

**STATEMENT OF THE
NATIONAL ASSOCIATION OF MUSIC MERCHANTS
CONCERNING
NEVADA SENATE BILL 398**

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 SB 398 which would ban the sale of many products containing elephant and mammoth ivory. For the reasons set forth herein, NAMM urges that SB 398 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 African elephant ivory was listed on Convention on International Trade in Endangered Species (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 SB 398 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 requirement that an owner or seller of an exempt musical instrument produce “historical documentation evidencing provenance” is confusing and acts to undermine the exemption. First, many owners/sellers do not have “historical” documentation as the instruments were bought and sold in the past only with minimal sales receipts (e.g., credit card receipts) which have not been retained. The term “provenance” generally refers to ownership, proof of which is not necessary in this instance. The U.S. Fish and Wildlife Service, in its “use after import” rules which are currently applicable to interstate sales, simply requires that the seller provide “documentation.” That term, without the qualifiers currently in SB 398, should be used instead.

- The December 31, 1975 manufacture date currently contained in SB 398 should be changed to January 1, 1990. The earlier date refers to the time period when Asian elephant was listed by CITES. However, most ivory used in musical instruments came from Africa, and the African elephant listing did not occur until 1990, thus the reason for that date
- 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 January 1, 2016 to reflect the use of this material as a substitute for elephant ivory, particularly in violin bows, after the CITES listing.

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

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