

March 8, 2016

Dear Co-Chairs Kennedy and Albis and members of the Environment Committee,

We (Patrick Bosco and Laurel Neme) are writing to express support for Connecticut's bill to ban ivory and rhino horn sales, HB 5578, and ask that you consider minimizing exemptions the extent possible.

Pat was a Special Agent with the US Fish and Wildlife Service (FWS) for over 27 years, with the last 12 based in Vermont, until his mandatory retirement in July 2014. (All federal law enforcement officers are required to retire at age 57.) And before that, he served as a Wildlife Inspector at JFK airport in New York for almost 4 years.

Laurel is also a resident of Vermont and has followed these issues on the world stage for over 20 years. First from within the US government (for the US Treasury Department, overseeing environmental and social aspects of multilateral development projects and for the US Agency for International Development, as team leader for two different African programs), and more recently as a journalist. She's the author of *ANIMAL INVESTIGATORS: HOW THE WORLD'S FIRST WILDLIFE FORENSICS LAB IS SOLVING CRIMES AND SAVING ENDANGERED SPECIES* (published by Scribner in 2009, endorsed by Jane Goodall, foreword by Richard Leakey), holds a PhD from Princeton and is a regular contributor to *National Geographic*.

Much has happened since Connecticut last considered a similar bill to ban state ivory and rhino horn sales (HB 6955) that serves to reinforce the importance of HB 5578

In September, presidents of both the United States and China—the two largest consumers of ivory—agreed to eliminate their legal domestic ivory trade to “near zero.”

A short time later, Hong Kong followed suit when Hong Kong's Chief Executive, Leung Chun-ying, announced during his January 13 “state of the union” policy address that it would ban the ivory trade. That's key, because illegal ivory is routinely laundered through Hong Kong into China.

While all three countries are grappling with exactly how to implement a ban, they all recognize that legal loopholes allow illegal ivory to infiltrate the market.

Over the past few months alone, Laurel has written several articles that highlighting new studies and undercover operations that prove this fact. (See them at www.laurelneme.com.) Examples abound: ivory, pangolins, hyacinth macaws, geckos, tigers, rhino horn. The list is endless because it's highly profitable.

Because of the high profits, ivory trafficking is often connected to other types of organized crime such as human trafficking and drug trafficking. That makes sense because it's the same criminals who have the connections and infrastructure to move contraband goods across multiple boundaries. They don't care what contraband they move as long as their returns are profitable.

So...why Connecticut? Why should this state play a role in this bigger debate?

We don't know whether or how much illegal ivory might pass through Connecticut's borders. But whether it's a lot or a little, it's still important to take action.

That's because people are listening.

Currently, domestic commerce of African elephant ivory in the United States is still governed by the "use after import" regulations (50 CFR 23.55), which prohibit commercial intrastate and interstate sales, unless the seller demonstrates that the ivory was imported before 1990 (the date the African elephant was listed in CITES Appendix I) or has a special CITES certificate that shows the ivory in the item was taken from the wild prior to the African elephant's first CITES listing, which was February 26, 1976.

The federal government itself recognizes the inadequacies of its law, and President Obama has committed to changing it. But that hasn't been easy.

The federal government has proposed tightening its rules to make it more difficult for smuggled ivory to be passed off as legal once it's in the country. But that revision has been stymied in Congress. At one point, a rider on the Department of Interior appropriations budget prohibited the US Fish and Wildlife Service from enforcing its ivory regulations.

It's been a fight, and action by the states encourages the federal government to get its own house in order.

Interestingly, in November, Washington state passed a ballot initiative to ban trade in ivory and 9 other endangered species with an overwhelming majority. Not only that, but it passed in EVERY county and with a 70 percent majority. The people want it.

Interestingly, this happened after legislators had earlier scuttled a bill by adding so many exemptions as to be useless. What ended up turning into law was far stronger than what legislators had proposed. A similar ballot initiative is underway in Oregon. This would close off the entire Western United States to ivory trafficking.

Connecticut has the ability to do the same on the East Coast. New York and New Jersey already have state bans. People are listening. Massachusetts, Delaware and the District of Columbia are considering bills. Connecticut can be an example.

Connecticut's actions matter on the world stage, too. China and Hong Kong pay attention to what the states do. Both China's and Hong Kong's progress on this issue has been in large part due to seeing US states taking action on their own.

Connecticut can show that, even at a slight cost or inconvenience in terms of restrictions on antique businesses, elephants matter and it won't be a party to the trade.

On Tuesday, January 26, Sri Lanka became the first South Asian country to destroy its ivory stockpile. It also became the first to hold a religious ceremony to apologize for the cruelty of the trade.

What's interesting is that Sri Lanka is not a big player in the illegal ivory trade. Its entire stockpile consisted of 359 tusks (1.5 tons), which came from a single shipment as it went from Kenya to Dubai. But it destroyed its ivory to show that it won't be a party to the trade.

In preparing an article for *National Geographic*, Laurel asked the Sri Lankan Environment Minister why destroy the ivory? He told her "it will show that there is no monetary value to those things" and "we will be a model for reducing the ivory thirst."

Let Connecticut be a model, too.

Persistent loopholes, in the form of exemptions, make it harder for law enforcement. The more that regulations come out on the state level, the less that criminals can hide.

It's difficult and time consuming to make cases when everything is masked as an antique. It's another way that illegal ivory could be laundered.

While one antique store may not be doing anything directly to kill elephants, it perpetuates the market. And if there's enough of a market, then there's a need for more ivory. The problem is that somewhere the poached ivory gets back into the system under the guise that it was always here. And the outlet is often through traditional works of art, jewelry, and antiques.

Pat has been involved in investigations where antique store invoices were purposely fraudulent to hide the true identity of an import shipment or where an antique store had illegal items not on display but secreted for special customers. In his career, he's seen it in states such as Massachusetts and New York, both states that border Connecticut. That's why we need to tighten regulations not only on a federal level but the state level too.

If you follow every transaction back to its roots, you'll often find illicit rhino horn or ivory.

Further, criminals will change their modus operandi based on conditions. As other eastern states (e.g., New York, New Jersey) tighten regulations, criminals will shop regulations on the state level to find easier places to do their illegal activity.

Whenever there are loopholes or exemptions, someone takes advantage of them to commit fraud. We can't say that they all will. But some will, because there is money to be made and ivory to be laundered. Many times, the illegal trade hides behind the legal trade.

It also sends a message, especially given Connecticut's history with the ivory trade. It shows that today is a different era. It's a way to recognize past complicity in the trade and puts Connecticut as a leader in environmental integrity – in this case for a species in dire need of protection.

We'd be happy to meet with you to discuss this further.

Sincerely,

Patrick Bosco, FWS Special Agent (retired)
Laurel Neme, PhD