



**TO: Oregon House Judiciary Committee**  
**FROM: Elly Pepper, Natural Resources Defense Council**  
**DATE: 5/28/2015**  
**RE: Support for SB 913 -- Prohibiting sales of ivory and rhino horns with limited exceptions**

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On behalf of our 1.4 million members and activists, including more than 11,500 in Oregon, we are writing to urge you to support SB 913 in its current form and to oppose any efforts to weaken this legislation. In particular, we urge you to oppose attempts to remove the bill's prohibition on commerce in mammoth ivory. If this prohibition *is* removed from the bill, the legislature should not pass it.

The international trade in wildlife is a powerful political and economic force that has driven many species to the brink of extinction and some to disappear forever.<sup>1</sup> The rarer a species gets, the more people desire it due to the economic and psychological values they attach to rarity.<sup>2</sup> This is particularly true for species whose parts are used as luxury items since the buyer's entire reason for purchasing them is to display wealth and/or social status. The rarer the item, the more expensive it becomes, and the more prestige the buyer gains by acquiring it.

This is exactly what has happened with elephant ivory and rhino horn. As demand for these products has boomed, ivory and rhino horn prices have skyrocketed. In China, the market for ivory has accelerated at the same time that household consumption expenditure (i.e., amount spent on goods and services per household) has increased. Between 2002 and 2004, the wholesale price paid by carvers and ivory processors for illegal raw ivory more than doubled from \$150 to \$350 per kilogram. Prices more than doubled again between 2005 and 2010 from \$350 to \$750.<sup>3</sup> As prices have increased, so has poaching, with more than 100,000 elephants killed from 2010 through 2012.<sup>4</sup> Rhinos have followed the same path. While only about 13 rhinos were poached per year up until 2007, since then the numbers have skyrocketed with 1,116

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<sup>1</sup> Duncan Graham-Rowe. (2011). Biodiversity: Endangered and In Demand. *Nature* 480:S101-S103 (2011).

<sup>2</sup> Franck Courchamp, et al. (2006). Rarity Value and Species Extinction: The Anthropogenic Allee Effect. *PLoS Biology* 4(12): e415.

<sup>3</sup> CITES Secretariat. (2012). Elephant Conservation, Illegal Killing and Ivory Trade, at 13, SC62 Doc. 46.1 (Rev. 1), <http://www.cites.org/eng/com/sc/62/E62-46-01.pdf>.

<sup>4</sup> George Wittemyer, et al. 2014. Illegal killing for ivory drives global decline in African elephants. *PNAS* 111(36): 13117-13121, [http://www.haaretz.co.il/st/inter/Hheb/images/PNAS-2014-Wittemyer\\_1403984111.pdf](http://www.haaretz.co.il/st/inter/Hheb/images/PNAS-2014-Wittemyer_1403984111.pdf).

rhinos killed in 2014 in South Africa.<sup>5</sup> At the same time, rhino horn prices have flourished—rhino horn is currently worth more than gold.<sup>6</sup>

While the public seems aware of the huge role Chinese demand for elephant ivory has played in elephant poaching, many don't realize that the United States also contributes significantly to this problem.<sup>7</sup> For example, a 2014 survey commissioned by the Natural Resources Defense Council of the Los Angeles and San Francisco ivory markets found that up to 90% of the ivory seen in Los Angeles and up to 80% of the ivory seen in San Francisco was likely illegal.<sup>8</sup> Further, there was a much higher incidence of what appears to be ivory of recent manufacture in California, roughly doubling from approximately 25% in 2006 to about half in 2014.<sup>9</sup>

Current elephant ivory laws facilitate a large illegal market in two main ways. First, it is very difficult to determine ivory age.<sup>10</sup> Therefore, sellers often sneak new ivory onto their shelves disguised as old ivory. The process of making new ivory look old through staining, wear marks, rubbing, and other means, is referred to as “fake antiquing.”<sup>11</sup>

Second, since it is extremely difficult to determine whether ivory is from an elephant or from a legal source of ivory such as a mammoth, sellers often mix legal pieces with illegal pieces in their stores and claim that elephant ivory actually comes from some legal species instead.<sup>12</sup> In fact, the above-referenced investigation of ivory sales in California documented several examples of this practice, including a store in San Francisco where ivory pieces were mixed in just such a manner, effectively disguising the elephant ivory pieces to even expert surveyors.<sup>13</sup> The mixing of ivory from illegal species like elephants and legal species like mammoth, along with bone and resin/plastic pieces, is also one of the primary ways smugglers bring poached elephant ivory *into* the United States. The shipments are labeled as “mammoth ivory and bone” or something similar to escape detection. Even the most advanced forensics laboratories have difficulty determining the exact species an ivory item came from.<sup>14</sup> Thus, it is extremely unrealistic to expect (and would be costly for) Oregon Department of Fish and Wildlife enforcement agents to deploy such techniques widely.

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<sup>5</sup> Environmental Investigation Agency. (Dec. 23, 2014). Vietnam – Still Driving the Rhino Poaching Crisis, <http://eia-global.org/blog/vietnam-still-driving-the-rhino-poaching-crisis>.

<sup>6</sup> Gwynn Guilford. (May 15, 2013). Why Does Rhino Horn Cost \$300,000? Because Vietnam Thinks It Cures Cancer and Hangovers. The Atlantic. <http://www.theatlantic.com/business/archive/2013/05/why-does-a-rhino-horn-cost-300-000-because-vietnam-thinks-it-cures-cancer-and-hangovers/275881/>.

<sup>7</sup> See Esmond Martin & Daniel Stiles. (2008). Ivory Markets in the USA, at 5, <http://www.savetheelephants.org/files/pdf/publications/2008%20Martin%20&%20Stiles%20Ivory%20Markets%20in%20the%20USA.pdf>.

<sup>8</sup> Daniel Stiles. (2014). Elephant Ivory Trafficking in California, USA, [http://docs.nrdc.org/wildlife/files/wil\\_15010601a.pdf](http://docs.nrdc.org/wildlife/files/wil_15010601a.pdf).

<sup>9</sup> Id.

<sup>10</sup> Martin & Stiles, *supra* note 7, at 32.

<sup>11</sup> Stiles, *supra* note 8, at 9-10.

<sup>12</sup> Stiles, *supra* note 8, at 13, 15.

<sup>13</sup> Stiles, *supra* note 8.

<sup>14</sup> Humane Society of the United States, *An Investigation of Ivory Markets in the United States*, at 7-8(2002), [http://www.humanesociety.org/assets/pdfs/Ivory\\_Trade\\_Report.pdf](http://www.humanesociety.org/assets/pdfs/Ivory_Trade_Report.pdf).

President Obama recently acknowledged the many problems with federal ivory laws and regulations by proposing to make them stronger through a variety of methods, including closing existing loopholes.<sup>15</sup> However, the federal government's initiative leaves room for some trade, particularly in the intrastate market. Therefore, states must compliment the federal government's efforts by enacting their own bans.

To be one of the first states in the country with a strong ivory law would be a huge achievement for Oregon, making the state a leader on ending the poaching crisis. However, state ivory legislation must be strong and meaningful in order to make a real difference. Therefore, we once again ask you to support SB 913 in its current form and to oppose any attempts to weaken it—particularly efforts to remove its prohibition on mammoth transactions.

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<sup>15</sup> White House, Fact Sheet: National Strategy for Combating Wildlife Trafficking & Commercial Ban in Trade of Elephant Ivory, Feb. 11, 2014, <http://www.whitehouse.gov/the-press-office/2014/02/11/fact-sheet-national-strategy-combating-wildlife-trafficking-commercial-b>.