and to help replenish our nation's fish stocks.⁶¹ Under the reauthorized MSA, the "federal government exercises sovereign rights and exclusive fishery management authority over all fish, and all continental shelf fishery resources within the exclusive economic zone (EEZ) . . . which extends from the seaward boundary of each coastal state to 200 miles offshore"⁶² While this act laid the initial legal foundation for protecting, conserving, and enhancing fisheries resources, it was too broad and all-encompassing because it could be applied to any overfished stock and was not restricted to just certain species.⁶³

b. Shark Finning Prohibition Act of 2000

"In the 1990s and 2000s, the first wave of shark conservation efforts focused on getting laws and measures enacted to make the

⁶¹ *Id.*

⁶² *Chinatown Neighborhood Ass'n v. Harris*, 794 F.3d 1136, 1139 (9th Cir. 2015); 16 U.S.C. § 1811(a), § 1802(11).

⁶³ Charles Witek, *The Growing Threat to Magnuson-Stevens*, MARINE FISH CONSERVATION NETWORK (July 12, 2018), <https://perma.cc/8AVR-89GB>.

practice of finning illegal.”⁶⁴ The Shark Finning Prohibition Act (SFPA) was signed into law in 2000 and amended the MSA “to eliminate the wasteful and unsportsmanlike practice of shark finning.”⁶⁵ The concept of fin-to-body weight ratio was thus designed to stop fisherman from discarding the carcass at sea, requiring that all carcasses be retained on board the fishing vessel and landing them in a specified weight ratio.⁶⁶

The ratio system “was an enormous step forward in ending shark finning,” but it was defective. This was because different species of sharks vary in size, and fishermen were “mixing and matching” the fins and carcasses, making species identification difficult.⁶⁷ This was a practice done to maximize profits, and done intentionally because it would make it difficult to tell which fin belonged to which shark.⁶⁸ Nevertheless, this act after its enactment

⁶⁴ Hepp & Wilson, *supra* note 2, at 180.

⁶⁵ *Id.* at 181.

⁶⁶ *Id.*

⁶⁷ *Id.* at 180 (some of the other countries that have implemented measures to end shark finning during the late 1990s & early 2000s include Brazil, Canada, Costa Rica, Ecuador, South Africa).

⁶⁸ Hepp & Wilson, *supra* note 2, at 181.

made it illegal in the United States to continue the practice of shark finning in 2000.⁶⁹

c. Shark Conservation Act of 2010

The Shark Conservation Act (SCA) was enacted to strengthen the Shark Finning Prohibition Act of 2000 that had been difficult to enforce, closing a loophole that unintentionally allowed vessels to transport fins obtained illegally as long as the sharks were not finned aboard that vessel.⁷⁰ The SCA closed the SFPA by requiring fishermen to land sharks with their fins naturally attached.⁷¹ The SCA also revised the current rebuttable presumption provision concerning shark fins on fishing vessels that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation.⁷² After the SCA, fins naturally attached to the shark at fishery ports became the “gold

⁶⁹ Shark Conservation Act of 2010, 16 U.S.C. §§ 1801-1884 (2012).

⁷⁰ *Id.*

⁷¹ *Shark Conservation Act Signed into Law to Curb Cruel Shark Finning*, THE HUMANE SOCIETY OF THE UNITED STATES (Jan. 5, 2011), <https://perma.cc/C9P6-YRSQ>.

⁷² Shark Conservation Act of 2010, *supra* note 69.

standard.”⁷³ However, a new national standard is needed to eradicate the shark fin trade altogether and close any remaining loopholes.⁷⁴

d. Shark Fin Sales Elimination Act

If passed, pending federal bill H.R. 1456 in the 115th Congress as of November 2018 will be known as the Shark Fin Sales Elimination Act, (SFEA). The proposed bill was introduced by United States Representative Edward R. Royce.⁷⁵ Royce believes that the SFEA is necessary because there are still many states where the purchase of shark fins is legal.⁷⁶ The SFEA will make it illegal to possess, buy, or sell shark fins or any product containing shark fins in the U.S. and its territories.⁷⁷ Anyone who violates the SFEA will be subject to a maximum of \$25,000 in fines for each violation.”⁷⁸ So far, the bill has been referred to the Subcommittee

⁷³ *Id.*; see generally S. FOWLER & B. SERET, SHARK FINS IN EUROPE: IMPLICATIONS FOR REFORMING THE EU FINNING BAN (2010), <https://perma.cc/5CBD-HT96>.

⁷⁴ Press Release, Ed Royce, Chairman, House Foreign Affairs Comm., Chairman Royce Introduces Shark Fin Sale Ban (Mar. 9, 2017), <https://perma.cc/6VKQ-9R5Q>.

⁷⁵ Shark Fin Sales Elimination Act, H.R.1456, 115th Cong. (2017-2018), <https://perma.cc/WNF9-LZ5L>.

⁷⁶ Royce Press Release, *supra* note 74.

⁷⁷ Shark Fin Sales Elimination Act, *supra* note 75.

⁷⁸ *Id.*

on Water, Power, and Oceans, under the House Committee on House Natural Resources as of March 20, 2017 and on April 17, 2018 the Subcommittee Hearing was held.⁷⁹ If enacted, the SFEA would eliminate shark finning, the shark fin trade, the sale of shark fin soup, and streamline across the nation all shark finning regulations.

2. Public Policy Regarding Shark Finning Regulations

a. Prohibit the Trade in All Detached Shark Fins, For Any Purpose, to Stop Fueling the Shark Finning Market

As of November 2018, only 14 out of Florida's 120 congressional representatives have agreed to cosponsor the SFEA.⁸⁰ Former Florida government officials do not support the SFEA because they believe it will (1) put American jobs at risk by not using all of the shark for those legally caught and the potential loss of money and (2) will not improve the sustainability of the shark

⁷⁹ *Id.*

⁸⁰ *Id.*

fishery.⁸¹ Florida officials have not commented on whether they think shark fin soup is bad for human consumption or whether the market for living sharks is more lucrative than dead sharks.⁸²

On the contrary, international advocate for Oceana Lora Snyder “wants the [FWCC] commission to support the federal proposal saying the need to sustain the shark population is vital to Florida’s [economy].”⁸³ “It’s this [general] demand for fins that is contributing to the population declines for sharks” says Snyder.⁸⁴

b. Dangers of Mercury Consumption Through Bioaccumulation and Imitation Shark Fin Alternatives
California has already explored and developed solutions regarding the dangers of mercury consumption and therefore, Florida need not reinvent the wheel. Sharks are dangerous for human consumption because they eat large amounts of fish

⁸¹ Bruce Ritchie, *Florida wildlife officials won't support federal shark fin ban*, POLITICO FLORIDA (July 10, 2017), <https://perma.cc/AH29-K4PN>.

⁸² *Id.*

⁸³ Jim Turner, Florida not backing expansion of federal ban on shark fin possession, NEWS SERVICE OF FLORIDA (July 14, 2017), <https://perma.cc/TD2U-3589>.

⁸⁴ *Id.*

contaminated with methylmercury.⁸⁵ Methylmercury is highly toxic for humans⁸⁶ and ingesting it can cause a variety of neurological and chromosomal problems and congenital disabilities.⁸⁷

Mercury is a naturally occurring chemical that is ingested by fish in mercury-contaminated fresh and saltwater.⁸⁸ However, as mercury travels up the food chain, it can reach human consumers in dangerous levels.⁸⁹ “For example, if a small fish eats 100 pieces of plankton, followed by a medium size fish eating 100 small fish, a shark can accumulate, or ‘bioaccumulate’ 10,000 pieces of mercury contaminated plankton just by eating one medium-sized fish.”⁹⁰

⁸⁵ *Bioaccumulation*, JRANK ARTICLES, <https://perma.cc/C2EL-EUEG>, (last visited Nov. 1, 2018).

⁸⁶ U.S. ENVTL. PROT. AGENCY, *Report to Congress on the Global Supply and Trade of Elementary Mercury*, (Jan. 18, 2017), <https://perma.cc/C3MG-YR3S>.

⁸⁷ Alina Bradford, *Mercury Poisoning: Causes, Effects & Fish*, LIVE SCIENCE (Feb. 24, 2016), <https://perma.cc/UE53-ARWG>. (the toxicity of methylmercury, the correlation with fish and shellfish intake, and methods of long-term management of the human health effects of methylmercury).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Iloulian, *supra* note 3.

Artificial shark fin has been developed to keep the tradition alive for those who cannot afford (nor want) real shark fin.⁹¹ Artificial shark fin protects sharks, tastes genuine, and is bioengineered to mimic the shark fins chewy and gelatinous texture.⁹² If shark fin soup cannot be eradicated, creative solutions can provide a better product to replace the need for fins, which is why a California company named New Wave Foods is developing an imitation shark fin, called Smart Fin.⁹³

3. Legal Challenges and State Successes of Implementing Shark Finning Regulations

While federal regulations have yet to cover all bases, state laws have filled in the gaps, but there are still lingering loopholes. In 2015, the United States District Court for the Northern District of California held that states are authorized to regulate “on-land activities,” as the MSA was enacted as a federal-state partnership and expressly preserved the jurisdiction of the states over fishery

⁹¹ See generally Agence France-Presse, *Fake fins saving sharks*, THE GLOBE AND MAIL (Apr. 30, 2018), <https://perma.cc/EF9R-UNA8>.

⁹² Daniel Potter & Christina Farr, *Would You Eat Artificial Shark Fin?*, KQED SCIENCE: FOOD TECH. (Nov. 9, 2015), <https://perma.cc/E79Z-37ET>.

⁹³ *Id.*

management within their boundaries.”⁹⁴ Accordingly, twelve states and three territories have already passed bills placing a statewide ban on the sale and trade of shark fins.⁹⁵ While Western states such as Washington and California have led the way with statewide bans, there are still 38 states where purchasing shark fins is legal, Florida included.⁹⁶

a. Washington’s Shark Fin Law

In 2011, SB 5866 was introduced into Washington State Legislature and referred to the Natural Resources and Marine Waters Committee concerning shark finning activities.⁹⁷ The bill unanimously passed through the Rules Committee, it unanimously passed through the House Committee on Agricultural and Natural

⁹⁴ *Chinatown Neighborhood Ass’n. vs. Harris*, 794 F.3d 1136,1147 (9th Cir. 2015).

⁹⁵ The states and territories are: Hawaii, Oregon, Washington, California, Illinois, Maryland, Delaware, New York, Massachusetts, Texas, Rhode Island, Nevada, Guam, the North Mariana Islands & American Samoa. *See* CAL. FISH & G. CODE § 2021; DEL. CODE TIT. 7, § 928A; HAW. REV. STAT. § 188-40.7; OR. REV. STAT. § 509.160; WASH. REV. CODE § 77.15.770; 515 ILL. COMP. STAT. 5/5-30; MD CODE ANN., NAT. RES. § 4-747; N.Y. ENVTL. CONSERV. LAW § 13-0338 (MCKINNEY 2018); MASS. GEN. LAWS CH. 130, § 106; TEX. PARKS & WILD. CODE ANN. § 66.2161.

⁹⁶ See generally Royce Press Release, *supra* note 74.

⁹⁷ S.B. 5688, 62nd Leg., Reg. Sess. (Wa. 2011), <https://perma.cc/CW32-G5AU>.

Resources, was then confirmed by the Senate Committee and thereafter signed by the President, the Speaker, and was ultimately signed” by the Governor on May 12, 2011.⁹⁸ On July 22, 2011, SB 5866 was recognized as Chapter 324, effective immediately.⁹⁹ The purpose behind Chapter 324 is to prohibit the sale, trade or distribution of shark fins or derivative product for human or animal consumption for commercial purposes in the state of Washington following the same path as Hawaii and Guam, with California and Oregon soon to trail.¹⁰⁰ The Washington legislature found that shark finning, “constitutes a serious threat to Washington’s coastal ecosystem and biodiversity.”¹⁰¹

b. California’s Shark Fin Law

In 2011, California banned the possession and sale of shark fins by enacting Cal. Fish & G. Code §§ 2021, 2021.5 (collectively

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ See generally *Wash. bans sale, trade of shark fins*, THE SEATTLE TIMES (May 13, 2011) <https://perma.cc/A885-49BE>.

¹⁰¹ WASH. REV. CODE § 77.15.770, <https://app.leg.wa.gov/rcw/default.aspx?cite=77.15.770> (citing findings from 2011 Substitute Senate Bill).

the “Shark Fin Law”).¹⁰² Federal laws, as mentioned earlier, only “bars the possession or transfer of shark fins on and between fishing vessels,” but, do not to prohibit the possession or sale of shark fins after they have found their way to land, which still make up a large part of the shark fin market.¹⁰³

The Shark Fin Law took effect in July 2013 with a purpose to “conserve state resources, prevent animal cruelty, and protect wild and public health.”¹⁰⁴ It essentially made shark fin soup illegal in California.¹⁰⁵ Filling in the gaps of the federal regulations, Chapter 524 of California’s Shark Fin Law makes it “unlawful for any person to possess, sell, offer for sale, trade, or distribute a shark fin.”¹⁰⁶ Then, companion bill Chapter 525 was enacted to modify Chapter 524 to prohibit restaurants from preparing and selling shark

¹⁰² Christopher B. Yeh, *California Shark Fin Soup Ban Upheld*, DUANE MORRIS: THE LEGAL DISH, (June 13, 2016), <https://perma.cc/NFT2-T72H>.

¹⁰³ *Id.*

¹⁰⁴ *Chinatown Neighborhood Ass’n. vs. Harris*, *supra* note 94.

¹⁰⁵ *Id.*

¹⁰⁶ CAL. FISH & G. CODE § 2021 (a)-(b) (“[S]hark fin’ means the raw, dried, or otherwise processed detached fin [or] tail, of an elasmobranch.”).

fin for consumption as of July 2013.¹⁰⁷ Chapter 524 declares the people of the State of California recognize that: “[s]harks are critical to the health of the marine ecosystem . . . overfishing [is driving their decline] because they are slow . . . [to] rebuild their population quickly . . . sharks occupy the top of the marine food chain . . . [and] tens of millions of sharks die each year.”¹⁰⁸ The people of California have also acknowledged its large market for shark fins and that this market demand drives the finning trade leading to shark decline.¹⁰⁹ Within the Shark Fin Law, California’s legislature admits “[s]hark fin often contain high amounts of mercury, which has been proven dangerous to consumer’s health.”¹¹⁰

The Shark Fin Law was enacted because of the “serious concerns of the California legislature that shark finning is cruel and

¹⁰⁷ Tatum, *supra* note 26, at 674.

¹⁰⁸ Assemb. B. 376, 2011-12 Reg. Sess., at 1-2 (Cal. 2011), <https://perma.cc/QB6S-HN3W> (Assembly Bill No. 376 has been incorporated into Chapter 524, it is “[a]n act to add Section 2021 to the Fish and Game Code, relating to sharks”).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

inhumane.”¹¹¹ “Restaurants that sell shark fin soup, or markets that sell dried shark fins, will face fines of up to \$1,000 per violation in California if they continue to sell shark fins or shark fin soup after July of 2013.”¹¹² While many restaurants and businesses have stopped selling the soup or any form of preparation of the fin, it has been verified that 37 restaurants are still carrying or offering shark fin products as of 2017.¹¹³ Meanwhile, San Francisco Michelin starred Chef Corey Lee is pioneering the shark-free shark fin soup by serving the soup at his restaurant, Benu.¹¹⁴ The soup is intended to be an alternative for the banned luxury item. “About 30 chefs have already signed up to sell Smart Fin in their restaurants.”¹¹⁵ A San Francisco-based start-up, New Wave Foods, has been developing an imitation shark fin, called Smart Fin, since 2016 and is still early in

¹¹¹ Response Brief of Intervenors-Defendants-Appellees at 1. *Chinatown Neighborhood Ass’n. vs. Harris*, 794 F.3d 1136 (9th Cir. 2015).

¹¹² Paul Rogers, *Shark fin soup ban take effect Monday*, MERCURY NEWS (June 29, 2013), <https://perma.cc/5BPR-FGU3>.

¹¹³ *Businesses Selling Shark Fins*, MARINEBIO CONSERVATION SOCIETY, <https://perma.cc/LVK3-N6TA> (last visited Nov. 12, 2018).

¹¹⁴ See Potter & Farr, *supra* note 92.

¹¹⁵ *Id.*

the developmental phase.¹¹⁶ Consumers can now have shark fin soup mimicked closely to their cultural taste substituted with an alternative fin.¹¹⁷ If alternative fins are satisfactory to a Michelin starred chef and many other chefs, they are good enough for the average consumer.¹¹⁸

In a landmark case, *Chinatown Neighborhood Association v. Harris*, two major groups challenged California's laws and failed in Federal District Court, Appellate Court for Ninth Circuit affirmed the dismissal, and United States Supreme Court denied certiorari.¹¹⁹ The Chinatown Neighborhood Association (a nonprofit corporation) and Asian Americans for Political Advancement (a political action committee) challenged the state of California alleging that it violated the Supremacy Clause and Commerce Clause for enacting California's Shark Fin Laws¹²⁰ because the State

¹¹⁶ Kevin Schultz, *The future of food: from lab to table*, SAN FRANCISCO CHRONICLE (Jan. 19, 2016), <https://perma.cc/M9XP-53Y3>.

¹¹⁷ *Id.*

¹¹⁸ See Potter & Farr, *supra* note 92.

¹¹⁹ Yeh, *supra* note 102; See also *Chinatown Neighborhood Ass'n. vs. Harris*, 794 F.3d 1136 (9th Cir. 2015).

¹²⁰ *Chinatown Neighborhood Ass'n. vs. Harris*, 794 F.3d 1136, 1138 (9th Cir. 2015).

was discriminating against its members who engage in cultural practices and commerce involving shark fins.¹²¹ The United States District Court for the Northern District of California dismissed the complaint with prejudice, and the associations appealed.¹²² In 2014, the District Court held that the Shark Fin Prohibition is facially neutral, does not discriminate on the basis of any protected classification or against interstate commerce, does not regulate extraterritorially, does not conflict with federal law, and is rationally related to a legitimate governmental interest in protecting the public health and safety and the environment.¹²³ The Ninth Circuit affirmed the lower court and held the Shark Fin Law was not preempted by the MSA, the district court did not abuse its discretion, and the Shark Fin Law did not violate the Commerce Clause.¹²⁴

The United States District Court reasoned that California's Shark Fin law did not deny Chinese Californians equal protection of the law because it was a broadly applicable law that prohibited

¹²¹ *Id.*

¹²² *Id.* at 1141.

¹²³ *Id.*

¹²⁴ *Id.*

possession or sale of shark fins and was not passed because of their race or background.¹²⁵ Secondly, the MSA did not preempt California Shark Fin Law because nothing showed a clear conflict between the two regulatory schemes nor did anything show Congress's intent to preempt such state regulation.¹²⁶ Third, there was no violation of the Commerce Clause because extraterritorial effects were from regulating in-state conduct, no activity that was inherently national or required uniform regulation was regulated, and its purpose was focused on legitimate local matters.¹²⁷

The United States Court of Appeals for the Ninth Court recognized the importance of protecting the shark population and

¹²⁵ *Chinatown Neighborhood Ass'n v. Harris*, 33 F. Supp. 3d 1085, 1095 (N.D. Cal. 2014), aff'd, 794 F.3d 1136, 1144 (9th Cir. 2015).

¹²⁶ *Chinatown Neighborhood Ass'n v. Harris*, 33 F. Supp. 3d 1085, 1105 (N.D. Cal. 2014), aff'd, 794 F.3d 1136 (9th Cir. 2015) (“there is no conflict between the Shark Fin Law and the MSA generally. The MSA is intended to preserve the nation's fishery resources and to promote conservation. . . . On the other hand, nothing about the Shark Fin Law regulates the capture and landing of sharks. Because the Shark Fin Law and MSA can coexist, there is no conflict preemption.”); *Chinatown Neighborhood Ass'n v. Harris*, 794 F.3d 1136, 1145 (9th Cir. 2015) (“plaintiffs concede that no provision of federal law affirmatively guarantees the right to use or sell shark fins onshore, and they do not dispute that there are commercially viable uses for sharks besides their detached fins. That resolves the preemption issue.”).

¹²⁷ *Id.* at 1145-47.

allows states to adopt their own protective measures.”¹²⁸ As of May 2016, the United States Supreme Court denied the petition for writ of certiorari to review California’s previous ruling with no comment, leaving the lower court’s decision in place that shark fin soup is off the menu for good.¹²⁹ By impacting the demand for shark fins, California legislatures can help ensure that sharks do not become extinct as a result of shark finning.¹³⁰ Recently, some fishermen found loopholes in the law and now sell shark fins through California’s ports.¹³¹ Since the 2013 ban, at least 60 tons of shark fins pass through the port of Los Angeles each year.¹³² “Even though California and 11 other states have completely outlawed the sale of shark that leaves a number of states where they can be legally

¹²⁸ Bob Egelko, *U.S. court upholds California ban on shark fins*, SAN FRANCISCO CHRONICLE (July 27, 2015, 6:59 PM), <http://www.sfgate.com/bayarea/article/U-S-court-upholds-California-ban-on-shark-fins-6408591.php>.

¹²⁹ *Chinatown Neighborhood Ass'n v. Harris*, 136 S. Ct. 2448, 195 L. Ed. 2d 263 (2016) (“Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.”).

¹³⁰ Assemb. B. 376, 2011-12 Reg. Sess., at 1-2 (Cal. 2011), <https://perma.cc/AVV7-5SEE>.

¹³¹ Brittany M., *Shark fins were banned in California in 2013. So why are 60 tons still entering the Port of L.A. each year?*, TIMEOUT LOS ANGELES BLOG: EATING (Mar. 8, 2017), <https://perma.cc/KJ8G-YCHD>.

¹³² *Id.*

traded; as long as the cargo claims to be destined for those destinations, it's allowed to pass through local ports.”¹³³

IV. PROPOSAL TO MAKE THE SALE OF SHARK FIN AND ITS BYPRODUCTS ILLEGAL IN FLORIDA

Florida should broaden the protections of the current Florida Statute § 379.2426 regarding inadequate shark fin laws to follow California's shark fin prohibition and the pending federal bill known as SFEA to preserve the diverse marine ecosystems along its coast. The effects of amending Florida law protect Floridian consumers from the detrimental health effects of mercury and protect the global marine ecosystem by ensuring the shark holds its position as an apex predator. A total ban will serve the state's interests in marine conservation and boost state economy.

In amending and implementing any amendments to the current Shark Fin statute, Florida legislators should review and revisit the states and territories that have banned the sale of shark fin soup/shark fins general regulations. Then, Florida legislatures should narrow its review to how California, another similarly

¹³³ *Id.*

situated coastal state has implemented its total ban to develop long-term and short-term goals for the phasing out of shark fins in their respective states because their approaches have proven to be effective and would be well-suited for Florida.

A. Adopt and Expand California's Model for Shark Fin Protection

Although other state bans address the issues Florida faces, they all cite California law as precedent, which is why Florida should adopt and expand California's model for shark fin protection. In enacting the Shark Fin Law, California's legislature recognized that "existing federal and state shark fin laws did not address the market demand that fueled the cruel and unsustainable practice of finning."¹³⁴ The sale of legally caught shark fins is difficult to distinguish from the sale of illegally harvested fins at any port. Because it was "impossible to know the origin of a fin once it was processed for final sale in California," "legislators rationally decided to prohibit the trade in all detached shark fins, for any purpose, by anyone."¹³⁵ Once the ban became effective, the State

¹³⁴ *Chinatown Neighborhood Ass'n, et al., supra* note 121 at **5-6.

¹³⁵ *Chinatown Neighborhood Ass'n, et al., supra* note 121 at *3.

warned and educated its communities about the ban and its fines, which are up to \$1,000 per violation.

1. Short Term and Long-Term Goals

To prevent waste and loss of profits, California restaurants had one year to clear and sell shark fins already stocked in their inventory. In Florida, I propose any person or restaurant may possess, sell, offer for sale, trade, or distribute a shark fin possessed by them that is prepared for consumption within three years.

For example, in the first year, the government should educate restaurant owners, businesses, and communities that engage in the shark fin trade about the ban and its penalties. In the second and third year, the government should continually monitor port activity and any other channels used to reach consumers to impose fines in upwards of \$9,500 per statutory violation found.

2. Close Loopholes

Florida law should mirror California law to the extent that lingering loopholes be closed, and laws amended be impactful. [be explicit about what the loopholes] With that being said, the reason fishermen can pass shark fins through California ports is because California's law did not anticipate for several states where shark fin

can be legally traded to utilize California ports to claim the cargo. Since this wasn't explicitly prohibited, California has to allow the cargo to pass through its local ports if the cargo is destined for those destinations where shark fin is legal. In amending Florida law, Florida legislatures should be mindful of this loophole and prohibit or make states wishing to utilize its ports to pay a fee or fine if that state wants the cargo to reach its destination.

3. Focus on Economic Gains

The shark fin export industry statewide is not nearly as lucrative as shark tourism, and therefore the rebuttable presumption argument regarding the potential impact on commercial fishers and their livelihood for shark fin sales is without merit. On the contrary, the need to sustain the shark population is vital to Florida's economy. An Oceana study compared the value of sharks in Florida's dive business versus the fin exports and found that live sharks are about 200 times more valuable than dead ones.¹³⁶ Floridians are not demanding more soup but instead they want the

¹³⁶ Deanna Ferrante, *Florida lawmakers water down bill that would've banned the sale of shark fins*, ORLANDO WEEKLY: BLOGGYTOWN (Mar. 21, 2017), <https://perma.cc/4QM5-NUH7>.

government to protect sharks.¹³⁷ Likewise, people do not come to Florida to eat shark fin soup, tourists come to see live sharks and experience swimming with them. Besides, there is more money in shark tourism than there is in trading shark fins. Shark encounters in Florida alone in 2016 produced more than \$221 million in revenue and supplied over 3,700 jobs.¹³⁸

V. CONCLUSION

There is a sort of domino effect that takes place when ecosystems are disrupted since life on land depends on life in the ocean.¹³⁹ If we kill all the world's shark population, or even severely damage it, we potentially destroy food chains of an entire marine ecosystem.¹⁴⁰ Although a federal bill banning the trade of shark fins on the entire nation would make the state amendment unnecessary, we do not know when the SFEA will be decided. The faster more effective route is to amend Florida Statute § 379.2426 because the effects of amending Florida Law to protect sharks have benefits to

¹³⁷ See Sara Seidle, *Ban Shark Fin Sales in Florida*, CHANGE.ORG, <https://perma.cc/37SP-5JDB> (last visited Nov. 12, 2018).

¹³⁸ Tell Congress: Ban The Trade of Shark Fins in the U.S., OCEANA, <https://perma.cc/Z85S-TZ5U> (last visited Jan. 20, 2019).

¹³⁹ SHARKWATER, (Freestyle Releasing 2007).

¹⁴⁰ *Id.*

Florida residents. Florida legislators should focus on keeping sharks alive for tourism instead of focusing on the small economic gains of a few commercial fishermen. Florida's economy wins when a shark is alive and swimming its coastal waters and not a gelatinous shark fin swimming in chicken broth. By informing the public about the dangers of methylmercury and the five known restaurants serving shark fin soup allows consumers to make the conscious choice of what they ingest into their bodies whether it be real or imitation shark fin.¹⁴¹

¹⁴¹ See generally Potter & Farr, *supra* note 92.