

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
CONSUMER PROTECTION & COMMERCE
and
JUDICIARY**

**Monday, March 31, 2014
2:00 PM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 197/HOUSE RESOLUTION 157
URGING THE FEDERAL GOVERNMENT TO ENHANCE ITS ENFORCEMENT OF
FEDERAL LAWS PROHIBITING THE SALE OF IVORY**

House Concurrent Resolution 197/House Resolution 157 urges the Federal Government to enhance the enforcement of federal laws prohibiting the sale of ivory products. **The Department of Land and Natural Resources supports these resolutions, along with House Bill 493, House Draft 1, Senate Draft 1 (Relating To Animal Cruelty) which proposes to establish the offense of the unlawful sale or trade of ivory products in the State.**

Federal laws have been recently tightened in an effort to stem the flow of illegal ivory coming into the United States, but individual states laws can make enforcement within the states easier. Illegal ivory is sold in stores and on the internet. Recent surveys by the Humane Society have estimated that 90% of the ivory for sale in Hawaii is illegally obtained or of unknown origin. Hawaii is the third largest ivory market in the United States, following only California and New York. African elephants are spiraling toward extinction as illegal poaching and ivory trade continue to decimate their numbers. Only halting the sale of their body parts will keep them from extinction.



**THE HUMANE SOCIETY
OF THE UNITED STATES**



**HUMANE SOCIETY
INTERNATIONAL**

TO: Honorable Chair McKelvey and Chair Rhoads
House Committees on Commerce and Consumer Protection and Judiciary
March 31, 2014, 2pm

SUBMITTED BY: Inga Gibson, Hawaii Director, The Humane Society of the United States-Humane Society International

COMMENTS: HCR197/HR157; URGING THE FEDERAL GOVERNMENT TO ENHANCE ITS ENFORCEMENT OF FEDERAL LAWS PROHIBITING THE SALE OF IVORY.

The Humane Society of the United States (HSUS)-Humane Society International appreciates the intent of the Resolution but believes the state must also act on this critical issue, for the following reasons:

- The United States Fish & Wildlife Service already issued an order on Feb 25, 2014, at the Direction of the Obama Administration, to enhance its enforcement of federal laws relating to the sale of ivory. See attached below or: <http://www.fws.gov/policy/do210.html>
- The Hawaii Legislature unanimously passed Senate Concurrent Resolution 149 in 2013 urging businesses not to buy or sell ivory of unknown or illegal origin. Despite this notice, ivory of unknown and likely illegal origin continues to be sold in Hawaii. There is no need for yet another state resolution or to wait yet another year for critical state legislation.
- The federal government does **not** regulate in-state sales. Federal laws apply to import, export, the issuance of necessary federal permits and inter-state commerce.
- While HB 493/state legislation may complement federal law, the recent federal order still contains loopholes such as allowing for the import of ivory from trophy-hunted elephants.
- State legislation is necessary to give state wildlife agents the authority to enforce laws in-state and outside of ports, airports, and other federal jurisdiction. The Hawaii Department of Land and Natural Resources, who would enforce these provisions, supports a bill that is currently under consideration by the Senate (HB 493 SD2)
- Much like Hawaii's existing state prohibitions on the import and sale of certain pesticides, invasive/non-native plants and animals, the sale of shark-fin or bear-bile products, it is **only** the state that can regulate/prohibit **in-state** sales.
- State legislation is also needed to protect consumers, especially foreign visitors, who may unknowingly purchase illegal ivory, either in-store or on-line. HB493 SD2 protects consumers by requiring the ivory seller provide a copy of the necessary documentation to the purchaser.

Elephants are one of the most iconic and beloved wild animals. Yet today, these magnificent animals are being illegally gunned down and poisoned in unprecedented numbers—reaching nearly 100 killed per day— all for their ivory tusks. It is the demand for ivory that is driving this elephant massacre. Most of the demand for ivory is in China, 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 2008,¹ the United States is the second largest market for ivory and, within the United States, **Hawaii is the third largest ivory market** only behind New York, and California²; in California, the sale of certain elephant ivory is illegal. The same survey estimated that almost **90 percent of the ivory items for sale in Hawaii were likely imported**

illegally or of unknown origins¹. According to research conducted in June of 2013, **Hawaii arguably had the largest on-line sales market for ivory**. 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. With the recent federal order, consumers could unknowingly purchase illegal ivory in violation of federal law. The result is a flourishing, poorly regulated domestic ivory market in the United States.

We instead urge your support for HB 493 SD2, currently under consideration by the Senate, which is based on HB 2183 (Rhoads) that received close to 500 testimonies in support and its unanimous passage out of both the Economic Development and Judiciary Committees. Due to concerns from (4) ivory and antique dealers, HB 493 SD2 exempts the below ivory products to address their concerns:

- Antique ivory, including extinct mammoth, and vintage Hawaiian ivory and heirlooms;
- Asian elephant ivory legally acquired prior to 1975 and African elephant ivory legally acquired prior to 1990 per the Endangered Species Act;
- Walrus and Whale ivory legally acquired prior to the enactment of the federal Marine Mammal Protection Act of 1972.

These exemptions are per the February 25, 2014, U.S. Fish and Wildlife Service Director's Order². HB 493 SD1 uses the same standards and definitions as the federal Order, including the U.S. Fish and Wildlife Service's *Identification Guide for Ivory and Ivory Substitutes*³ "which was developed to give information about a nondestructive and visual means of tentatively distinguishing clearly legal ivory from suspected illegal ivory." HB 493 SD2 also provides for an appraisal process if the proper documentation was lost, and an extended effective date of July 1, 2015, to allow those legitimate ivory sellers to retain the necessary documentation in order to sell such items.

Furthermore, HB 493 SD2 does **NOT** prohibit the following:

- Personal/private possession of ivory; the bill only relates to sale;
- Passing down of native Hawaiian or family heirlooms made of ivory
- Ivory for display for museums, educational or research purposes;
- Other ivory or ivory items as permitted by the USFWS;
- Appraisals of ivory for personal possession for insurance purposes

Thank you very much for the opportunity to provide these comments on HCR197/HR157

¹ 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>

² <http://www.fws.gov/policy/do210.html>

³ <http://www.fws.gov/lab/ivory.php>



United States
Department of the
Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



[PDF Version](#)

DIRECTOR'S ORDER NO. 210

Subject: Administrative Actions to Strengthen U.S. Trade Controls for Elephant Ivory, Rhinoceros Horn, and Parts and Products of Other Species Listed Under the Endangered Species Act (ESA)

Sec. 1 What is the purpose of this Order?

a. The United States released the first [National Strategy for Combating Wildlife Trafficking](#) (PDF) on February 11, 2014. One of the three strategic priorities of the National Strategy is to strengthen domestic and global enforcement, including assessing related laws, regulations, and enforcement tools.

b. This Order establishes policy and procedure for U.S. Fish and Wildlife Service (Service) employees to implement the National Strategy as it relates to the trade in elephant ivory, rhinoceros horn, and parts and products of other ESA-listed species.

c. The Order supersedes all previous policies on the June 9, 1989, African Elephant Conservation Act (AECA) import moratorium.

Sec. 2 What will Service employees do under this Order?

a. Service employees must strictly implement and enforce all criteria under the ESA antique exception ([16 U.S.C. 1539 \(h\)](#)). The ESA requires that any person claiming the benefit of a statutory exemption has the burden of proving that the exemption is applicable (16 U.S.C. 1539 (g)) so the burden of proof is on the importer, exporter, or seller to definitively show that an item meets all of the criteria under the exception. The burden of proof standard is high to ensure that items that people claim are antiques under the ESA exception are authentic and qualify for the exception. See [Appendix 1](#) for additional guidance.

b. Service employees must strictly implement and enforce the June 9, 1989, AECA moratorium ([54 Fed. Reg. 24758](#)) on the importation of raw and worked African elephant ivory while, as a matter of law enforcement discretion, allowing importation of certain parts and products, as follows:

(1) Raw or worked African elephant ivory imported by an employee or agent of a Federal, State, or tribal government agency for law enforcement purposes.

(2) Raw or worked African elephant ivory imported for genuine scientific purposes that will contribute to conservation of the species.

(3) Worked African elephant ivory imported for personal use as part of a household move or as part of an inheritance, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976;
- Has not subsequently been transferred from one person to another person for financial gain or profit since February 26, 1976; and
- The item is accompanied by a valid Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate.

(4) Worked African elephant ivory imported as part of a musical instrument, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976;
- Has not subsequently been transferred from one person to another person for financial gain or profit since February 26, 1976;
- The person or group qualifies for a CITES musical instrument certificate; and
- The musical instrument containing elephant ivory is accompanied by a valid CITES musical instrument certificate or an equivalent CITES document that meets all of the requirements of CITES Resolution Conf. 16.8.

(5) Worked African elephant ivory imported as part of a travelling exhibition, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976;
- Has not subsequently been transferred from one person to another person for financial gain or profit since February 26, 1976;
- The person or group qualifies for a CITES travelling exhibition certificate; and
- The item containing elephant ivory is accompanied by a valid CITES travelling exhibition certificate or an equivalent CITES document that meets the requirements of 50 CFR 23.49.

Sec. 3 Does this Order affect other legal requirements?

a. The AECA moratorium does not apply to raw or worked African elephant ivory imported as part of a sport-hunted trophy, or to ivory from other species.

b. Nothing in this Order affects the ESA or CITES in-transit standards and requirements.

c. The AECA moratorium does not apply to the tusks on live elephants, so nothing in this Order affects the importation of live elephants.

d. Nothing in this Order affects the prohibitions under the AECA or the ESA. In addition to the terms of the June 9, 1989, moratorium and the prohibitions under the AECA, all applicable legal requirements for the importation of African elephant ivory under [50 CFR Parts 13, 14, 17, and 23](#) must also be met.

Sec. 4. When is this Order effective? This Order is effective immediately. It remains in effect until incorporated into the Service Manual or until amended, superseded, or revoked, whichever comes first. If we do not amend, supersede, or revoke it, the Order will terminate in 18 months.

/sgd/ Daniel M. Ashe

DIRECTOR

Date: February 25, 2014



TO: Representative McKelvey, Chair, House Committee on Commerce and Consumer Protection

FROM: Elly Pepper, Wildlife Advocate, Natural Resources Defense Council

DATE: March 27, 2014

RE: Comments on HCR197/HR157; SUPPORT for HB493 SD1 (Ivory Sales Prohibitions)

On behalf of our 1.3 million members and activists, including more than 2,500 in Hawaii, we are writing to urge you to support House Bill 493 Senate Draft 1, which would prohibit the importation, sale, offer for sale, and possession with intent to sell, of any ivory product (teeth or tusks) from any species of wildlife in the majority of circumstances. Further, while we sincerely appreciate the support for stronger federal protections regarding ivory expressed in HCR 197 and HR 157, these resolutions are redundant and will not achieve the elephant protections needed to reverse the current poaching crisis.

The international trade in wildlife is a powerful political and economic force that has driven many species to the brink of extinction and some to disappear forever.¹ A dramatic and likely catastrophic example is the sharp rise in poaching of black rhino for Asian traditional medicines, which has played a huge role in reducing populations from several hundred thousand to around 4,838 and led to the extinction of the West African subspecies in 2013.² The trade in tiger bones for Chinese medicine, along with other factors, has reduced tiger populations by 97% from about 100,000 at the turn of the 20th century to 3,200 today, with three subspecies (Bali, Javan, and Caspian) driven to extinction by the 1980s, and one – the Sumatran tiger – with only 400 remaining individuals.³

As these cases and others have shown, the rarer a species gets, the more people desire them due to the economic and psychological values they attach to rarity—something a 2006 study referred to as the anthropogenic Allee effect.⁴ According to this study, as long as there is a positive correlation between a species' rarity and its value, and the market price exceeds the cost of harvesting a species, harvesting will cause further declines, making species even rarer and more

¹ Duncan Graham-Rowe, *Biodiversity: Endangered and In Demand*. Nature 480:S101-S103 (2011).

² World Wildlife Fund, Black rhinoceros, http://wwf.panda.org/what_we_do/endangered_species/rhinoceros/african_rhinos/black_rhinoceros/; IUCN Red List, www.iucnredlist.org.

³ World Wildlife Fund, Tiger Population, http://wwf.panda.org/what_we_do/endangered_species/tigers/about_tigers/tiger_population/.

⁴ Franck Courchamp, et al., *Rarity value and species extinction: The anthropogenic Allee effect*. PLoS Biology 4(12): e415 (2006).

expensive, which in turn stimulates even more harvesting until there's nothing left.⁵ Since buyers are willing to pay any price to obtain these status symbols (e.g., \$22,000 per pound of rhino horn; \$1,300 per pound of ivory), the market price typically covers the cost of harvesting. This is particularly true for species whose parts are actually being used as luxury items, like elephants and rhinos, since the buyer's entire reason for purchasing them is to display wealth and/or social status. The rarer the item, the more expensive it becomes, and the more prestige the buyer gains by acquiring it.⁶

This is exactly what has happened with elephant ivory. As demand for ivory has boomed over the past five years, ivory prices have skyrocketed. This is particularly true in China where the market for illegal ivory has accelerated at the same time that household consumption expenditure (i.e., amount spent on goods and services per household) has increased. Between 2002 and 2004, the wholesale price paid by carvers and ivory processors for illegal raw ivory doubled (from \$150 to \$350 per kilogram); and it doubled again between 2005 and 2010 (to \$750 per kilogram).⁷ As prices have increased, so has poaching, with an estimated 30,000 elephants killed in 2012.⁸

While the general public seems aware of the huge role Chinese demand for elephant ivory has played in elephant poaching and the illegal ivory trade, many don't realize that the U.S. also contributes significantly to this problem as the world's second largest retail market for ivory.⁹ Indeed, the most recent ivory survey of the U.S., conducted in 2008, found 24,004 ivory items for sale in 657 outlets in 16 towns and cities across the U.S.¹⁰

Hawaii is one of the epicenters of the U.S. market, as the third largest ivory market in the country following New York and California. The 2008 ivory survey found 23 outlets – mainly antique shops and tourist markets (i.e., conglomerations of stalls, kiosks or shops in a large open area or multi-story building) – selling 1,867 ivory items on Oahu.¹¹ The vast majority of the items for sale were jewelry (80%), followed by netsukes (12%), human figurines (4%), animal figurines (<1%), and chopsticks (<1%).¹² Almost 90% of the ivory items for sale in Hawaii were likely imported illegally or are of unknown origin.¹³ In other words, almost 90% or 1,478 ivory items could have been from recently killed elephants. Further, according to the Humane Society

⁵ Id.; see also Liza Gross, *A Human Taste for Rarity Spells Disaster for Endangered Species*. PLoS Biology 4(12) (2006), doi:10.1371/journal.pbio.0040439.

⁶ *Rarity Value*, *supra* note 4.

⁷ CITES Secretariat, *Elephant Conservation, Illegal Killing and Ivory Trade*, at 13, SC62 Doc. 46.1 (Rev. 1) (2012), <http://www.cites.org/eng/com/sc/62/E62-46-01.pdf>.

⁸ CITES, IUCN & TRAFFIC, *Status of African elephant populations and levels of illegal killing and the illegal trade in ivory: A report to the African Elephant Summit* (2013), https://cmsdata.iucn.org/downloads/african_elephant_summit_background_document_2013_en.pdf.

⁹ Esmond Martin & Daniel Stiles, *Ivory Markets in the USA*, at 5 (2008), <http://www.savetheelephants.org/files/pdf/publications/2008%20Martin%20&%20Stiles%20Ivory%20Markets%20in%20the%20USA.pdf>; UNEP, TRAFFIC, CITES & IUCN, *Elephants in the Dust: The African Elephant Crisis*, at 65 (2013), http://www.cites.org/common/resources/pub/Elephants_in_the_dust.pdf.

¹⁰ Martin & Stiles, *supra* note 10, at 5; see also Humane Society of the United States, *An Investigation of Ivory Markets in the United States*, at 6 (2002), http://www.humanesociety.org/assets/pdfs/Ivory_Trade_Report.pdf.

¹¹ Martin & Stiles, *supra* note 9, at 93.

¹² Id. at 94.

¹³ Id.

of the United States, Hawaii has what is likely the largest online ivory marketplace in the country, with seven major retail outlets on the internet offering, combined, approximately 1,153 ivory objects for sale, all of which could very well be illegal.

The vast majority of ivory in Hawaii comes from China, where the number of registered ivory factories and ivory retail outlets has risen.¹⁴ The 2008 survey found that of the 1,317 ivory items in Hawaii that could be attributed to place of manufacture, 73% were from China. Ivory is smuggled to the U.S. illegally by individuals and via shipping carriers.¹⁵ Most packages containing ivory are not marked as required by federal laws, but are instead mislabeled as “crafts” or “bone.”¹⁶ Much of the ivory coming to the U.S. is purchased illegally over the Internet, often from sites based in China.¹⁷ Ivory also enters the U.S. by falsely claiming to meet U.S. import exceptions.¹⁸

Currently, Hawaii’s ivory law allows sales if the ivory was imported before 1989 or is at least 100 years old at the time of import and has not been altered since. HB 493 SD 1 will narrow these exceptions by requiring sellers to meet documentation requirements recently proposed by the federal government. This will make it more difficult for sellers to pretend that their ivory is old when it is actually from recently poached elephants. Further, by covering all types of ivory, HB 493 SD 1 will make it more difficult for sellers to claim that the ivory comes from a legal source of ivory when it is actually from elephants. Lastly, the increased penalties proscribed in HB 493 SD 1 for those who violate Hawaii’s ivory law will act as a deterrent for wildlife traffickers.

While we sincerely appreciate the support for stronger federal protections regarding ivory expressed in HCR 197 and HR 157, the Hawaii Legislature already unanimously passed Senate Concurrent Resolution 149 in 2013 urging businesses not to buy or sell ivory of unknown or illegal origin. There is no need for yet another state resolution or to wait yet another year for critical state legislation. Furthermore, the U.S. Fish and Wildlife Service is already taking action to strengthen federal ivory laws, as evidenced in Director’s Order 210, which the Fish and Wildlife Service issued on February 25, 2014 at the direction of the Obama Administration.¹⁹

Furthermore, if we are to successfully reduce the U.S. and Hawaii ivory markets, state action – in *in addition to federal action* – is critical for two main reasons. First, the federal government lacks the authority to regulate most intrastate actions regarding ivory, meaning that stricter state laws are necessary to complement these federal proposals. Second, the Service’s proposal appears to contain some loopholes that state laws could close. State legislation is also necessary to give state wildlife agents the authority to enforce laws in-state and outside of ports, airports, and other

¹⁴ *Elephants in the Dust*, *supra* note 9, at 63; HSUS, *supra* note 9, at 1.

¹⁵ Esmond Martin, *Are we winning the case for ivory substitutes in China*, *Pachyderm*, 40: 88-100 (2006).

¹⁶ Environmental Investigations Agency, *Made in China* (2007), <http://eia-global.org/news-media/made-in-china-how-chinas-illegal-ivory-trade-is-causing-a-21st-century-afri>.

¹⁷ Doug Williamson, *The Status of the U.S. Trade in Elephant and Hippo Ivory*, at 4, 26 (2004), http://assets.worldwildlife.org/publications/425/files/original/Tackling_the_Ivories.pdf?1345757077.

¹⁸ Martin & Stiles, *supra* note 9, at 18.

¹⁹ United States Fish and Wildlife Service, Director’s Order 201, Feb. 25, 2014, <http://www.fws.gov/policy/do210.html>.

federal jurisdictions. The Hawaii Department of Land and Natural Resources, who would enforce these provisions, supports HB 493 SD1.

While HB 493 SD 1 includes some exceptions not contained in the ivory bills originally introduced in the House and Senate, it would still be a significant step towards ending Hawaii's involvement in the elephant poaching crises. To be one of the first states in the country with a strong ivory law would be a huge achievement for Hawaii, allowing the state to be seen as a leader on an issue that is currently garnering a great deal of attention both domestically and internationally. For these reasons, and those outlined above, we respectfully encourage you to support HB 493 SD 1. Thank you very much for the opportunity to submit comments.

March 26, 2014

Hawaii State Legislature
Hawaii State Capitol
415 S. Beretania
Honolulu, HI 96813



Ivory Trade Restrictions in Hawaii

Dear Honorable Legislators,

We respectfully urge your support for HB 493 SD1 instead of HCR197/HR157 relating to animal cruelty; ivory sales. Hawaii has the opportunity to be a global leader in wildlife conservation by ending the trade and sale of illegal ivory. Only by ending the supply and sale of ivory products may the African elephant survive.

Ivory retail investigations in 2002, 2008 and of on-line ivory sales in 2013, showed that Hawaii is the 3rd largest retailer of ivory and ivory products in the nation, only behind New York (where a similar bill is under consideration) and California. Of more than 1,600 ivory items offered for sale in Hawaii, 89 percent were estimated to be of unknown or likely illegal origin. Hawaii arguably had the largest on-line sales market for ivory; a major concern for both residents and visitors who may unknowingly purchase illegal ivory in violation of federal and international laws.

This state legislation also complements a recent order issued by the United States Fish and Wildlife Service, at the urging of the Obama Administration, to enhance enforcement efforts on the import, export and inter-state sale of ivory and other illegal wildlife products, due to the trade's connection to criminal terrorist activity and the destabilization of economic and international security. Ivory items with appropriate documentation noting age, origin and species, may continue to be sold in Hawaii.

We are deeply concerned about the unprecedented elephant poaching crisis and horrified by the imminent possibility that African elephants could be extinct in less than two decades. The illegal ivory trade fuels criminal activities that undermine local governance and the rule of law. The decimation of wild animals also threatens the livelihood of communities who depend on wildlife for economic development. Elephant poaching has been linked to several African armed and militia groups who used the proceeds from ivory sales to fund their nefarious activities. We do not want to see the market demand for ivory in the U.S., and especially in Hawaii, to be part of the illicit chain of blood ivory. We echo the call for a complete ban on ivory sales in the U.S. by former Secretary of State Hillary Clinton and vice-chair of the Clinton Foundation Chelsea Clinton.

Again, we urge your support for HB 493 SD1 instead of HCR197/HR157. Hawaii has so much to be proud of - contributing to the massacre of elephants by allowing the trade in illegal ivory should not be one of them.

Sincerely,

Jen Samuel

Elephants DC, president

kawakami3-Benigno

From: Christina Vallianos <vallianos@wildaid.org>
Sent: Thursday, March 27, 2014 11:55 AM
To: CPCtestimony
Cc: JUDtestimony
Subject: CPC-JUD 3-31-14 2pm Comments HCR197/HR157- State ivory sales prohibition needed

March 27, 2014

TO: House Committee on Commerce and Consumer Protection, House Judiciary Committee

RE: Comments on HCR197/HR157, Support for HB493 SD1; Ivory Sales Prohibitions

These comments are submitted on behalf of WildAid, a registered US 501c3 charitable organization, its Board of Directors, and our members. WildAid focuses on addressing consumer demand for products from threatened wildlife, and has been working for the past two years to decrease demand for ivory, primarily in China.

We support measures to implement this law because:

- State legislation is necessary to regulate in-state sales and to give wildlife agents authority to enforce laws outside of federal jurisdiction.
- Any legal trade in ivory can and has extensively enabled laundering of illegal ivory from poached elephants. Without testing in a laboratory, even experts often have a difficult time distinguishing “old”, pre-ban ivory from “new”, smuggled African ivory. It is also difficult to distinguish one species’ ivory from another. Hawaii, as the third highest ivory retailer in the United States has the opportunity to lead the way in elephant conservation and can set a precedent for California and New York by implementing an ivory ban.
- This measure closes an important loophole left by the federal law by excluding any exemptions for the import of trophy-hunted ivory. In the past, trophy hunting has masked illegal activity. Pseudo-hunts, whereby crime syndicates have paid inexperienced hunters or bystanders to obtain rhino horn, have occurred on numerous occasions in South Africa, to the point where the South African government was forced to ban the issuing of permits to Vietnamese nationals.

While we also appreciate the intent of the resolution, the state needs to act for the reasons noted above. We urge the Committees to support HB493 SD1, currently under consideration by the Senate.

Thank you for considering our input.

With best regards,
Peter Knights, Executive Director

Submitted by: Christina Vallianos
Christina Vallianos
Campaign Research and Development Associate

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From: michelleleelivingston5@gmail.com on behalf of Golfing for Elephants
<contact@golfingforelephants.com>
Sent: Thursday, March 27, 2014 6:00 PM
To: CPCtestimony
Subject: CPC 3-31-14 COMMENTS on HCR197/HR157, SUPPORT for HCR197/HR157; Ivory Sales Prohibitions

Mahalo nui, Ben! Here is my revised testimony. Aloha - Michelle

=====

Chair McKelvey, House Commerce and Consumer Protection Committee

Dear Lawmakers:

An unprecedented elephant poaching crisis is decimating elephant populations. African elephants could be extinct in less than two decades. All because of market appetite for ivory trinkets, such as earrings, bracelets, necklaces, statuettes. Cruel ivory trade breeds corruption, undermines the rule of law and threatens the economic livelihood of the local communities. Illegal ivory trade also challenges the regional security in Africa as militia and armed groups have engaged in poaching and used the proceeds from ivory to fund nefarious activities.

Hawaii is the third largest market for ivory in the U.S. Surveys found that close to 90% of ivory items for sale in Hawaii could be of illegal or unknown origins. Please support **HCR197/HR157** to save the elephants and end the Aloha State's contribution to the illegal and blood ivory trade.

Thank you for your consideration. Keep the Aloha state true to its name!

Mahalo,

Michelle

Michelle Livingston, MBA

Founder & President

Golfing for Elephants

www.golfingforelephants.com

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Tucson, AZ

On Thu, Mar 27, 2014 at 8:53 PM, CPCtestimony <cpctestimony@capitol.hawaii.gov> wrote:

Aloha Michelle, my name is Ben and I am the committee clerk responsible for testimonies for CPC. I am emailing you in regards to your testimony on HCR197/HR157; in order to add your testimony into the testimony packet to the committee please update your testimony to reflect your comments on HCR197/HR157 and send us the updated testimony. The email you have attached supports HB493 SD1 which is different from the HCR/HR. If you have any questions please don't hesitate to email or contact me at the office.

Mahalo!

From: michelleleelivingston5@gmail.com [mailto:michelleleelivingston5@gmail.com] **On Behalf Of** Golfing for Elephants

Sent: Wednesday, March 26, 2014 10:52 AM

To: CPCtestimony

Subject: CPC 3-31-14 COMMENTS on HCR197/HR157, SUPPORT for HB493 SD1; Ivory Sales Prohibitions

Chair McKelvey, House Commerce and Consumer Protection Committee

Dear Lawmakers:

An unprecedented elephant poaching crisis is decimating elephant populations. African elephants could be extinct in less than two decades. All because of market appetite for ivory trinkets, such as earrings, bracelets, necklaces, statuettes. Cruel ivory trade breeds corruption, undermines the rule of law and threatens the economic livelihood of the local communities. Illegal ivory trade also challenges the regional security in Africa as militia and armed groups have engaged in poaching and used the proceeds from ivory to fund nefarious activities.

Hawaii is the third largest market for ivory in the U.S. Surveys found that close to 90% of ivory items for sale in Hawaii could be of illegal or unknown origins. Please support HB 493 SD 1 to save the elephants and end the Aloha State's contribution to the illegal and blood ivory trade.

Thank you for your consideration.

Michelle Livingston, MBA

Founder & President

Golfing for Elephants

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Michelle Livingston, MBA

Founder & President

米歇尔·利文斯顿 创始人 总裁

Golfing for Elephants

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818-869-GOLF

kawakami3-Benigno

From: ElephantsNJ <elephantsnj@gmail.com>
Sent: Friday, March 28, 2014 3:22 AM
To: CPCtestimony
Subject: CPC 3-31-14 COMMENTS on HCR197/HR157, SUPPORT for HCR197/HR157

Dear Chair McKelvey,

I am the mother of two beautiful girls, age five. I am deeply concerned over the hunger in the United States for ivory and I have joined a People's Movement calling for the end of the ivory trade within the United States. The ivory trade is an unacceptable, bloody, and morally bankrupt trade that is causing the demise – the extinction – of the earth's magnificent elephants. We must rise above this. Ivory has no place in a modern, evolved society. The ivory trade is wrought with greed, corruption, selfishness and it is a source of great funding for terrorism.

Chair McKelvey, please, **I implore you to stand firm and strong for HCR197/HR157.** The fact that the opposition is so great from such a small percentage of people just furthers my conviction that we must, in good moral and human consciousness, outlaw this bloody, cruel trade, and send it to the history books forever! I guarantee that the number of parents in the great state of Hawaii and in the United States who want our children to grow up in a world with elephants far surpasses those who profit and benefit from such grotesque commerce.

To those who have made an investment out of ivory, they made a bad choice. Many people make bad investments from time-to-time and this is an unfortunate part of life. It is in no-way, however, a valid argument for the continued exploitation of elephants as a mere commodity to hurt for our petty greed. Elephants are a unique and sentient species, profoundly deserving of our greatest admiration and our greatest protection.

Hawaii has the chance to be real heroes, true champions, for our national security, for the earth, for the elephants, and for our children. **Please support HCR197/HR157** to finally END the Aloha's state contribution to this horrific trade.

Thank you greatly for your consideration.

Barbara A. Peterson

Director ElephantsNJ, proud partner of ElephantsDC

www.elephantsDC.org

Mom to Kate and Karly

Westwood, New Jersey

[201.722.2814](tel:2017222814) (h) [201.602.4311](tel:2016024311) (c)

kawakami3-Benigno

From: Stacy Davis <stcdvs6@gmail.com>
Sent: Friday, March 28, 2014 3:41 AM
To: CPCtestimony
Subject: CPC 3-31-14 COMMENTS on HCR197/HR157

Dear Lawmakers:

An unprecedented elephant poaching crisis is decimating elephant populations. African elephants could be extinct in less than two decades. All because of market appetite for ivory trinkets, such as earrings, bracelets, necklaces, statuettes. Cruel ivory trade breeds corruption, undermines the rule of law and threatens the economic livelihood of the local communities. Illegal ivory trade also challenges the regional security in Africa as militia and armed groups have engaged in poaching and used the proceeds from ivory to fund nefarious activities.

Hawaii is the third largest market for ivory in the U.S. Surveys found that close to 90% of ivory items for sale in Hawaii could be of illegal or unknown origins. Please support HCR197/HR157 to save the elephants and end the Aloha State's contribution to the illegal and blood ivory trade.

Thank you for your consideration.

Stacy Davis
Falls Church VA

kawakami3-Benigno

From: Debbie McFee <debbiemcfee@hotmail.com>
Sent: Friday, March 28, 2014 4:10 AM
To: CPCtestimony
Subject: HCR197/HR157

Dear Lawmakers:

An unprecedented elephant poaching crisis is decimating elephant populations. African elephants could be extinct in less than two decades due to market appetite for ivory trinkets, such as earrings, bracelets, necklaces, statuettes. The cruel ivory trade breeds corruption, undermines the rule of law and threatens the economic livelihood of the local communities. Illegal ivory trade also challenges the regional security in Africa as militia and armed groups have engaged in poaching and used the proceeds from ivory to fund illegal activities.

Hawaii is the third largest market for ivory in the U.S. Surveys found that close to 90% of ivory items for sale in Hawaii could be of illegal or unknown origins. Please support HCR197/HR157 to save the elephants and end the Aloha State's contribution to the illegal and blood ivory trade.

Our elephant friends need our help.
Thank you for your consideration.

Debra McFee
Hampton, VA

kawakami3-Benigno

From: humbalapa . <humalapa@gmail.com>
Sent: Friday, March 28, 2014 5:01 AM
To: CPCtestimony
Subject: HCR 197 / HR 157

Dear Chair McKelvey:

As a US citizen of African heritage, I am writing to you today with the utmost respect to BEG for your cooperation and urgent support in passing HCR 197 / HR 157. This is an action which MUST NOT be delayed or argued any further!

The ivory trade is an unacceptable, bloody, and morally bankrupt trade that is causing horrific suffering for, and the extinction of, the earth's magnificent elephants. Ivory trading, and the horror of poaching that supplies that ivory, has no place in a modern, evolved society. The ivory trade is wrought with greed, corruption, selfishness and is a growing source of funding for terrorism.

Chair McKelvey, please, I implore you to stand firm and strong for bill any and all actions that support the banning of ivory and ivory trading, including HCR 197 / HR 157. The fact that so much opposition is coming from such a small percentage of people just furthers my conviction that we must, in good moral and human consciousness, outlaw this bloody, cruel trade, and send it to the history books forever!

To those who have made an investment out of ivory, they made a bad choice. Many people make bad investments from time-to-time and this is an unfortunate part of life. It is in no way, however, a valid or even logical argument for the continued exploitation of elephants as a mere commodity. Elephants are unique and sentient creatures, and our growing knowledge of them as a species proves they are profoundly deserving of our greatest admiration and *our greatest protection*.

In 2013, more than 35,000 elephants were slaughtered..... 35,000!!! And 2014 rates already exceed that. Where will it end? Hawaii has the chance to be real heroes and set the example for the rest of our great country, to take action that aids our national security, to save the elephants from certain extinction.

Please support HCR 197 / HR 157 *and any other legislation* to finally END the Aloha's state contribution to this horrific trade. Every piece of ivory, no matter how small, came from a once living elephant that was killed to get that ivory. Every piece of ivory is blood ivory - as a nation, as a people, we cannot have this stain on our hands.

Thank you greatly for your consideration.

Mrs. Pamela Freeman

California

kawakami3-Benigno

From: stacy james <stacyeleven@gmail.com>
Sent: Friday, March 28, 2014 5:37 AM
To: CPCtestimony
Subject: HCR197/HR157

Follow Up Flag: Follow up
Flag Status: Flagged

"Dear Chair Ige:

An unprecedented elephant poaching crisis is decimating elephant populations. African elephants could be extinct in less than two decades. All because of market appetite for ivory trinkets, such as earrings, bracelets, necklaces, statuettes. Cruel ivory trade breeds corruption, undermines the rule of law and threatens the economic livelihood of the local communities. Illegal ivory trade also challenges the regional security in Africa as militia and armed groups have engaged in poaching and used the proceeds from ivory to fund nefarious activities.

Hawaii is the third largest market for ivory in the U.S. Surveys found that close to 90% of ivory items for sale in Hawaii could be of illegal or unknown origins. Please save the elephants and end the Aloha State's contribution to the illegal and blood ivory trade. Thank you for your consideration."

Please support: HCR197/HR157

Thank you,

Stacy James

Compassionate education is a graceful leap towards global peace.

kawakami3-Benigno

From: SEGway16@aol.com
Sent: Friday, March 28, 2014 10:33 AM
To: CPCtestimony
Subject: Comments on HCR197/HR157

Dear Chairperson McKelvey and Fellow Lawmakers:

Hi! I am a New York State resident who is dreaming of the vacation we are planning in your beautiful state! As a citizen very concerned that the iconic and smart, empathetic species of elephants will soon become extinct without immediate action by caring and thoughtful lawmakers like yourselves. I attended the January 16 hearing before the NY State Assembly where issues around ivory were so thoroughly and intelligently deliberated by our lawmakers that I stood in awe seeing government up close and working for the people so wonderfully. I am sure you are doing the same for your great state. I ask that you consider all of the children who want to learn that "E" is for "Elephant" instead of "Extinct" as you stand up to the ivory lobby groups and Ban Ivory for the good of the people of your state. We in New York are fighting the same fight and we are with you on this monumental issue.

An unprecedented elephant poaching crisis is decimating elephant populations. African elephants could be extinct in less than two decades. All because of market appetite for ivory trinkets, such as earrings, bracelets, necklaces, statuettes. Cruel ivory trade breeds corruption, undermines the rule of law and threatens the economic livelihood of the local communities. Illegal ivory trade also challenges the regional security in Africa as militia and armed groups have engaged in poaching and used the proceeds from ivory to fund nefarious activities.

As you know, Hawaii is the third largest market for ivory in the U.S. and surveys found that close to 90% of ivory items for sale in Hawaii could be of illegal or unknown origins. Please support HCR197/HR157 to save the elephants and end the Aloha State's contribution to the illegal and blood ivory trade. Thank you for your consideration.

Sharon Goldstein
Brookville, NY