

**STATEMENT OF THE  
NATIONAL ASSOCIATION OF MUSIC MERCHANTS  
CONCERNING  
CALIFORNIA ASSEMBLY BILL 96**

The National Association of Music Merchants (headquartered in Carlsbad, CA) represents more than 9,000 companies which manufacture and sell musical instruments. This statement is submitted in connection with the consideration of AB 96 which would ban the sale of many products containing elephant and mammoth ivory. For the reasons set forth herein, NAMM urges that AB 96 be modified as set forth herein.

By way of background, small amounts of elephant ivory were used in a variety of musical instruments – e.g., acoustic guitars, pianos, violin bows, bassoons, bagpipes – although usage had essentially stopped by the time elephant ivory was listed on CITES Appendix I in 1990 and passage of the African Elephant Conservation Act the same year.

NAMM believes that AB 96 is flawed in a number of respects:

- Including mammoth ivory is not appropriate. Mammoth ivory is not included on any international or U.S. list of endangered species and therefore should not be included in this bill. In fact, mammoth ivory became an accepted substitute for elephant ivory in a number of instruments types, especially violin bows, which substitution has continued to the present time.
- The 1975 cut-off date for the musical instrument exemption should be pushed forward to January 1, 1990 for elephant ivory to recognize the timing of the CITES listing and the AECA enactment. In fact, the federal government allows products to be made from African elephant ivory after that date if the ivory was imported prior to 1990. If mammoth ivory is included – which NAMM believes should not be the case – the manufacturing cutoff date should be at least January 1, 2016 to reflect the use of this material as a substitute for elephant ivory after the CITES listing.
- The requirement to provide “historical documentation demonstrating provenance” acts to undermine the music instrument exemption. “Historical” documentation is not in existence because the vast majority of ivory-containing instruments were sold years ago generally with nothing more than a simple sales receipt. In addition, the reference to “provenance” is inapplicable since that term, as widely understood, refers to owner. NAMM strongly urges that the referenced phrase be changed to read “documentation showing that the instrument was manufactured prior to January 1

1990.” This would be similar to the requirement issued in May, 2014 by the federal Fish & Wildlife Service as part of its “use after import” rule and would allow, for example, knowledgeable retailers to certify, under penalty of perjury, that the Martin guitars which they are selling contain pre-ban ivory because it is widely known in the industry that virtually all guitars made by C.F. Martin & Company prior to the 1970’s contained very small amounts of ivory. Similar certification could come from sellers of other ivory-containing instruments.

NAMM representatives would be happy to discuss the musical instrument industry’s concerns in more detail.

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