

**Statement on Vermont H.297**  
**Laurel Neme, PhD, author of *Animal Investigators***  
**and Patrick Bosco, FWS Special Agent (retired)**  
**April 8, 2015**

I'm Laurel Neme. I'm the author of *ANIMAL INVESTIGATORS*, which follows true wildlife trafficking cases from beginning to end, and also a regular contributor to *National Geographic*. For about a decade before that, I worked for both the US Treasury Department and US Agency for International Development, where I observed firsthand how economics impact African wildlife in Africa.

My colleague, Pat Bosco, was a Special Agent with the US Fish and Wildlife Service (FWS) for over 27 years, with the last 12 based in Vermont, until his mandatory retirement last July. (All federal law enforcement officers are required to retire at age 57.) Before that, he served as a Wildlife Inspector for almost 4 years.

We strongly urge the Committee to pass H.297 to ban the trafficking of ivory and rhino horn in Vermont.

While we won't witness an elephant ambling in the foothills of the Green Mountains, we are connected to these animals through our actions, and this bill is an excellent example of how our state can contribute to the survival of these threatened species.

Currently, domestic commerce of African elephant ivory in the United States is governed by the "use after import" regulations (50 CFR 23.55), which implement the Convention on International Trade in Endangered Species (CITES).

These regulations prohibit commercial intrastate and interstate sales, unless the seller demonstrates that the ivory was imported before 1990 (the date the African elephant was listed in CITES Appendix I) or has a special CITES certificate that shows the ivory in the item was taken from the wild prior to the African elephant's first CITES listing, which was February 26, 1976.

While the federal government has proposed tightening these rules to make it more difficult for smuggled ivory to be passed off as legal once it's in the country, this revision is facing a severe political backlash, particularly from antique dealers and the gun lobby.

Yet experience both here in the United States and elsewhere shows loopholes in the law provide cover for ivory and rhino horn to be "laundered" through legal markets.

There are many examples of multi-year, multi-state investigations by the US Fish and Wildlife Service that uncovered how antique dealers circumvent regulations to smuggle ivory and rhino horn.

Victor Gordon, a Philadelphia art store owner, smuggled over 1 ton of African elephant ivory. He accomplished this by ordering that the items be stained to make them look old and also that receipts were falsified to make the ivory appear older than it was. In another case, Zhifei Li masterminded a network of three US antique dealers, who in turn used other antiques dealers, auction houses and galleries, to smuggle \$4.6 million worth of ivory carvings and rhino horn to China.

I could go on, but the point is that exemptions and lack of clarity in the law make it easy for smugglers and difficult for law enforcement.

New York is a large market for ivory. While New York and New Jersey both passed similar legislation, Vermont also needs to close its doors so that smugglers don't use our state for their paperwork.

There's another reason this bill is important. By closing legal loopholes, you also create awareness and help reduce demand.

The more ivory items circulate, the more interest it generates. A woman wearing an ivory bangle might not realize that she's a walking advertisement for ivory. Her friend sees it and thinks, ooh, that's pretty. I want one. It increases demand.

While one antique store selling to a tourist may not be doing anything directly to help militias or terrorists kill elephants, it perpetuates the market. And if there's enough of a market, then there's a need for more ivory. The problem is that somewhere the poached ivory gets back into the system under the guise that it was always here. And the outlet is often through traditional works of art, jewelry, and antiques.

It all still plays a part. There is a connection if you follow every transaction back to its roots. Plus, if you deal with illicit rhino horn or ivory, who knows what else they might be dealing with. It's a typical criminal-type enterprise.

Vermont's action on this issue can send a powerful message elsewhere.

Currently, over 20 states are considering taking some action to ban sales of elephant ivory and rhino horn. Two have passed legislation, and 6 deferred action because of opposition by organized groups.

Vermont can show other states how action on this issue matters.

While everyone points a finger at China as the largest ivory consumer, the United States is arguably the second largest market. It's hypocritical for us to ask China to ban their domestic sales of ivory when we don't have our own house in order.

The fact that state action is coming from the grassroots is also important. While vested business and political interests often tie up action at the international and federal level, concern by states can help move the process forward.

Look at the people in this room and you see that regular people from many walks of life want to protect elephants and rhinos.

That heartens rangers in Africa who risk their lives to fight poaching.

And it heartens those in China working for their own ban on domestic trade.

The fact that states are pushing for domestic ivory bans shows a groundswell of public opinion.

When some of the poorest countries like Kenya, Gabon, Chad, Ethiopia and Malawi are burning their stockpiles of confiscated ivory in order to stop poaching by ensuring illicit ivory can't get into legal markets and reducing the value of the product, state action becomes that much more important to reinforce and support their efforts.

But action by Vermont is far more than symbolic. It will also have a direct impact on enforcement here in this country.

Importantly, it will give state officers the ability to investigate the trade where the commercialization is intrastate in nature and may be outside of federal regulations.

In the United States, which again is one of the world's largest markets for illegal wildlife products, there are roughly 120 wildlife inspectors stationed at our major points of entry. But their job is not only to detect illegal wildlife and products smuggled in cargo and personal baggage, which is a lot, but also to clear the roughly 186,000 legitimate wildlife shipments, worth \$4 billion, that enter and leave the country each year.

There are also about 200 federal wildlife special agents who investigate wildlife crimes. As I mentioned, my colleague, Pat Bosco, who jointly wrote this statement, was a Special Agent for over 27 years and a Wildlife Inspector for 4 years.

Compare that number to the more than 13,500 Federal Bureau of Investigation special agents and more than 5,000 Drug Enforcement Administration special agents, and you see wildlife crimes are low priority.

Now look at what they're up against.

Illegal wildlife trafficking worldwide is worth \$10-20 billion annually. It ranks right behind drugs, counterfeiting, human trafficking and oil smuggling as the fifth most lucrative criminal trade in the world, ahead of arms smuggling. Ounce for ounce,

illicit products such as rhino horn are worth more than gold, diamonds, cocaine or other drugs.

To quote the executive director of the UN Office on Drugs and Crime, this is “an economic crime often perpetrated by criminal syndicates operating in the most remote regions of our globalised world, exploiting local people and lax laws or enforcement for personal gain.”

Criminals are attracted to wildlife crime because it hits the trifecta of low risk, weak penalties and high profits. The vast size of most wilderness areas and the limited number of enforcement officers virtually guarantee them free access. Even when arrested and convicted, violations often result in minimal consequences. By comparison, profits can be astronomical. The high payoffs and low risks attract a wide variety of criminals, from petty lawbreakers to organized criminal networks, militias and terrorists.

Let me give you a recent example from Togo, where authorities intercepted containers bound for Vietnam. One was declared to be cashew nuts but an x-ray showed timber and ivory. Agents seized 4.2 tons of ivory, which is equal to about 380 or more elephants.

These massive illegal shipments are non-trivial undertakings that require substantial up-front investments to finance the poaching of the animals and the processing and marketing of the illegal goods, and significant organizational capacity to conceal and move the products thousands of miles across multiple borders.

Now compare that to our 200 FWS special agents and 120 wildlife inspectors.

Federal officers are often overwhelmed. They can't get to some of the smaller cases. And they can't always pick up well-hidden operations. If state officers get to look into ivory and rhino horn, that's a big help to prohibit the trade.

In addition, when state officers are able to investigate it at the state level, that can possibly lead to larger cases, which could be worked jointly with FWS or passed on depending on the circumstances to the FWS. Many other major priority federal wildlife investigations began when state and local officers uncovered or discovered evidence during their work which has led to larger commercially organized and/or interstate/international investigations in nature. With approximately 5,800 state fish and game wardens in this country, that's a big expansion of eyes and ears on the ground. Plus, if someone is caught, it helps educate others about the issue.

It's a win-win all the way around. By banning the sale of all rhino horn and elephant ivory and their products, Vermont can demonstrate that citizens stand with these threatened species, and set a critical example for other states and countries.