



March 11, 2016

Environment Committee
Room 3200, Legislative Office Building
Hartford, CT 06106
(860) 240-0440; envtestimony@cga.ct.gov

Re: **SUPPORT H.B. 5578**, AN ACT PROHIBITING THE SALE AND TRADE OF IVORY AND RHINOCEROUS HORN

Dear Co-Chair Kennedy, Co-Chair Albis, and Honorable Members of the Environment Committee,

On behalf of the Connecticut-based supporters of The Humane Society of the United States (HSUS), the largest animal protection organization in the country, and our global affiliate, Humane Society International, please accept this public hearing testimony in SUPPORT of HB 5578.

Elephants are one of the most iconic and beloved wild animals. Yet, today, these magnificent animals are being gunned down and poisoned in unprecedented numbers—reaching nearly 100 killed per day—all for their tusks. According to research published in August 2014 in the Proceedings of the National Academy of Sciences of the United States¹, approximately 100,000 elephants in Africa were killed between 2010 and 2012. In 2015, 1,305 rhinos were killed across the African continent out of a remaining 29,000 left in the wild².

As the nation's largest animal protection organization, The HSUS's concern regarding the ivory and rhino trade is first and foremost the cruelty of poaching inflicted on the elephants and rhinos. In the case of elephants, because one third of the tusk is attached to the skull of the animal, poachers brutally hack off the face of the elephant to obtain the tusk. Elephant and rhino poaching is a brutal and bloody practice – animals are chased with helicopters and shot down with military-grade weapons. Tusks and horns are harvested by cutting off the faces of the sometimes still-living animals. Babies are often killed for their tiny stubble of tusk or horn. Elephant babies, who do not have tusks, are left as orphans; unable to fend for themselves, they often die if not rescued by humans. Poachers use a similar cruel method to mutilate a rhino's face to hack off the horn.

Connecticut has a long history with the ivory trade, dating back from the 19th century until mid-20th century. Recognizing the town's past, **residents of Deep River** dedicated an elephant sculpture at the entrance of the Deep River Town Hall and **laid a plaque commemorating the elephants slaughtered for the ivory trade**, **"...remembering its debt to this majestic creature as it looks forward to a new future..."**³

It is the demand for ivory and rhino horn that is driving the elephant and rhino massacres. Most of the demand for ivory is in China, where the ivory carving tradition dates back to prehistoric times, and where it is still legal to buy, carve, and sell ivory. But, according to the results of the most recent, comprehensive ivory market survey published in 2008⁴, the United States is the second largest retail market for ivory, after China. The U.S. Fish and Wildlife Service has remarked that "The U.S. market is contributing to the crisis now threatening the African elephant"⁵ and the Service believes that "a substantial amount of elephant ivory is illegally imported and enters the domestic market."⁶

¹ "Illegal killing for ivory drives global decline in African elephants", Proceedings of the National Academy of Sciences of the United States, Vol.111, No.36. <http://www.pnas.org/content/111/36/13117>

² <http://blogs.scientificamerican.com/extinction-countdown/2015-deadliest-rhinos/>

³ <http://voices.nationalgeographic.com/2013/11/12/deep-river-and-the-african-elephant/>

⁴ Martin, E., and D. Stiles. 2008. Ivory Markets in the USA. Care for the Wild International and Save the Elephants. West Sussex, UK and London, UK.

<http://www.savetheelephants.org/files/pdf/publications/2008%20Martin%20&%20Stiles%20Ivory%20Markets%20in%20the%20USA.pdf>

⁵ <http://www.doi.gov/news/pressreleases/interior-announces-ban-on-commercial-trade-of-ivory-as-part-of-overall-effort-to-combat-poaching-wildlife-trafficking.cfm>

⁶ <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html>

United States laws and regulations pertaining to ivory trade are confusing and riddled with loopholes that are exploited by those involved in the international and domestic ivory trade. This also leads to consumer confusion about what is legal and what is not. The result is a flourishing, poorly regulated domestic ivory market in the United States.

As an example, ivory sale in and import into the State of Connecticut are covered by two federal laws:

- The Endangered Species Act (ESA):
 - The United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which currently prohibits the international commercial trade in African and Asian elephant ivory, is implemented through the ESA. However, there are exceptions to this rule. Generally, any ivory possessed prior to July 1, 1975 is “pre-Convention” and can be traded internationally for commercial purposes. Sport-hunted elephant trophies can be imported but not for commercial purposes. CITES does not address domestic trade in ivory.
 - The ESA also has its own rules governing international trade as well as domestic trade in ivory. Under the ESA, the Asian elephant was listed as “endangered” on June 14, 1976 and the African elephant as “threatened” in 1978. This means that, in general, it is illegal to import, export or sell Asian elephant ivory on the domestic U.S. market, although it is legal to sell Asian elephant ivory legally possessed prior to 1976 within a state. However, the threatened status of the African elephant meant that ivory from that species continued to be imported, exported, and sold domestically until January 20, 1990 when the CITES ivory trade ban became effective. African elephant ivory legally possessed prior to that date may be sold on the domestic market. Furthermore, import, export, and sale of ivory that is “antique” (more than 100 years old) are allowed provided that there is documentation showing the age of the item along with other requirements under the federal law.
 - The ESA does not regulate the import, export, or domestic trade in ivory from species like mammoths, which is difficult to visually distinguish from elephant ivory unless specially trained.
 - **The ESA does not reach into intrastate commerce, thus providing a major loophole for illegal ivory** or ivory of unknown origins to be laundered into our state and sold to unsuspecting Connecticut residents.
- The African Elephant Conservation Act bans the importation of raw and worked ivory from African elephants. The Fish and Wildlife Service Director Order 210 in 2014⁷ reiterates the existing moratorium on the importation of African elephant ivory for commercial purposes, including antique ivory. The ban does not include sport-hunted elephant trophies.

However, **these laws do not provide comprehensive control of the ivory trade** to ensure that ivory offered for sale in the United States is not coming from recently poached elephants. For example, the United States does not register or license all importers, manufacturers, wholesalers, and retailers dealing in raw, semi-worked, or worked ivory products; does not have recording or inspection procedures to enable appropriate government agencies to monitor the flow of ivory within the United States; does not have compulsory trade controls over raw ivory; and does not have a comprehensive and demonstrably effective reporting and enforcement system for sale of worked ivory.

To summarize, it is legal to import, export, and sell on the United States domestic market certain types of elephant ivory depending on the age of the ivory, the date the ivory was acquired or imported, and whether the ivory is from an Asian or African elephant. There are no regulatory restrictions on the sale of mammoth ivory which is difficult, if not impossible, to visually distinguish from ivory of poached elephant tusks, thus increasing enforcement burdens. These variables are difficult for the public to comprehend and difficult for authorities to implement and enforce.

The difficulty of enforcing these laws cannot be overlooked. Ivory is a term that can refer to the tusks of Asian or African elephants, or the tusks of extinct mammoths (dug up from the frozen tundra of Siberia or Alaska), or the teeth of hippos, walrus, sperm whale, narwhal, or hippopotamus. Only experts, using special equipment, can sometimes tell the difference

⁷ <https://www.fws.gov/international/pdf/directors-order-210-questions-and-answers.pdf>

between Asian and African elephant tusks, or between elephant and mammoth tusks. Even then, it is not always possible to tell the difference between ivories of these closely related species. The U.S. Fish and Wildlife Service Forensics Laboratory cautions that “an examination of the carved ivory object by a *trained scientist*⁸ is still necessary to obtain a positive identification of the species source.”⁹

Legal loopholes, in combination with identification difficulties, are exploited by ivory dealers. A 2002 investigation by the HSUS of ivory markets in the United States¹⁰ found ivory sellers who offered to provide fraudulent documents to investigators indicating that elephant ivory was mammoth ivory, that new ivory was old ivory, or that recently imported ivory was imported a long time ago.

This investigation also found:

- The United States has a large market for worked ivory; these markets are supplied, at least in part, by illegal imports from Hong Kong of ivory objects carved in China.
- Those in the ivory business offered tips about how best to smuggle ivory into the United States including placing small ivory items in their luggage in a certain manner to avoid detection by x-ray machines and importing ivory through United States ports, such as Alaska, where there are few United States Fish and Wildlife Service inspectors.
- There is no real disincentive to smuggling ivory into the United States. Although large-scale smugglers can be fined and imprisoned, small-scale ivory smugglers are usually only required to forfeit the ivory objects.

A 2008 study of ivory markets in the United States¹¹ found:

- 24,004 ivory items were found in 657 outlets in 16 towns and cities visited in the USA.
- The United States has the second largest ivory retail market in the world after China/Hong Kong, as determined by numbers of items seen for sale.
- 7,400 ivory items, or nearly one-third of the total, appeared to have been crafted after 1989, making their importation illegal. Inspection of pieces (mainly of Chinese origin) in shops suggested that many figurines, netsukes, and jewelry items were recently made. Some African items also looked recently made.
- The United States legally imported some 3,530 tusks and about 2,400 raw ivory pieces between 1990 and 2005, and some of this material was illegally sold into the commercial market.
- Over 40,000 worked ivory items, excluding personal effects, were legally imported to the United States from 1995-2007. Previous studies found that ivory workshops in Asia and Africa produce fake antiques. Thus, even the imported worked ivory into the USA that seems old could be recently made.
- Federal and state authorities rarely inspect shops or Internet sites for illegal raw or worked ivory.
- Some contraband gets past Customs and there are no effective internal ivory transport and retail market controls.

Immediate state action is needed. **Surrounding states have either already passed laws (NY, NJ) or are in the process (MA, VT). Connecticut must not become a haven for illicit ivory.**

Both New Jersey and New York enacted ivory ban laws in 2014, with California following suit in 2015. Also in 2015, Washington passed an ivory ban ballot measure with 71% in support, winning every single county in the state. In 2016, similar bills have been filed in Maryland, Illinois, Massachusetts, Vermont, and other states.

⁸ Author’s emphasis.

⁹ <http://www.fws.gov/lab/ivory.php>

¹⁰ The Humane Society of the United States. 2002. An Investigation of Ivory Markets in the United States. The Humane Society of the United States. Washington, DC, USA. http://www.humanesociety.org/assets/pdfs/Ivory_Trade_Report.pdf

¹¹ See footnote 1.

The U.S. Fish and Wildlife Service believes state bans are important, with Director Dan Ashe stating: "The ivory poaching and trafficking crisis is a complex problem that requires action on multiple levels to ensure that commercial trade doesn't contribute to the slaughter of elephants in the wild. As we work to make it harder for criminals to launder illegal ivory into international and interstate commercial trade, it's encouraging to see states taking actions within their own borders."¹²

Wildlife trafficking is a national security threat. States are taking a robust measure to crack down on the illegal wildlife trade out of a shared concern about the threat of extinction facing these imperiled animals as well as the threat wildlife trafficking poses on our national security. At \$8 to \$10 billion per year, the illegal wildlife trade ranks as the fourth most lucrative international criminal activity, behind only narcotics, counterfeiting, and human trafficking. Lured by huge financial profits, transnational organized syndicates and terrorist groups have turned to poaching and trafficking to fund their criminal atrocities. For example, in Sudan, ivory is bartered by the Uganda-based Lord's Resistance Army (LRA) for arms and ammunition with its patrons in the North Sudanese military. LRA reportedly makes between 8 and 12 million dollars per year from sales of illegal ivory. The Arab tribes of North Sudan, the backbone of the Janjaweed militias, have carried out some of the continent's most notorious recent elephant massacres. According to an investigation¹³ by the Elephant Action League (EAL), Somalia-based Al-Qaeda affiliate, Al-Shabaab, trades up to three tons of ivory every month. EAL estimated that profits from the ivory trade supported about 40 percent of al-Shabaab's operations.

President Obama in a July 2013 Executive Order¹⁴ identified wildlife trafficking as a matter of national interest, stating "The survival of protected wildlife species such as elephants [and other species] has beneficial economic, social, and environmental impacts that are important to all nations. Wildlife trafficking reduces those benefits while generating billions of dollars in illicit revenues each year, contributing to the illegal economy, fueling instability, and undermining security.....For these reasons, it is in the national interest of the United States to combat wildlife trafficking." The Administration subsequently released a "National Strategy on Combating Wildlife Trafficking" and a series of administrative actions to tighten up federal regulations and strengthen enforcement of the import and interstate sales of ivory and other wildlife products that are regulated under the Endangered Species Act. The U.S. Fish and Wildlife Service has been tasked to issue additional measures to ratchet down on import, export, and interstate commerce of the ivory trade.

During the last decade, **more than one thousand park rangers across the world have been killed by poachers** while on duty.

Numerous high-profile and large-scale seizures during the last few years show that the U.S. market is a fertile ground for smuggled ivory and rhino horns. According to Interpol's rule of thumb, only 10 percent of contraband is seized. This suggests that for every major seizure of illegal ivory in the U.S., many more illegal items were smuggled into the U.S. Once these illegal ivory items cross our borders, there is no effective control mechanism to stop their circulation in the markets.

Below are a few examples of recent significant ivory and rhino horn seizures:

- In 2012, an investigation by the Manhattan District Attorney, the USFWS, and New York State Department of Environmental Conservation agents led to the confiscation in Manhattan's diamond district of roughly a ton of ivory trinkets which filled 72 banker boxes, representing approximately tusks of 100 slaughtered elephants. The seized goods were worth 2 million dollars¹⁵.
- An ongoing investigation since 2012 by the USFWS, dubbed "Operation Crash"¹⁶, in collaboration with the Department of Justice has made 17 arrests and 9 convictions concerning wildlife crimes. One conviction involves a transnational criminal network that smuggled rhino horns and elephant ivory collectively worth more than 4.5 million dollars. Ringleader of the network, Zhifei Li, was sentenced to 70 months in prison on May 27, 2014.
- On June 4, 2014, a Philadelphia art dealer, Victor Gordon, who pleaded guilty for smuggling African elephant ivory, was sentenced to 30 months in prison¹⁷. One ton of elephant ivory was seized from Gordon's Philadelphia

¹² <http://news.nationalgeographic.com/2015/04/150407-ivory-trade-vermont-usfws-victor-gordon-cities-nra/>

¹³ <http://www.independent.co.uk/voices/campaigns/elephant-campaign/elephant-campaign-how-africas-white-gold-funds-the-alshabaab-militants-9102862.html>

¹⁴ Executive Order 13648

¹⁵ <http://www.manhattanda.com/press-release/da-vance-announces-guilty-pleas-dealers-selling-illegal-ivory>

¹⁶ <http://www.fws.gov/home/feature/2014/3-31-14-Operation-Crash-Overview.pdf>

¹⁷ <http://www.justice.gov/usao/nye/pr/June14/2014June4.php>

store in April 2009. According to a National Geographic article, Gordon instructed his West African co-conspirator, "how to alter receipts and to dye the material to make it appear old."¹⁸

- The USFWS' "Operation Scratchoff", which targets smuggling of elephant ivory from Africa to the U.S., discovered various ways traffickers use to avoid detection. For instance, "shipments were accompanied by fraudulent shipping and customs documents identifying their contents as African wooden handicrafts or wooden statues. The ivory itself was painted to look like wood; covered with clay; or hidden inside wooden handicrafts, such as traditional African musical instruments."¹⁹
- In February 2016, an antique dealer in upstate New York pled guilty to trafficking elephant ivory and other prohibited wildlife products. He sold ivory tusks to a buyer in Boston, among other places.²⁰

The lack of effective controls along the trade routes, combined with the difficulty of distinguishing legally acquired ivory from ivory of recently poached elephants, are exploited by unscrupulous dealers to launder illicit ivory into our marketplace. The USFWS has remarked that "criminal investigations and anti-smuggling efforts have clearly shown that legal ivory trade can serve as a cover for illegal trade."²¹ In a January 2014 hearing of the New York State Assembly Committee on Environmental Conservation, assistant director of the Office of Law Enforcement at USFWS, William Woody, testified that law enforcement agents "struggle to identify the age of the ivory they find for sale, which determines its legality."²²

The threat of extinction facing elephants grows daily while poachers and traffickers continue their slaughter and despicable activities unabated. The time for a prohibition on the U.S. domestic ivory markets is now and Connecticut can contribute to the federal, national, and global conservation efforts by closing Connecticut's markets to ivory and rhino horns.

Thank you for your time and consideration of this matter that is crucial to the survival of the elephants and rhinos, to the stability of the African continent, and to the national security interests of the United States.

Yours truly,



Iris Ho
Program Manager, Wildlife
Humane Society International
t. 301.258.1407 **m.** 301.318.2423 **skype.** iris.ho.1
Email: iho@hsi.org



Annie Hornish
Connecticut Senior State Director
The Humane Society of the United States
Phone: (860) 413-3566 **Cell:** (860) 966-5201
Email: ahornish@humanesociety.org

¹⁸ <http://news.nationalgeographic.com/news/2014/06/140604-victor-gordon-ivory-trafficking-philadelphia-operation-scratchoff-usf-ws-forest-elephants-gabon/>

¹⁹ "Eye on Ivory, Investigations & Inspections", USFWS, <http://www.fws.gov/le/pdf/Elephant-Ivory-Investigations.pdf>

²⁰ <http://www.wgrz.com/news/crime/franklinville-man-pleads-guilty-to-trafficking-prohibited-wildlife/45487554>

²¹ <http://www.fws.gov/international/pdf/factsheet-ivory-crush-ga.pdf>

²² http://www.crainsnewyork.com/article/20140116/PROFESSIONAL_SERVICES/140119890/citys-illegal-ivory-trade-threatens-elephants