November 3, 2025

Representative Christine Barber, Chair
Representative Simon Cataldo, Vice Chair

Senator Rebecca Rausch, Chair
Senator Dylan Fernandes, Vice Chair

Joint Committee on Environment and Natural Resources
Massachusetts State House
Boston, MA 02133

Support: S.616 and H.3935, An Act relative to ivory and rhinoceros horn trafficking

Dear Chair Rausch, Chair Barber, Vice Chair Fernandes, Vice Chair Cataldo and Honorable Members of the Joint Committee on Environment and Natural Resources,

On behalf of Humane World for Animals, the MSPCA, Animal Legal Defense Fund, the Animal Rescue League of Boston, Massachusetts for Elephants, Born Free USA, In Defense of Animals, Biologists without Borders, Center for Biological Diversity, International Fund for Animal Welfare (IFAW), FOUR PAWS USA, Animal Defenders International, and Association of Zoos and Aquariums we write in strong support of S.616 and H.3935, *An Act relative to ivory and rhinoceros horn trafficking*, filed by Senator Jason Lewis and Representative Jay Livingstone.

S.616 and H.3935 will prohibit the sale of elephant ivory and rhino horn within Massachusetts' borders, with reasonable exceptions, ensuring that our residents do not contribute to the illegal wildlife trafficking crisis. S.616 and H.3935 complement national and international conservation measures by closing enforcement gaps that national authorities cannot always address.

The illegal wildlife trade is a multibillion-dollar global industry that inflicts devastating cruelty on elephants and rhinos and destabilizes ecosystems and communities. Each year, thousands of elephants and rhinos are slaughtered for their tusks and horns. Poachers often leave the animals mutilated or dying, removing their horns and tusks, sometimes while the animals are

still conscious. These parts are then carved into trinkets, jewelry and decor or sold for unproven medicinal purposes. This trade is driven by criminal syndicates that profit from the suffering of imperiled species and undermine the rule of law. Continued market demand for wildlife products drives this cycle of exploitation and provides an incentive for wildlife trafficking.

Wildlife trafficking remains a global crisis that continues to drive elephants and rhinos toward extinction. The international illegal ivory trade has increased substantially since the 2000s, peaking in the mid-2010s and remains at elevated levels today.[1] From 2006 and 2018, an estimated 10,000 to 17,000 elephants were poached annually for their ivory.[2] The most recent IUCN Red List assessment estimates the population of savanna elephants has declined by 60% since 1965, and forest elephants by more than 86% since 1984–declines scientists describe as "continuing and likely irreversible."[3] All five rhino species are now threatened with extinction. Worldwide, fewer than 27,000 rhinos remain in the wild, and more than 500 were killed by poachers in Africa in 2024.[4] Poaching not only causes immense suffering for individual animals but also devastates elephant and rhino family groups, disrupts the ecosystems that depend on these species, and undermines local economies and communities that rely on wildlife tourism and healthy habitats.

Wildlife poaching and trafficking are among the world's largest transnational crimes, ranked among trafficking of drugs, humans and counterfeiting. In its 2024 annual wildlife trafficking report to Congress, the U.S. State Department stated that "wildlife trafficking remains a serious transnational crime that threatens security, economic prosperity, the rule of law, long-standing conservation efforts, and human health."[5] The federal government has formally recognized the link between wildlife trafficking and organized criminal networks through a 2017 Executive Order addressing transnational criminal organizations.

Federal law and regulations focuses primarily on import, export and interstate commerce, leaving gaps at the state level. The ongoing wildlife trafficking and poaching crisis demands complementary state action to disrupt *intra*state sale of ivory and rhino horn.

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[1] Gobush, K.S. et al. (2021). Loxodonta cyclotis (errata version published in 2021). The IUCN Red List of Threatened Species 2021: e.T181007989A204404464. https://dx.doi.org/10.2305/IUCN.UK.2021-1.RLTS.T181007989A204404464.en; CITES. (2019). *"Report on the Elephant Trade Information System (ETIS)."* CoP18 Doc. 69.3 https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-03-R1.pdf

[2] United Nations Office on Drugs and Crime. (2020). *Chapter 3: Elephant & rhino* (in *World Wildlife Crime Report 2020*). UNODC. https://www.unodc.org/documents/data-and-analysis/wildlife/2020/WWLC20_Chapter_3_Elephant_and_Rhino.pdf

[3] IUCN. (2021, March 25). *African elephant species now Endangered and Critically Endangered - IUCN Red List* [Press release]. https://iucn.org/news/species/202103/african-elephant-species-now-endangered-and-critically-endangered-iucn-red-list

[4] International Rhino Foundation. *State of the Rhino 2025.* https://rhinos.org/about-rhinos/state-of-the-rhino/

[5] U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs. (2024, August 5). *2024 End Wildlife Trafficking Report.* https://www.state.gov/2024-end-wildlife-trafficking-report/

Legal sales of ivory and rhino horn enable trafficking and poaching by creating cover for contraband.[6] When legal and illegal ivory are indistinguishable, traffickers can easily launder poached ivory into legitimate markets. The U.S. Fish and Wildlife Service (USFWS) warns that the legal ivory trade provides easy cover for the trade of illicit ivory to flourish.[7] By closing our market in Massachusetts, we will help reduce demand and weaken global networks that drive poaching abroad. The market for these products is global and interconnected. Demand in one part of the world drives killing of endangered animals in another.

Federal laws and regulations primarily restrict the import, export and interstate trade of products from endangered and threatened species, but they generally do not regulate intrastate sales. For instance, the USFWS says that the "4(d)" rule to the Endangered Species Act, which concerns African elephants and strengthens federal ivory regulations, "… does not reach sale or offer for sale or activities in the course of a commercial activity that occur solely within the boundaries of a State."[8] Moreover, the USFWS states, "Businesses would not be prohibited by the 4(d) rule from selling raw or worked ivory within the State in which they are located."

The patchwork of federal laws and regulations creates loopholes that traffickers exploit to continue trading in ivory and rhino horn. In addition, federal implementation and enforcement capacity are limited due to insufficient resources. State and local measures therefore play a critical role in closing these gaps and complementing federal laws and regulations. Former USFWS Director Dan Ashe explained, "The ivory poaching and trafficking crisis is a complex problem that requires action on multiple levels to ensure that commercial trade doesn't contribute to the slaughter of elephants in the wild. As we work to make it harder for criminals to launder illegal ivory into international and interstate commercial trade, it's encouraging to see states taking action within their own borders."[9]

State and local laws also serve as important safeguards against any future weakening of federal protection for elephants and rhinos.

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[6] Fischer, C. (2004). The complex interactions of markets for endangered species products. *Journal of Environmental Economics and Management,* 48, 926-953; Fischer, C. (2010). Does Trade Help or Hinder the Conservation of Natural Resources? *Review of Environmental Economics and Policy,* 4(1), 103-121

[7] U.S. Fish and Wildlife Service. (2016, June 2). *Administration takes bold step for African elephant conservation: Completes near-total elephant ivory ban to cut off opportunities for traffickers*. https://www.fws.gov/press-release/2016-06/administration-takes-bold-step-african-elephant-conservation-completes-near

[8] U.S. Fish and Wildlife Service. (2015, July 29). *Endangered and threatened wildlife and plants; revision of the Section 4(d) rule for the African elephants* (Vol. 80, No. 146) [Proposed rule]. *Federal Register*. https://www.federalregister.gov/documents/2015/07/29/2015-18487/endangered-and-threatened-wildlife-and-plants-revision-of-the-section-4d-rule-for-the-african

[9] Neme, L. (2015, April 6). *Citizens spur states to ban trade in ivory and rhino horn*. National Geographic. https://web.archive.org/web/20201108162025/https://www.nationalgeographic.com/news/2015/04/150407-ivory-trade-vermont-usfws-victor-gordon-cities-nra/

As more jurisdictions restrict the sale of wildlife products within their own borders, markets for these products inevitably shift to states with weaker protections. Washington D.C., and thirteen states (California, Hawaii, Maryland, New Jersey, New York, Oregon, Washington, Nevada, New Hampshire, Illinois, Minnesota, New Mexico and Vermont) have already enacted laws restricting the sale of elephant ivory and rhino horn. Without similar protections, Massachusetts remains a refuge for this deadly trade.

Numerous investigations over the past decade have repeatedly documented ivory being sold in Massachusetts both online and at in-person markets.

- International Fund for Animal Welfare (IFAW) observed online auctions (2014);[10]
- IFAW and Wildlife Conservation Society (WCS) observed listings on Craigslist (2015);[11]
- TRAFFIC observed products in retail stores and online classifieds (2017);[12]
- Humane World for Animals (formerly called the Humane Society of the United States and Humane Society International) observed products in retail stores and at fairs (2017 and 2019);[13]
- Biologists without Borders annually observes online auctions (2018 – 2024).[14]

These repeated findings demonstrate that ivory remains accessible in Massachusetts despite federal restrictions, underscoring the need for stronger state action.

There is also clear evidence of attempts to bring illegal wildlife parts and products into Massachusetts. While illicit trade is difficult to track, the USFWS regularly seizes wildlife parts and products at Logan International Airport that have been imported in violation of federal laws and regulations (see Table 1; selected for elephant ivory). From 2017 to 2019, the first three years after the revised African elephant regulations took effect, U.S. authorities recorded 345 seizures of ivory totaling 632 kilograms.[15] Stronger state laws are essential to deter traffickers who evade detection or exploit gaps.

Table 1. *Selected list of items ("property") seized by the U.S. Fish and Wildlife Service ("USFWS"), Office of Law Enforcement at Philadelphia International Airport, between*

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[10] International Fund for Animal Welfare. (2014). *Bidding against survival: The elephant poaching crisis and the role of auctions in the U.S. ivory market*. https://www.ifaw.org/resources/elephant-poaching-ivory-us

[11] International Fund for Animal Welfare (IFAW) & Wildlife Conservation Society (WCS). (2015). *Elephant vs. Mouse: An investigation of the ivory trade on Craigslist*. https://www.ifaw.org/resources/elephant-vs-mouse-an-investigation-of-the-ivory-trade-on-craigslist

[12] Kramer, R., Sawyer, R., Amato, S. and LaFontaine, P. (2017) *The US elephant ivory market: A new baseline.* TRAFFIC, Washington, DC. https://www.traffic.org/site/assets/files/1378/traffic_us_ivory_report_2017.pdf

[13] Block, K. (2019, September 9). *As Massachusetts considers an ivory trade ban, HSUS/HSI investigation uncovers thriving market for ivory in state*. Humane World for Animals. https://www.humaneworld.org/en/blog/massachusetts-considers-ivory-trade-ban-hsushsi-investigation-uncovers-thriving-market-ivory

[14] Reports available at https://biologistswithoutborders.org/saving-elephants/

[15] CITES. (n.d.). *ETIS (Elephant Trade Information System)*. Convention on International Trade in Endangered Species of Wild Fauna and Flora. Retrieved [2025, October 7], from https://cites.org/eng/prog/etis

September 13, 2023 and October 6, 2025, as reported in Public Notices of Forfeiture (available at https://www.fws.gov/fwsforfeiture/notices, accessed October 6, 2025). According to the notices, these items were imported in violation of United States laws or regulations, with references to the specific laws or regulations cited in each notice. More information about the USFWS forfeiture process is available at https://www.fws.gov/program/office-of-law-enforcement/public-notices-seizure-and-proposed-forfeiture.

Items	Seizure date
Four (4) African Elephant (Loxodonta africana) (Ivory carvings)	1/27/2025
Two (2) African Elephant (Loxodonta africana) ivory tusks	12/4/2024
Three (3) African Elephant (Loxodonta africana) (Ivory carvings)	6/27/2024
One (1) African Elephant (Loxodonta africana) (Ivory carvings)	2/12/2024

There have also been several criminal cases involving illegal ivory and rhino horn in Massachusetts. These cases illustrate that Massachusetts is not immune to the illegal ivory trade:

- In 2017, a business owner in Concord, Massachusetts pleaded guilty to smuggling ivory products from the U.S. to China, with the value of the shipped goods exceeding $700,000.[16]
- In 2016, a man pleaded guilty for trafficking ivory into the U.S. from Canada, including selling six elephant tusks to a Massachusetts buyer for $50,000.[17]
- In 2010, a Nantucket scrimshander was convicted on multiple felony counts of participating in an international conspiracy to smuggle elephant ivory and whale teeth into the U.S.[18]

Importantly, S.616 and H.3935 takes a balanced, pragmatic approach. Individuals will still be able to possess, inherit, or gift legally acquired ivory and rhino horn items, provided no commercial transactions occur.

The bills prohibit the purchase, sale, offer for sale, or possession with intent to sell any part or product of the covered animal species, while maintaining reasonable, narrow exemptions. These include allowances for:

- Antiques over 100 years old that are not primarily composed of ivory or rhino horn and that contain less than 200 grams of these materials;

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[16] U.S. Department of Justice. (2017, October 24). *Head of wildlife smuggling ring pleads guilty to smuggling carvings made from ivory, rhino horn, and coral*. https://www.justice.gov/archives/opa/pr/head-wildlife-smuggling-ring-pleads-guilty-smuggling-carvings-made-ivory-rhino-horn-and-coral

[17] U.S. Department of Justice. (2016, February 17). *Franklinville man pleads guilty to illegally buying and selling elephant tusks*. https://www.justice.gov/usao-wdny/pr/franklinville-man-pleads-guilty-illegally-buying-and-selling-elephant-tusks

[18] U.S. Department of Justice. (2010, January 28). *Nantucket scrimshaw artist guilty of smuggling sperm whale and elephant ivory, conspiracy, and lying to federal agents*. https://www.justice.gov/archive/usao/ma/news/2010/January/MANGHISverdictPR.html

- Musical instruments containing less than 200 grams of legally acquired ivory or horn;
- Items with minimal (de minimis) ivory content that meet strict conditions for weight, age, and lawful acquisition;
- Activities authorized under federal law;
- Transfers to educational or scientific institutions for non-commercial purposes.

Moreover, S.616 and H.3935 also address the trade in mammoth and mastodon ivory, which is nearly indistinguishable from elephant ivory to the untrained eye. Allowing the sale of such items creates enforcement challenges and opportunities for traffickers to disguise illegal ivory as legal.[19] As the New York Department of Environmental Conservation explains, "It can be difficult to distinguish mammoth ivory from elephant ivory without specialized training and analysis. In addition, articles fashioned from elephant ivory can be altered to resemble mammoth ivory. Effective enforcement efforts require that elephant ivory and mammoth ivory be treated identically."[20]

These provisions ensure fairness for Massachusetts residents who already own ivory or rhino horn items, while closing the loopholes that traffickers exploit to keep illegal trade alive.

This legislation has a successful history in the Legislature, including several favorable reports by the Committee and passing the Senate during the 190th General Court. We urge the Committee to once again issue favorable reports on S.616 and H.3935. This thoughtful, well-balanced legislation will help ensure that our Commonwealth no longer serves as a marketplace for products of cruelty, and that our state stands firmly on the side of compassion, conservation and the rule of law.

Sincerely,

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[19] Solomon, F. (2016, September 23). *Three Men Have Been Indicted in New York City Over 'a Huge $4.5 Million Ivory Haul'*. *Time*. https://time.com/4505452/ivory-new-york-poaching-wildlife-conservation/; Wildlife Justice Commission. (2021, November). *Wildlife trade on e-commerce sites in China, with a focus on mammoth ivory: A rapid assessment*. https://wildlifejustice.org/wp-content/uploads/2021/11/WJC_wildlife-trade-on-e-commerce-sites-in-china-with-a-focus-on-mammoth-ivory-Spreads.pdf; Environmental Investigation Agency. (2025, June 9). *Japanese traders accused of illegal elephant ivory sales, with some passed off as mammoth tusks*. https://eia-international.org/news/japanese-traders-accused-of-illegal-elephant-ivory-sales-with-some-passed-off-as-mammoth-tusks/; New York City Bar Association, Animal Law Committee. (2019, February 12). *Report on how mammoth ivory contributes to elephant poaching*. New York City Bar Association. https://www.nycbar.org/reports/report-on-how-mammoth-ivory-contributes-to-elephant-poaching/

[20] New York State Department of Environmental Conservation. 2018. *"Ivory and Rhinoceros Horn Restrictions: Frequently Asked Questions."* http://www.dec.ny.gov/docs/wildlife_pdf/ivoryfaqs.pdf.

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