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Public Comments Processing
U.S. Fish and Wildlife Service Headquarters
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Docket Number: FWS-HQ-IA-2017-0079

Re: Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; 18th Regular Meeting; Taxa Being Considered for Amendment to the CITES Appendices and Proposed Resolutions, Decisions, and Agenda Items Being Considered

We are pleased to submit this statement in response to the request by the U.S. Fish and Wildlife Service (83 FR 49421) for comments on taxa being considered for proposed amendments, and resolutions, decisions, and agenda items that the United States might submit for discussion at the 18th Conference of the Parties (CoP18) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As representatives of musicians, performing arts presenters, instrument manufacturers, makers and retailers, and wood products importers and distributors in the United States and internationally, we appreciate the dialogue the U.S. government has facilitated in prior CITES proceedings regarding transportation and commerce with musical instruments, and we request that the agency take a strong leadership role in advancing urgently needed policy improvements at CoP18.

A great many musicians perform with legally crafted and legally purchased musical instruments that contain elephant ivory, tortoise shell, reptile skin, rosewood, and other materials subject to CITES controls. Very small amounts of ivory and tortoise shell may be found in an array of string, wind, percussion, and brass instruments. Reptile skin may be found on the grips of bows for stringed instruments, and a variety of woods including rosewood have been used in the construction of stringed, percussion, and woodwind instruments. We support reasonable policy solutions that will ensure that international cultural activity and legal trade is supported while at the same time protections for endangered species are advanced.

Taxa - Trade and Commerce in Wood Species

The decisions taken at CoP18 will include consideration of a crucial change to Annotation #15 pertaining to *Dalbergia* spp., *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii* (bubinga) ([Notification to the Parties No. 2016/063](#)). At the time the October 1 U.S. Fish and Wildlife Service (USFWS) Notice was posted, USFWS indicated that it does not intend to submit a proposal related to “*Dalbergia* and other wood products (especially for musical instruments) – Revision of Annotation #15,” unless the agency receives significant additional information.

The Notice explains that the following is one of three factors taken into consideration when considering the U.S. approach for CoP18:

“Does the proposed action address a serious wildlife or plant trade issue for species not native to the United States?”

[Comments filed by the undersigned organizations on May 11, 2018](#), in response to the request by USFWS (83 FR 10736), included comprehensive information regarding the trade issues related to the *Dalbergia* Annotation #15. The absence of a clear and complete exemption for the commercial and non-commercial movement of musical instruments has harmed the trade and has hindered international cultural activity. At the same time, the current annotation unnecessarily burdens CITES management authorities, as evidenced by the eightfold increase in permit applications received by USFWS since the *Dalbergia* genus listing was implemented.

The current USFWS Notice explains that U.S. policy leaders “expect the Plants Committee and the Standing Committee to make recommendations to amend the current annotation for *Dalbergia* and submit a proposal regarding these recommendations to CoP18.”

A proposal to revise Annotation #15 was included in the report of the In-Session Annotations Working Group ([SC70 Com. 17](#)), which received approval during the plenary session of the 70th meeting of the CITES Standing Committee in Sochi, Russia. The report included the following:

The working group reached consensus on, and recommends the following approach for the revision of the existing Annotation #15:

All parts and derivatives, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Finished products to a maximum weight of wood of the listed species of 500g per item;
- c) Finished musical instruments, finished musical instrument parts and finished musical instrument accessories.

The undersigned organizations strongly support the proposed revised annotation. In plenary discussion of next steps in shaping the Standing Committee recommendations into a proposal for consideration at CoP18, delegates from Canada and the European Union indicated their intention to craft and submit the proposal. We urge the United States to join in that effort as co-proponents of the proposal, which must be submitted to the CITES Secretariat by December 24, 2018.

Resolutions, Decisions, and Agenda Items

In the Notice, the USFWS indicates that it is “still undecided, pending additional information and consultations” on the following matters:

International Travel with Musical Instruments

Comments filed by the undersigned organizations on May 11, 2018 request that the USFWS, as the original proponent for the creation of the CITES Musical Instrument Certificate, proactively lead an effort towards improvements in this area by submitting a proposal to fully implement a “personal effects” exemption and provide exemptions for musical instruments transported by cargo under a carnet. These policy changes would restore opportunities for international cultural exchange and enable extremely limited CITES enforcement resources to be re-directed to genuine threats to wildlife conservation.

The expanded version of the Notice states that, “These options have been discussed with these stakeholder groups, but we remain undecided about whether or how to proceed with developing and submitting a proposal for consideration at CoP18.”

We stand ready to participate in further, immediate conversations to address any outstanding questions that may need to be answered as the U.S. considers the preparation of a proposal.

Travel and Commerce in Wood Species

Comments filed by the undersigned organizations on May 11, 2018 urged USFWS to make 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.

The expanded version of the notice states that, “The United States is keenly aware of these issues and the challenges they have presented and continue to present to the musician and musical instrument manufacturing communities. While we are currently undecided on whether any of these issues will require us to submit a document to CoP18, we are actively engaged in discussions on all of them. We are committed to seeking an appropriate resolution of them and look forward to continuing to work with this community and other stakeholders as we prepare for CoP18.”

We are grateful for the thoughtful and continued engagement USFWS has provided on these matters, and for the demonstrated leadership of the U.S. in support of these points at recent meetings of the Plants Committee and Standing Committee.

In the Notice, the USFWS indicates that it is not likely to submit a proposal on the following matter, unless significant additional information is received:

Electronic Permitting

The expanded version of the Notice states that, “The United States is actively involved in the Working Group on electronic Systems and Information Technologies and is developing policies for implementation of Electronic Permit Information eXchange (EPIX) through this process. Any CITES electronic permitting system will need to be able to meet all CITES permitting requirements.”

If properly implemented, movement to electronic permitting would substantially reduce the time necessary for permit issuance and transmission, while reducing opportunities for fraud. U.S. companies that rely upon CITES documents for international shipments would also benefit from greater certainty that properly documented shipments would avoid costly delays due to questions about CITES documentation that could be transmitted well in advance of arrival at a foreign port of entry. We are grateful for the support USFWS is providing as the CITES Working Group continues efforts to develop a robust electronic permitting system that would eventually allow for universal utilization of electronic permits.

Thank you for the opportunity to provide comments on the resolutions, decisions, and agenda items that the United States may propose for consideration at CoP18. We look forward to providing further comments as the CoP18 agenda is set, and as the U.S. shapes positions in response to proposals offered by CITES parties in the coming months. The music community is fully committed to the goals of wildlife conservation and combating illegal trade in ivory and other protected species. We appreciate the opportunity to partner with USFWS and the conservation community to seek reasonable solutions that protect the domestic and international use, production of, and trade in musical instruments.

Sincerely,

American Federation of Musicians of the United States and Canada
American Federation of Violin and Bow Makers
Chamber Music America
Fender Musical Instruments Corporation
ForestBased Solutions
International Association of Violin and Bow Makers
International Wood Products Association
League of American Orchestras
C.F. Martin & Co., Inc.
National Association of Music Merchants
OPERA America
Paul Reed Smith Guitars
Performing Arts Alliance
The Recording Academy
Taylor Guitars
Theatre Communications Group