

# Ivory Trade Restrictions

SAFARI CLUB INTERNATIONAL

For decades, the United States has generally banned the commercial importation of African elephant ivory, other than antique items more than 100 years old; it has also banned the commercial export of all raw ivory and strictly regulated export of worked ivory. However, legally imported ivory may be sold within the U.S., because the Fish and Wildlife Service (FWS) has long presumed that most ivory in the U.S. was legally imported and that its sale in the U.S. would not increase poaching.

Recently, state lawmakers have proposed bans on legally-owned ivory products in the U.S., claiming that such bans are necessary to preserve a number of species, including African elephants and rhinoceros.

Prohibitions on the state level are not necessary because other treaties and laws already provide greater and more appropriate protections to conserve the species singled out by the proposals. The Convention on International Trade in Endangered Species (CITES), Endangered Species Act (ESA), Lacey Act, and the African Elephant Conservation Act are federal laws and treaties that already extensively restrict the importation, possession and trade of endangered and threatened species, including ivory. In addition, current state laws already protect local wildlife and prohibit the possession of any animal product from another country where the wildlife is known to have been killed illegally.

Safari Club International supports efforts to eliminate poaching and curb the trade of illegally and unethically acquired animal parts such as ivory and rhinoceros horn. Instead, these prohibitions would place an undue burden on law-abiding citizens that have legally acquired ivory products over the course of time. The vast majority of individuals currently in possession of ivory products include antiques enthusiasts, hunters, firearm collectors and musicians that have acquired historically significant products over decades through the purchase of these goods, by trading for them or through inheritance.

The solution to poaching will never be found in proposals that penalize law-abiding citizens. Science, not the hyperbole and emotionalism of anti-hunters, should provide the foundation for laws that affect the management and conservation of wildlife. Although anti-hunters may think that it is preferable to influence the public with emotionally based campaigns, what they achieve in the name of conservation often fails to be in the best interest of wildlife.

## **Ivory Trade Restrictions on the Federal Level**

- On February 11, 2014, the Obama administration announced a “National Strategy for Combating Wildlife Trafficking” and a proposal to ban all U.S. commercial trade in elephant ivory.



- On February 25, 2014, FWS released a “Director’s Order” expanding the 1989 moratorium on commercial ivory importation to include many previously importable antiques. This Director’s Order imposed new and burdensome requirements on importers, exporters and sellers to prove that their ivory is more than 100 years old.
- On May 27, 2014, the Administration announced a final rule that amends implementing regulations under CITES and intends to apply those regulations to lawful domestic trade, which is outside the scope of the treaty.
- Through a yet-unpublished proposed rule under the ESA, the FWS plans to revoke current allowances for domestic sale of lawfully imported elephant ivory.

### **Ivory Trade Restrictions on the State Level**

Currently, five states have laws that ban the trade of ivory. In 2014, New York and New Jersey were the first states to enact such laws prohibiting the sale and trade of ivory, including ivory from mammoths, animals that have long been extinct. California’s governor signed a proposal into law in 2015. Also in 2015, Washington voters passed a ballot initiative that prohibits the sale and trade of ivory. Most recently in 2016, Hawaii’s governor signed an a law prohibiting the sale, purchase, barter, and possession with intent to sell of any ivory (defined to include mammoth ivory), ivory product, rhinoceros horn, rhinoceros horn product.

### **SCI’s Role in Fighting Ivory Restrictions**

SCI is extremely active battling anti-ivory proposals in the state legislatures. In addition to working with the outdoor groups SCI traditionally partners with, we have been collaborating with antiques dealers, musical instrument manufactures, and auction houses to relay that these ivory restriction proposals not only affect hunters but numerous other law-abiding citizens. SCI has also submitted testimony to state legislatures while conducting frequent meetings in various state capitals. Along with testimony, SCI has written opinion editorials that has been featured in a number of newspapers throughout the country. This multi-prong strategy has allowed SCI to reach more individuals and has permitted us to educate a wider audience about the negative consequences of ivory restrictions.