

March 26, 2018

United States Fish and Wildlife Service  
5275 Leesburg Pike  
MS: BPHC  
Falls Church, VA 22041-3803  
*Submitted Via eRulemaking Portal*

**Docket Number: FWS-HQ-IA-2017-0079**

**Re: Species Proposals for Consideration at the Eighteenth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

I am pleased to submit comments on behalf of the League of American Orchestras (the League) in response to the January 23, 2018 request by the U.S. Fish and Wildlife Service (USFWS) in 83 Fed. Reg. 3179 for comments on potential animal and plant species to be considered as the U.S. crafts proposals to amend Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the upcoming eighteenth meeting of the Conference of the Parties (CoP18) proposals. The League is fully committed to the goals of wildlife conservation and combatting illegal trade in protected species, and we appreciate the leadership the U.S. government has demonstrated in advancing consideration of international performances and commerce related to musical instruments that contain materials subject to CITES controls.

The League leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of approximately 800 nonprofit organizations across North America runs the gamut from world-renowned symphonies to community orchestras, from summer festivals to student and youth ensembles. Founded in 1942 and chartered by Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers and administrators, board members, volunteers, and business partners. Our organization is also an active participant in the wider international cultural exchange community, which communicates with musicians in the U.S. and abroad regarding compliance with international rules for travel with musical instruments that contain protected species material.

The international use of musical instruments by individual musicians, small and large professional ensembles, and youth orchestras is essential to performances that advance

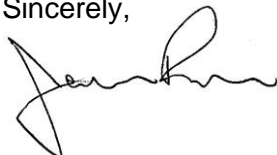
diplomacy, spark artistic innovation, and support vital international cultural activity. Musicians perform with valuable and culturally significant musical instruments, legally crafted decades and even centuries ago that can contain small amounts of elephant ivory, embellishments of tortoise shell, grips of reptile skin, and rosewood. Musicians are seeking a solution that will address both the commercial and noncommercial movement of instruments. Given the long lifespan of musical instruments in use - decades, if not centuries - instruments are typically re-sold by their musician owners. Permitting and documentation requirements for the transboundary resale of instruments can impact trade, add new administrative burdens, and potentially undermine the substantial investments (sometimes life savings) of musicians.

In partnership with USFWS and the conservation community, music stakeholders have undertaken efforts to increase compliance with current permit requirements while simultaneously pursuing policy improvements that will alleviate unnecessary burdens that do not advance conservation goals.

While the League plans to submit more detailed comments in response to the notice related to resolutions, decisions, and agenda items to be considered at CoP18, we are taking this opportunity to emphasize the harmful impact of the Annotation #15 accompanying the listing of the *Dalbergia* genus in CITES Appendix II at the CoP17. We request that USFWS take every effort to ensure – through its leadership and engagement throughout CITES negotiations and policy formation – that listing proposals take into account and prevent potential unintended consequences for trade, allow appropriate timeframes for implementation, and can be supported through harmonized interpretations across CITES parties. To that end, we submit here a statement signed by national and international organizations that was submitted to the CITES Annotations working group in March 2018, articulating key principles and considerations for species listings and annotations.

Thank you for the opportunity to provide these comments. The League of American Orchestras looks forward to continued engagement with the U.S. Fish and Wildlife Service on immediate and ongoing implementation of CITES policies, as well as pursuing opportunities for future international policy improvements that will both protect endangered species and facilitate international cultural activity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Rosen', written in a cursive style.

Jesse Rosen  
President & CEO

## **Statement of Principles**

### **Musical Instruments and Appendix II Annotation #15**

Annotation #15 pertaining to *Dalbergia spp.*, *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii* (bubinga) provides that the rosewood and bubinga Appendix II listings cover:

All parts and derivatives are included, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Non-commercial exports of a maximum total weight of 10 kg per shipment;
- c) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation #4; and
- d) Parts and derivatives of *Dalbergia spp.* originating and exported from Mexico, which are covered by Annotation #6.

#### **Musical instruments, rosewoods and bubinga**

The music industry and those that supply wood product inputs to music instrument manufacturers strongly support efforts to conserve rosewood and bubinga as well as further study of their biology, conservation, and trade. Protecting these trees is a priority.

The making of musical instruments requires very limited quantities of rosewood and bubinga. For example, guitars, violins, violas, cellos, double basses, clarinets, piccolos, oboes, flutes, xylophones, and pianos that contain rosewood or bubinga typically contain substantially less than 10kg of the material. Marimbas and a small minority of pianos may contain larger quantities of the wood, but will usually not exceed 30kg per instrument. For certain instruments, such as those of the violin family, the use of rosewood is at the same time minimal and crucial, as it is the most suitable material, for instance, for tuning pegs. Instrument makers, retailers, and musicians rely on the trade in instruments for their livelihoods and to produce art that uplifts the human experience. In aggregate, these instruments represent an extremely small proportion of the worldwide trade in rosewoods and bubinga.

Increases in the cost of materials can greatly erode marginal profitability and threaten the livelihoods of instrument makers and related businesses (e.g., violin accessory makers). Musical instruments remain in use and are re-sold over a long period of time by both retailers and individuals, multiplying the cost and burden of permit issuance and enforcement. For musicians, and particularly for orchestras and ensembles, limitations on travel and re-sale of instruments present a threat to livelihoods and artistic activity.

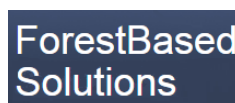
The absence of a clear and complete exemption for the commercial and non-commercial movement of musical instruments and parts presents a significant impact on the trade, hinders international cultural activity, and unnecessarily burdens CITES management authorities. If the Parties do not replace or amend the Annotation #15, the world of music and culture will lose certain instruments that produce the highest quality tones, with no corresponding conservation benefit.

## Essential elements of any annotation for dalbergia and bubinga:

- All trade in musical instruments and parts should be exempted from CITES permitting requirements.
- A revised annotation should exempt:
  - Commercial shipments of musical instruments and parts
  - Non-commercial shipments, including for performances, repair, and display in trade shows
  - Musical instruments as personal effects, hand-carried or shipped as cargo
- To the extent the existing Annotation #15 remains:
  - Delete the term “non-commercial”
  - Clarify its other terms of reference related to non-commercial activity, consolidated shipments, weight limits, and identification and marking requirements, as agreed in [CITES Notification 2017/078](#).
  - Accommodate all musical instruments
- Ensure consistency with current practices in customs, shipping, documentation, and declarations procedures.



CONFEDERATION OF EUROPEAN MUSIC INDUSTRIES



## Signatories as of February 13, 2018



**American Federation of Musicians of the United States and Canada.** The American Federation of Musicians of the United States and Canada (AFM), celebrating 120 years of existence, is the largest organization in the world dedicated to representing the working interests of professional musicians. The AFM's more than 80,000 members perform all styles of music: alternative, rock, classical, pop, gospel, jazz, country, folk, big band, reggae, contemporary Christian, to name just a few. AFM musicians can be found in recording studios for motion picture and film, as back up musicians for internationally recognized featured artists, in American and Canadian symphony orchestras, and any other venue that requires the use of highly trained professional artists. [www.afm.org](http://www.afm.org)



**American Federation of Violin and Bow Makers.** The American Federation of Violin and Bow Makers was founded in 1980 to provide the musical community with a standard of work and expertise upon which they could depend. The Federation's mission is to enhance the public's understanding and appreciation of the violin and bow families, and of related areas of expertise, including the making of new instruments, as well as conservation and restoration of historical and modern instruments. Now numbering over 170 of the finest makers, dealers and restorers in the United States and Canada, the Federation has strict requirements for membership. In addition to submitting an example of his or her work for review, a prospective member must have at least nine years of experience working in the profession. [www.afvbm.org](http://www.afvbm.org)



**Bundesverband der deutschen Musikinstrumentenhersteller e.V.** The National Association of German Musical Instruments Manufacturers is the official body representing the German Music Industry. Its principal objectives are to promote members' common interests through advice and support in commercial, technical and all other relevant issues; to cultivate exchange of experience between members and other associations in the realms of music worldwide; to represent the interests of German manufacturers of musical instruments and accessories vis-à-vis German and other European as well as supranational and overseas public authorities, associations and other institutions; and to draft expert opinions and furnish of information to public authorities in the sectors of musical instrument manufacture and the appurtenant field of accessories. [www.musikinstrumente.org](http://www.musikinstrumente.org)



**C.F. Martin & Co.** C.F. Martin & Co. has been creating some of the finest musical instruments in the world since 1833. Hand-made by skilled craftsmen and women, Martin combines modern innovations with techniques developed by the company and recognized today as industry standards, including the Dreadnought shape, X-bracing, the square headstock, and the 14-fret guitar. Martin guitars and Martin strings continue to inspire musicians worldwide, from the icons of rock, pop, country, folk and bluegrass to those who strum for personal enjoyment. They can be seen across all segments of pop culture, from television to movies, Broadway, books, online, and gracing the covers of popular magazines on newsstands everywhere. [www.martinguitar.com](http://www.martinguitar.com)



CONFEDERATION OF  
EUROPEAN MUSIC INDUSTRIES

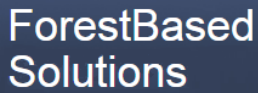
**Confederation of European Music Industries.** The Confederation of European Music Industries (CAFIM) used to gather European musical instrument manufacturers only. On May 5, 1977, as unification within Europe gradually progressed, the confederation came to cover the entire branch. Today CAFIM represents the music trade in the whole of Europe including wholesalers, retailers and importers. Its general objectives are to promote and safeguard the interests of the European musical instrument industry as well as those of practicing musicians in every conceivable way. [www.cafim.org](http://www.cafim.org)



**Dismamusica.** Dismamusica is the only Industry Association existing in Italy that represents the full chain of the Musical Instruments and Music Publishers business community (manufacturers, importers, distributors, retailers, service companies, music schools, musicians). Founded in 1982, over the years it has worked hard toward the central and local Institutions, obtaining important results in favor of the sector, both in economic and labor aspects. By promoting many activities, it gives great attention to the cultural side of the role of music making. The mission is to promote the benefits of music practice at all levels, from schools to communities, in order to increase the market size and reach more stability and profitability for the Industry business community in parallel with an universally recognized social positive influence. [www.dismamusica.it](http://www.dismamusica.it)



**Fender Musical Instruments Corporation.** Since 1946, Fender has revolutionized music and culture as one of the world's leading musical instrument manufacturers, marketers and distributors. Fender Musical Instruments Corporation (FMIC), whose portfolio of brands includes Fender®, Squier®, Gretsch® guitars, Jackson®, EVH® and Charvel®, follows a player-centric approach to crafting the highest quality instruments and musical solutions across genres. FMIC is dedicated to unlocking the power of music through electric and acoustic guitars, amplifiers, pro audio, accessories and digital products that inspire and enable musical expression at every stage, from beginners to history-making legends. [www.fender.com](http://www.fender.com)



**ForestBased Solutions, LLC.** ForestBased Solutions (FBS) provides forest product due diligence services, risk assessment and comprehensive approaches to resource and supply chain management. FBS has over 25 years of experience in species-specific highend forest products from musical instruments, flooring, furniture, decking and fiber content. FBS was instrumental in moving the musical instrument manufacturing industry into stepwise approaches for integrating forest products from identified well-managed forests into their global supply chain. FBS currently works in over 15 timber producing countries. [www.forestbased.com](http://www.forestbased.com)



**French Musical Instrument Organisation.** French Musical Instrument Organisation (La Chambre Syndicale de la Façture Instrumentale, CSFI) was founded in 1890 in Paris. It gathers companies and craftsmen who make, distribute and export musical instruments and their accessories. The CSFI also welcomes resellers and other instrument makers associations (violin, guitar, piano). Its main objectives are the protection of its members and of the musical instrument making as a whole and the development of the instrumental practice for everybody. [www.csfi-musique.fr](http://www.csfi-musique.fr)



**International Association of Violin and Bow Makers** (EILA: Entente Internationale des Luthiers et Archetiers). Founded in 1950 in Europe, the Entente Internationale is an association of violin and bow makers from around the world. The Entente was established with the aim of bringing together master craftsmen on the basis of friendship and exchange and for taking any steps deemed pertinent to defending their working conditions, developing understanding of their art, perfecting teaching methods for their students and combining the strengths and talents of each member in order to promote a revival in the art of violin and bow making. [www.eila.org](http://www.eila.org)



**International Federation of Musicians.** The International Federation of Musicians (FIM), founded in 1948, is the only body representing musicians' unions globally, with members in about 65 countries covering all regions of the world. FIM is recognised as an NGO by diverse international authorities such as WIPO (World Intellectual Property Organisation), UNESCO (United Nations Educational, Scientific and Cultural Organisation), the ILO (International Labour Office), the European Commission, the European Parliament or the Council of Europe. [www.fim-musicians.org](http://www.fim-musicians.org)



**International Wood Products Association.** Established in 1956, IWPA is the leading international trade association representing the North American imported wood products industry, with over 200 companies and trade organizations engaged in the import of hardwoods and softwoods from sustainably managed forests in more than 30 nations across the globe. Association members consist of three key groups involved in the import process: U.S. importers and consuming industries, offshore manufacturers and the service providers that facilitate trade. [www.IWPAwood.org](http://www.IWPAwood.org)



**Japan Musical Instruments Association.** Established in 1948, The Japan Musical Instruments Association (JMIA) represents more than 500 Japanese musical instruments manufacturers, wholesalers and retailers. JMIA supports the sound development of domestic musical instruments related companies, contributes to the popularization of domestic musical instruments and music, and the enhancement of music culture, aiming to contribute to the creation of an affluent society. [www.zengakkyo.com](http://www.zengakkyo.com)



**League of American Orchestras.** The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of more than 2,000 organizations and individuals across North America includes world-renowned symphonies, community orchestras, festivals, and youth ensembles. Founded in 1942 and chartered by Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers and administrators, board members, volunteers, and business partners. [www.americanorchestras.org](http://www.americanorchestras.org)



**Madinter.** Madinter, founded in 2001, is a Spanish company based in Madrid, Spain, specializing in the supply of wood for making musical instruments. It is a young, modern, and dynamic business dedicated to supplying products of the highest quality standards. The value of these products is the result of a maximized efficiency in both the processing and adequate treatment of the wood. Since the beginning, Madinter is committed to innovation, internationalization, and the use of clean energies, from the search and implementation of sustainable forestry practices in its supply chain, to the establishment of sustainability protocols in manufacturing and waste management in the company. [www.madinter.com](http://www.madinter.com)



**Music Industries Association.** The Music Industries Association (MIA) is the trade body for the UK musical instrument industry. Our members are the manufacturers, distributors, publishers and retailers of musical instruments and associated products. We exist to promote, protect and support the UK music making industry. We do this by: Providing leadership and guidance to the industry, Promoting the substantial and wide ranging benefits of music making, Representing the sector at all levels of government, its agencies and other interest groups, Creating pro-active public relations and communications internally and externally, Supporting our members with advice, best practice and money saving offers. [www.mia.org.uk](http://www.mia.org.uk)



**National Association of Music Merchants.** The National Association of Music Merchants represents more than 10,000 worldwide manufacturers and retailers of musical instruments and related accessories. NAMM is dedicated to promoting the joys of making music. [www.namm.org](http://www.namm.org)



**Orchestras Canada.** Orchestras Canada is the national association for Canadian orchestras, helping orchestras achieve together what they cannot accomplish alone, and serving Canadian orchestras in both official languages, through research, knowledge-sharing, convening, and advocacy. Orchestras Canada was founded in 1972, and represents over 130 Canadian orchestras and their diverse stakeholders. [orchestrascanada.org](http://orchestrascanada.org)



**Paul Reed Smith.** Paul Reed Smith Guitars is one of the world's premier guitar and amplifier manufacturers. Since our humble beginning in 1985, PRS Guitars has always strived to create the highest quality instruments possible. Guitar and amplifier building are very personal things here, as most of us are dedicated players, refining our craft as builders, musicians, and artists of all kinds. Our deep commitment to the craft and our culture of quality are what drives PRS in the workplace and the marketplace. [www.prsguitars.com](http://www.prsguitars.com)



**PEARLE\*.** Pearle\* Live Performance Europe, is the 'Performing Arts Employers Associations League Europe'. Pearle\* represents through its member associations the interests of more than 10000 organisations in the music, performing arts and live entertainment sector. This includes profit as well as non-profit organisations, ranging from micro-enterprises to organisations with over 250 employees. Pearle\* is recognised by the European Commission as a European sectoral social partner, representing the employers in the European sectoral social dialogue committee live performance. [www.pearle.ws](http://www.pearle.ws)



**Society of Music Merchants. The SOMM - Society of Music Merchants e. V.** SOMM represents the cultural and commercial interests of the musical instrument and music equipment industry in Germany and throughout Europe. The association was founded in February 2005 by leading companies from various sectors of the musical instrument industry in Germany, with the aim of organising a strong general association that represents the entire industry across all sectors (Manufacturer, Distributors, Retailer and Media). SOMM sees itself as a lobby, service provider and communications link for all trade and economic relations within and outside the musical instrument and music equipment industry. The association coordinates matters within the industry and to the outside, and cultivates close ties with political bodies, public authorities, institutions and other business associations and market partners. [www.somm.eu](http://www.somm.eu)



**Taylor Guitars.** Founded in 1974, Taylor Guitars is one of the world's leading manufacturers of premium acoustic guitars. Renowned for blending an innovative use of modern technology with a master craftsman's attention to detail, Taylor guitars are widely considered among the best sounding and easiest to play in the world.

[www.taylorguitars.com](http://www.taylorguitars.com)