

February 8th, 2022

Re: Support for SB 381, Wildlife Trafficking Prevention

Dear Chairman Pinsky and members of the Senate Education, Health, and Environmental Affairs committee,

The illegal wildlife trade is a multi-billion dollar global industry that affects millions of animals and communities around the world. Wild animals such as elephants and rhinos are killed in massive numbers and suffer from horrific cruelty as poachers brutally kill elephants and cut off their tusks, sometimes while the animal is still alive. Conservationists have called the shocking population decline of giraffes due to poaching a silent extinction. Criminal syndicates profit from trafficking of imperiled species products and undermine the rule of law. Market demand for wildlife products drives the killing of iconic animals and provides an incentive for wildlife trafficking.

SB 381 will stop the sale of parts and products of imperiled species within Maryland's borders and ensure that our residents do not contribute to the illegal wildlife trade. SB 381 aligns with national and international conservation measures, as local measures are a critical tool to close the gaps that international and federal authorities do not have the capacity to address. By approving SB 381, Maryland will join other jurisdictions such as the states of California, Hawaii, New Jersey, New York, Oregon, Washington, Nevada, New Hampshire, Illinois, Minnesota, New Mexico, and Vermont, in addition to Washington, DC, that have adopted laws to close their markets to products of imperiled species.

The United States market for illegal wildlife products is significant

The U.S. is a major contributor to the \$20 billion illegal wildlife trade worldwide that pushes many iconic animals to the brink of extinction while increasing global instability. The global community is taking action to combat this egregious trade, and as recently as June 2018, INTERPOL coordinated a global enforcement operation that resulted in the identification of 1,400 suspects and nearly 2,000 seizures of wildlife products in the U.S., Canada and dozens of other countries.¹

Wildlife trafficking has a significant impact on biodiversity worldwide

The International Union for Conservation of Nature (IUCN) estimates that, overall, wildlife is being exploited at unsustainable levels and this exploitation causes population declines—even when that estimate is adjusted for the effects of habitat loss and climate change.² Many species and species groups, including African elephants, rhinos, great apes, big cats, and pangolins, are directly threatened because of the illegal wildlife trade. Additional effects from the illegal wildlife trade include a loss of ecosystem

¹ <https://www.interpol.int/News-and-media/News/2018/N2018-058>

² UNEP (2016). Analysis of the environmental impacts of illegal trade in wildlife. Available at http://www.unep.org/about/sgb/Portals/50153/UNEA/FINAL_%20UNEA2_Inf%20doc%2028.pdf

functions that are provided by the affected species, the spread of disease, the spread of invasive species, and incidental impacts on non-target species.

Each year, as many as 15,000 elephants are killed in Africa to supply the demand for their ivory.³ A recent report⁴ found the population of savanna elephants has declined by 60%, and forest elephants by more than 86% since the 1970s, placing them a step or two away from extinction. Cheetahs have lost an estimated 91% of their historic habitat and fewer than 7,100 remain in the wild.⁵

Evidence shows that the U.S. is a significant destination market for giraffe specimens. Between 2006 and 2015, approximately 40,000 giraffe parts and products were imported into the US.⁶ All seven sea turtle species are threatened with extinction. African lion populations have declined by 43% since 1993 and are still declining.⁷ Many other species and species groups are directly threatened because of the illegal wildlife trade, and the killing of these animals by poachers is immensely cruel and threatens the economies of many nations dependent on wildlife tourism.

This situation is at a crisis point. We must enact an all-of-the-above approach to ensure the survival of these animals in the wild, and that requires that government entities, even those far removed from the places where these animals live, do whatever they can to ensure that the poaching and wildlife trafficking epidemics come to an end.

Federal law and regulations primarily focus on interstate commerce; the wildlife trafficking and poaching crises require action to disrupt *intrastate* sales of wildlife products

Allowing legal sales of endangered animal products, such as ivory, can exacerbate poaching problems, if illegal products are laundered into the legal market for these products.⁸ Thus, the legal market for these products provides a cover for illegal products to flourish because of the ease of mixing the two. Prohibiting the trade in these items here in Maryland will in fact help prevent poaching from occurring in countries far away. The market for these products is global and interconnected. Any demand for wildlife products, whether in Maryland or elsewhere, stimulates supply.

Federal laws and regulations primarily restrict the importation and interstate trade of products from endangered and threatened species, but generally do not regulate *intrastate* sales. For instance, regarding the “4(d)” rule to the Endangered Species Act concerning African elephants on strengthening federal ivory regulations, the U.S. Fish and Wildlife Service (“USFWS”) says that this rule “... does not reach sale or offer for sale or activities in the course of a commercial activity that occur solely within the

³ <https://www.sciencedaily.com/releases/2019/05/190528120331.htm>

⁴ <https://www.iucn.org/news/species/202103/african-elephant-species-now-endangered-and-critically-endangered-iucn-red-list>

⁵ Durant, Sarah M., et al. “The global decline of cheetah *Acinonyx jubatus* and what it means for conservation.” Proceedings of the National Academy of Sciences (2016): 201611122.

⁶ https://www.hsi.org/wp-content/uploads/assets/pdfs/giraffe_esa_petition_2017.pdf

⁷ Bauer, H., Packer, C., Funston, P.F., Henschel, P. & Nowell, K. 2016. *Panthera leo*. The IUCN Red List of Threatened Species 2016: e.T15951A107265605. <http://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T15951A107265605.en>

⁸ Fischer, C., 2004. The complex interactions of markets for endangered species products. *Journal of Environmental Economics and Management*, 48, 926-953; Fischer, C., 2010. Does Trade Help or Hinder the Conservation of Natural Resources? *Review of Environmental Economics and Policy*, 4(1), 103-121.

boundaries of a State.”⁹ Further, “Businesses would not be prohibited by the 4(d) rule from selling raw or worked ivory within the State in which they are located.”

The patchwork of federal laws and regulations creates the potential for loopholes that are exploited by those involved in the international and domestic ivory trade. In addition, federal implementation and enforcement are limited due to insufficient resources. State and local measures are critical to complement federal laws and regulations. Former USFWS Director Dan Ashe has said on this topic, “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 action within their own borders.”¹⁰

Various investigations conducted in Hawaii,¹¹ California,¹² Oregon,¹³ Maryland,¹⁴ and Massachusetts¹⁵ have found many items for sale made of elephant ivory that did not appear to be antique. Most of the stores or sellers that investigators visited across the state in Maryland in 2017 did not have the documentation to prove the legality or origin of their items – making it impossible to know if the products were imported in violation of federal law. Other sellers seemed to deliberately confuse or mislead investigators.

State and local laws prohibiting the trade in elephant ivory and rhino horn are essential as a backstop against any potential rollbacks at the federal level.

Maryland should take action now

As jurisdictions take action to combat the wildlife trafficking problem within their own borders, the markets for these products inevitably move to other areas with weaker laws and regulations. 12 states and Washington DC have taken action on this issue by passing legislation to ban the sale of elephant ivory and rhino horn within their borders, and many of those state laws include a more comprehensive list of species. As Washington DC’s ivory law just went into effect, the ivory trade can easily shift to Maryland where there are no such laws in place.

Individuals will still be able to possess, and under some exemptions, sell these items

SB 381 proposes to prohibit the purchase, sale, offer for sale, or possession with intent to sell any part or product of the covered animal species with reasonable, narrow exemptions. The eleven types of covered animals are elephant, rhinoceros, tiger, lion, leopard, cheetah, jaguar, sea turtle, pangolin, hippo, giraffe, and great ape species. The extinct mammoth is also covered because it takes very little effort to

⁹ <http://www.fws.gov/policy/library/2015/2015-18487.pdf>

¹⁰ <http://news.nationalgeographic.com/2015/04/150407-ivory-trade-vermont-usfws-victor-gordon-cities-nra/>

¹¹ http://www.humanesociety.org/news/press_releases/2016/03/hawaii-ivory-undercover-investigation-030316.html

¹² https://www.nrdc.org/sites/default/files/wil_15010601a.pdf

¹³ http://www.humanesociety.org/news/press_releases/2016/10/oregon-endangered-animal-products-101116.html

¹⁴ http://www.humanesociety.org/news/press_releases/2017/02/investigation-finds-products-020817.html;

¹⁵ http://www.humanesociety.org/news/press_releases/2017/10/investigation-raises-concerns-100217.html

pass elephant ivory off as mammoth, and as a result, elephant ivory has been found for sale under the guise of legal mammoth ivory.¹⁶

Owners of legal items can continue to possess the items, convey them to beneficiaries, or transfer them, as long as no commercial transactions are involved. Exemptions apply for some items, such as qualifying antiques and musical instruments. Zoos accredited by the Association of Zoos Aquariums will not be prevented from transferring live animals, nor their bodily fluids or hair, to other AZA facilities under this legislation per their usual business, as this bill pertains to the commercial trade of parts and products of imperiled species.

Thank you for your time and consideration of this important matter. We urge you to support SB 381 to protect wild animals from cruel poaching, wildlife trafficking, and the threat of extinction.

Sincerely,

Jennifer Bevan-Dangel
Maryland State Director
The Humane Society of the United States
jbevandangel@humanesociety.org

¹⁶ <http://www.planetexperts.com/sale-of-mammoth-ivory-may-contribute-to-elephant-poaching-experts-say/>