

**STATEMENT OF THE
NATIONAL ASSOCIATION OF MUSIC MERCHANTS
CONCERNING
WASHINGTON STATE SENATE BILL 5241**

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 Senate Bill 5241 which would ban the sale of many products containing elephant and mammoth ivory. For the reasons set forth herein, NAMM urges that action on SB 5241 be deferred for the time being.

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 SB 5241 is flawed in a number of respects:

- It is based in part on a false premise, i.e., that the federal government has already banned commercial trade in elephant ivory within the United States. While the federal Fish and Wildlife Service announced its intent to institute such a ban in February, 2014, implementing rules have *not* yet been issued for public comment and FWS officials have publicly stated that any ban would not be total but would contain some exemptions. Washington should wait until the federal rules have been finalized so that any intrastate action would be consistent with interstate activity.
- 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 January 1, 1976 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, 2017, to give bowmakers time to find alternative material.

- The requirement to provide “documented evidence of provenance” should not be used to undermine the music instrument exemption. For example, knowledgeable retailers should be able 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 mid-1970’s contained very small amounts of ivory. Similar affidavits could be used for other instruments. Requiring such documentation to be provided to the state government with every sale – whether for a permit or registration, as has been suggested by some – would be administratively burdensome and serve no useful purpose.

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

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