

**Testimony from Ashley Prout McAvey, Citizen**  
**House Committee on Natural Resources, Fish, and Wildlife**  
**(Room 47)**  
**March 22, 2019 9:15am**

Good morning, Representatives. Thank you for this hearing and for giving the children of Vermont your time and consideration of their strong and powerful requests. They have been raising their voices for many years now. H.99 will ban the sales of animal products from 14 of the world's most majestic and massively vulnerable species. This all rests in your hands.

My name is Ashley McAvey and I am the founder of the all-volunteer IvoryFreeVermont which is now called VermontForWildlife. I nor any in my team has ever received a penny through our years of fact- and science-driven volunteering activism. I first traveled to Africa when I was 16 and as amazed as I was by the beauty of the wildlife and the incredible people I met, I was equally horrified by the reasons behind the orphaned rhinos I bottle fed and the words from rangers of the literal war on wildlife— and the war on the people protecting them along with the devastating effects this had on entire communities. I studied this crisis in college and graduate school and truly just hoped the world would figure it out.

The world hasn't figured it out and in 2012 this National Geographic was the catalyst for my activism in Vermont. While I always thought the crisis was for other countries to deal with, I learned otherwise through this story and the subsequent National Geographic film the Battle for the Elephants (which I have shared a copy for you to watch). I brought a screening of the film to UVM along with the film's director and a brilliant group of world-renowned panelists including Dr. Laurel Neme who is here today and I learned that the US was 2nd to China in its ivory consumption. Learning that, it became clear that we have more power- and in fact obligation— than we think. And 7 years later, and thousands of hours of research, investigation, and grass roots activism including that of countless concerned Vermonters of all ages have led me here today with you.

The gravity and depravity of the situation cannot be overestimated. It is not pretty, but you must hear this reality:

-Envision the rangers who are shot dead protecting their nation's prized animals. I wish you could see the tears in the family members' and fellow rangers' eyes as I have and you could understand the massive toll this has on entire families as the rangers are usually the

sole income earner for a family. These are heroes and more than 1,000 rangers have been murdered in the last 10 years alone— while we either in our ignorance or callousness continue to buy and sell ivory. Chelsea Clinton intelligently calls this a women's right crisis given that women who can't sell their crafts to tourists (who won't go where there is no more wildlife) can no longer send their children to school.

-Please consider the horrific nature of this war on animals. Elephants and rhinos are darted silently to avoid the sounds of gun fire. This way, they are paralyzed but are fully conscious and aware as chainsaws hack into their skulls. These are highly intelligent and sophisticated social beings— imagine the physical pain and the emotional agony experienced among family members. Consider the poisoned watermelons that are also used so that when the elephant eats it and dies, entire ecosystems are killed when animals then feed on the poisoned carcass. And the effect this poisoned ecosystem has on the people who live there. Consider the sharks that are caught live while their fins are hacked off and then tossed back into the water to die a slow, torturous death— my 8 year old son thinks of this and wrote this report recently. When he was in kindergarten he informed his fellow students that we kill 100 million sharks a year. Over 60% of all shark species are being decimated. Tigers are being slaughtered for traditional “medicine” without any scientific evidence that it works. There are 3,200 left in the wild when just a century ago there were more than 100,000. The giraffe population has plummeted 80% since 2005. And why? Please see the giraffe bone gun handle in your packet. And do a simple search for giraffe products— you can buy giraffe products at over 52 locations in the US; this truly is the silent extinction. All of these animal parts right now are free and clear for us to buy and sell in Vermont despite the scientific evidence that doing so is causing massive devastation.

-I wish you could see the stories of rhinos whose horns are sawed off by rangers and veterinarians in an effort to save them from poaching, only to have those same rhinos bludgeoned weeks later so that poachers can attempt to dig out the tiny remaining bits of horn, all because a pound of their horn—made up of a substance no different than human fingernails and hair—is worth more than a pound of gold or cocaine— and right now, in Vermont, I can legally buy and sell rhino horn.

-I wonder if the antique dealers, gun owners, and chess owners in Vermont would be able to be in a room with the parents of Roger Gower (please see his photo in your packet) and tell them that their right to buy and sell their ivory is worth more than their son's life. Roger Gower was a 37 year old British pilot tracking poachers in Tanzania in 2016 when his plane was shot down by poachers at the Maswa Game Reserve. A bullet from an AK-47 went up through the bottom of his helicopter, through his seat, and through his body, killing him.

It is easy for people to say, my ivory has nothing to do with that ivory. But make no mistake, the same ivory on the elephants that Roger Gower was trying to protect is equal to any ivory that is bought and sold today, in this state.

And this is why:

I have this piece of ivory from my grandmother. It's 28 grams of pure ivory. This ivory sitting here on this table in this Committee room of course has nothing to do with Roger Gower's death. BUT the second I sell it or someone buys it, it has everything to do with his death. Why? Because ivory in itself is not the killer— that only happens when we buy and sell it. When I sell this to an Antique shop in Williston or Barre or any of the dealers you will be hearing from, then suddenly this little chunk of ivory has value, no matter how old it is. It has value the day I sell it. And right next to value is demand and demand for ivory and any of these wildlife parts is met only one way— through continued slaughter of both humans and animals. And unless you take a stand, these animals will be wiped off our planet not only in our life time, but soon in our lifetime— and with absolute no chance for the kids in this room to see these animals in the wild they are asking you to protect from the trade that is decimating them. Every day that Vermont doesn't take action, we walk ever closer to those extinctions.

Last year, on March 19, the world lost its last male Northern White Rhino, a 45 year old rhino named Sudan. We desperately wanted Vermont to be the third state to take a stand three years ago. Since that time, the planet now has no more male Northern White Rhinos and we stand before you three years later asking you the exact same thing we did then, only now, we will be the 10th state instead of the 3rd and now, there are no more male Northern White Rhinos on the planet. We are tired but we will not go away and we live in a State that does the right thing. But will we be the 48th state? The 50th? How many more species will be gone at that point?

The facts are irrefutable and in short I will say this:

- H.99 is about stopping illegal wildlife trafficking (a \$20 billion/year crisis), for when looking at these species, science has proven that the legal market serves as cover for the illegal one.
- While parts of the Endangered Species Act are being threatened on the federal level, we here on the State level have an obligation to act. Federal laws restrict import, export, and interstate trade, but NOT trade that happens within a state. That is why states need to act— to restrict intrastate trade, the trade that happens within each state. And nine states brilliantly realized this and have

already done so and they include: New Jersey, New York, California, Washington, Hawaii, Oregon, Nevada, our neighbor New Hampshire, and Illinois.

- Federal laws also have broad exemptions and loopholes and some don't even cover many highly endangered species. And in the case of ivory, for example, it is estimated that only 10% is caught at the national border, meaning 90% seeps into the country and winds up free and clear on the state level.
- The reasons for state action also include the very real issue of global security (the ivory trade of today feeds crime syndicates and armed militias such as al-Shabaab, Janjaweed, Boko Haram, the Lord's Resistance Army, and others— please see the matrix I have included in my testimony and which was also sent to you separately by the Founder of Tusk Task Force).
- Shutting down legal trade works. History has proven so. In 1989, the global ban on ivory trade led to a diminished carving industry in China and a decrease in demand for tusks. (Elephant populations rebounded to the point that one-off sales were allowed which proved to be a disastrous decision, leading to the one-off sales of 1999 to Japan and 2008 to Japan and China which completely reignited the crisis and demand to the epic catastrophe of today.) Another example, China, the largest market for ivory, banned ivory sales beginning in December 31, 2017. So what has happened there since that ban? A new report has unveiled that the price of raw ivory is plummeting there. Researchers at [Save the Elephants found](#) that the wholesale price in early 2014 was \$2,100 per kilogram where as now that same kilo has dropped to \$730. While China's news is good, however, in no way does it exonerate us for what we still need to finish here. On the contrary, the stakes now could not be higher for our nation's next move. It has been proven time and again that when one jurisdiction closes its markets, trade may flourish in places where it is still open.

To our opposition who is already trying to weaken our bill, I would remind them that unlike H.297 of three years ago that was introduced with zero exemptions, H.99 is introduced with *reasonable* exemptions for musical instruments and antiques. These exemptions are in line with the other states' exemptions, aside from NJ, which bodily has zero exemptions. We are making concessions with the reasonable exemptions as listed but if you try to please everyone as I truly believe was the case last time, then the animals will lose and the kids of Vermont will lose and all of our efforts will be lost, yet again. Should this bill get further weakened, it would mean that Vermont would be responsible for setting the bar to an all new low— potentially doing more harm than good and I know that Vermont does not want that legacy.

To opponents who are afraid of losing their right to sell their ivory, we would be willing to grant a very generous delayed enactment—perhaps the longest in the nation. This will grant owners a lengthy period of time to legally sell anything. Also, we know that Federal Courts have ruled that the commercial value is not the sole value an item possesses and therefore eliminating an item's commercial value does NOT constitute a taking (*Andrus v. Allard*).

In closing, Sen. Raymond Lesniak, the NJ State Senator champion of their complete ban, testified before the Vermont Senate Committee three years ago. He recently emailed me that he wants to do so again whenever you are able to hear him. He wants to see Vermont do the right thing. Until then, a quote from him a year after New Jersey's total ban:

*“New Jersey’s comprehensive ban on ivory and rhino horns, which only allows currently owned ivory and rhino horns to be transferred through estates or to museums, has been in effect for nearly a year without a hitch and has given a huge boost to the worldwide effort to save elephants and rhinos from extinction.”*

Please pass H.99 out of Committee. Let the House have a vote this spring and let the kids of Vermont be heard— before one more day goes by and one more species vanishes from this planet, forever, with impacts far greater than any of us may begin to realize. Thank you.