

**STATEMENT OF THE
NATIONAL ASSOCIATION OF MUSIC MERCHANTS
CONCERNING
MASSACHUSETTS HOUSE BILL 1275**

The National Association of Music Merchants represents more than 9,000 companies which manufacture and sell musical instruments. This statement is submitted in connection with the consideration of H1275 which would ban the sale of many products containing elephant and mammoth ivory. For the reasons set forth herein, NAMM urges that H1275 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. Many of the instruments containing these small amounts of ivory are still in use today by professional as well as amateur musicians.

NAMM believes that H1275 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.
- An exemption from the general sale ban should be created for musical instruments containing small amounts of ivory, e.g., less than twenty percent (20%) by volume. Because ivory use in musical instruments generally stopped decades ago, these products do not contribute to the current concern over elephant poaching. These instruments were never purchased simply because they contained ivory, but because of their playability attributes. Banning the sale of musical instruments within the state will deprive working musicians as well as nonprofessional players of the ability to purchase or sell instruments which constitute “tools of their trade.”
- Even though elephant ivory imported prior to the 1990 CITES listing could still be utilized in the manufacture of musical instruments after that date, NAMM would be willing to limit the instrument exemption to finished products made prior to the 1990 listing. If mammoth ivory is included – which NAMM believes should not be the

case – the manufacturing cutoff date should be at least six months after the bill’s effective date to reflect the continued use of this material as a substitute for elephant ivory, particularly in violin bows, after the CITES listing.

- NAMM believes that a state-issued permit should not be required by a retailer or individual seller to take advantage of a musical instrument exemption. NAMM could support a requirement similar to that contained in the U.S. Fish and Wildlife Service’s “use after import” rules (effective in June, 2014) that sellers provide “documentation as is (or may be) required by the U.S. Fish and Wildlife Service for interstate sales showing that the instrument was manufactured prior to 1990.”

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

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