



---

794 Purchase Street • P.O. Box 8827 • New Bedford, MA 02742  
(508) 999-5231 Tel • (508) 999-5237 Fax • [www.newbedfordchamber.com](http://www.newbedfordchamber.com)

---

### **POSITION STATEMENT**

MA State Legislative Bill H-1275 (An Act to prevent trafficking in ivory and rhino horns)

*The New Bedford Area Chamber of Commerce is a non-profit business advocacy and economic development organization. It has a diverse membership base of 1,000 businesses – primarily small and medium size - in the SouthCoast region of Massachusetts. This policy position is intended to serve as guidelines for the Chamber's Government Affairs efforts and has been reviewed and approved by the Chamber's Government Affairs Committee and Board of Directors.*

Adopted: April 10, 2015

Position: The New Bedford Area Chamber of Commerce supports the New Bedford Whaling Museum Board of Trustees in their concerns and recommendations regarding MA State Legislative Bill H-1275. If passed in its present form, MA State Legislative Bill H-1275 (An Act to prevent trafficking in ivory) would have the following negative impact on citizens:

- Financially impact individuals who have invested significant funds on artifacts that are now rendered valueless;
- Render a death knell to contemporary scrimshanders;
- Impact any 501C3's ability to collect any object containing ivory;
- Impact any 501C3's ability to de-access (typically through sale at auction) any object containing ivory;
- Demotivated owners to donate items which have been rendered valueless, thus negating any tax incentive they would have previously received;
- Jeopardize historical enrichment and educational activities, as participation could be misconstrued as an intent to sell, thus subject the collection to confiscation;
- As scrimshaw was the peculiar province of maritime nations including Great Britain, Australia, Norway, Japan and the Soviet Union, this legislation would eliminate the possibility of museums and other cultural and educational institutions receiving international loans of objects containing

ivory for exhibitions and educational purposes. For the Whaling Museum, this will have a direct impact on loan exhibitions from Cape Verde or the Azores.

**The Chamber recommends the following:**

- **Exempt by Age:** Antique ivory is defined as a piece of ivory that is over 100 years old and was either created in the U.S. or imported before September 22, 1982. The bill should include both these date parameters.
- **Exempt by Federal Law and Statutes:** Include specific language that recognizes and mirrors existing strong and comprehensive federal law. Marine mammals are effectively regulated by the Marine Mammal Protection Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Lacey Act, the Endangered Species Act and the International Dolphin Conservation Act. The federal government and the International Whaling Commission allow whale hunting in the U.S. as a subsistence tradition by Eskimos in Alaska. Today, as an important cottage industry there, tourists buy art and objects crafted of whale skeletal bone and baleen by native craftspeople.
- **Exempt by Classification:** The U.S. Department of the Interior defines ivory as “a tooth or tusk composed of ivory from an animal, including but not limited to, an elephant, hippopotamus, mammoth, narwhal, walrus, or whale or a piece thereof, whether raw ivory or worked ivory, or made into or part of an ivory product.” The bill should restrict its language to “elephant and hippo ivory” and exempt other forms of ivory. Elephant and hippo ivory can be identified, as described by the USFWS forensic laboratory. The fundamental distinguishing characteristic of scrimshaw, as defined by the NBWM, is that it contains whale ivory, walrus ivory, cetacean skeletal bone, or baleen, no matter what other materials may also be involved. While sperm whale teeth were an occasional commercial by-product of the fishery, elephants are specifically targeted for their ivory. The NBWM submitted this definition for consideration and recommends a scrimshaw exemption be written into the bill.
- **Create an Entity Charged with Authentication and Verification:** Massachusetts legislators have the opportunity to lead the nation by establishing an Entity charged with authentication and verification, thus certifying antique ivory. This Entity should be exempt from lawsuits. Because the universe of antique ivory is finite (and largely

defined), this new entity would provide “teeth” to this bill by both 1) encouraging a safe environment for commerce in legally acquired product; 2) while effectively creating a barrier by disallowing entry into the market of illegal traded ivory. Additionally, this Entity could quickly provide wholesale authentication to the majority of antique ivory in public or private collections. As noted above, most museums and private collectors with large collections have clear title and provenance on their antique ivory and scrimshaw. The “80/20” rule would apply where the majority of cases receive quick rulings, while the remainder would require more thorough verification. Ultimately, this Entity could be charged with issuing permits to credible actors. These permits, issued initially to well-established individuals or businesses, would allow for scrimshandering, appraisals and sale of goods.

*While this statement is policy as of the effective date of this document, the Chamber reserves the right to adopt changes and make modifications and additions to its policies, and will continue to monitor issues as they develop.*

Please contact Kim Perry, Chair of the New Bedford Area Chamber of Commerce Government Affairs Committee at (508) 999-5231 with any questions regarding this policy position.

*The New Bedford Area Chamber of Commerce is a private, non-profit business association based in the City of New Bedford, Massachusetts. Chartered in 1885, the Chamber serves nearly 1,000 member businesses of all sizes from virtually all industries in the ten communities of New Bedford, Acushnet, Dartmouth, Fairhaven, Freetown, Mattapoisett, Marion, Rochester, Wareham, and Westport. The Chamber supports and promotes the local business community through leadership in public advocacy, education, networking, information, and community development.*

# # # # #