

HOUSE JUDICIARY COMMITTEE
PUBLIC HEARING
HOUSE BILL 248

(import, sale, purchase, barter of ivory or rhinoceros
horn)

Public hearing held at Shusterman Hall,
Temple University, 1801 North Broad Street, Philadelphia,
Pennsylvania, on Friday, February 24, 2017, commencing at
11:01 a.m., before Suzanne Walinsky, a Court Reporter and
Notary Public, pursuant to notice.

1 APPEARANCES:

2 Chairman Honorable Ron Marsico

3 Chairman Joseph A. Petrarca

4 Representative Barry J. Jozwiak

5 Representative Todd Stephens

6 Sarah Speed, Executive Director

7 Representative Madeleine Dean

8 Thomas Dymek, Executive Director

9 Representative Jesse Topper

10 Representative Tarah Toohil

11 Representative Kate A. Klunk

12 Representative Martina A. White

13 Representative Dom Costa

14 Representative Tim Briggs

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1 MR. KENNEY: Good morning. On behalf of
2 Temple President Dick Englert, who will probably stop by
3 later on, I want to welcome you to Temple University.

4 My name is George Kenney. I oversee
5 government affairs here at Temple.

6 Chairman Marsico, I want to thank you and
7 the House Judiciary Committee for visiting Temple today
8 on this important issue. I wish you a successful
9 hearing.

10 It's great to see the young people here
11 from Wordsworth Academy.

12 And since I have the opportunity to say
13 thank you to the members here, I want to, on behalf of
14 Temple's staff, faculty, and over 39,000 students, thank
15 you for your support in the legislature for all the work
16 you do for us here at Temple. It's a great partnership
17 and we look forward to continuing.

18 And have a great, successful hearing. So
19 thank you, Chairman.

20 CHAIRMAN MARSICO: Thank you, George.

21 On behalf of the Committee and the House,
22 we thank you, Temple, for your hospitality here today and
23 we certainly are glad to see you.

24 As many of you may know or not know, but
25 George is a -- George Kenney is a former colleague of

1 ours, a member of the House of Representatives,
2 represented a portion of Philadelphia.

3 So thanks, George.

4 Okay. Before we begin the hearing, I'm
5 going to have the members introduce themselves, starting
6 from my far right.

7 Barry.

8 REPRESENTATIVE JOZWIAK: Barry Jozwiak,
9 Berks County.

10 REPRESENTATIVE STEPHENS: Todd Stephens
11 from Montgomery County.

12 MS. SPEED: Sarah Speed, the executive
13 director.

14 REPRESENTATIVE DEAN: Madeleine Dean,
15 Montgomery County.

16 CHAIRMAN MARSICO: Ron Marsico, chair.

17 MR. DYMEK: Tom Dymek, executive director.

18 REPRESENTATIVE TOPPER: Jesse Topper, 78th
19 District, Bedford, Fulton, and Franklin Counties.

20 REPRESENTATIVE TOOHL: Tarah Toohil,
21 Luzerne County.

22 REPRESENTATIVE KLUNK: Representative Kate
23 Klunk, York County.

24 REPRESENTATIVE WHITE: State Rep Martina
25 White, Far Northeast Philadelphia.

1 CHAIRMAN MARSICO: Okay. Is that everyone?
2 I see Representative Costa is just walking
3 into the room.

4 Come on down, Dom.

5 AUDIENCE MEMBER: Do you have a late pass?

6 REPRESENTATIVE COSTA: Hall pass. Yep.

7 CHAIRMAN MARSICO: Representative Dom Costa
8 from Allegheny County. Welcome, Dom.

9 REPRESENTATIVE COSTA: Thank you, sir.

10 CHAIRMAN MARSICO: So, everyone, thanks for
11 being here. Welcome. We have a really good crowd here
12 today.

13 AUDIENCE MEMBER: We heard you were coming.

14 CHAIRMAN MARSICO: It was because of
15 Representative Dean, I'm sure.

16 AUDIENCE MEMBER: No.

17 CHAIRMAN MARSICO: The hearing's about
18 House Bill 248 as we all know, which has been introduced
19 by Representative Madeleine Dean. It concerns creating a
20 new state criminal law regarding the import, sale,
21 purchase, or barter of ivory or rhinoceros horns.

22 The illicit trade of ivory or rhinoceros
23 horns is already addressed by federal law.

24 Both elephants and rhinos are considered
25 threatened species on the US Endangered Species Act. And

1 both elephants and rhinos are protected under the
2 International Convention and International Trade
3 Endangered Species of Wild Fauna and Flora, an agreement
4 among 175 nations.

5 Last July, it was my understanding that the
6 United States Fish and Wildlife Service put forth new
7 regulations banning or extensively regulating most ivory
8 transactions in the United States.

9 That said, I understand that at least five
10 states prohibit the sale of ivory or rhino horns under
11 state law and proposed bills are pending in several other
12 states.

13 Proponents believe that the federal laws
14 should be reinforced with state laws in that the federal
15 protections do not go far enough.

16 We plan to learn more about this issue
17 today. I am pleased to welcome our diverse groups of
18 testifiers. I will introduce the testifiers as we move
19 on with the program.

20 So with that, I want to turn this over and
21 ask Representative Dean to give a few comments about her
22 bill.

23 Representative Dean.

24 REPRESENTATIVE DEAN: Thank you,
25 Mr. Chairman. Welcome, everybody.

1 A quick thank you to Temple University,
2 George Kenney, Dennis Lynch, Bill Bergman and the
3 president for hosting us here in this lovely setting to
4 talk about an important issue.

5 I also want to thank the chairman, Ron
6 Marsico, for hosting the hearing, for holding the hearing
7 so that we can learn the truth and get the data and get
8 the facts and see how Pennsylvania can play a role in
9 this issue and what's our connection to it.

10 And I also want to thank Representative
11 Toohil, co-prime sponsor with me. I believe this is not
12 a partisan issue, and so it's terrific that we have
13 Representative Toohil and me working together across the
14 aisle. That's the way things ought to be done.

15 So I appreciate her passion for the issue
16 and her understanding of the gravity of it.

17 Thank-yous aside, maybe I'll just lay some
18 quick groundwork about what we're talking about and then
19 we'll open it up to the testimony as guided by our
20 Chairman and there'll be opportunity for our members to
21 ask questions.

22 And I do thank my colleagues for being
23 here, all of our colleagues.

24 The gravity of the problem is that, as the
25 Chairman indicated, there are laws against illegal

1 trafficking, trafficking of wildlife.

2 But the reality is that every year 35,000
3 elephants are slaughtered for their ivory and thousands
4 of rhinos for their horns.

5 Think of that number. 35,000. 96
6 elephants a day, four every hour. That's just the nature
7 cost.

8 You can imagine the chaos that surrounds
9 that slaughter. Chaos in communities in Africa and
10 elsewhere, illegal crime connected with it, the death,
11 maiming, slaughter of park rangers; they estimate nearly
12 a thousand law enforcement and rangers have died in the
13 past many years.

14 And so while I agree that national and
15 international laws are the answer, they're not working
16 right now. And really all we have is an executive order.

17 And so my question is: How can
18 Pennsylvania become a leader in this? And I think the
19 way we become a leader is to say no market here, shut the
20 market down here.

21 And the way we do that is to pass
22 legislation like this as other states have done.

23 I'll conclude my opening remarks with I was
24 really pleased and reminded historically, this fight's
25 been going on for about 30 years and we know that

1 extinction is in the future if we don't do something
2 about this.

3 And I'll read from an article that maybe
4 some of you saw by secretary -- former Secretary James
5 Baker.

6 He wrote in January 18, 2017, I think it
7 was in USA Today, an essay, and he said, The seeds of
8 this global movement began 28 years ago when, as
9 Secretary of State under President George H.W. Bush, I
10 was proud to have been a part of American leadership in
11 an effort to ban the international trade of ivory.

12 After the ban went into effect, elephant
13 numbers, which had been declining steadily due to
14 poaching, began to stabilize. Over time, however, that
15 ban has broken down, been undermined and been weakened.

16 He said in open conversation on Meet the
17 Press following this article, he's in this and he's in
18 the renewed fight because he knows that extinction is
19 possible and he certainly doesn't want that for his
20 children and his grandchildren. I feel the same way.

21 With that, let's begin.

22 CHAIRMAN MARSICO: Thank you,
23 Representative Dean.

24 In addition to the testifiers that we have
25 today, the Committee will be receiving written

1 testimonies from additional testifiers. So those written
2 submissions will be made available for public viewing
3 through the General Assembly's official website.

4 And also, if anyone would like to know, the
5 Committee will keep the record open after this hearing in
6 order to receive written comments as well.

7 So we have a number of panels today; we
8 have three panels today. And I'd like to keep this
9 hearing to two hours, to 1 o'clock.

10 We did say to Temple University we would
11 conclude this hearing at 1 o'clock today. So keep that
12 in mind, testifiers. As you read or you give testimony
13 to us, keep that in mind.

14 So with that, our first panel is Ann Lewis,
15 the vice president and board member Elephants DC.

16 Ann, please come on up to the table.

17 Thanks.

18 Iris Ho, program manager, Humane Society
19 United States.

20 And Vikram Dewan, president and CEO of the
21 Philadelphia Zoo.

22 MS. LENGAL: I'm not Vikram.

23 MR. DYMEK: We have Kimberly Lengal.

24 CHAIRMAN MARSICO: We have Kimberly.

25 MR. DYMEK: Lengal.

1 MS. LENGAL: Lengal.

2 CHAIRMAN MARSICO: Lengal.

3 Welcome, Kimberly. Sorry about that.

4 MS. LENGAL: That's okay.

5 CHAIRMAN MARSICO: So you may begin when
6 you're ready. Okay.

7 MS. LENGAL: Well, thank you, Chairman
8 Marsico and Representatives, particularly Representatives
9 Dean and Toohil, and all the members of the Judiciary for
10 holding this public hearing.

11 I echo Representative Dean's words in my
12 thanks for your elevating the importance of this issue.

13 We're here to talk about House Bill 248,
14 legislation to ban the sale, purchase, or barter of
15 elephant ivory and rhino horns within the State of
16 Pennsylvania.

17 My name is Kim Lengal, not Vikram Dewan,
18 and I'm the vice president for conservation and education
19 at the Philadelphia Zoo.

20 On behalf of our 60,000 member households
21 and more than 1.2 million annual visitors, the zoo
22 enthusiastically backs this critical legislation to
23 ensure that Pennsylvanians do not play a role in
24 supporting illegal wildlife trafficking and the criminal
25 syndicates funding it.

1 On behalf of the zoo, I've been fortunate
2 to travel to elephant range country in Sub-Saharan Africa
3 and South Asia.

4 For the past 25 years, I've witnessed
5 firsthand the devastation that results from elephant
6 ivory and rhino horn poaching.

7 I've walked with armed rangers who closely
8 guard individual rhinos day and night.

9 I've seen newly-orphaned elephant calves
10 who have watched their mothers shot dead before their
11 eyes. These young animals then witness their mother's
12 heads hacked to pieces so that every last piece of ivory
13 can be removed.

14 And I apologize for the strong language,
15 but I know that our young people are aware of this, and
16 if they can handle the facts, so can we.

17 Most of these calves, these young
18 elephants, are never recovered, instead they die of
19 exposure or predation as they stand patiently next to
20 their dead family member waiting for them to awake.

21 The ones that are rescued by the orphanages
22 are the lucky ones, but there's still an uphill battle.

23 They often arrive dehydrated, starving, and
24 emotionally traumatized. And I've seen these elephant
25 calves; they look like living skeletons.

1 And, sometimes, despite the great care in
2 the orphanages, they can't overcome the trauma and they
3 die from stress, depression, and a broken spirit.

4 Unlike 25 years ago, the poaching that
5 results in this cruelty is not subsistence-level killing
6 by single individuals any longer.

7 It's a criminal operation funded by groups
8 that also support human trafficking, the drug trade, and
9 terrorism.

10 They have access to resources that give
11 them the capacity to wreak wholesale destruction on
12 entire elephant families, and they do.

13 Elephants and rhinos cannot withstand this
14 onslaught. And without our action to impact demand for
15 ivory for -- ivory and rhino horn, the supply chain will
16 remain intact and elephants and rhinos will continue to
17 be killed at an alarming rate.

18 While this may all seem very removed from
19 this judiciary hearing room in the middle of
20 Philadelphia, it is an issue that Pennsylvanians care
21 about.

22 At the Philadelphia Zoo, our core purpose
23 is connecting people with wildlife and inspiring action
24 for animals and their habitats.

25 Our visitors and members are your

1 constituents and they care. They care about the
2 experience of animals around the world and they care
3 about the survival of species for future generations.

4 Regardless of socioeconomic background,
5 race, religion, or ability, animals unite us.

6 I'm honored to have in the audience today
7 some of those constituents who care deeply about
8 elephants: The exceptional students from Wordsworth
9 Academy with their teacher, Ms. Heidi Mark.

10 These kids connect in a very personal way
11 with the experience of elephant orphans. Like the
12 elephant orphans, many of these young people have
13 experienced trauma and loss in their own lives, and like
14 the plucky elephant calves in the Kenyan orphanage that
15 the kids raised money to support, they have overcome
16 these obstacles and learned to trust after being
17 emotionally devastated.

18 These students wanted to be here today
19 because they don't think adults are doing enough to stop
20 the ivory trade.

21 Passing House Bill 248 would help restore
22 their trust in us to protect wildlife for their
23 generation.

24 And 30 miles away from Wordsworth Academy
25 and a world apart, a student at Patton Middle School in

1 the Unionville-Chadds Ford School District, Sam Shearer,
2 was also wrestling with the horror of the ivory trade.

3 Having grown up visiting the zoo and
4 attending the zoo's Junior Zookeeper Academy, Sam feels
5 great empathy for animals.

6 Of all the topics he could have chosen to
7 research and present to his fellow 8th graders, he chose
8 ivory trafficking.

9 And as part of his presentation, he crafted
10 this elephant tusk that you see before me in order to
11 give his peers an idea of the size and scale of what
12 poachers are willing to destroy an entire elephant family
13 to obtain.

14 At the zoo, we bring together people from
15 across our region in the shared experiences with animals.

16 We are proud of our work on behalf of
17 people and wildlife and enthusiastically support
18 strengthening protections for species that are facing
19 extinction and reducing the illegal wildlife trade that
20 finances terrorism, extremist groups, and criminal
21 syndicates.

22 I commend Representative Dean and Toohil
23 for introducing this important legislation and raising
24 awareness of how Pennsylvanians can help protect these
25 iconic species for future generations.

1 Thank you.

2 MS. LEWIS: Hi. Good morning. I would
3 like to thank this Committee for hearing -- is it on?

4 Okay. There. Is that better? Can you
5 hear me okay?

6 I would like to thank this Committee today
7 for hearing testimony on this very important topic.

8 My name is Ann Lewis. I'm a Collegeville,
9 Pennsylvania, resident, a human resources professional,
10 vice president of Elephants DC, but, most importantly, a
11 wife and a mother of twin girls.

12 I'm trying to raise them with morals and
13 values and to teach them to stand up for what's right.

14 Let me be clear: I am not a government
15 lobbyist. I don't donate to your political campaigns;
16 however, I am here today representing the vast majority
17 of Pennsylvanians who want to do whatever we can to save
18 elephants from extinction.

19 As Representative Dean alluded to earlier,
20 one elephant is killed every 15 minutes. That's nearly a
21 hundred a day, 35,000 a year, all for ivory trinkets,
22 decorations, and jewelry.

23 Last March, the White House and United
24 Nations announced that poaching rates have now outpaced
25 reproduction rates of elephants.

1 Today these gentle giants are facing
2 extinction. If you haven't seen a picture of a poached
3 elephant, it's something you will never forget.

4 They are killed with arrows. They are
5 killed with automatic weapons, and in some cases, poison.
6 Their entire face is hacked off, often while they're
7 still alive, all for their tusks, which are essentially
8 just large incisor teeth.

9 This bipartisan measure up for your
10 consideration today, House Bill 248, is not a Republican
11 agenda, it's not a Democrat agenda. It's not about a
12 personal agenda. This is not about guns or knives.

13 This is about the human agenda, and it's
14 quite simple: Helping to save a species from extinction,
15 stopping the funding of terrorism and placing the value
16 on a living animal, not an object. This is about closing
17 loopholes at the state level.

18 Some will be selfish today and twist this
19 bill to make it about them, to value greed and
20 materialism. Some will think we're trying to take
21 something away. We're not. We are simply placing the
22 value on a live elephant.

23 There are a number of states that have
24 enacted laws prohibiting the sale of ivory: New Jersey
25 enacting a complete ban, New York, California, Hawaii,

1 Oregon, and Washington.

2 And here's why: After China, the US is the
3 world's second largest market for ivory product sales.

4 To address this issue in 2016, the federal
5 government took action to restrict the trade, essentially
6 prohibiting commercial import, export, and interstate
7 trade of African elephant ivory with some narrow
8 exception.

9 However, the federal restrictions leave
10 loopholes at the state level where the trade is
11 unregulated and allows the blood ivory trade to thrive.

12 That's why it's so important for individual
13 states to take action to complement the federal
14 restrictions already in place.

15 Per the US Fish and Wildlife Service, only
16 10 percent of illegal ivory is confiscated at our
17 borders, meaning a significant portion of illegal ivory
18 makes its way into the marketplace where it's openly sold
19 and nearly impossible to distinguish from older, legal
20 ivory.

21 In fact, a recent study by the University
22 of Utah found that more than 90 percent of ivory seized
23 in large shipments came from elephants that died less
24 than three years ago in Africa.

25 Nearly all of the analyzed ivory in the

1 study found that there's a lag time of about two to three
2 years, suggesting that the shipment did not come from old
3 stockpiles, did not come from old sources, but rather
4 composed of ivory pieces from recently-slaughtered
5 elephants.

6 Until ivory markets are shut down within
7 the states, illegal ivory will continue to enter the
8 marketplace.

9 Illegal ivory is often carved into jewelry
10 and trinkets that often are marketed as antique.

11 The difficulty with enforcing laws around
12 carved or worked ivory is that it's impossible to
13 visually determine the age of ivory and there's no app on
14 the ground for law enforcement to determine this.

15 Even the most sophisticated labs can't
16 provide conclusive evidence regarding when a piece of
17 ivory was harvested.

18 An elephant tusk can grow over the course
19 of the entire elephant's life, often up to 60 years, with
20 the tip of the tusk being the oldest part and the part of
21 the tusk closest to the jaw being the youngest.

22 Because of this, pieces of ivory from an
23 elephant killed illegally just last year could very well
24 be dated prior to 1989 when analyzed by carbon data
25 scientists.

1 Therefore, it's imperative to have law
2 enforcement engaged in both the state and federal levels.
3 States like us can take action to ban the intrastate sale
4 to eliminate the criminal enterprise and close down the
5 illegal trade.

6 The bottom line is, illegal ivory is coming
7 into the US, being stained to look antique and is
8 entering the marketplace where it's openly sold in
9 Pennsylvania.

10 And you might be thinking today, Is this
11 really an issue in Pennsylvania? And I'm here today to
12 tell you, yes, it is.

13 The largest ivory seizure in federal
14 history occurred in Philadelphia. An art store owner was
15 arrested after an investigation found that he was paying
16 someone to buy raw elephant ivory in Africa, having it
17 carved and stained to make the ivory appear old.

18 Federal agents seized over one ton of
19 elephant ivory which was later publicly destroyed in
20 Times Square to show the world and to send the world a
21 message that we must value the elephant, not the ivory.

22 In conclusion, the black market ivory trade
23 jeopardizes the survival of African elephants.

24 House Bill 248 may not solve the poaching
25 crisis today, but it gets us closer to that end goal by

1 closing the loopholes at home in the Commonwealth and
2 supporting federal restrictions that are already in
3 place.

4 From the time this hearing started at
5 11:00 a.m. until it ends at 1:00 p.m., there will have
6 been eight elephants brutally slaughtered for their
7 tusks, which will end up funding terrorism, and could
8 very well end up for sale in this very city under the
9 guise of antique.

10 History is what makes us, but the future is
11 what defines us. What do you want that to look like?
12 What do you want for your children? What legacy do you
13 want to leave?

14 The choice is ours and the choice is now.
15 We need to put the value on the elephant. And to quote
16 Autumn Held, a Pennsylvania elephant advocate, 11 years
17 old from Emmaus, Pennsylvania, to quote her directly, "If
18 we don't buy, they don't die." Please pass House Bill
19 248.

20 Thank you.

21 MS. HO: Good morning, Mr. Chairman. Good
22 morning, Mr. Chairman and Committee members.

23 My name is Iris Ho. I'm representing the
24 Humane Society of the United States and our global
25 affiliate, Humane Society International.

1 First, I'd like to give a shout out to
2 Representatives Dean and also Toohil for your leadership
3 on this important conservation issue.

4 Before I begin my testimony, which I will
5 be addressing four points, I'd like to tell you a
6 personal story.

7 About this time last year, I was in the
8 border area between Cameroon, Central African Republic,
9 and the Congo, Republic of Congo. I was not there on a
10 safari. I was there on a mission.

11 I was posing as a buyer. I was an
12 undercover investigator assisting a local conservation
13 organization and enforcement authority on ivory
14 trafficking.

15 I met with elephant poachers. I will never
16 forget that day for the rest of my life. I shook hands
17 with him as he handed me a pair of elephant tusks.

18 And, actually, you know, Kim's tusk kind
19 of, you know, made me a bit even more emotional.

20 I shook his hands after he told me that
21 he -- he was boasting and laughing about killing
22 elephants. And I shook his hands and I was trembling
23 inside me, but I had to hold back my tears because I was
24 undercover.

25 And so over the course of my -- the years

1 of my investigations, I have, you know, met with criminal
2 syndicates, you know, who has an extensive transnational
3 network in poaching and trafficking.

4 But my first point is, it's not just a
5 China problem. It's not just an Africa problem. It's a
6 problem here in the US.

7 Just last week, a Beverly Hills auction
8 house was arrested for trafficking rhino horns to China.
9 He was selling 15 rhino horns for \$2.4 million. That is
10 one rhino horn for \$160,000. \$160,000 for a rhino horn.

11 That is worth much more than gold,
12 narcotics. I mean, you can even buy a house. That's how
13 much rhino horns are worth.

14 For ivory, you know, for one carved ivory
15 tusk, you can probably sell them for, you know, tens of
16 thousands of dollars.

17 And as Ann mentioned earlier, the case of
18 Victor Gordon, I mean, just not far from here, you know,
19 31st North 3rd Street, that's where he was selling his
20 ivory smuggled from West Africa for years, years.

21 His ivory was sold to buyers, individuals,
22 shops, all over the US. And how did the feds get to him?
23 Because they were investigating a separate anti-ivory
24 smuggling case and the defendants of that case told the
25 feds that they were selling ivory to Victor Gordon.

1 So it's not just an Africa problem or China
2 problem. And so I do take issue with the claim that
3 ivory in our country is legal, is antique, is old because
4 evidence suggests otherwise.

5 And Ann also talked about Victor Gordon
6 staining new ivory with tea to look old and it's a tactic
7 that's used -- actually, we just found out recently, last
8 week -- that that's a tactic being used by antique
9 dealers in the United Kingdom, in the UK.

10 So the fact that you can very easily mix
11 illegal ivory with legal ivory provides a fertile ground
12 for illegal ivory to flourish in our marketplace.

13 But don't just take my words for it. The
14 United States Fish and Wildlife Service states that the
15 US remains a significant market for ivory. A substantial
16 amount of elephant ivory is illegally imported and enters
17 the domestic market.

18 Criminal investigations and anti-smuggling
19 efforts have clearly shown that legal ivory trade can
20 serve as a cover for illegal trade.

21 And the director at that time, the outgoing
22 director, further remarked that the US market is
23 contributing to the crisis now, threatening the African
24 elephants, which leads to my second point.

25 This is not just about saving animals.

1 This is also about national and global security. The
2 most alarming development to date in elephant poaching
3 and ivory trafficking is an involvement of groups with
4 terrorism -- terrorist connections, African militia.

5 We're talking about Janjaweed in Sudan.
6 We're talking about M23 rebels in the Congo. We're
7 talking about Boko Haram in Nigeria, who has, as you
8 might know, abducted hundreds of girls who are still in
9 captivity today. And we're talking about a large
10 resistance army in Uganda.

11 And these developments have prompted the
12 United Nations passing several resolutions and also
13 prompted President Obama to issue an executive order and
14 a national strategy to combating wildlife trafficking,
15 designating wildlife trafficking as a matter of national
16 security.

17 And according to the United Nations'
18 estimate, the annual income from illegal ivory sales from
19 militias in all Sub-Saharan Africa is \$4 million to \$12
20 million per year.

21 And, again, don't take my word for it. I'm
22 quoting Congressman Ted Poe from Texas who spoke on the
23 House floor.

24 He says, These terrorists kill animals so
25 that they can get more money to kill people. The

1 combination of these two evils, the killing of endangered
2 species and innocent civilians to further radical
3 terrorism, is an international threat.

4 Now leads to my third point. What can
5 Pennsylvania do? House Bill 248 is the vehicle, is the
6 tool to fix legal loopholes from international and
7 federal law.

8 And I thank the Chair for, you know,
9 referencing the international law and federal law. But
10 that is not enough.

11 There is a very specific role that you can
12 play, the Committee members you can play, to stop the
13 trade right here in Pennsylvania that no one else can do.

14 The limitations in international and
15 federal law deciding regulations that the Chair
16 referenced only regulates international commercial trade.
17 It doesn't regulate individual domestic markets.

18 And the federal law only regulates or
19 restricts imports, exports, foreign commerce, and
20 interstate commerce, sales between the states in elephant
21 ivory and rhino horn.

22 It does not reach into intrastate. It does
23 not reach into in-state activities within Pennsylvania.
24 And that's why six states have taken actions to fix and
25 to close the loopholes.

1 The US Fish and Wildlife Service also
2 remarks that ivory poaching and trafficking crisis is a
3 complex problem that requires action on multiple levels
4 to ensure that commercial trade does not contribute to
5 the slaughter of elephants in the wild.

6 It is encouraging to see states taking
7 action within their own borders. And I'd like to also
8 mention that there are limiting exemptions in this bill
9 that track the very similar exemptions and document
10 requirements in federal regulations and in other states.

11 In several states that have passed the
12 ivory and rhino horn ban, their state agencies and state
13 attorney general's office, they have concluded that such
14 laws do not constitute taking claim under the US
15 Constitution.

16 And my last point: This is not about
17 Pennsylvania itself alone solving the poaching crisis.
18 This is about Pennsylvania, together with other states
19 and countries, stepping up to the plate and be part of
20 the collective efforts.

21 The poaching and ivory trafficking is a
22 global conservation challenge. That's why it requires
23 collective efforts.

24 You will hear claims or you might have
25 already heard claims that this bill will not save one

1 single elephant in Africa.

2 But does anybody think that one state can
3 solve the global climate change challenge itself?

4 The detractors, or opposition, of the bill
5 ignores the global nature of the ivory and rhino horn
6 trades and the global nature of this conservation
7 challenge.

8 This is about the collective action of
9 Pennsylvania, along with the action of other states and
10 other countries, including China, that has recently
11 announced to ban ivory sales by the end of 2017. This is
12 about Pennsylvania not being absent from those collective
13 efforts.

14 And I would just conclude my testimony with
15 a new scientific study that just took place that was just
16 revealed this week. 25,000 elephants were killed in
17 Gabon from 2004 to 2014. That is about 80 percent,
18 eight-zero percent, of the country's elephant population.

19 And do you know where some of the ivory of
20 Victor Gordon come from? From Gabon.

21 So I'd like to plea, I'm making a plea to
22 the Committee members to please support House Bill 248 so
23 that I can tell my friends in the Gabon government that
24 Pennsylvania, where Victor Gordon is from, is closed for
25 ivory business.

1 CHAIRMAN MARSICO: Thank you very much for
2 your testimony.

3 Before we turn over questions to members, I
4 have a question. All of you alluded to the fact that
5 there's a criminal element for the sale.

6 Do you have any documentation in
7 Pennsylvania or the United States where you can say that
8 there's been a funding for human trafficking in
9 Pennsylvania or moneys for terroristic groups?

10 I know you mentioned the fact that there
11 is a -- from a congressman in Texas pointed out there was
12 funding for international funding.

13 Do you have anything that documents, here
14 in Pennsylvania, of any of that?

15 MS. HO: Well, the Pennsylvania -- like I
16 said, the ivory trade, the Pennsylvania ivory trade does
17 not exist in a vacuum.

18 The ivory trade in Pennsylvania is
19 intertwined with the global trade. And the trade, this
20 global trade, is funding terrorism in Africa and in other
21 parts of the world.

22 CHAIRMAN MARSICO: I understand.

23 But do you have anything that is from law
24 enforcement in Pennsylvania or the United States that
25 indicates that or can document that?

1 MS. HO: Yeah. I mean, there are
2 documentations to show that ivory sales from -- from the
3 ivory trade -- the sales from ivory trade is funding
4 these organizations.

5 It doesn't break down by countries. I
6 mean, but there is documentation and evidence by the
7 United Nations to show that.

8 CHAIRMAN MARSICO: What about the United
9 States; is there any documentation for any law
10 enforcement agency within the United States and/or the
11 Commonwealth of Pennsylvania?

12 MS. LEWIS: The US Fish and Wildlife
13 Service has investigations that have been completed and
14 have made arrests for poaching in multiple states.

15 Is that what your...

16 CHAIRMAN MARSICO: Yeah. That's my
17 question.

18 MS. LEWIS: Yeah.

19 CHAIRMAN MARSICO: Is that poaching, then?
20 Are those moneys going towards --

21 MS. LEWIS: It's the trafficking. It's the
22 trafficking.

23 So once the illegal ivory comes here,
24 they're getting arrested through an investigation for
25 trafficking.

1 CHAIRMAN MARSICO: Trafficking? Drug
2 trafficking or --

3 MS. HO: Yeah. There is -- yeah, there
4 is -- I mean, because these -- for a network to be able
5 to move these products across several continents -- so
6 there are evidence showing that it's the same network.
7 It's the same network that are moving humans, moving
8 weapons, moving narcotics.

9 That's how -- because they are using
10 established networks to move these illegal wildlife
11 product from Africa to China, you know, from South
12 America to other places.

13 And because for them, you know, they have
14 all the contacts, existing contacts in ports around the
15 world. So they are moving the same illegal products as
16 they have with humans and weapons.

17 CHAIRMAN MARSICO: Okay.

18 Representative Topper has a question.

19 REPRESENTATIVE TOPPER: Thank you, ladies,
20 for your testimony here today. I really appreciate it.

21 Two questions. The first just kind of came
22 up as I was thinking about the Chairman's last question.

23 So where is the entry point in our country
24 for most of the -- where does the smuggling come from?
25 If I wanted to smuggle this illegal -- what border is it

1 coming from?

2 MS. HO: Yeah. Airport or ports. They are
3 Fish and Wildlife Service designated ports. So if you go
4 through them, you know, you would have to declare
5 shipments. But because they're illegal, obviously, they
6 were not declared.

7 And, you know, I would like to add that
8 Fish and Wildlife Service, they have the same number of
9 agents inspecting these shipments -- the same number they
10 have today as they had 30 years ago because they are just
11 seriously underfunded.

12 And so it's just not possible to inspect
13 every single shipment entering our country and every
14 single ivory item that's for sale in our marketplace.

15 REPRESENTATIVE TOPPER: So if we're having
16 trouble with funding our enforcement with what we already
17 know is to be illegal, which -- I mean, several of you
18 mentioned the bust here in Philadelphia and around the
19 country, the state. So, obviously, federal law is being
20 enforced.

21 I mean, it is illegal. We're talking about
22 illegal products in some of the cases that we were
23 referencing.

24 So if it's an enforcement problem now, I
25 guess I'm struggling to see how making another law or

1 furthering -- now making a product that is in some cases
2 legal illegal, how does that help our enforcement
3 problem?

4 MS. LEWIS: You know, like I mentioned,
5 illegal ivory's coming in. So we're trying to close the
6 loopholes.

7 Illegal ivory's being stained and openly
8 sold with legal ivory. So we're trying to make it easier
9 for law enforcement by closing that loophole, because
10 they don't have any sort of means to say on the ground,
11 This is illegal ivory from an elephant killed just two
12 years ago, this is an elephant ivory piece that was from
13 an elephant killed a hundred years ago.

14 There's no evidence and scientific tracking
15 for law enforcement on the ground.

16 REPRESENTATIVE TOPPER: So how are they
17 making the big busts here now? I mean, how are they
18 enforcing it now? What led to --

19 MS. HO: Yeah. Because Fish and Wildlife
20 Service, they have ongoing investigation --

21 MS. LEWIS: Investigation.

22 MS. HO: -- I mean, there's, you know,
23 Operation Crash, there's Item Ivory. There are ongoing
24 investigations.

25 And it was the other investigation that led

1 them to Victor Gordon. But, again, like Ann said, it is
2 visually impossible to distinguish legal, old ivory from
3 newly -- newly-acquired, newly-imported ivory.

4 And that is why, you know, when you have
5 this easy way to mix illegal products with legal
6 products, you are -- we are adding burdens on enforcement
7 officers. When, you know, if we have a ban, then they
8 won't -- nobody will be able to sell ivory and then it
9 will ease the enforcement burdens.

10 REPRESENTATIVE TOPPER: But if you would
11 take -- if you would that model, there are many things
12 that are illegal that smugglers would use -- I mean,
13 diamonds, for instance.

14 I mean, that's a very strong -- you know,
15 to task us with the job of creating something that is
16 legal, making it illegal to stop already illegal
17 activity, I think that leads us down a road that would be
18 very difficult for law enforcement.

19 MS. HO: Well --

20 CHAIRMAN MARSICO: Is that a question or a
21 statement?

22 MS. LEWIS: Yeah. I'm not sure how to
23 answer that.

24 REPRESENTATIVE TOPPER: I guess I would --
25 I'm coming back to the enforcement issue.

1 I want to make sure that, you know, when
2 we -- on this Committee, we pass a lot of --

3 MS. LEWIS: I know --

4 REPRESENTATIVE TOPPER: -- we pass a lot of
5 laws that deal with, obviously, the crimes code.

6 And one of the things we ask ourselves is
7 are we going to be able to enforce this law? Do we have
8 the manpower? Do we have the funding? Do we have all
9 the things that is necessary to enforce the laws that we
10 are putting onto the Commonwealth?

11 And so that's kind of how I'm getting this
12 point. This feels like we could be overstepping what we
13 would have the ability to enforce.

14 MS. HO: I mean, when you have -- if you
15 have a ban, then you're not -- then you're not supposed
16 to see elephant ivory or rhino horn for sale -- yeah, in
17 the shop.

18 And so for an enforcement agency, that
19 would be much easier to enforce than going into stores
20 and trying to, you know, to ascertain, you know, asking
21 the owner, you know, where did you get your ivory from
22 and, you know, there are just too many items out there.

23 And that's why California, you know, who
24 has a ban since 2015 that recently they just arrested, I
25 think, a few people, you know, with ivory items worth

1 millions of dollars. I mean, for them, you know,
2 California is such a big market.

3 So if they allow ivory to continue, then
4 it's just for enforcement agencies, they won't be able to
5 do that. But now they have a ban so that the targets are
6 easy to spot.

7 CHAIRMAN MARSICO: Okay. Would you indulge
8 Representative Briggs of Montgomery County who is joining
9 us. Tim, welcome.

10 Next member for questioning is
11 Representative Klunk.

12 REPRESENTATIVE KLUNK: Thank you,
13 Mr. Chairman. And thank you, ladies, for joining us
14 today.

15 In a similar vein as Representative Topper,
16 when it comes to the enforcement mechanisms, in other
17 states -- we understand on the federal level it's the
18 Fish and Wildlife Service. In other states, who is
19 actually enforcing this?

20 Because I'm thinking of my friends who are
21 local police officers. Most of them probably have never
22 seen ivory in their lives, probably wouldn't even know
23 what it is.

24 So how can we in Pennsylvania, if we
25 actually pass this law, how can we really, truly enforce

1 it and how can those men and women on the ground actually
2 know what they're seeing to really crack down on this?

3 MS. LEWIS: I mean, Iris and I were just --
4 just talking on a sidebar. It really depends on the
5 state in terms of what organization is overseeing the law
6 enforcement.

7 And to answer an earlier, I think, point,
8 you know, regarding the selling, the onus is really on
9 the seller to provide the appropriate documentation.

10 And in New Jersey, for example, they have a
11 complete, 100 percent ban. So this is a non-issue in New
12 Jersey.

13 Now, this bill has exceptions. But, you
14 know, to answer your point directly, it really depends on
15 the state to what agency is going to be enforcing this.

16 MS. HO: Yeah. For example, in California,
17 it's California Fish and Game, and in New York, it's New
18 York Department of Environmental Conservation.

19 So it's, you know, the agency and the state
20 that's tasked with the wildlife-related inspections.

21 And going back to, you know, Ann's point is
22 that, you know, if ivory continues to be sold and the
23 onus is on sellers, but according to our various
24 investigations and other organizations' investigations in
25 various states, almost, you know, most of the ivory for

1 sale in this country have no -- they don't have
2 documentation to back up the legality or origin of their
3 items, and, therefore, you know, you have these, again,
4 you know, fertile grounds for illegal ivory to be
5 laundered and circulated in our market.

6 And, you know, Victor Gordon, you know,
7 falsified his documentation. And, you know, it will also
8 put further burden on enforcement officers to be
9 inspecting these documents, verify the authenticity of
10 the documentation and, you know, verify the species
11 composition, identity of the items. So that will create
12 much more cost on the state, I would say rather than, you
13 know, a total ban or a ban.

14 REPRESENTATIVE KLUNK: And that's something
15 I think we need to think about. I haven't looked at the
16 legislation when it comes to who the enforcement agency
17 is.

18 So I think that's something that we
19 definitely need to consider: Who actually enforces this?
20 Because if it's, you know, just Joe Cop on the street, I
21 don't know if Joe Police Officer is really going to know
22 what he's looking at. And making sure that it is
23 somebody who is trained in this type of investigation and
24 knowing what to look for, I think that's really, really
25 important.

1 Kind of continuing along those lines, when
2 it comes to -- when there is a bust, say that the
3 gentleman here in Philadelphia, and there is a piece,
4 say, a piece of art, whatever it is, that is mixed where
5 you have antique ivory and you have new ivory, where does
6 that actually fall?

7 Because part might be antique, part might
8 be new, so is that considered legal? Is it not legal?
9 And how can you actually -- I know you said it's really,
10 really hard to determine what the age of ivory is.

11 And in the legislation right now, there is
12 the exception for antique and it's a hundred years.

13 So if I'm an investigator, how can I
14 determine what is really, truly antique from, you know, a
15 hundred-year perspective, or even if I'm the buyer or
16 seller, how will I -- how do I really know that?

17 I'm just thinking from a practical
18 standpoint here.

19 MS. HO: I mean, there are -- I mean, if
20 you -- for the limited, narrow exceptions under this
21 bill, the de minimis antique, so to speak, again, does
22 follow the exemptions and documentation requirement under
23 federal law and in other states.

24 And what I can tell you that, you know, for
25 Federal Fish and Wildlife Service in other states, you

1 know, every state, they have different criteria for
2 documentation.

3 They -- you know, you can use dated photos,
4 you can use appraisals. And so there are also carbon
5 dating, which is the most scientific way to document the
6 age of the -- of the ivory items.

7 And, you know, and Fish and Wildlife
8 Service, you know, even though they allow certain ivory
9 to be traded, but they did say that, you know, only
10 scientific testing will be the most definitive way to
11 distinguish the age and species identity of an ivory
12 item. That is the most reliable way.

13 REPRESENTATIVE KLUNK: Thank you.

14 And then, Mr. Chairman, if I may, another
15 follow-up to that.

16 So if we have an individual who is
17 purportedly illegally selling ivory, that testing on that
18 particular piece, does that potentially harm that item at
19 all or devalue that item when that officer has to do the
20 carbon dating or any testing on it?

21 MS. HO: It's possible. I think it depends
22 on the size of the item, you know, how the item is cut,
23 you know, how the ivory is cut.

24 They -- again, you know, it's hard to say.
25 It could, but it also could not. There's just no

1 variables in that.

2 And I'd like to go back to enforcement
3 agency because I was looking at the bill and it allows
4 the Department of Environmental Protection to permit some
5 ivory products for educational or scientific purposes.

6 So I would assume that that's the
7 enforcement agency here in Pennsylvania.

8 REPRESENTATIVE KLUNK: Thank you.

9 No further questions, Mr. Chairman.

10 CHAIRMAN MARSICO: Any questions?

11 MS. LEWIS: And if I could just add to
12 Iris' point, there are exemptions in this bill for
13 education, for scientific purposes, certainly for certain
14 antiques and musical instruments.

15 And 200 grams, I just want you to
16 understand, like, what that looks like. So 200 grams is
17 about 7 ounces is about a half a pound.

18 Per the US Fish and Wildlife Service, they
19 equate it to the size of a cue ball. So the 200 gram
20 exemption is a limit that would be enough for a piano, an
21 88-key piano.

22 So certainly, you know, we want to work
23 with other organizations. And that's why we have the
24 exemptions in there.

25 From a law enforcement standpoint, a

1 complete ban would be so much easier. And, honestly, I
2 would prefer a complete ban.

3 But we are putting these exemptions in
4 there. And it's going to be difficult, more difficult,
5 and the burden will be more difficult for law enforcement
6 to kind of manage because it's not a complete ban.

7 MS. LENGAL: I'd like to say and wrap up,
8 I --

9 CHAIRMAN MARSICO: Representative Dean has
10 a question.

11 MS. LENGAL: Oh, I'm sorry.

12 REPRESENTATIVE DEAN: I have a couple
13 questions.

14 MS. LENGAL: I'm sorry.

15 REPRESENTATIVE DEAN: Yes. Thank you.

16 Thank you for being here. Thank you for
17 your excellent testimony and the detail that you offered
18 us, the multi-layered problem and issue that this is.

19 The bill, for those of us who are here who
20 maybe haven't seen it, it's a three-page bill; it is not
21 dense and complicated.

22 It is representative of negotiation and
23 moderation. And that is why we purposely put in there, I
24 purposely wanted to draft it to have exceptions for the
25 musical instruments, with the weight, as you point out,

1 200 grams, a little more than 7 ounces for antiques, for
2 educational purposes.

3 This is, I think, the result of being
4 moderate. But what it does -- and maybe to -- you guys
5 could explain this even better. What it does is it
6 signals -- if we put this ban on -- and literally it's a
7 misdemeanor, we're not locking people up for years, this
8 is a misdemeanor. But it is evidence that this is
9 criminal activity -- if we were to pass this -- to trade
10 or sell ivory in Pennsylvania.

11 And really what these three little pages
12 do, I believe -- and tell me if you think I'm right -- is
13 to say the market is closed here, the intrastate market
14 is closed here, the interstate market is also closed.

15 So if you would -- and also to connect to
16 the Chairman's initial question on terrorism -- could you
17 expound a little bit on the connections between ivory
18 trade, funding terrorism on the ground where they are
19 doing the poaching and then how those dollars go back.

20 And if I'm understanding correctly,
21 somebody who's trading and buying illegal ivory is
22 fueling that market whether he's buying right here in
23 Philadelphia. So that is our connection, that is our
24 nexus to terrorism dollars.

25 Could you expound a little bit on the

1 terrorism aspect.

2 MS. HO: Yeah. I mean, the poaching is
3 taking place in literally, you know, in Western Africa --
4 sorry -- Eastern Africa, Central Africa, and where a lot
5 of these -- Eastern Africa as well, you know, where a lot
6 of these groups are.

7 And what they do is they go to their
8 national parks and reserves, and sometimes they go to
9 other countries, you know, Janjaweed of Sudan, you know,
10 they -- they rode in their horseback and they went into
11 Cameroon and killed, you know, hundreds of elephants.

12 And what they do is they -- they kill the
13 elephants, get the tusks and sell them to their -- to
14 their buyers.

15 And then -- and then once, you know, those
16 ivory is shipped to various places around the world,
17 that's how they are making these money is by selling
18 poached ivory tusks.

19 And so any ivory items that's for sale in
20 the market is perpetuating this ivory trade, you know,
21 whether it's ivory, you know, for sale here in
22 Pennsylvania, you know, ivory for sale in China, in
23 Southeast Asia.

24 You know, as long as there's this market
25 there, we are sustaining the ivory trade that is, you

1 know, fueling the ivory sales and the sales of ivory and
2 poached tusk, which then are being -- we then are
3 funded -- funding these terrorist organizations on the
4 ground in Africa.

5 MS. LENGAL: It's typical supply chain
6 economics. I mean, it works like any other supply chain.
7 It's just an illegal product. And along the way, each of
8 the middlemen is taking a profit from it.

9 And in this case, most of them are illegal.
10 And in the end, they're linking back to terrorist
11 organizations.

12 So what we're talking about doing is
13 cutting off the demand. That's where you have to address
14 the problem. It has to be addressed all along the way.

15 But if the demand remains, the supply
16 will -- they will find a way to supply. And so what
17 we're talking about here is impacting demand.

18 REPRESENTATIVE DEAN: Thank you.

19 And we really didn't have a chance -- and I
20 know our time is limited. We really didn't have a chance
21 to talk about the impact on ecosystems.

22 It's not just the single elephant that dies
23 or the 35,000 who die. It disturbs the ecosystem, which
24 will ultimately disturb our planet.

25 Can you briefly -- that's a huge question.

1 But can you briefly tackle that?

2 MS. LENGAL: Yes. Elephants are a --
3 elephants and rhinos, as megaherbivores, are huge impacts
4 on their environment.

5 And so with -- they provide a lot of what
6 we call ecosystem services. So the presence of elephants
7 in an area can keep grasslands open for grazers.

8 So you think about the Serengeti and those
9 plains, much of that is maintained by the fact that you
10 have elephants there. You know, they spread nutrients as
11 they eat and walk. And they also, by doing so, create
12 habitats for lots of other animals.

13 So the absence of elephants in a system
14 actually changes the way that the system evolves.

15 You now have grasslands getting wooded, you
16 know, covered by woodlands. That chokes out other
17 species in places like Kenya and other parts of
18 Sub-Saharan Africa that depend on tourism and they depend
19 on those big, open grasslands and all those teaming herds
20 of megaherbivores, that directly economically impacts
21 them as well.

22 And, of course, tourists come for
23 elephants. So a live elephant is worth far more than a
24 dead elephant from -- if you're thinking about the
25 tourism dollars for those countries.

1 REPRESENTATIVE DEAN: And for my
2 colleagues, just so you know, we did distribute to you a
3 very detailed National Geographic article which tackles a
4 lot of the issues that we're talking about today.

5 In the interest of giving time to others, I
6 do want my colleagues to know that we have submitted
7 testimony from many people.

8 And I want to point out just two who are
9 here. Autumn Held.

10 Autumn, would you stand.

11 There she is. Autumn Held has offered us
12 written testimony.

13 And Juleeanna Held also has offered us
14 written testimony, among many, many others.

15 Thank you, Mr. Chairman.

16 CHAIRMAN MARSICO: Thanks for your
17 testimony.

18 Representative Jozwiak is the last member
19 to ask questions on this panel.

20 Representative Jozwiak -- or comments,
21 whatever you want to do.

22 REPRESENTATIVE JOZWIAK: A few questions.
23 Thank you, Mr. Chairman.

24 First of all, the countries -- and how many
25 countries in Africa are affected by this?

1 MS. HO: I mean, they are, I would say, you
2 know, all the countries that have elephants are affected
3 by poaching.

4 REPRESENTATIVE JOZWIAK: Well, I don't know
5 how many countries that is. How many are there?

6 MS. HO: There are 39.

7 REPRESENTATIVE JOZWIAK: Thirty-nine.
8 Okay. So in those 39 countries, is there legal hunting
9 of elephants and rhinos?

10 MS. HO: Yes. In limited circumstances,
11 yes.

12 REPRESENTATIVE JOZWIAK: So if a person
13 goes out and legally hunts an animal and brings it back
14 here, you're going to tell us that they can't bring it
15 here now? That's your goal?

16 MS. HO: No, no, no. No. This does not --
17 I mean, trophy -- hunting trophies are different from
18 ivory items.

19 I mean, hunting trophies are allowed
20 because it's for personal use. I mean, under US law, you
21 can only -- you can import elephant hunting trophies into
22 the US for personal use.

23 So it has nothing to do -- but you're not
24 supposed to -- you cannot sell them. That is federal
25 law. So but for -- to bring back your hunting trophies,

1 that is permitted under federal law and international
2 law.

3 MS. LEWIS: If I may add, per the US Fish
4 and Wildlife Service, that is something that's allowed.
5 Sports hunted trophies, limited two per hunter, per year.

6 REPRESENTATIVE JOZWIAK: Okay. Also, what
7 I was thinking about here. This is really, in my
8 opinion -- and I'm a former law enforcement officer --
9 this is a law enforcement issue in Africa where you got
10 to stop this where it's occurring, not on the back end.

11 And the reason I'm saying that -- the
12 reason I'm saying that is because how do you expect
13 people to identify ivory products when there's so many
14 similar products out there in the market now, like
15 celluloid, that looks like ivory?

16 Law enforcement officers are not going to
17 know the difference, are not going to be able to tell the
18 difference.

19 MS. LEWIS: If I just may address your one
20 point. It's a multi-prong approach. Yes, there needs to
21 be more enforcement in these African nations.

22 I mean, what's happening is, for example,
23 the Lord's Resistance Army is going into the DRC, killing
24 elephants and trading those tusks in Sudan for weapons.
25 Right?

1 So there needs to be more enforcement over
2 there. We already know there's over a thousand rangers
3 that have lost their lives on the ground trying to help
4 save these species.

5 The federal government took action last
6 year to restrict the trade. China, the number one market
7 for illegal ivory, China, has taken action to restrict
8 the trade.

9 The number two market for ivory, the US,
10 federal government took action last year. And in order
11 to support the federal government's restrictions, we have
12 to take action at the state level.

13 So it's a multi-pronged approach. I agree,
14 there needs to be more enforcement in Africa, but we can
15 do, certainly, our part at home.

16 REPRESENTATIVE JOZWIAK: Okay. I have one
17 more comment to that.

18 Thank you. I just have one more comment.

19 Over the last few days, we've all been
20 receiving lots of e-mails from lots of people on this
21 issue. It's been at the forefront.

22 I personally received 876 e-mails. Nine
23 are in my district. I represent 64,000 people. Only
24 nine people are concerned about this.

25 Two people from out of state e-mailed me.

1 And every single one is opposing this bill. There's
2 nobody that said this is a good bill to me.

3 And that's from all over Pennsylvania. And
4 that's our documentation on the e-mails.

5 MS. LEWIS: Well, but you have a whole
6 packet of written testimony from --

7 REPRESENTATIVE JOZWIAK: I do.

8 MS. LEWIS: -- organizations and
9 constituents from your very areas that you support
10 supporting this bill, in addition to everyone here that's
11 supporting it.

12 We have written testimony from the David
13 Sheldrick Wildlife Trust. We have testimony from the Big
14 Life Foundation. And these are organizations on the
15 ground that are seeing the impact.

16 REPRESENTATIVE JOZWIAK: And where are they
17 from?

18 MS. LEWIS: The David Sheldrick Wildlife
19 Trust, they're in Kenya.

20 REPRESENTATIVE JOZWIAK: Kenya. Oh, okay.
21 They're not here in Pennsylvania.

22 MS. LEWIS: The Big Life -- we have a ton
23 of -- we have two members from the NRA that are pro
24 moving this bill forward. You have written testimony
25 from them.

1 We have written testimony from the
2 Philadelphia Music Union saying this bill will not impact
3 their industry.

4 We have exemptions, 200 grams for antiques,
5 musical instruments. You know, we need to move this
6 forward.

7 It's saving a species from extinction and
8 it's stopping the funding of terrorism, which we've
9 already provided a ton of data on and we certainly can
10 provide more, if you need it.

11 REPRESENTATIVE JOZWIAK: Yeah. I'm just
12 trying to lay out all the facts here. I mean, you're one
13 side and I'm getting the other side out here a bit.

14 And you say two NRA members responded.

15 MS. LEWIS: I'm sorry?

16 REPRESENTATIVE JOZWIAK: Two NRA members.
17 There's millions of NRA members. There's only two?

18 MS. LEWIS: I mean, the NRA's -- they're
19 e-mail templates you're getting. They're copying and
20 pasting it.

21 You know, our advocates are really
22 passionate about this issue. And, you know, the NRA is
23 one of the largest government lobbyist organizations in
24 the country. They have a huge pool of people.

25 But it doesn't mean their side is the right

1 side. It's what side of history do we want to be on.
2 And it's saving these species from extinction and
3 stopping the funding of terrorism.

4 REPRESENTATIVE JOZWIAK: Okay. Thank you.
5 We'll hear from the NRA as well, then.
6 Thank you, Mr. Chairman.

7 CHAIRMAN MARSICO: Representative Briggs
8 for one short question.

9 REPRESENTATIVE BRIGGS: Thank you,
10 Chairman. And I do want to thank you for having today's
11 conversation. And I want to thank the sponsors for
12 bringing it.

13 I agree it needs to be a multi-faceted
14 approach and Pennsylvania needs to do something to be
15 part of that approach.

16 I think the more education we have on the
17 ivory and the like -- I just asked my colleague, and I
18 feel like it's probably a silly question: What is the
19 market for ivory? You know, I know there's a legal and
20 illegal. What are people doing that are purchasing
21 ivory? That's my small question.

22 REPRESENTATIVE STEPHENS: You didn't like
23 my answer?

24 MS. LEWIS: He didn't trust your answer, I
25 guess.

1 REPRESENTATIVE BRIGGS: I don't know if
2 I -- I remember in the '70s as a child, my grandmother, I
3 think had some ivory, either jewelry or carvings.

4 MS. LEWIS: Yeah.

5 REPRESENTATIVE BRIGGS: And I'm sure I've
6 seen a knife handle with ivory in museums. I don't hunt.
7 I don't own -- I own knives, but not -- I own kitchen
8 knives.

9 But so I'm assuming those are the topics
10 and that's what Representative Stephens told me. And
11 musical instruments.

12 But what is currently the desire to be
13 purchasing, for that much money, ivory these days?

14 MS. HO: I mean, these are -- I mean, those
15 are precisely, you know, the items that you cited are,
16 you know, what is commonly found in marketplaces, you
17 know, here in the US, you know, in the UK, in EU, in
18 China, in Hong Kong, you know, trinkets, jewelries,
19 pendants, religious figurines, you know, Catholic or
20 Buddhist, and pianos keys, those are ivory-veneered keys,
21 and some musical instruments and some firearms, knives,
22 and guns.

23 But, again, you know, these items, the
24 fully-carved item, if you look at the seized ivory items
25 stockpiles, whether it's here in the US, we destroyed

1 two -- twice, ivory -- seized ivory stockpiles.

2 And then there are also ivory stockpiles,
3 confiscated ivory stockpiles, destroyed in probably, I
4 think, 23 countries so far.

5 So if you look at the composition of
6 confiscated ivory stockpiles, including in Kenya, they
7 destroyed I think it was a hundred tons of ivory, seized
8 ivory last year. And I was there.

9 Those items are fully carved. They look
10 exactly fashioned in the same style that are found in our
11 marketplace today, the fully-carved ivory items.

12 Even though it's just jewelry, little ivory
13 jewelries and trinkets, but they come from -- they could
14 be coming from illegally-killed elephants. They come
15 from poached elephants. And these are the markets that
16 we're trying to stop.

17 REPRESENTATIVE BRIGGS: Thank you for that.
18 And I applaud Representative Dean for her moderate
19 approach.

20 I would support a complete ban on that. I
21 think there's a lot of alternatives to -- but I
22 understand the end goal, so I support the current bill.

23 MS. LEWIS: And if I may add --

24 CHAIRMAN MARSICO: We have to move on a
25 little bit.

1 So Representative Toohil wanted to make a
2 statement or a question.

3 Thanks, Representative Briggs.

4 REPRESENTATIVE TOOHIL: Thank you,
5 Mr. Chairman.

6 I just wanted to, well, first of all, thank
7 the panel. You've done excellent and you've given us a
8 lot of information that many of us in this room did not
9 know at all.

10 In response to Representative Jozwiak's
11 questions, I just wanted to note that the US law does
12 allow for personal use.

13 So the e-mails that we're getting -- I had
14 909 e-mails this morning, and those are from people that
15 are afraid that we're going to be infringing on their
16 Second Amendment rights and their ability to go hunting.

17 But many hunters in the State of
18 Pennsylvania, they have limits on the number of deer
19 they're allowed to kill, you know, certain animals,
20 because we don't want to be creating extinction problems.

21 So I think it's important to note that they
22 are even still allowed, if you do have the means and the
23 money to go on these African hunting expeditions, that
24 you'll still be able to do so and kill an elephant and
25 bring home these trophies.

1 So we're not -- and I don't know what those
2 numbers are. So I think it'll be important when we get
3 those numbers to note if that's not impacting this issue,
4 the extinction issue, the number of hunters that we have
5 from Pennsylvania that are getting on a plane and doing
6 this.

7 And I do think that it's important to go
8 over the language because enforcement will be far easier
9 in pawnshops.

10 Our local police are educated, they go into
11 the pawnshops when things are being sold illegally:
12 guns, stolen gold, stolen cooper, veterans' memorials,
13 those types of things. Our local police do become
14 educated on state law changes and they wouldn't be able
15 to enforce it. Obviously, enforcement would be far
16 easier if ivory is just ivory.

17 Thank you.

18 MS. LEWIS: Could I add one more quick
19 statement to add to your comments?

20 This is not a Second Amendment issue. We
21 are not taking anything away.

22 If there are gun owners out there that have
23 guns with ivory inlays, you can keep them; you're not
24 going to get in trouble for having them. You can give
25 them to someone. You can pass them down to your

1 children.

2 We're just saying we want to limit the sale
3 and place the value on the live elephant, not the object.

4 CHAIRMAN MARSICO: Okay. Thank you very
5 much. Very well prepared, very well done.

6 MS. LEWIS: Thank you for inviting us.

7 CHAIRMAN MARSICO: Our next panel is --
8 well, Senator Raymond Lesniak is not able to be here, but
9 he's provided testimony that Representative Dean is going
10 to read.

11 Representative Dean.

12 REPRESENTATIVE DEAN: Thank you,
13 Mr. Chairman.

14 Senator Raymond Lesniak sends his
15 apologies. He had to go to a funeral today at the very
16 last minute. But he wanted to be here to share his
17 experience in New Jersey, and so he did offer us written
18 testimony which I will now read.

19 New Jersey's comprehensive ban on the
20 import, sale, purchase, barter, or possession of ivory or
21 rhino horn and items containing ivory or rhino horn with
22 limited exceptions passed the New Jersey Senate 37 to 0
23 and our Assembly 75 to 2.

24 It was signed into law by Governor Chris
25 Christie on August the 1st, 2014, effective six months

1 later, February 1, 2015.

2 In signing my legislation, Governor
3 Christie said, "With this legislation, we are making it
4 clear that there are strict consequences for individuals
5 who would seek to profit from trafficking in these
6 products and their harvesting that brings far-reaching
7 harmful consequences on endangered animal populations.

8 "These stricter measures will help to
9 reduce the amount of criminal activity that surrounds
10 this industry while protecting wildlife populations that
11 are already seriously threatened from this harmful
12 practice."

13 In the more than two years since its
14 enactment, I have received only one complaint. Piano
15 retailers and repair stores, they had some concerns, but
16 they subsequently dropped them.

17 The limited exceptions of my law are for
18 bequests to legal beneficiaries of an estate or given in
19 anticipation of death or possession of legally obtained
20 ivory or rhino horn prior to its effective date or for
21 conveyances for educational and scientific purpose with
22 the approval of the New Jersey Department of
23 Environmental Protection.

24 Penalties for a first offense are not less
25 than \$1,000 or twice the value of ivory or rhino horn,

1 whichever is greater.

2 For a subsequent offense, the penalty is
3 not less than \$5,000 or twice the value, whichever is
4 greater.

5 The United States is the second largest
6 importer of ivory and rhino horn, second only to China.

7 I urge you to pass a strict bill to stop
8 funding terrorists and to stop contribution to the
9 extinction of elephants and rhino on the face of the
10 earth.

11 I urge you to say not in Pennsylvania, not
12 in New Jersey, not in the United States. Thank you.

13 CHAIRMAN MARSICO: Our next testifier is
14 Joe Parente. Joe is with the Philadelphia Musicians'
15 Union.

16 Welcome, Joe. You may begin when you're
17 ready.

18 MR. PARENTE: How's that? I've been called
19 a lot of things but never a panel. I know.

20 My name is Joe Parente. I am the president
21 of the Philadelphia Musicians' Union.

22 And I want to thank the Chairman and the
23 whole Committee for the invitation and opportunity to
24 speak in support of House Bill 248.

25 The Philadelphia Musicians' Union Local 77

1 of the American Federation of Musicians is the collective
2 bargaining representative for professional musicians in
3 the Philadelphia area.

4 We represent the Philadelphia Orchestra,
5 the Opera Philadelphia Orchestra, Pennsylvania Ballet,
6 the Philly Pops, Chamber Orchestra, and various theaters
7 and other organizations.

8 I've reviewed the -- oh, and we have a
9 membership of approximately \$800 -- \$800, I wish it
10 were -- 800 members depending upon who paid their dues in
11 what quarter, so we're just saying.

12 All right. I've reviewed the language in
13 House Bill 248 and I paid particular attention to the
14 exceptions provided and the definitions of the antique
15 musical instruments.

16 The exceptions are more than adequate to
17 ensure that there are no negative impacts on professional
18 instruments by this bill.

19 The weight allowance far exceeds any ivory
20 used in a musical instrument. Now, I have to make a
21 point that musical instruments are not made out of ivory.

22 What we're typically talking about are bows
23 that may contain ivory, may contain ivory. And they're
24 used for violins, violas, cellos, and basses. They're
25 made completely of wood, different types of wood.

1 But the only use that ivory may have is a
2 decoration at the tip of the bow, and at the bottom,
3 which they call the frog, and I don't know why, but they
4 call it a frog.

5 And what it is is a sliver of ivory that
6 is, I guess, glued. Other -- other bows that have no
7 ivory for decoration or ornamentation would be rose gold,
8 silver, mother-of-pearl. Not all bows have ivory.

9 And ivory does not necessarily -- well, not
10 even necessarily -- does not add to the value of the bow.

11 The bow -- bows have been made for hundreds
12 of years. And that's where the value comes. It's
13 personal preference whether a bow has ivory or not.

14 I'm sure there are people in the
15 Philadelphia Orchestra -- I haven't talked to all of
16 them -- but have bows that are thousands of dollars that
17 have no ivory on them.

18 So -- and the weight allowance of 200 grams
19 is far, far, far below anything that would be on a
20 musical instrument.

21 You could probably take a sliver of that
22 tusk and put it on a bow and you'd have a hard time
23 finding where it came from on that tusk. So it's very,
24 very limited.

25 In addition, the definition of the antiques

1 provide an additional layer of protection for the
2 musicians because the desirable bows which may contain
3 ivory were crafted by bow masters well over a hundred
4 years ago.

5 Bows are -- I mean, you may be talking
6 about a violin that costs \$500,000, \$750,000. The
7 Philadelphia Orchestra has ones -- has one -- nobody uses
8 it -- but they own one that's a million dollars.

9 Now, you're not going to play a
10 million-dollar instrument with a \$50 bow. So I mean,
11 Tubbs is a bow maker and the research I saw was that
12 they -- their highest bow was \$288,000, so...

13 And I don't know if it has ivory on it or
14 not. But, you know, bows are very expensive. And a lot
15 of -- a lot of it is personal preference by the person
16 playing it.

17 They need a certain amount of agility, a
18 certain amount of dexterity. And that's what gives value
19 to the bow, not the ivory.

20 In addition to serve -- in addition to
21 serving as president of Local 77, I serve as a member of
22 the International Executive Board of the American
23 Federation of Musicians of the United States and Canada.

24 And we have, approximately, by the same
25 standards as the local, 80,000 members throughout the

1 United States and in Canada.

2 So, in conclusion, again, I would like to
3 thank the Committee for the invitation and the
4 opportunity to testify.

5 And Local 77 stands strongly behind bill --
6 House Bill 248 and we look forward to Pennsylvania
7 passing this legislation.

8 Thank you.

9 CHAIRMAN MARSICO: No questions?

10 Seeing no questions, I want to thank you
11 for your testimony. And you did a good job representing
12 Panel II.

13 Thanks for being here.

14 MR. PARENTE: Thank you.

15 CHAIRMAN MARSICO: I wanted to recognize --
16 where is he? Oh, now he's over here in the front.

17 Kiryl Marchuk is a legislative fellow at
18 the House of Representatives assigned to the Judiciary
19 Committee and is also a Temple University student. I
20 believe he's a senior? Junior?

21 Stand up. Young, good-looking guy in the
22 light blue jacket. He's doing a great job for us.

23 Panel III. Moving right along -- we're in
24 good shape here with the time -- is Doug Ritter, chairman
25 and executive director of the Knife Rights organization;

1 Robert Mitchell, founding member of the Elephant
2 Protection Association; and John Hohenwarter,
3 Pennsylvania State Liaison with the National Rifle
4 Association; and Elle Shushan, consulting with the
5 Philadelphia Museum of Art and private art dealer.

6 Welcome. You may begin when you're ready.

7 MR. MITCHELL: Thank you, Mr. Chairman. My
8 name is Robert Mitchell with the Elephant Protection
9 Association.

10 We have a lot to cover. And what I want to
11 do is emphasize that the written materials that I've
12 provided to you folks in advance, I'm not asking you to
13 trust as much to verify.

14 What I'd like to do is point you back to
15 some of the specific information in primary sources to
16 clear up a lot of information that has been discussed in
17 this hearing that the -- the primary sources do not
18 support.

19 Generally speaking, as far as elephant
20 conservation is concerned, this Pennsylvania bill amounts
21 to little more than virtue signaling when it looks at
22 actual impacts on the number of elephants and wildlife
23 conservation in Africa.

24 It's worse than a bill that's in search of
25 a problem. It creates a lot of problems that it

1 otherwise has been represented to you as trying to solve.

2 There are three key points that I want to
3 hit. And the first is that the federal law makes the
4 Pennsylvania bill unnecessary. We don't have domestic
5 elephant populations in Pennsylvania.

6 This is about elephant herds primarily in
7 Africa. There are Asian elephants that are regulated
8 separately much more stringently, and have been for a
9 long time.

10 And most of the ivory that's in the trade
11 these days is coming from African elephants for a host of
12 different reasons.

13 The main reason why the federal law is
14 strong is because it was strong before we even started
15 talking about elephant ivory bans in the United States.

16 International trade was severely limited
17 back in the 1990s. And from the 1990s on, the ivory
18 market in the United States has been contained within the
19 United States and largely isolated from the rest of the
20 world.

21 We have hundreds of tons of ivory that was
22 imported into this country long before the Endangered
23 Species Act was even written. And that is the ivory that
24 has been traded.

25 So when you hear people talk about the

1 United States being the second largest ivory market, they
2 frequently leave out the word "illegal ivory market,"
3 because, yes, we have a lot of ivory that trades in the
4 United States, but it's here legally and it does nothing,
5 it has no impact on what's going on in the ivory trade in
6 Africa between Asia right now.

7 The other thing that I'd like to point your
8 attention to is the Convention on the International Trade
9 of Endangered Species. It's been -- International Trade
10 of Endangered Species -- has been referred to earlier.

11 In 2014, they released a report that really
12 addressed all manner of illegal killing of elephants and
13 the ivory trade. The references are in your text.

14 But there's three graphs taken from that
15 report that really is important for -- for you today.
16 And I submitted them with your materials.

17 Figure No. 13 shows trade routes of ivory
18 that has been confiscated. So you're talking about large
19 confiscations of ivory. And this is what maps where the
20 illegal ivory is actually flowing.

21 It covers the years 2000 to 2008. And if
22 you look at this map, the thickness of the lines
23 indicates the amount of ivory that's flowing.

24 And you only have one little line pointing
25 over here to the United States; the rest of it is headed

1 towards Asia. That was for the period 2000 to 2008.

2 You look at the figure 2014, which covers
3 2009 to 2011, United States is not even on the map
4 anymore and you can see how the ivory trade is
5 concentrating in China.

6 And then when you move to 2012, 2013, those
7 trade routes have consolidated even more. The United
8 States not even on the map.

9 In short, the illegal ivory is not coming
10 to the United States because the federal government has
11 been doing its job.

12 I'm glad the Victor Gordon case has been
13 brought up to you today. A few facts usually get left
14 out of the Victor Gordon case when being discussed in
15 front of -- of hearings such as this.

16 Victor Gordon was busted in 2009. He had
17 been collecting ivory for years prior to that date. That
18 date is significant because elephant poaching did not
19 peak in Africa until 2011.

20 Moreover, Victor Gordon was prosecuted for
21 that crime. Victor Gordon wound up getting a sentence of
22 30 months in prison and he suffered penalties of over a
23 million dollars under law that existed before ivory bans
24 were even discussed.

25 So the issue here today is the Pennsylvania

1 law and what is the Pennsylvania law going to wind up
2 adding to the protection of elephants. And the answer to
3 that is nothing.

4 What the Pennsylvania law winds up doing,
5 because you've already got the federal law regulating
6 importation of ivory and you've already got federal
7 regulation about trade between the states, you're talking
8 about preventing one Pennsylvanian from selling a chess
9 set to another Pennsylvanian. Okay?

10 That is where you're going to see most of
11 the activity in Pennsylvania for this rule.

12 There's -- there's no evidence -- and this
13 panel has asked and the prior panelists were unable to
14 answer where is the evidence of the ivory pouring into
15 Pennsylvania.

16 There isn't any. You're not going to hear
17 it. I mean, if there was this much ivory pouring into
18 Pennsylvania, you people would know better than anybody
19 because you are better in touch in your communities than
20 a lot of the panelists who have been discussing -- who --
21 this issue beforehand.

22 It simply just isn't there. What this has
23 turned into is a cause celebre. But you have to look at
24 what the actual impact is going to be in Africa.

25 The second point that I want to make is

1 this ivory ban ultimately is going to wind up being bad
2 for conservation.

3 All of the numbers, all of the statistics,
4 all of the discussion beforehand has lumped all of Africa
5 together as if you're dealing with one jurisdiction who's
6 monitoring elephants and -- and one habitat in which
7 you'll find them.

8 You well know that Africa is a continent
9 that's enormous. Many of you are probably already
10 familiar with wildlife issues just that you need to
11 confront here in Pennsylvania.

12 You can only imagine the enormity of scope
13 of difference between dealing with one state and an
14 entire continent.

15 When you look at the numbers from SITIES
16 that show that elephant poaching peaked in 2011 and has
17 been on the decline every year since then. There's no
18 support for this current notion that there's 96 elephants
19 per day being killed now.

20 You've got potentially two years that
21 occurred at the peak of the commodities boom when China
22 was scouring up commodities from Africa at its height,
23 where there was a serious problem with poaching. And
24 everybody on this panel is against elephant poaching.
25 Everybody on this panel really wants to preserve

1 elephants.

2 But we want to pass laws that are actually
3 going to be effective and not unnecessarily punish other
4 people.

5 The thing about Africa that you need to
6 bear in mind is that there are successful conservation
7 programs where you have populations of elephants
8 flourishing, which is why they are not considered an
9 endangered species either in the United States or by
10 SITES, listed as threatened but not endangered.

11 And because -- so you've got -- you've got
12 certain countries in Southern Africa, where you've got --
13 the issues there are actually populations explosions
14 where they're having difficulties with maintaining a
15 sustainable habitat.

16 And then you've got the other
17 three-quarters of Africa, Eastern, Western, and Central
18 Africa where you have some very critical populations in
19 Africa.

20 The primary distinction between East,
21 Central, and Western Africa, and Southern Africa is that
22 Southern Africa has promoted sustainable use.

23 Southern -- and that's not just South
24 Africa, but Zimbabwe, Botswana, other countries in that
25 region.

1 They have -- and in order to save time, I
2 want to point to the other animal that is listed as part
3 of this bill, the white rhino, because that -- that does
4 a better job of highlighting the situation than even the
5 elephants do.

6 At the beginning of the 19th century, the
7 southern white rhino was practically extinct; they were
8 down to about 20 to 15 -- 20 to 50 animals. And this is
9 all described in the IUCN Red List in the classification
10 of that -- of the white rhino.

11 The one remaining population was in South
12 Africa. They decided to do something about it. They
13 actually did a lot of different things.

14 But the -- what was most effective was
15 expanding the range land for these animals so there was
16 more territory in which they could thrive.

17 The way that they did that is they got
18 private landowners in order to open up their ranges for
19 rhinos to live.

20 As a result of that, the southern white
21 rhino now numbers over 20,000 animals in South Africa and
22 the neighboring countries.

23 Contrast that to its cousin the northern
24 white rhino where in Eastern, Central, and Western
25 Africa, they've maintained very, very strict rules, such

1 as rules like this, which prevent hunting, which prevent
2 sustainable use.

3 That species is -- is for all purposes
4 extinct. There's only three animals left in the world of
5 the northern white rhino, all in captivity, all too old
6 to breed and genetically they're related anyway.

7 So what a ban like this does is it imposes
8 the failed policies of Eastern, Central, and Western
9 African countries on the successful countries in Southern
10 Africa.

11 The final thing that I'd like to touch upon
12 is the relationship between terrorism and the ivory
13 trade.

14 We need to be clear that if you're going to
15 be talking about fighting terrorism, that's not about
16 animal conservation.

17 You know, if you're going to talk about
18 fighting terrorism and denying ivory to terrorists, then
19 you're talking about separating those animals from the
20 terrorists because as long as you've got elephants,
21 you're always going to wind up having ivory.

22 The key point here is that -- is the loose
23 language that's been used in order to talk about
24 terrorism.

25 Janjaweed, Lord's Resistance Army, those

1 are bad groups that do a lot of harm in the countries in
2 which they operate. But they don't have international
3 reach.

4 These are groups that are big problems in
5 the regions where they live, but they aren't the kind of
6 terrorist groups that this language is designed in order
7 to intimidate and cast fear in Americans.

8 The groups like that, primarily Al-Shabaab
9 and the Al-Qaeda affiliated groups, emanate from the
10 Middle East.

11 Now, there's a report that's been put out
12 that's cited in your materials that UNEP and INTERPOL did
13 called Environmental Crime Crisis and they talk about all
14 kinds of issues where terrorism is being funded.

15 It is true that Al-Qaeda and other -- and
16 Al-Shabaab, in particular, participate in many different
17 kinds of environmental crimes, but it's not the ivory
18 trade.

19 It's not the ivory trade because they're
20 not in countries where there are elephants. The kind of
21 descriptions that have been quoted to you have been very
22 deceptive in that way.

23 There's a second report that goes into
24 specifically allegations of Al-Shabaab and Al-Qaeda that
25 came out of RUSI, which is a British research

1 organization.

2 Again, citations have been provided and
3 along with links to download in which they trace this
4 back through.

5 And what you have is an echo chamber where
6 people keep repeating names of terrorist organizations in
7 hearings in order to be able to create terror and concern
8 and all sorts of an emotional reaction to this issue, but
9 the evidence isn't there.

10 Obviously, this panel has been very
11 participative; you've had a lot of questions. So at this
12 point, I'd like to pass it on to my colleagues so they
13 can continue with their statements.

14 MR. RITTER: Chairman Marsico, members of
15 the Committee, my name is Doug Ritter and I'm the
16 chairman of Knife Rights, appearing here in opposition to
17 HB 248.

18 Knife Rights represents America's and
19 Pennsylvania's millions of knife owners and collectors,
20 knife makers, scrimshaw artists, knife retailers, and
21 suppliers to knife makers and scrimshaw artists.

22 Many of them own legally-acquired,
23 decades-old ivory or knives with ivory components. And
24 as it turns out, like millions and millions of Americans,
25 many of our members also own a wide range of ivory items.

1 Knife Rights has submitted detailed written
2 testimony opposing HB 248. I apologize for the written
3 testimony's length, but you have heard a great deal of
4 misinformation and outright lies, and we attempt to
5 factually respond to each of these in our written
6 testimony and ivory ban white paper.

7 Let me briefly summarize the problems we
8 have with this irrational bill. We have heard some truly
9 emotional testimony today.

10 I want to assure the Committee that Knife
11 Rights and all those we represent abhor the poaching of
12 all animals, and we unequivocally support science-based
13 conservation efforts that have proven successful in
14 posting significant gains in elephant populations in
15 Africa over the past few decades.

16 As you were told, I will tell you, HB 248
17 will not save a single living elephant in Africa. But it
18 will have severe economic impact on many of your
19 law-abiding constituents who earn -- who own and work
20 with ivory.

21 Knife Rights unequivocally supports
22 practical and lawful efforts to defend elephants in the
23 field from poachers, as well as lawful enforcement
24 activities that directly target illegal black market
25 trade.

1 These policies have resulted in an
2 internationally-recognized reduction in elephant poaching
3 over the past seven years.

4 Elephant populations are now greater in
5 Africa overall than any time in the past two decades. HB
6 248 accomplishes none of these effective and proven
7 objectives.

8 HB 248 flies in the face of study after
9 study and federal government statements, which I've
10 included in our white paper, that, one, there is
11 virtually no illegal ivory market in the United States.
12 That the legal trade in decades-old ivory in the US has
13 no influence whatsoever on the poaching of elephants in
14 Africa.

15 As Rob mentioned, that international
16 terrorists being supported by poached ivory is negligible
17 and these overhyped claims over the latest bogeyman in
18 order to rationalize this ban are unsupported by the
19 facts.

20 The greatest threat to the relatively few
21 elephant populations were -- which are in danger of
22 poaching are corrupt governments, particularly in Western
23 Africa. And a ban in Pennsylvania will do nothing to
24 address that simple fact.

25 The greatest threat overall to elephants is

1 overpopulation, both by growing human encroachment on
2 their range -- and I believe you have copies of my two
3 slide -- pages of slides including -- that show how
4 directly the growing human population in some areas of
5 Africa where elephant ranges exist directly corresponds
6 to the reduction in elephant populations in those ranges.
7 More people, less elephants.

8 The other problem is that in some areas,
9 restricted ranges as a result of failed wildlife policies
10 result in extreme environmental degradation, which
11 affects biodiversity, adversely affecting other species
12 which lose food or cover, and imperiling the existence of
13 other species of animals and plants in those areas.

14 You can see these pictures from Botswana.
15 This is not a living ecosystem. This is an ecosystem
16 that is being destroyed because there are too many
17 elephants for the range.

18 The ecological overshoot graph that's in
19 these pages graphically illustrates the issue. When you
20 have too much population, it destroys the supportive
21 environment and what you end up with is less elephants in
22 the end and less biodiversity because there is actually
23 less habitable range when all is said and done.

24 The concept of an illegal ivory market in
25 the US flies in the face of common sense. The black

1 market price of raw ivory in China is about \$1,500 per
2 pound.

3 The price of perfectly legal,
4 readily-available, decades-old ivory within the State of
5 Pennsylvania is about \$250 a pound.

6 What criminal is going to risk the -- run
7 the risk of smuggling illegal ivory into the US and
8 Pennsylvania with our internationally-recognized
9 effective enforcement when they can sell poached ivory in
10 China for six times the price and without effective
11 customs enforcement.

12 HB 248 even bans 10,000- to 35,000-year-old
13 mammoth ivory. I'm sorry to inform this Committee and
14 the bill supporters, but we can no longer save the
15 mammoths.

16 The inclusion of mammoth ivory in this bill
17 shows just how absurd it is. Mammoth ivory is easily
18 distinguishable from elephant ivory by anyone trained to
19 do so.

20 And I direct you to the testimony submitted
21 by Alaskan Bruce Schindler, Edward Dunk, and Kurt Tripp
22 for more information on how stupid this inclusion is.

23 As you heard, ivory bans passed in six
24 states in the past three years. What they didn't tell
25 you is in that four of these states, these bans passed --

1 excuse me -- in two of these states, these bans passed
2 after the normal legislative process was circumvented by
3 emotionally-charged initiatives in Washington and Oregon.

4 The legislature turned the bill down. In
5 Oregon, they turned it down two years in a row.

6 What they didn't tell you is in the past
7 three years, 44 ivory ban bills have been defeated. They
8 have been defeated because once the facts are known,
9 legislators understand just how terrible these bills are.

10 I urge you to vote against HB 248, a bill
11 that would unfairly penalize Pennsylvania's ivory owners
12 for others' illegal, immoral, and ill-advised activities
13 in Africa that will continue to threaten the elephants in
14 some areas of Africa in which this proposed ivory ban
15 does nothing to ameliorate.

16 Thank you.

17 MR. HOHENWARTER: Good afternoon. I'm John
18 Hohenwarter. I am representing the National Rifle
19 Association membership of Pennsylvania here today.

20 And I do want to preface that I have to --
21 I have a cab waiting outside at 1 o'clock because my
22 wife's grandmother took ill yesterday and had to fly to
23 Florida and I have three boys waiting for me at a bus
24 stop at 4 o'clock.

25 So I am probably going to miss some of the

1 questions that you're going to want to have, but I'm
2 going to leave that in the capable hands of the other
3 panelists, but...

4 Most of you have seen me before. I mean,
5 I've testified in front of this Committee many a times on
6 different issues relating to infringing on Second
7 Amendment rights or taking firearms away from law-abiding
8 citizens by different methods.

9 This legislation, although not directly
10 related to that type of legislation, does kind of the
11 same thing in a roundabout way. So that's why I'm here
12 today on this panel, and I have submitted written
13 testimony to you.

14 I'm not going to read the testimony that I
15 submitted, but I just want to touch on a couple things
16 through my experience through some other states and some
17 practical problems with this legislation.

18 It was just mentioned this has been tried
19 in other states. I haven't been to all those other
20 states.

21 But I do handle the State of Massachusetts
22 and there is a bill that was introduced up there last
23 session, it was introduced this session and the bill was
24 around for about a year until there was a hearing on the
25 bill.

1 During that year, more and more public
2 opinion was formed because the legislation was in draft,
3 it was online, people had an opportunity, National Rifle
4 Association, along with some other stakeholders, which
5 were large, which included musicians, antique dealers,
6 Knife Rights, knife collectors, the list goes on and on,
7 became more aware of the bill. And at that particular
8 hearing, we had 100 people show up from our side that
9 wanted to testify, and a large group of people did
10 testify.

11 So this bill really -- and I checked, I
12 guess yesterday -- no fault to the Chairman -- has not
13 been in print yet, which was a little frustrating to us
14 during the process to not actually have the bill online
15 in print.

16 So I think when the public becomes more and
17 more aware of this legislation, that it's out there, I
18 think you're going to see some more people in the
19 audience.

20 So, you know, personally, I've had some
21 friends who've had some issues with ivory that I just
22 wanted to share with you.

23 The instruments -- you heard from the
24 Philadelphia Association of Musicians, I think that's
25 what they were.

1 You know, there is a problem with -- with
2 instruments in this country under current regulations,
3 and Rob had touched on that.

4 These regulations are tough in this
5 country. We have auction houses in this country that
6 won't sell violin bows that the owner and the auction
7 house know that are 130 years old because they have an
8 ivory tip. They want you to remove that ivory tip. A
9 lot of owners do not want to remove that original ivory
10 tip.

11 I have a friend who had a violin case that
12 was being sold in Massachusetts that no doubt it was one
13 of 12 made in 1893, but it had some small ivory inlay on
14 the violin case.

15 Skinner's would not sell it until it had
16 proper legal work of verifying that the ivory, which had
17 the name of the maker of the case on from 1893, was
18 pre-banned ivory. I mean, that's how tight these
19 regulations are right now.

20 Now, what does that mean to the NRA? Well,
21 those regulations then, they transcend into problems that
22 we have with guns that have had ivory maybe over a
23 hundred years ago, maybe 70 years ago, but all pre-banned
24 ivory, legally purchased that are out there and some of
25 the most historic firearms that we have.

1 I mean, George Patton, I know they -- you
2 think they were pearl, you know, ivory -- you know, pearl
3 grips. No, they were ivory grips and he owned several of
4 those types of firearms.

5 And those types of firearms are not only
6 owned by famous people, past presidents, but they're
7 owned by people like you and me.

8 That legislation -- this legislation would
9 affect that. You know, proving where that ivory came
10 from, how old it is, that's a very burdensome process and
11 sometimes impossible to do.

12 I could go on and on, but I know time's
13 running late, so I'm not going to do that to you.

14 But I would -- I would like you, obviously,
15 to take a close look at this legislation for what it is.

16 As said here earlier, it's not going to
17 save one animal throughout the world by passing this.
18 But it is going to create a lot of undue burdens on
19 law-abiding citizens in Pennsylvania.

20 So thank you.

21 MS. SHUSHAN: I actually came today to beg
22 for our cultural heritage. I came to beg for museums,
23 for works of art.

24 Ivory has been used for over a thousand
25 years as a basis for medieval crucifixes, Renaissance

1 chalices, or my specialty, portrait miniatures.

2 In 1777, the greatest artist of the
3 American Revolution, who happened to be from
4 Philadelphia, Charles Willson Peale, was at Valley Forge
5 with Washington. He painted miniatures of Washington;
6 they're on ivory.

7 Preventing museums from having those
8 doesn't save any current life. But, having said that, I
9 think it's more important right now that I rebut a couple
10 of things that have been said.

11 I can tell at a thousand paces,
12 figuratively speaking, the difference between old and new
13 ivory. It's very, very visible.

14 Our Revolutionary silversmiths, the
15 Richardson family here in Philadelphia, if you took a
16 piece of ivory from one of their silver teapots from 1775
17 and had to do a thermal luminescence test on that handle,
18 the handle would explode. It cannot handle being
19 drilled. It's old, dry ivory.

20 You can't do that to historic objects. I
21 work very closely with the New York State Department of
22 Environmental Conservation. I can tell you the problems
23 they are having trying to enforce any of this.

24 But the most important thing is that
25 acquaintances of mine from London, three years into the

1 ban against importing ivory into America, went to the big
2 antique shows in Miami Beach and tried to bring in pieces
3 with ivory.

4 They were caught by Federal Fish and
5 Wildlife and forced -- this is all in newspapers, I can
6 send it to you -- forced to destroy, in front of Fish and
7 Wildlife, the pieces they had smuggled in.

8 Nobody doesn't know the laws any longer.
9 The federal government does a good job. It's a terribly
10 hard law to live with for those of us who work with
11 ivory. I'm not sure we need anything else.

12 And local law enforcement, the guys in New
13 York City who have to go around to shops and try and
14 figure it out -- this you won't read in the papers --
15 they closed down one of those great shops on 57th Street
16 with the huge tusks with all of the elephants walking on
17 top of the carved tusks. They closed that shop down. It
18 turned out to be plastic.

19 They had to arrest those guys for something
20 else, but it wasn't for selling ivory.

21 This needs to be seriously thought out,
22 particularly your question about the enforcement. It's
23 terribly difficult.

24 And I beg you to consider our cultural
25 heritage. In a time in the 15th century, the 16th

1 century, where as much ivory was harvested because there
2 were so many elephants that you just picked it up, will
3 you really prevent the great museums in Pennsylvania from
4 buying what is more than 200 grams because they want a
5 huge Last Supper, a carved ivory crucifix done in
6 medieval times.

7 Thank you.

8 CHAIRMAN MARSICO: Okay. Thank you.

9 So, folks, we have about 15, 20 minutes to
10 finish up this hearing. I think John has ten minutes to
11 be here, so keep that in mind, testifiers, and also
12 members.

13 The first to be recognized is
14 Representative Dean for a question.

15 REPRESENTATIVE DEAN: Thank you,
16 Mr. Chairman, and thank all of you for coming today.

17 I appreciate your thoughtfulness and your
18 words. And so I have probably more some comments and
19 perhaps a question in the end.

20 Mr. Mitchell, I was looking at your
21 materials, and your map in particular, and there's
22 another way to read that map.

23 This is a map of seizures. This is the
24 international trade showing seizures by countries, not
25 exactly where all ivory is traveling.

1 This map might actually make the argument
2 for the case that we have made here, which is that the
3 United States isn't capable of searching every single --
4 I'm forgetting the name of the shipping crates -- what is
5 the large -- the containers that come into our ports.

6 That the gaming commission -- no, I'm just
7 making a statement -- that the map actually might be
8 making the argument for us, that it's very difficult, the
9 burden is great on our federal law enforcement.

10 As for the elephant population, I would beg
11 to differ with you. And, again, I will refer to Senator
12 James Baker. I don't know a more credible broker of
13 information than that man.

14 And in his article, he says that the recent
15 census puts the number of African elephants at around
16 400,000 -- this is a January article -- at around 400,000
17 down from 1.2 million three decades ago.

18 Populations are down. That is widely
19 known. And so to your point, you think populations
20 aren't down. And yet, where poaching is going on, you
21 mentioned corrupt governments, it's the problem of
22 corrupt governments.

23 And this connects to the local law
24 enforcement issue. It would be an additional burden on
25 law enforcement.

1 And we have members of law enforcement on
2 this very Committee, and I honor their service and their
3 sacrifice, their bravery, but we asked them, when they
4 were law enforcement, to deal with things that came into
5 our state illegally, like guns or drugs.

6 They weren't able and wouldn't want to have
7 said, I can't help you because you're trafficking in
8 drugs that came from Colombia, I just can't help you.
9 That was the problem in Colombia, it's not my problem.
10 It is our problem and we do ask of law enforcement these
11 things.

12 And, finally, I think to both the NRA and
13 to the museum folks, I hope you understand this
14 legislation had no intent and would not interfere with
15 the very precious antique art objects you're talking
16 about. Simply wouldn't.

17 And it doesn't interfere with Second
18 Amendment rights. We're not trying to take anybody's
19 gun. I honor folks who have guns, collect guns, shoot
20 guns.

21 I have a son who's an NRA member. I have
22 gone shooting with him at a range because I thought I
23 have to learn more about this.

24 This is not at all about taking anybody's
25 guns.

1 So maybe that was my way of just making a
2 statement. And thank you for your testimony.

3 MR. MITCHELL: Mr. Chairman. Mr. Chairman,
4 is there -- is there a response required or requested for
5 this or...

6 CHAIRMAN MARSICO: Let me recognize
7 Representative Toohil first.

8 MR. MITCHELL: All right.

9 REPRESENTATIVE TOOHL: Thank you,
10 Mr. Chairman, and thank you to Representative Dean.

11 With what the testifier, Mrs. Shushan, was
12 talking about, we do want to go through the language of
13 the bill and make sure that we're not going to be
14 impacting our cultural heritage and great pieces of art,
15 artwork, even the smallest pieces of artwork.

16 So hopefully there might be protections
17 under the antique exemption. But if it has to go
18 further, perhaps we can look at that.

19 My questions are for Mr. Mitchell. I
20 wanted to understand a little bit more about your
21 organization.

22 Can you let us know when you were founded
23 and how many members you have.

24 MR. MITCHELL: Sure. Our group is the
25 Elephant Protection Association. We're -- we founded

1 this group -- I'll tell you about my personal story.

2 We've got four people who -- who bound
3 together early on before when the ivory ban issues were
4 first proposed.

5 And one of those people were Dan Stiles --
6 what our -- who is a -- who is a researcher who is
7 extensively quoted in -- by the federal authorities as --
8 as their regulation proceeded.

9 What our group did primarily is because
10 there's no -- there's no ivory industry. I mean, ivory
11 is a little piece of a lot of different industries.

12 And we got together and tried to bring
13 information from musicians, from gun owners, from pool
14 players, pool cue makers, chess set collectors, all kinds
15 of people who are affected by this and consolidate into a
16 group to share information.

17 And a couple of us, me primarily, goes
18 around and testifies in order to try to shed light and
19 bring information to, primarily, legislative hearings in
20 order to rebut a lot of the false information that is
21 spread here.

22 We're not a wealthy organization. We
23 don't -- other than Dan Stiles, who is based out of
24 Kenya, we don't purport to go out and do direct, you
25 know, direct service with animals.

1 What we're really concerned with is policy
2 and specifically bad policy that seeks to undermine
3 sustainable use.

4 One of the things about the elephant
5 populations that was discussed here is, you know, why --
6 why -- why do big populations matter and the habitat?
7 It's because you have to fund those somehow.

8 And the Southern African countries have
9 long been trying to get permission in order to be able to
10 sell ivory, primarily from culls and other things that
11 they necessarily have to do in order to control elephant
12 populations.

13 They're very careful about that because
14 it's politically very unpopular, but they have very few
15 other means of protecting their habitat. And bans like
16 this wind up punishing the most successful conservation
17 programs.

18 People in the United States don't
19 understand this. They're not that familiar with what's
20 going on in Africa.

21 And so our group got together to try to
22 help and inform people to give you a broader perspective
23 than what you're getting from these other organizations.

24 REPRESENTATIVE TOOHL: So do you believe
25 that elephants are threatened? You don't believe that

1 they're endangered, but you believe that they are
2 threatened?

3 MR. MITCHELL: It depends on what you are
4 talking about. They're threatened in different ways.

5 In some countries, in Western Africa
6 particularly, the forest elephants, they had a hard time
7 even counting those because of the habitat.

8 They've got a different habitat, they've
9 got different governments, they've got a host of
10 different issues that are -- are plaguing those
11 elephants. But the --

12 REPRESENTATIVE TOOHL: But yet -- but
13 yet --

14 MR. MITCHELL: -- solutions for them --

15 REPRESENTATIVE TOOHL: -- you --

16 MR. MITCHELL: -- the solutions for them
17 are different from what you might be looking at in a
18 country like Kenya or a country like South Africa.

19 So our opposition is this one-size-fits-all
20 ban that is -- is being promoted as the solution to all
21 of these different areas, when it is actually quite
22 harmful to the ones with the most successful programs.

23 REPRESENTATIVE TOOHL: So you do admit
24 that they are threatened in some ways -- elephants -- but
25 not that they're endangered? But then you do admit that

1 they -- that poaching peaked in 2011, you do admit that
2 fact?

3 MR. MITCHELL: Oh, I -- I acknowledge
4 the --

5 REPRESENTATIVE TOOHL: And what would they
6 be poaching the elephants for?

7 MR. MITCHELL: At the time, at the time
8 that that happened, that was three years after the -- and
9 Dan Stiles, who I previously represented, published a
10 paper, the links of this are in your materials -- it was
11 three years after the financial crisis and there had been
12 a huge surge, especially through China into Africa for
13 commodities. Ivory was one of those commodities.

14 2011 is when the commodity bubble popped.
15 And since 2011 you've seen a decrease in poaching.
16 There's also been additional law enforcement efforts,
17 there have been other things that have been going on.

18 But what Dan was able to show in his
19 research is that the best explanation for the rise and
20 fall of illegal elephant killing had to do with the
21 commodities market and specifically how that commodities
22 market affected China.

23 Now, China, to the credit of a lot of the
24 organizations that have been arguing these issues,
25 they've been successful in getting China to say that

1 they're going to shut down their entire ivory market.

2 And since what I've shown you is that that
3 is where the major problem is. Hopefully, they will be
4 successful, especially in closing down the black market,
5 which should reduce a lot of the pressure for poaching
6 and the -- and the networks that have formed.

7 But this is about Pennsylvania and the
8 burden is on the proponents of this bill to show that
9 there is a problem in Pennsylvania that is going to
10 justify radically shifting the burden of proof basically
11 to somebody who owns ivory is guilty until proven
12 innocent.

13 If we had the kind of ivory flowing into
14 the United States and Pennsylvania that they had in
15 China, I very may well rethink my position. But we
16 don't.

17 And there isn't evidence to show that. And
18 it shouldn't be based on somebody who's -- who's
19 inherited family heirlooms or antiques to try to justify
20 this act or the fact when the evidence -- there's such a
21 small number of cases when you look at the entire flow of
22 ivory in the world that -- that are constantly hammered
23 in the US.

24 REPRESENTATIVE TOOHL: Thank you for your
25 testimony.

1 It just seems, after your testimony, that
2 the name Elephant Protection Association is a little bit
3 of a misnomer because what you are doing is the opposite.

4 MR. MITCHELL: We are trying -- we are
5 trying to get sustainable, long-term solutions for
6 elephants around the world.

7 At this point, at this rate, what you're
8 going to wind up seeing is the devaluation of elephants
9 throughout Africa.

10 These are 8-ton animals, they eat about 600
11 pounds a day, they drink about 50 gallons of water a day.

12 These are a major cost on the communities
13 that people live with. Imagine if you had deer in
14 Pennsylvania that consumed that much, that could trample
15 farms, that could put sustenance farmers out of business.

16 This is -- this is a -- this is a major
17 issue that needs to be better understood.

18 And so, yes, we do -- we are very concerned
19 about elephants and their protection and long-term
20 sustainability of these populations.

21 Reducing them to having no value, this is
22 what's happened. This is what the rhino story was about,
23 when you can no longer sell rhino horns, when you can no
24 longer have hunting on private property, the insurance
25 costs, the cost of maintaining habitats, all of the costs

1 that are associated with having large wildlife on your
2 property, what are the people doing?

3 They're turning the animals back over to
4 the -- to public lands because they can't afford to have
5 them on their properties anymore.

6 That's why in South Africa, just on
7 February 8th, they proposed a change in regulation to
8 reintroduce the sale of rhino horn because they don't --
9 they want the private landowners to keep the rhinos on
10 their lands and not do what they've recently been doing,
11 which is turning them back over to public lands where
12 there are less resources and they're far less protected
13 than they are currently.

14 CHAIRMAN MARSICO: Thank you very much.
15 We're going to conclude the hearing.

16 Thank you for your time and your effort and
17 your testimony. And thanks to all those that submitted
18 written testimony and thanks to all the testifiers.

19 Also, I want to thank the members that are
20 here today, all the members. And, you know, I did want
21 to get testimony from the law enforcement; they weren't
22 able to be here today.

23 So we will pursue written testimony from US
24 law enforcement and also Pennsylvania law enforcement
25 agencies.

1 So, once again, thank you to Temple
2 University. George -- George is here somewhere --
3 Melissa, Dennis, thank you. What a beautiful facility
4 you gave us today. I appreciate all your hospitality.

5 This concludes the hearing on House Bill
6 248.

7 Thank you.

8 REPRESENTATIVE DEAN: Thank you,
9 Mr. Chairman.

10 (Hearing concluded at 1:06 p.m.)

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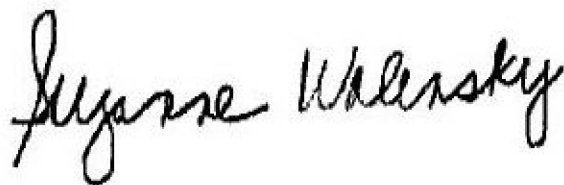
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CERTIFICATION

I, SUZANNE WALINSKY, a Court Reporter and Commissioner of Deeds, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness who was first duly sworn by me on the date and place herein before set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



SUZANNE WALINSKY
Court Reporter and
COMMISSIONER OF DEEDS