



NOTICE TO THE WILDLIFE IMPORT/EXPORT COMMUNITY



February 26, 2014

Subject: Controls on Import, Export and Interstate Sale of Elephant Ivory and Other Products Made from ESA-listed Species

Background: U.S. Fish and Wildlife Service Director Dan Ashe has signed a [Director's Order](#) instructing agency staff to more strictly enforce existing restrictions on the commercial trade in elephant ivory. The order is the first in a series of administrative actions that the Service will take to stop the prolific illegal trade in ivory, rhino horn and other animal parts that is placing many of the world's most revered animals in crisis. These measures are called for in the National Strategy on Combating Wildlife Trafficking, which was signed by the President on February 11, 2014.

Effective immediately, the Order instructs Service employees to strictly implement and enforce two legal restrictions. The first is the African Elephant Conservation Act moratorium on the importation of raw and worked African elephant ivory. The second issue addressed in the Director's Order is the statutory requirements an item must meet to qualify as an "antique" under the Endangered Species Act (ESA) and thus be exempt from the law's prohibitions.

Action: Effective immediately:

(1) African elephant ivory, including antiques, may no longer be imported into the United States for any commercial purpose. The only African elephant ivory that may now be brought into the country with proper documentation is ivory that is:

- part of a lawfully taken sport hunted trophy
- imported by a federal, state or tribal government agency for law enforcement purposes
- imported for scientific purposes that contribute to elephant conservation
- worked ivory contained in personal items as part of a household move or inheritance that meets specific criteria
- worked ivory that is part of a musical instrument that meets specific criteria
- worked ivory imported as part of a traveling exhibition that meets specific criteria

(2) Anyone using the antique exception under the ESA to import, export or sell across state boundaries (interstate sale) any item made from or containing part of an endangered or threatened species will need to show documentation that:

- the item is at least 100 years old;
 - was legally imported at a designated Customs "antique port"; and
 - has not been subject to certain types of repairs or modifications.
- Additionally, the particular species has to be identified on the documentation.

Rigorous Service enforcement of these "antique" criteria will affect the importation and interstate sale of Asian elephant ivory as antiques, the export of both African and Asian elephant ivory under the ESA's antiques exemption, as well as the international trade and interstate sale of items made from any foreign species listed as endangered or threatened. Interstate sale of African elephant ivory will remain legal at this time, but the Service is pursuing the regulatory changes needed to address such commerce.

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