



THE HUMANE SOCIETY
OF THE UNITED STATES

March 4, 2016

Environment Committee
Room 3200, Legislative Office Building
Hartford, CT 06106
(860) 240-0440

Re: **SUPPORT with AMENDMENTS SB 227, AAC Cecil's Law**

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, the largest animal protection organization in the country, please accept this public hearing testimony in SUPPORT WITH AMENDMENTS of SB 227, AAC CECIL'S LAW.

We fully support the intention of this bill, but have the following three concerns/recommendations:

- (1) SB 227 defines "Big five African species" as "any African elephant, African lion, African leopard, black rhinoceros, and white rhinoceros." However, traditionally the "African Big Five" is defined to include the African elephant, African lion, African leopard, black or white rhinoceros (counted as one type), and the African buffalo. Redefining the category may be confusing and misleading. Furthermore, the African buffalo is the number 20 most imported trophy animal to the United States, and therefore deserving of the safeguards of this proposed bill.¹

Recommendation: In order to avoid confusion we recommend that the SB 227 define "Africa Big Five" according to its traditional meaning, adding the African buffalo to the list of species covered.

- (2) Some applications of the bill are preempted by federal law.

All of the species defined as "big five African species" in SB 227 are listed as either threatened or endangered under the federal Endangered Species Act.² The federal ESA and implementing regulations expressly authorize the import of endangered species by permit in narrow

1 The Humane Society of the United States and Humane Society International, *Trophy Hunting by the Numbers: The United States' Role in Global Trophy Hunting*, February 2016, available at http://www.hsi.org/assets/pdfs/report_trophy_hunting_by_the.pdf [hereinafter *Trophy Hunting by the Numbers*].

2 Note the exception of the African buffalo if it were added to the list of the "Big Five African Species" as defined under this proposed bill.

circumstances and, more liberally, the import of threatened species by permit or special rule. For example, the U.S. Fish and Wildlife Service authorizes the import of hunting trophies of African elephants, black rhinoceros, African lions, and African leopards. Further, current federal law expressly authorizes the noncommercial import of worked African elephant ivory under certain circumstances. A state law that expressly prohibits activity that federal law expressly allows violates the Supremacy Clause of the U.S. Constitution.

Recommendation: In order to ensure that the bill withstands constitutional challenge, we strongly suggest adding an exception for “activity that is expressly authorized by federal law.” In addition, we recommend removing the prohibition on import.

(3) With respect to live specimens, the bill weakens existing Connecticut law.

As noted above, it appears that SB 227 applies not only to parts and products of “big five African species” (as defined in SB 227), but live specimens as well. If this is the case, the bill overlaps with existing CT law regulating the possession of live wild animals in a manner that actually weakens existing law.

For example, the DEEP, pursuant to its authority under CT. Gen. Stat. §26-3, has promulgated regulations prohibiting the possession of all of the big five African species. See CT ADC 26-55-6 (listing lions and leopards as “Category One” wild animals, listing elephants and rhinoceros as “Category Two” wild animals, and prohibiting the private possession of Category One and Two wild animals. Unlike SB 227, the DEEP rule does not provide exceptions for specimens that were previously located in the state or specimens that are inherited. See also Ct. Gen. Stat. § 26-40a (prohibiting private possession of leopards and lions with certain exceptions for zoos and licensed exhibitors).

Further, Connecticut’s endangered species law applies to non-native species that are listed under the federal ESA. Ct. Gen. Stat. §26-304(7),(8). That law prohibits the “take” (defined to include sale) of live species for the purpose of sale or commercial gain. Id. §26-311, and again does not provide the exemptions that are contained in SB 227.

Recommendation: Limit the application of the bill to parts/products of the covered species, and not covering live animals. Our understanding is that the purpose of the bill is to address trafficking in the parts/products of endangered and threatened species.

Each year, hundreds of thousands of animals of our most beloved species are killed by trophy hunters.³ Trophy Hunting is the practice of killing--or pursuing with the intent to kill--wild animals where the primary motivation is to obtain part of the animal for display.

After Cecil the Lion was lured out of Zimbabwe’s Hwange National Park last summer and shot with an arrow by a Minnesota dentist, Americans woke up to the awful reality of trophy hunting. A recent poll by HBO Real Sports found that 86% of Americans disapprove of big game hunting.⁴

³ Trophy Hunting by the Numbers, at 1.

⁴ HBO Real Sports/Marist Poll*, November 2015, *available at* https://maristpoll.marist.edu/wp-content/misc/usapolls/us151001/Sports/HBO%20Real%20Sports_Marist%20Poll_Complete%20Survey%20Findings_November%202015.pdf

Between the years 2005 and 2014, trophies of over 1.2 million animals were imported to the United States.⁵ This includes species that are threatened with extinction, like the African lion and the critically endangered black rhino. The United States is the world's largest importer of hunting trophies, and trophies are primarily imported to the U.S. from Canada and South Africa. Namibia, Mexico, Zimbabwe, New Zealand, Tanzania, Argentina, Zambia and Botswana all fall into the top ten source countries.⁶

Trophy hunters highly covet the "Africa Big Five" species, imported to the U.S. in staggering numbers between 2005 and 2014: 5,600 African lions, 4,600 African elephants, 4,500 African leopards, 330 southern white rhinos, and 17,200 African buffalo.⁷ The United States issued two import permits for the black rhino in 2015.⁸ All but the buffalo are considered endangered or threatened with extinction.⁹

Ensuring that no person imports, possesses, sells, offers for sale, or transports in Connecticut any big five African species will end the state's role in the global slaughter of these magnificent species.

Conservation status of the Africa Big Five:

- African elephant: *Loxodonta africana* is listed as Vulnerable on the IUCN Red List.¹⁰ Under the ESA, the African elephant is listed as Threatened.¹¹ In the 1970s, it was estimated that there were 1.3 million elephants in the wild.¹² However, today the African elephant population is estimated to be as low as 401,000 animals.¹³
- African lion: The African lion is listed as Vulnerable on the International Union for the Conservation of Nature Red List of Threatened Species (IUCN red list).¹⁴ The population in West Africa is listed as Critically Endangered by IUCN. *Panthera leo leo*, located in India and western and central Africa, is listed as endangered under the Endangered Species Act (ESA), and *Panthera leo melanochaita*, located in eastern and southern Africa is listed as threatened.¹⁵ In West and Central Africa, there are estimated to be only 900 individuals in 14 populations, while there are approximately 17,000-19,000 lions in Southern and East Africa.¹⁶ African lion populations have fallen by 60% and their range is only 8% of where lions historically roamed.¹⁷

5 Trophy Hunting by the Numbers, at 1.

6 Id.

7 Id.

8 The Humane Society of the United States, US Fish and Wildlife Service Issues Black Rhino Trophy Import Permit , May 26, 2015, *available at* http://www.humanesociety.org/news/news_briefs/2015/03/usfws-permits-black-rhino-namibia-032615.html.

9 IUCN 2015. The IUCN Red List of Threatened Species. Version 2015-4. <<http://www.iucnredlist.org>>. Downloaded on 3 March 2015 [hereinafter IUCN African lion].

10 Blanc, J. 2008. The IUCN Red List of Threatened Species. Version 2015-4. <<http://www.iucnredlist.org/details/12392/0>>. Downloaded on 25 January 2016.

11 U.S. Fish and Wildlife Service, African Elephants, *available at* <http://www.fws.gov/international/animals/african-elephants.html>.

12 43 Fed. Reg.F. 20499-20504 (1978).

13 African Elephant Database, Continental Totals, *available at* <http://www.elephantdatabase.org/>.

14 Bauer, H., Packer, C., Funston, P.F., Henschel, P. & Nowell, K. IUCN 2015. The IUCN Red List of Threatened Species. Version 2015-4. < <http://www.iucnredlist.org/details/15951/0>>. Downloaded on 25 January 2016.

15 U.S. Fish and Wildlife Service, Lions Are Now Protected under the Endangered Species Act, *available at* <http://www.fws.gov/endangered/what-we-do/lion.html> (last visited Jan. 25, 2016).

16 Id.

17 IUCN African lion.

- African leopard: *Panthera pardus* is listed as Near Threatened on the IUCN Red List.¹⁸ Having disappeared from 37% of their historic range, there are no reliable estimates of the current African leopard population in the wild.¹⁹ The southern African populations of leopard are classified as Threatened under the ESA and all other populations are classified as Endangered.²⁰
- Black rhinoceros: *Diceros bicornis* is listed as Critically Endangered on the IUCN Red List.²¹ Black rhino numbers have dropped by 97.6% since 1960s, and the population is currently estimated at 4,880.²² Black rhinos are also listed as Endangered under the ESA, which means the trophy import requires a permit – and such permits are generally not issued for endangered species.
- Southern white rhinoceros: *Ceratotherium simum simum* is listed as Near Threatened on the IUCN Red List.²³ They are estimated at 20,170 animals²⁴ and are classified as Threatened under the ESA.²⁵ The southern white rhinoceros was nearly wiped out, but conservation efforts and translocations have restored some populations. South Africa maintains approximately 19,000 (93%) of the southern white rhino population.²⁶ In 2007, poachers killed 13 rhinos in South Africa, but this number rose to 1,175 rhinos killed in 2015.²⁷
- African buffalo. *Syncerus caffer* is listed as Least Concern on the IUCN Red List and the global population is estimated at 900,000 animals.²⁸ Certain populations have been extirpated, including those in Gambia and Eritrea, and in some areas of Africa the buffalo was reintroduced after being nearly extirpated.²⁹ All four subspecies (*S. c. brachyceros*, *S. c.*

18 Henschel, P., Hunter, L., Breitenmoser, U., Purchase, N., Packer, C., Khorozyan, I., Bauer, H., Marker, L., Sogbohossou, E. & Breitenmoser-Wursten, C. 2008. The IUCN Red List of Threatened Species. Version 2015-4. <<http://www.iucnredlist.org/details/15954/0>>. Downloaded on 25 January 2016.

19 Pitman, R., The conservation biology and ecology of the African leopard *Panthera pardus pardus*, The Plymouth Student Scientist, 2012, 5, (2), 581-600, available at https://www.researchgate.net/profile/Ross_Pitman/publication/256764440_The_conservation_biology_and_ecology_of_the_African_leopard_Panthera_pardus_pardus/links/0c960523bda480829a000000.pdf

20 U.S. Fish and Wildlife Service, Importing Your Leopard or African Elephant Sport-Hunted Trophy, available at <http://www.fws.gov/international/pdf/factsheet-import-leopard-elephant-sport-hunted-trophy-2013.pdf>

21 Emslie, R. 2012. *Diceros bicornis*. The IUCN Red List of Threatened Species 2012: e.T6557A16980917. <http://dx.doi.org/10.2305/IUCN.UK.2012.RLTS.T6557A16980917.en>. Downloaded on 04 March 2016.

22 Id.

23 Emslie, R. 2011. *Ceratotherium simum ssp. simum*. The IUCN Red List of Threatened Species 2011: e.T39317A10197219. <http://dx.doi.org/10.2305/IUCN.UK.2011-2.RLTS.T39317A10197219.en>. Downloaded on 04 March 2016.

24 Id.

25 U.S. Fish and Wildlife Service, Poaching Crisis Prompts Immediate Protection of Southern White Rhino under ESA, available at <http://www.fws.gov/news/ShowNews.cfm?ID=0891575F-CDEA-7CBE-CDC9EB63EAD9F3D5>.

26 Aldred, Jessica. The Guardian, The all-female patrol stopping South Africa's rhino poachers, February 26, 2016, available at <http://www.theguardian.com/environment/2016/feb/26/the-all-female-patrol-stopping-south-african-rhino-poachers>

27 Bale, Rachel. The National Geographic, Rhino Poaching Numbers Fall in South Africa in 2015, January 21, 2016, available at <http://news.nationalgeographic.com/2016/01/160121-rhino-poaching-statistics-South-Africa-trade-lawsuit/>.

28 IUCN SSC Antelope Specialist Group. 2008. *Syncerus caffer*. The IUCN Red List of Threatened Species 2008: e.T21251A9260904. <http://dx.doi.org/10.2305/IUCN.UK.2008.RLTS.T21251A9260904.en>. Downloaded on 04 March 2016.

29 Id.

aequinoctialis, *S. c. caffer*, and *S. c. nanus*) are thought to be in decline over widespread areas.³⁰

Competitive hunting groups promote these hunts, offering accolades and awards to its members. The largest such group, Safari Club International (SCI), just ended its annual convention in Las Vegas in February of 2014 where more than 300 mammal hunts for 600 animals were auctioned off.³¹ SCI uses proceeds from its annual convention to fight wildlife protection measures. They've worked to remove protection for wolves and expand hunting on national wildlife refuges.³²

Trophy hunting is not conservation. Many animals, including the Africa Big Five, are killed in countries (such as Tanzania and Zimbabwe) with widespread corruption that prevents money raised from trophy hunting from benefiting conservation efforts, as hunters claim it does.³³ In 2014 and 2015, the U.S. Fish and Wildlife Service prohibited imports of African elephant trophies from Tanzania and Zimbabwe, citing questionable management practices, a lack of effective law enforcement, and weak governance.³⁴ Further, South Africa recently banned exports of African leopard trophies for 2016, citing mismanagement of trophy hunting due to a lack of data on population size.³⁵

Trophy hunters prefer to kill the largest and the strongest animals, usually males with the most impressive manes, tusks, horns, etc.³⁶ But these animals are endowed with the best genes for survival and once killed, their strong genes are lost to future generations.³⁷ Further, the social biology of some species means that killing the strongest male will result in scores of additional deaths. For example, when a dominant African lion is killed, he leaves females and cubs vulnerable to a hostile pride takeover from another male, in which case the new male will kill the cubs of the previous lion.³⁸ Killing the strongest males may also negatively impact people. When dominant males are killed, juveniles who are more daring and less experienced and prone to killing livestock may move into the area.³⁹

30 Id.

31 Clark Howard, Brian. The National Geographic, Controversial Auction to Permit Killing of 600 Wild Animals, February 2, 2016, *available at* <http://news.nationalgeographic.com/2016/02/160202-safari-club-international-auction-dallas-safari-club-big-game-hunts/>.

32 Safari Club International, SCI Needs Your Help – USFWS Proposes Troubling New Rules for Alaska Wildlife Refuges, *available at* <https://firstforhunters.wordpress.com/2016/01/11/sci-needs-your-help-usfws-proposes-troubling-new-rules-for-alaska-wildlife-refuges/>; See also Ammoland, Safari Club International's Arguments Win Minnesota Wolf Case, *available at* <http://www.ammoland.com/2013/05/safari-club-internationals-arguments-win-minnesota-wolf-case/#ixzz41uDRYozv>.

33 U.S. Fish and Wildlife Service, Importation of Elephant Hunting Trophies Taken in Tanzania and Zimbabwe in 2015 and Beyond, July 10, 2015, *available at* <http://www.fws.gov/international/pdf/questions-and-answers-suspension-of-elephant-sport-hunted-trophies.pdf>.

34 Id.

35 The Guardian, South Africa imposes year-long leopard hunting ban for 2016, *available at* <http://www.theguardian.com/world/2016/jan/25/south-africa-bans-leopard-hunting-2016>. See also Scientific Authority of South Africa, Non-detriment finding for *Panthera pardus* (Leopard), May 20, 2015, *available at* https://www.environment.gov.za/sites/default/files/docs/ndf_forleopard.pdf.

36 Nature, Decline of the fittest: Trophy hunters target gene pool, December 11, 2003, *available at* <http://www.nature.com/nature/links/031211/031211-1.html>.

37 Id.

38 Clark Howard, Brian. The National Geographic, Killing of Cecil the Lion Sparks Debate Over Trophy Hunts, July 28, 2015, *available at* <http://news.nationalgeographic.com/2015/07/150728-cecil-lion-killing-trophy-hunting-conservation-animals/>.

39 Wielgus, R., et al. Effects of hunting on cougar spatial organization, May, 2014, *available at* https://www.researchgate.net/publication/262056948_Effects_of_hunting_on_cougar_spatial_organization; See also Wielgus, R. and Peebles, K., Effects of Wolf Mortality on Livestock Depredations, March 2014, *available at* https://www.researchgate.net/publication/269097204_Effects_of_Wolf_Mortality_on_Livestock_Depredations.

Businesses are washing their hands clean of trophy hunting. **Forty-five airlines** have stopped transporting some or all types of hunting trophies, especially that of the Africa Big Five.⁴⁰

Thank you for your time and consideration.

Yours truly,



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

40 Humane Society International, HSI Top Achievements for 2015, December 21, 2015, *available at* <http://www.hsi.org/news/news/2015/12/hsi-2015-achievements-122615.html?referrer=https://www.google.com/>.