



March 6, 2015

Members of the Assembly Committee on Water, Parks and Wildlife  
1020 N. Street  
Room 160  
Sacramento, California 95814

**RE: AB 96 - Importation or Sale of Ivory and Rhinoceros Horn**

**Position: Oppose**

Dear Members of the Assembly Committee on Water, Parks and Wildlife:

I write today to express our organization's opposition to Assembly Bill 96 (AB 96), legislation that would prohibit individuals from purchasing, selling, offering for sale, possessing with intent to sell, or importing with intent to sell currently legal products derived from ivory or rhinoceros horn.

As a matter of principle, our organization recognizes the negative impacts that the frivolous taking of wildlife and commercial hunting had on public trust resources, particularly during the latter half of the 19<sup>th</sup> Century and into the early 1900s. Consequently, we support the role that hunters and anglers have historically taken to pass laws that govern access to fish and wildlife and which largely eliminated markets and commercial traffic in killed animal parts to ensure the sustainability of wildlife populations. We also recognize the challenges associated with developing policies that regulate the taking and trade of wildlife across multiple administrative and regulatory jurisdictions, particularly in the context of international trade and commerce.

While we support efforts to eliminate poaching and curb the trade of illegally and unethically acquired animal parts such as ivory and rhinoceros horn, we do not believe that the statutory changes outlined in AB 96 would achieve this laudable goal.

Instead, AB 96 would place an undue burden on law abiding citizens that have legally acquired ivory products over the course of time. The vast majority of individuals currently in possession of ivory products include antique enthusiasts, hunters, firearm collectors and musicians that have

acquired historically significant products over decades through the purchase of these goods, by trading for them or through inheritance. Many of these items have been legally acquired in good faith or handed down to current owners through informal transactions with nothing resembling a paper trail to document a change of possession.

Although the exemptions outlined in AB 96 would allow individuals to sell or trade certain ivory products that are over 100 years old and where ivory represents less than five percent of an antique, existing owners would be required to provide documentation certifying the age of the ivory included in a transaction to remain in compliance with the law. As with many collectible items of that age, documents certifying a chain of possession over the course of a century are incredibly rare and unlikely to exist in most cases. Consequently, the value of items owned without this documentation would be diminished significantly overnight as a result of codifying this legislation into statute. Furthermore, individuals currently wishing to obtain fair compensation for these products could face civil penalties up to \$10,000, simply for attempting to sell their property at a rate determined by the open market.

With respect to firearms, the arbitrary five percent threshold for bona fide antiques is also particularly disconcerting. Many firearms are constructed using a wide variety of materials and feature complex mechanical components that are often removable. There is no existing standard used to determine whether the sum of these removable components should be considered a firearm or whether they should be considered separate pieces. Additionally, there is no standard used to calculate the volume of individual components as percentage of a firearm. The exemption included in AB 96 is vague and placing the onus of determining the volume of ivory content on antique firearm owners is both impractical and subjective.

AB 96 would repeal the existing prohibition on selling, trading and possessing with the intent to sell ivory products imported prior to January 1, 1977. Taking this step would do nothing to combat the existing illegal trade in animal parts, but it would diminish the value of products that were legally acquired in good faith.

For this reason, we urge the Committee to reject AB 96.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Treharne', with a long horizontal stroke extending to the right.

Andy Treharne  
Western States Director  
Congressional Sportsmen's Foundation