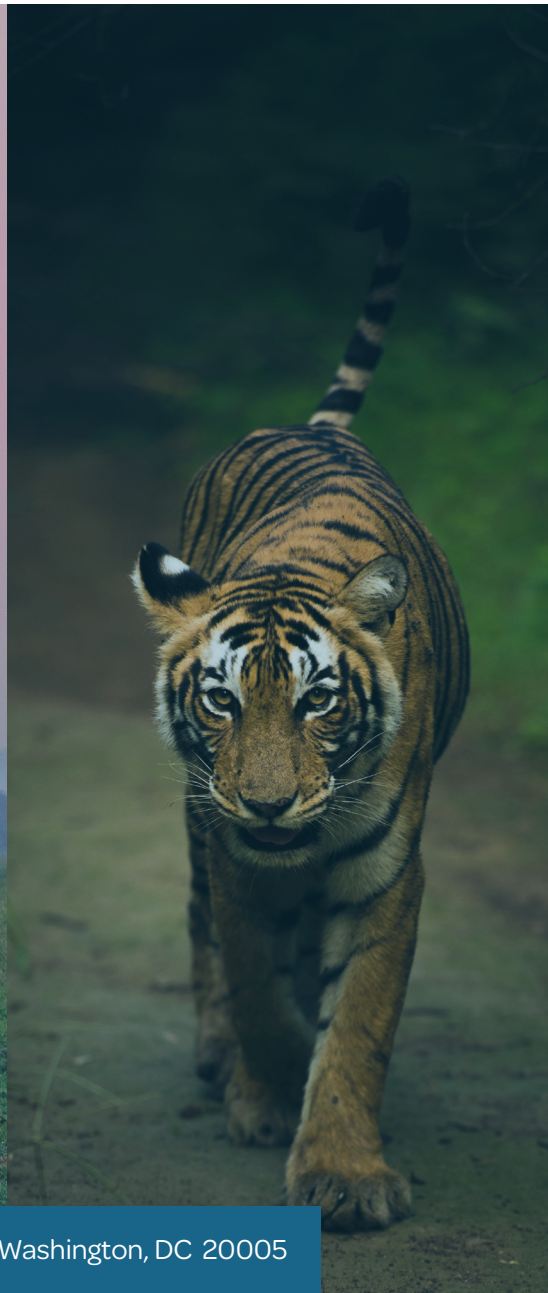


National Caucus of Environmental Legislators

Wildlife Trafficking Briefing Book





Overview

Illegal ivory and rhino horn trafficking is an escalating global issue. Elephants and rhinos may soon be driven to extinction by poaching. The demand for elephant ivory and rhino horn, driven by China, Japan, the Philippines, the United States and other countries, has created a massive international market that has detrimental economic, social and environmental impacts in Africa. Poaching is now a sophisticated international crime racket and a national security threat with terrorist organizations using profits to finance attacks.

The U.S. Fish and Wildlife Service recently instituted a near ban on ivory and rhino import and domestic interstate trade. But the states must regulate in-state sales. Many states have enacted or introduced a ban on ivory and rhino horn trades in their jurisdictions.

Legislation

- In 2014, [New Jersey](#) and [New York](#) became the first states to ban sales of ivory and rhino horn products. [California](#) and [Washington](#) enacted similar laws in 2015, followed by [Hawaii](#) and [Oregon](#) in 2016.
- In 2017, at least 13 states considered bills to address wildlife trafficking, including Maryland ([HB686](#)) and New Mexico ([SB81](#)). A full list of 2017 bills is available [here](#).
- Some state bills include exemptions from ivory and rhino horn bans, such as antiques, musical instruments, and weapons within certain parameters; scientific, educational or museum purposes; and inheritance.

KEY POINTS

- Wildlife poaching is worth up to [\\$20 billion per year](#), and ranks only behind narcotics, weapons, and human trafficking in international crime activities.
- More than [30,000 elephants are killed annually](#), close to 100 elephants every day. At this rate elephants will be extinct in 10-20 years. Meanwhile, there are only 28,000 rhinos left globally, and 20,000 of these are the Southern white rhino.
- At least [one-third of ivory sold in the U.S. was illegally imported](#) from recently poached elephants. Recent investigations revealed that up to 90% of ivory sold in Los Angeles and Hawaii was illegal.

Other Resources

- Find current legislation and resources at ncelenviro.org/issue/wildlife-trafficking/
- [Facts on illegal wildlife trade](#): Humane Society International
- [Illegal Wildlife Trade](#): Wildlife Trafficking Alliance



For more information, contact NCEL Senior Conservation Advisor, Ruth Musgrave, at ruth@ncelenviro.org



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Wildlife Trafficking

FREQUENTLY ASKED QUESTIONS

1. What's the difference between "wildlife trafficking" and legal trading?

According to the USFWS, wildlife trafficking is the illegal poaching or other taking of protected or managed species as well as the illegal trade of wildlife and their related parts and products. The legal wildlife trade is any regulated sale or exchange of wild animal and plant resources by people. CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) regulates the international legal trade of endangered and threatened species.



2. Didn't Congress and the Fish and Wildlife Service address this issue in 2016?

Congress and FWS only addressed trafficking between states. Intrastate regulation and enforcement is handled by the individual states.

3. Is this issue only about wildlife?

No, funds from wildlife trafficking have been linked to international terrorist organizations like Al-Shabaab and the Lord's Resistance Army. In fact, prominent members of both parties consider wildlife trafficking a national security issue.



4. What is the argument against an ivory ban?

Groups like the NRA claim that restrictions on ivory and other animal products will make gun owners criminals overnight, when in fact every state has a permitting process to recognize existing ownership. Penalties are only incurred from the sale of ivory-laden products, not mere ownership.

5. Why prohibit ivory sales if elephants don't live in the U.S.?

The U.S. is the second largest consumer of ivory products in the world, but only states have the power to regulate in-state sale of these products. The sale of ivory is driving the extensive poaching, which could lead to elephant extinction within 15 to 20 years.



6. Why are other animals included in these bills besides elephants?

Elephants are not the only species subject to poaching. Populations of rhinos, leopards, sharks and others are being decimated by illegal wildlife trafficking and need additional protection. Several states have incorporated these species into the bans as a result.

7. What groups support restricting wildlife trafficking in the U.S.?

The World Wildlife Fund, The Association of Zoos and Aquariums, Humane Society International, and many other international groups support these efforts. Multiple state groups do as well. Contact NCEL for information about local groups in your area working on this issue.



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Wildlife Trafficking Bill Matrix

A Comparison of Enacted legislation as of October, 2016

	New Jersey	New York	California	Washington	Hawaii
<i>Type of Measure/Bill</i>	SB 2012	SB 7890 (at request of Governor)	AB 96	Initiative 1401	SB 2647
<i>Effective Date</i>	Effective immediately (Aug. 2014), but prohibitions effective 6 months after enactment	Effective immediately (Aug. 2014)	July 2016	Dec. 3, 2015	Upon approval; enforcement begins June 30, 2017
<i>Animals Covered</i>	El, Rhi, Hip, Mam, Nar, Wal, Whl	El, Rhi, Mam	El, Rhi, Hip, Mam, Wal, WtH, Whl, Nwl	El, Rhi, Lion, Tig, Ch, Leop, Pan, Ray, Sh, SeaT	El, Rhi, Mam, Mas, Lion, Tig, Ch, Jag, Leop, Hip, Pan, GrApe, Nar, Whl, Wal, MkSeal, Ray, SeaT, Sh
<i>Prohibitions</i>	Import, sale, purchase, possess w.intent to sell, barter	Sale, offer to sell, purchase, trade possess w.intent, barter, distribute	Import or possess w.intent to sell, sell, offer for sale, purchase	Sale, offer to sell, purchase, trade, possess w/ intent, barter, distribute	Sale, offer to sell, purchase, trade, possess w.intent, barter
<i>Qualifications</i>	Animals with ivory teeth or tusks, including El & Rh	N/A	N/A	As listed by IUCN or TRAFFIC or other cons. orgs	Land=CITES I or II, ESA T or E; Marine =CITES I; ESA
<i>Federal</i>	Import ok if expressly auth'd. by fed.license or permit	Sale expressly auth'd. by fed.law or permit	Federal auth. Or permit	Sale expressly auth'd. by fed. law or permit	Federal auth. Or permit
<i>Antique</i>	N/A	Doc. showing prov., not < 100 yrs + < 20% vol. + Component of mfg. item	Doc. showing prov., not < 100 yrs + < 15% vol. + Component of mfg. item	Doc. showing prov., not < 100 yrs + < 15% vol. + Component of mfg. item	Not < 100 yrs + < 20% vol. + Component of mfg. item
<i>Weapons</i>	N/A	N/A	N/A	N/A	<20% vol. + doc. Showing older than 1975 + component of mfg. item
<i>Musical Instruments</i>	N/A	W/proof of provenance & mfg. no later than 1975	<20% vol. + doc. Showing older than 1975	<15% by volume	<20% vol. + doc. Showing older than 1975 + component of mfg. item
<i>Estate/Heir</i>	Distrib. To legal benef. thru inheritance	Distrib. To legal benef. thru inheritance	Distrib. To legal benef. Thru inheritance	Distrib. To legal benef. thru inheritance	Distrib. To legal benef. Thru inheritance
<i>Science, Museum, Donate</i>	DEP may permit and set terms/conditions for sale, etc. for bona fide scientific, educ purpose, unless fed law prohibits	Distrib. For scientific, educ. purpose, to/from museum	Distrib. for scientific, educ. purpose, to/from museum	Distrib. For scientific, educ. purpose, to/from museum	Distrib. For scientific, educ. purpose, to/from museum
<i>Native American</i>	N/A	N/A	N/A	N/A	Traditional cultural practices under state const.
<i>1st offense</i>	Disorderly persons offense: fine not <\$1000 or twice total value, whichever greater	Not >\$3000 or twice item value, whichever greater	Value up to \$250: Not <\$5000, up to \$40,000, up to 1 yr. jail or both	Gross misdemeanor: value <\$250 - \$2,000 fine to f/w enf acct + forfeiture	Misdemeanor: Fine not <\$200 or jail not >1yr or both
<i>2nd offense</i>	Crime of 4th degree: fine not <\$5000 or twice value, whichever greater	Not >\$6000 or 3X item value, whichever greater	Value up to \$250: fine not <\$1,000 up to \$10,000 plus up to 30 days jail or both, plus forfeiture and disposal	Class C felony: value equal or >\$250 - subsequent offense, or other wildlife vio w.in 5 yrs - double fine + forfe.	Misdemeanor: (if w.in 5 yrs of 1st offense): Fine not <\$1000 or jail not >1yr or both, plus all items forfeited and disposed of by State
<i>Subsequent offense</i>	Court to seize items, assess value and fine, transfer items to DEP to destroy or donate	Same as above, and if value is >\$25k: Class D felony	Same as above	Same as above	If w.in 5 yrs of other convictions: Fine not <\$2000 or jail not >1yr or both; items forfeited and disposed
<i>Grandfather Clause?</i>	No	Yes - if could sell under a permit or license valid on date of enactmt., can sell until license expires	Yes; Legally acquired before 1991, not sold after 7.1.16	Yes	Yes
<i>Severability Clause?</i>	No	Yes	Yes	Yes	Yes
<i>Intent</i>	Presumptive evidence of intent if possessed by retail outlet selling similar		Prima facie evid. of intent if possessed by retail est. selling similar	Rebuttable presumption of intent if possessed by retail est. selling similar	Rebuttable presumption of intent if possessed by retail est. selling similar
<i>Other</i>		For any sale/distrib under an exemption: DEP Comm'r may issue permit or license to distribute, unless fed law or rule prohibits	Admin. Fines to go to Fish/Game Preserv.Fund for enforcem.		

Key		Mas	Mastodon	Sh	Shark
Ch	Cheetah	Mam	Mammoth	SeaT	Sea Turtle
El	Elephant	MkSl	Monk Seal	Tig	Tiger
GrApe	Great Apes	Nar	Narwhal	Wal	Walrus
Hip	Hippo	Pan	Pangolin	Whl	Whale
Leop	Leopard	Ray	Ray	WtH	Warthog
Lion	Lion	Rhi	Rhino		

An Excel Spreadsheet version of this chart is available here: goo.gl/m731Sw