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Sent: Tuesday, June 9, 2020 11:19 AM

Subject: [External] REBUTTAL WITH FACTS TO D. MERRILL JUNE 5 LETTER. PASS H.99!

Dear Legislators,

You may have received a letter from Duane Merrill. The inaccuracies are abhorrent. Please see point by point facts to his false statements that completely ignore the entire reason we are doing this- to protect the last animals on the planet from extinction and to save the thousands of rangers who risk their lives daily--- and to honor the 1,000 rangers who have already died trying to protect the animals in the bloody trade that Mr. Merrill profits from (albeit a tiny profit and minuscule percentage of his business). Make no mistake, this is about greed and money vs. light and justice. I make not one penny and have not made one penny for 8 years now pushing for Vermont to do the right thing--- not a cent and thousands and thousands and thousands of hours of fact-based, scientific research from experts all around the globe. Mr. Merrill is fully unimpressed with the OBLIGATION we have to stop the buying and selling. It is a proven fact the the legal trade perpetuates the slaughter and when markets are shut down, trade in those places dries up and-- as history has shown-- the animals and people who depend on them for a vibrant tourism industry-- have a chance.

1. He states that the bill will not protect genuine antiques and historical objects? What? From what? These items will not be destroyed in any way. What does he mean 'safe'? No one is confiscating them, no one is destroying them. The statement makes no sense. All objects will remain safe.
2. Read the testimony submitted to Vermont from Sen. Raymond Lesniak (NJ) who was the first along with his Gov. Chris Christie to sign an ivory trade ban into law-- the first-- and with ZERO exemptions. The result? No black market, not one case of litigation, just a stop to the trade-- and now on websites selling ivory it says, "WILL NOT SELL IN NJ (and other states)"-- Vermonters demand that Vermont finally be included on those statements, as well.
3. He calls H.99 the most extreme radical law? Hardly--- look at NJ or NY and others-- extremely strong laws-- much stronger than VT. What H.99 has now as written including the changes made in the House Committee after careful deliberation includes sweeping exemptions for antiques, firearms, knives, and all musical instruments-- PLUS with an 18 month delayed enactment period-- the longest in the nation. We have bent over backwards with concessions and exemptions and as the bill is right now, it is far weaker than many other state laws, but will still be effective. We have struck the right balance and must join the now 11 states plus most recently DC and applaud their right and just actions. Vermont must be the 12th. We wanted to be the 3rd. And we are not going away.
4. EVERYONE and EVERY BUSINESS has been affected by the pandemic-- which was caused by an animal in the wild life trade being a zoonotic disease which is scientifically proven. ALL businesses are suffering right now. As for the amount of ivory at these all-important shows he mentions, it is miniscule. For him to say that not being able to sell ivory, rhino horn, and giraffe hide will devastate the businesses is preposterous.
5. Again, exhaustive research by my team and our partner organizations shows practically no ivory in many of his auctions and in antique stores around the state-- meaning a negligible effect on antique business in Vermont. Please call John Martin of Martin's Coin and Jewelry in South Burlington who HAS ivory and has voluntarily decided never to sell it because he does not want to profit from the bloody trade. He has stood with this push from day 1. Or contact me to read testimony from other antique stores around the nation who have proudly stepped up in FULL support of these bans. Again, this is right vs. wrong. Justice vs. greed. We KNOW now. The ivory that I own from my grandmother was from a time when no one knew how bad it would get--- how we were wiping these animals off the planet with dire consequences at countless levels. We know now, so, yes, with knowledge comes the need for CHANGE. That is called evolution, enlightenment, awareness.
6. You can count my home as one of the homes that has ivory--- great--- I can keep it, give it to my child, cherish it, love it. This bill is simply saying by putting a dollar value on it and continuing the trade, I am complicit in the current slaughter, which I would be-- and make no mistake this is CURRENT slaughter-- for a trade that is happening freely wherever imperiled wildlife parts are bought and sold-- including Merrill Auctions. It MUST stop. 100,000 elephants were killed in a three year period 2010-2012. Pick any one of the 14 species on our list and google it--- every story is

dire-- that is why ELEVEN states have acted. And this: <https://www.theguardian.com/world/2020/jun/02/six-elephants-killed-in-one-day-by-poachers-in-ethiopia>. And the idea of old ivory vs. new ivory is also irrelevant. Ivory is ivory. Old ivory stimulates demand for new ivory. And new ivory has time and again been shown to "be aged" to look old. You can't say that elephant died 100 years ago so it doesn't matter-- because the second I buy/sell that "old" ivory piece, it stimulates demand for new ivory and new ivory only comes from one place.

7. He states that weight limits are arbitrary and unreasonable? The weight limits are completely reasonable, sound, and were determined by experts at the federal level to try to find a compromise with opponents--- again NJ has ZERO exemptions. The 200 gram figure is the weight of a set of ivory inlay on a piano-- thereby the 200 gram limit makes all pianos exempt--- and thereby all other musical instruments exempt as a piano is known to have vastly more ivory than other instruments-- thus as written now in H.99 ALL musical instruments would be exempt.
8. Of course, H.99 has exemptions as stated below. Contrary to Mr. Merrill's statements, of course these places in Vermont would be able to continue trade for educational or scientific use--- which is reasonable.

1. 5504. EDUCATIONAL OR SCIENTIFIC USE

2. 2 The Secretary may permit, under terms and conditions as the Secretary may
3. 3 require, the purchase, sale, offer for sale, or possession with intent to sell of
4. 4 any covered animal part or product for educational or scientific purposes by a
5. 5 bona fide educational or scientific institution unless the activity is prohibited
6. 6 by federal law, and provided that the covered animal part or product was
7. 7 legally acquired.

9. After all of the compromises and exemptions and the longest delayed enactment period of any state-- again, **18 months**-- the bill in its current state, after careful and thoughtful deliberation in the House Committee, has done all it can to meet the opposition while still being effective. ANY further weakening, and the bill runs the risk of becoming the weakest law in the nation-- and this defeats the entire purpose of Vermont's action. We must stand in a similar stance to other states in order for the bill to work. For Mr. Merrill to demand we toss the weight limit is preposterous and would render the bill useless. Huge full ivory tusks and statues being free and clear would indicate a bill that did absolutely nothing-- and worse, would potentially set the bar to an all new low for other states to copy. His demands are beyond unreasonable and, again, would render the entire bill useless. We have compromised tremendously and any given legislation is bound to have two sides--- we have bent toward his as far as we can and cannot bend further. When you look at what is at stake for this planet, we **MUST TAKE ACTION.**

10. His last line is most repugnant of all for two reasons--- he calls the time now, during a pandemic, the wrong time to act. First, again, COVID-19 is a zoonotic disease. I will send a separate email that details the obligation we HAVE to act NOW because of that. Second, he calls passing the law 'cruel'? I have tried

to spare you the most gruesome images and videos I have amassed over the last 8 years that I have received directly from primary sources, but I am compelled to show you what is cruel. The fact that he would use that word-- for the passing of a bill for Vermont to finally join the 11 other states in doing then right thing- is atrocious.

This is what is cruel: the death of over 1,000 rangers, the death of Roger Gower, a British pilot on an anti-poaching mission when poachers shot directly up through his helicopter killing him, an orphaned baby rhino or elephant dying of dehydration next to his dead mother, the gentle pangolin, the most highly trafficked mammal in the world, being slaughtered for its scales that have no proven medicinal efficacy, 100 million sharks killed every year for soup, dart guns to render an animal immobile and paralyzed while it is hacked to death fully alive and aware. Tigers, lions, death, destruction, greed. **THAT is what is cruel.** How incredibly appalling that he would use that word. **THIS** is what is cruel (a photo I received in my inbox recently during the pandemic from a friend in Africa with the subject line stating an uptick in poaching because of the pandemic):



Please contact me if you have any questions. Your constituents are counting on you and will be following this carefully. Please pass H.99 as it is currently written. Last, a quote from Peter Hetz, a resident of Charlotte, Vermont who lives most of his time in Africa and who has devoted his life to stopping the bloody trade in imperiled wildlife, after reading Mr. Merrill's letter:

"Selfish interests should never trump the public good and what's best for our diminishing wildlife."

Ashley P. McAvey