

September 9, 2020

Dear Members of the Vt. Senate Economic Development Committee,

I am writing in regards to H-99. As the Co-President of the Vermont Antique Dealers Association I have concerns and have heard others from our members regarding the negative impact H-99 would have on them as small business owners were it to be passed into law.

Among these concerns are:

-The exemption weight limit of 200g (roughly 7 ounces) is insufficient and arbitrary. As an example I have attached a photo of 4 pieces of scrimshaw (carved whale's tooth) that are owned by an older woman in Burlington who wishes to sell them. Under H-99 she would be robbed of her right to do that. Scrimshaw epitomizes American folk art. These pieces came from her deceased husband's family, although she doesn't know the exact history. They were undoubtedly made in the 19th century, 3 of them are American and one is probably Scottish in origin, and carry a retail market value of approximately \$6,000 - \$8,000. The largest of these pieces weighs 567 grams (20 ounces) and the smaller ones between 12-15 ounces. It makes no sense that were H-99 to become law the sale of these pieces would be illegal. They are artistic, were made with a viable resource that was readily available in the nineteenth century, and are a testament to American history and culture of the period.

This is not a unique example. As an antique dealer and appraiser with over 30 years of experience I know of several prominent collections of scrimshaw in Vermont. The state's proximity to the whaling ports in coastal New England translate into scrimshaw being an item that was common in many homes of the era in our state, with examples that regularly appear on the market. In fact, while many areas of the antique marketplace are struggling, scrimshaw continues to set record prices at auctions around New England. Less than a month ago at an auction on Nantucket, one piece sold for \$125,000.

-The penalties are extremely severe and problematic. One dealer recently expressed his concern that were someone to find a piece in his shop that was made of ivory which he owned without knowing it, than he would be subject to massive fines, etc. While this sounds unlikely it is not. Many antique dealers have areas of specialization that do not cross over. As an example English snooker balls were made of ivory in the 19th century and closely resemble pool balls. Were someone who was an antique dealer specializing in country furniture to come across one and offer it for resale, it is highly unlikely they would recognize it was made of ivory.

-The time frame of a 100-year exemption is unreasonable. Why should an item made in 1920 qualify but something made in 1921 not qualify? There was not a historic event or development in this period that serves as a benchmark. Instead the Endangered Species Act of 1973 makes much more sense.

-Inclusion of Mastodon and Mammoth. When versions of H-99 began appearing in the Vermont House 6 years ago the premise was these extinct species should be included to prevent someone from trying to sell an elephant tusk as a mastodon tusk. Science has come a long way in that little time and it is now possible to differentiate under a microscope the differences between tusk types of these species. They do not need to be included.

In conclusion I would like to say that I have been in the antiques business for over 30 years. In the past ten years alone I have personally sold over 250,000 items. My parents were antique dealers as well as my grandparents. In my experience I have NEVER encountered an issue in Vermont (or in the United States) with someone trying to sell or buy ivory or scrimshaw that was illegally or questionably obtained. There are already federal laws regulating this, and if those are not enough I would suggest you look across the river at New Hampshire who passed much more reasonable and logical legislation in 2018.

The people who this bill will impact the most are Vermonters who have inherited or collected antiques and items of art made with ivory or scrimshaw that will wake up one day and discover that things they thought were an investment are worthless. I can't help but wonder how many people would object to this were they to know H-99 was being pushed through without them even knowing it was happening.

Sincerely,

Kyle C. Scanlon

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