

Sent: Friday, September 18, 2020 9:28 AM

Subject: [External] Fw: PLEASE PASS H. 99 without any further weakening amendment. Any weaker, it is no longer effective. Point by point responses to the two who spoke in opposition of H.99.

Dear Alison and Michael,

We have watched every detail of your discussion on H.99 and remain deeply grateful for your support and awareness of how much is at stake--- and that there comes a point when you have heard all the arguments and need to draw a line to make a decision.

As you will see, below, Brennan and Brock have similar reservations and, below, after hearing every second of yesterday's lengthy House Testimony, I wanted to be sure I shared my teams's rebuttal with you as some of the arguments Brennan is making are similar to what you have heard-- and desperately needed to be corrected.

Also, I'd like to add this, from Iris Ho, lead ivory expert at the Humane Society International and someone who has devoted her *life* to understanding the crisis:

With regard to colonialism, I'd be happy to refresh the opponents' history lessons. Ivory trade and trophy hunting were developed DURING the height of European colonialism in Africa. Before the Europeans arrived in Africa, there was NO massive killing of elephants for their ivory nor was there killing wild animals for trophies. In fact, the ivory trade is built LITERALLY on the back of African slaves. Many of them were enslaved to manually carry the elephant tusks and walked thousands of miles to unload the tusks for their European colonizers onto ships bound for Europe, UK and the US. Upon arrival, many of these slaves carried the tusks off the ships before the tusks were processed in Connecticut and elsewhere in the U.S. If anything, elephant ivory products are remnants of western colonialism and slavery.

Marc, I am grateful if you can please include my email, below, and the quote from Iris in the additional Senate Committee materials you have requested. Thank you so much.

Thank you, again, to all of you,
Ashley

Ashley Prout McAvey MEM (Master of Environmental Management)
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Sent: Friday, September 18, 2020 1:14 AM

Subject: PLEASE PASS H. 99 without any further weakening amendment. Any weaker, it is no longer effective. Point by point responses to the two who spoke in opposition of H.99.

Thank you most sincerely for your time and care and consideration of H.99, a critically important piece of legislation for Vermont, and special devoted thanks to the champions who spoke so eloquently and intelligently in favor of its passage *without any further weakening*.

I have attached a fact sheet for greater detail for any further questions, debate, or to answer why Vermont and why now? I also can be reached at 802-598-9428 any time for any questions.

In response to today's discussion, I am grateful for the opportunity to correct several blatantly erroneous assertions by the two who spoke out in opposition.

It is my hope, and that of thousands of Vermonters who have testified for this legislation beginning 8 years ago, including scientists, professors, and authors, Vermont kids of all ages, as well as people around the world including Africans on the ground in Africa (yes, we have received incredibly important testimony from Africans including Dr. Paula Kahumbu, the CEO of WildlifeDirect in Nairobi and a personal friend), that this information will swiftly defeat any amendment proffered by Rep. Brennan and will debunk a highly offensive and hugely mistaken accusation by Rep. Rogers that the state efforts across this nation are neo-colonialist-- they are precisely the *opposite* of that.

1. H.99 is the opposite of neo-colonialism. Our efforts are trying to fix the devastating greed, corruption, and slaughter that came *from outside Africa* that have destroyed so much for so long. People, villagers, rangers (see photos below), women who sell their crafts to tourists who are there to see wildlife-- these people are demanding that we act. We have the obligation to act as it is our actions here in this country, as Rep. Dolan rightfully pointed out the number one importer of wildlife parts and products, to recognize that what we allow here has huge ramifications thousands of miles away. It is preposterous to accuse proponents of taking advantage of "privilege" to set things right--- it is in fact morally abhorrent not to. We have an obligation to stop a trade here that Americans are profiting from which leaves devastation far away in its wake. We have shared these first-hand testimonies with legislators. Two of the most compelling quotes include the following:

"The only way to save elephants is to kill the demand for ivory. We must ban all buyers and traders in every country permanently if we are to save this magnificent species. State bans in the United States are critical to ending demand in the USA and to accelerating global awareness about the problem" - Dr. Paula Kahumbu

"Ivory buyers may not be directly killing elephants, but by not buying ivory, they

can directly stop the killing of elephants. State by state bans are a critical means of crushing demand and saving elephants." - *Richard Leakey, Kenyan palaeoanthropologist*

And an email from a viewing safari operation as to what happens there because of our actions here when we continue to buy and sell ivory:

From: Preston Safari

Date:04/04/2015 11:02 AM (GMT-08:00)

Poaching of elephants has caused a huge impact on tourism for many years. Tourism which is the number one source of revenue for Kenya has drastically gone down due to poaching. We have had lots of booking cancellations when tourists are told via wildlife magazines and also the internet about elephants killings. I have not run into poachers because they hide when they notice a vehicle approaching. They are not after the tourists but the elephants. I have many times run into dead elephants on safari which were slaughtered by poachers some of which we had seen and filmed the previous day. As a result many of my guests promised never to return after seeing the dead elephants. In my business i lost several professional photographers who used to return every year when they learned slaughter of very well known elephants which had huge tusks. Many other guides working on different safari companies share the same of having their guest refuse to return. These guest after returning back to their countries share photos of dead elephants they took with others planning to visit Kenya and many cancelled their safaris. The impact on tourists is huge since poaching started, this also applies to my business and other safari companies in Kenya. Many local people have lost their jobs in tourism sector due to many cancellations. Others affected are curio shops, farmers, sale of safari vehicles, community visits by tourists and many more. This is a big impact to local people. Poaching is a rampant issue that needs to be dealt with much vigour and strictness. Thanks, Preston

2. In response to people saying this is an anti-hunting bill, it is not. It has nothing to do with legal trophy hunting. But since this is repeatedly brought up and brought up erroneously as a source of great income for conservation efforts, I quote from my article that has been retweeted by world-renowned National Geographic journalist Bryan Christy:

While trophy hunting for threatened species is increasingly controversial in and of itself, the number of permits given for elephants is a tiny percentage of the 35,000 elephants illegally poached every year. As a minuscule piece of any national economy, revenue from trophy hunting never accounts for more than 0.27 percent of GDP. For tourism, trophy hunting revenues account for only 1.8% of overall tourism in 9 countries that were studied. Even pro-hunting sources find that only 3% of the money actually reaches the rural community where the hunting occurs. Further, an elephant tusk is worth approximately US \$21,000 (£15,502/€17,558) on the black market whereas a recent study showed that the economic benefits of elephant conservation are staggering and is worth

more — reporting that the estimated lost benefits of killed elephants in Africa is US \$25 million(£18.4/€20.9 million) annually in tourist revenue.

3. Rep. Brennan said that "no one will pay any money for ivory" when this bill is passed into law-- and that is the whole point. As we just heard from an Oregon antique dealer, after Oregon's law passed, trade dried up there. It has ceased and he went on to say that even people who stood to not be able to sell their ivory understood the reason for the law and stood behind it. He called his involvement in delivering testimony to Vermont "exciting". For further evidence of the efficacy of these laws in drying up the trade and to see how New Jersey fared more than a year after their complete ban (much more stringent than H.99), please read the words of Sen. Lesniak, the NJ Senator champion of their complete ban who has repeatedly delivered testimony in support of Vermont's efforts:

"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."

4. There is a very critical reason why state laws have weight limits. The 200 gram limit is critical and is what is in line with the 11 other states plus DC that have taken action. The weight limit is imperative and is in guidelines with what the Federal government is recommending for state action and removing it would make full tusks and full ivory statues legal---- in this way trade in these large pieces would flow into Vermont, thereby perpetuating--and worse increasing--the trade here. Also, the bill with the many exemptions listed bends toward the opposition even more so than our neighbor New York--- which has no provision for knives or firearms. In fact the majority of states do NOT include guns and firearms. As passed out of the House Committee, the bill bends as far as it can while still being effective. **Any further tampering would make the bill do more harm than good-- something thousands of Vermonters have worked too hard to allow.** We have bent so very far to appease the opposition and what the House created, while not ideal for us, bends as far as we possibly could go-- any further tampering and Vermont would then set the bar to a new low, potentially influence the many other states with pending legislation to weaken their laws, perpetuate the slaughter, and--worse for Vermont--open up Vermont to the very trade that business owners like John Martin in South Burlington are begging to end.

5. We heard that saying the legal market is a cover for the illegal market is disparaging to antique dealers. It may make them angry, but it is a proven fact and we have data and science and years of testimony to prove this fact. If it upsets antique dealers, perhaps they should do what John Martin did and not only refuse to buy and sell ivory but fight against the trade. He delivered this testimony recently to all legislators:

I am John Martin, a hard-working Vermont business owner of Martin's Coins & Jewelry, a premier New England coin and jewelry dealer located in South Burlington, Vermont. I am also a Republican and proud to have been the State's first business champion of H.99,

a bill that will simply restrict the sale in Vermont of products and parts of the most at-risk species on the planet. These parts today are freely traded in Vermont-- but not in the 11 states that have intelligently already taken action. This is something we should have done years ago when I had first asked for swift passage of H.297. I remain grateful to the House for doing its part and passing that bill then in 2016 and doing so with an overwhelming 135-4. It is time, once again, to do that in order to get it all the way to the Governor's desk which is why I am including all Senators on this email as well.

As one of the most respected dealers in Vermont, I own Martin's Coins & Jewelry (<http://www.martinscoins.com/>) which is also the oldest dealer with over two decades of experience in jewelry, gold, diamonds, rare coins, sterling silver and watches. In signing on as the State's first champion of H.99 (and the former H.297), I have stated, "I have been offered ivory pieces in the past and have always said no. I had no interest in putting a value on these items and profiting from them. My business is proud to stand behind H.99 and their bipartisan team as this truly is a non-partisan issue. It's about right and wrong. Particularly when you understand the severity of the poaching crisis right now in Africa and the fact that the US is the world's largest importer of wildlife parts and products, you realize the obligation we have to shut down the trade of ivory and rhino horn and other imperiled wildlife at the state level. And given the irrefutable links between the blood ivory trade and terrorist groups, there is no question that we here in Vermont need this law on the books today. As a proud business owner in the state who wants Vermont to finally be on the right side of history, I stand behind all efforts to eradicate all forms of wildlife trafficking. I ask all Democrats, Independents, and Republicans to come together and do the right thing."

In addition to my business, I have also appeared as a professional appraiser on PBS's Antiques Roadshow. No matter what you may hear from the opposition, please know that if you fail to pass this bill today, now, this summer, Vermont will open itself up to trade that will leak in from other jurisdictions all around us that have already closed the trade. I want no part in these products coming through my doors. Please help me. Pass H.99-- my business is asking for your support. Last, please do let me know where you stand on this critical issue.

Sincerely,
John K. Martin, Jr.

6. To hear that elephant populations are robust and growing, please read this letter from UVM Prof. Brendan Fisher who calls this "a slap in the face" if we don't act and he states, "In fact, I can't believe anyone who knows anything whatsoever about what is going on globally with wildlife trade could make any statement to the contrary of clear and rapid decline of populations." His full letter to legislators from June 2020 is as follows:

Subject: Data Driven Evaluation on Elephants, Ivory and H.99

Dear Committee,

Apologies for taking up your time, but I am appalled by the claims made by Mr. Merrill. I am not sure what his expertise is, but mine is in data science and evidence production. I have worked on poverty and conservation issues in Africa since 2006, including writing articles about Elephant Conservation in one of the world's top scientific journals (attached). My analysis is not that of an emotional plea, but rather based on the data and evidence to date. You can see from the article attached we often take an economics approach to conservation issues, and take data and analysis very seriously.

The latest elephant census to take place in Africa shows a 30% drop in savannah elephant populations. Forest dwelling elephants are harder to estimate, but there is some evidence that they have been hit harder since their protection is harder to ensure. A 30% drop in African Elephant populations! This is staggering.

Having worked on poverty issues in Africa for 14 years, I can assure you that having a healthy Elephant population is much more economically beneficial than any Africa-level benefits from the sale of Ivory. **Any suggestion that ivory sales help poor Africans is a huge misuse of data – very few gain and many suffer.**

I can assure you that Mr Merrill does not have data as good as this recent census. **In fact, I can't believe anyone who knows anything whatsoever about what is going on globally with wildlife trade could make any statement to the contrary of clear and rapid decline of populations.** I am happy to comment further, testify, answer questions regarding my comments at any time.

I am working on an article that links developed world markets with wildlife trade such as this. I hope to be able to report that my home state of Vermont is voting on the side of data, science, and the right thing to do. I think it will be a slap in the face if I cannot report that about our state which prides itself on its connections to nature, outdoor life etc..

Finally, I want to say I also work on issues connected to hunting. We have found that hunting big game in Africa is very beneficial to locals in many contexts. I bring this up because I want to share that I support this type of natural resource use (eg game hunting in Namibia) because that is what the data tell us about a healthy wildlife population and local livelihoods.

The sale of Ivory does not pass this standard.

Thank you very much for your time.
Very Best, brendan

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Brendan Fisher
Professor - Rubinstein School of Environment and Natural Resources
University of Vermont

7. Rep. Brennan said the bill will increase poaching. In reality, the opposite is what is happening in response to closed markets. 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. Another example, China, once the largest market for ivory, banned ivory sales beginning in December 31, 2017. Since then? A new report has unveiled that the price of raw ivory is plummeting there. Researchers found that the wholesale price in early 2014 was \$2,100 per kilogram where as now that same kilo has dropped to \$730. In addition, reports from states that have taken action show **no increase in black market activity**; just an end to trade. This is similar to the messaging we heard from the Oregon antique dealer last week. **The take home message continues to be that sales of otherwise legal wildlife products stimulate demand for illegal products---** and stopping the legal trade shrinks overall demand, giving these animals and the people who depend on them for a vibrant tourism economy a chance.

Please pass H.99 out of the House as presented by the House Committee after their thorough and careful deliberation and efforts.

Thank you,
Ashley P. McAvey

