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Docket Number: FWS–HQ–IA–2021–0008

Re: Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Nineteenth Regular Meeting: Taxa Being Considered for Amendments to the CITES Appendices

We are pleased to submit this statement in response to the request by the U.S. Fish and Wildlife Service (87 FR 24577) for comments on proposed amendments to the CITES Appendices (species proposals) that the United States might submit for consideration at the 19th Conference of the Parties (CoP19) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As representatives of musicians, performing arts presenters, instrument manufacturers 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 ongoing policy improvements at CoP19.

A great many musicians perform with legally crafted and legally purchased musical instruments that contain CITES listed species. For example, 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 and neo-tropical mahogany have been used in the construction of musical 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.

The music industry and those that supply wood product inputs to music instrument manufacturers strongly support efforts to conserve tree species. As future species-listing proposals are offered, we urge 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. **As the U.S. prepares for the CoP19 consideration of species proposals and annotations, we encourage ongoing leadership that will prevent unintended consequences.**

The original Annotation #15 adopted at the 17th Conference of the Parties (CoP17) as applied to *Dalbergia spp.* (except *Dalbergia nigra*), and *Guibourtia demeusei*, *Guibourtia pellegriniana*, and

Guibourtia tessmannii, hindered trade, travel, and artistic activity, and imposed an extreme permit burden on CITES management authorities. The permit requirements originally imposed by Annotation #15 included multiple permits for the same piece of wood as it moved from blanks to finished product. In aggregate, these musical instruments swept into these permit requirements represented an extremely small proportion of the worldwide trade in rosewoods in terms of volume, while representing a significant proportion of the permits issued following CoP17. Given the long lifespan of musical instruments in use - decades, if not centuries - instruments are typically re-sold by their musician owners and are frequently used in performances. Imposing permitting and documentation requirements on musicians for the transboundary resale and use of their instruments hindered trade and cultural activity and presented the risk of undermining the substantial investments (sometimes life savings) of musicians with no apparent accompanying conservation value.

At the 18th Conference of the Parties, music industry stakeholders supported revisions to Annotation #15, which were adopted by the Parties and have entered into effect. We appreciate the leadership role and support offered by the U.S. delegations throughout the development of the revised annotation. The revisions to Annotation #15 adopted at CoP18 have substantially supported noncommercial and commercial cross-border movement of musical instruments, while relieving CITES management authorities of unnecessary permit burdens. Confidence in musical instrument trade and in the effectiveness of CITES has been significantly restored across the music sector.

As new species listing proposals come under consideration, we urge that listings be accompanied by appropriate annotations that will maximize the conservation value of the listing while minimizing the risk of unintended consequences and disproportionate permit burdens. Proposals should generally be initiated by range states and placed on Appendix II unless circumstances dictate otherwise. The U.S. has prepared a [species summary table](#), outlining species requested for consideration by various stakeholders or under consideration by the U.S., and is seeking information regarding related commodities in trade. While we note that the U.S. is not yet committed to advancing proposals on tree species, we are aware that action by global CITES parties is currently under development and informed by multilateral conversations regarding proposals currently taking shape. Among the species listed in the summary table, we are aware that the following species have been or are presently used in the manufacture of musical instruments: Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Coast redwood (*Sequoia sempervirens*), African mahogany (*Azela africana*), Ipe (*Handroanthus spp.*), Trumpet trees (*Tabebuia spp.*), African mahogany (*Khaya spp.*), and *Pterocarpus* spp. As was the case with the *Dalbergia* spp. listing, we call your attention to the fact that while very many musical instruments may contain these species, musical instruments as a commodity would represent a very small percentage of the wood in international trade in these species.

As these deliberations move forward, we emphasize that focus is best placed on trade from range states and not finished products. [Resolution Conf. 11.21 \(Rev. CoP17\)](#), provides guidance and principles for annotations, and states that: 1) controls should concentrate on those commodities that first appear in international trade as exports from range States; and 2) controls should include only those commodities that dominate the trade and the demand for the wild resource. These principles and facts should continue to guide the development and adoption of future annotations. CITES Parties implicitly recognized the conservation value of regulating trade from range states when they agreed on Annotation #10, for *Caesalpinia echinata* (also known as *Paubrasilia echinata* or Pernambuco), which covers "Logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed

instruments.” Annotation #5, covering “logs, sawn wood and veneer sheets,” and Annotation #6, which applies to “logs, sawn wood, veneer sheets and plywood,” regulate the wood when it first enters commerce, excluding all other commodities from CITES control. Should new listing proposals related to species in use in musical instruments advance, it is critical that appropriate annotations are designated to maximize the conservation benefit and minimize the unintended consequences on trade and management authority resources.

Thank you for the opportunity to provide comments on the species proposals that the United States may consider submitting for discussion at CoP19. We look forward to providing further comments as the CoP19 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 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 Composers Forum
American Federation of Musicians of the United States and Canada
American Federation of Violin and Bow Makers
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
Recording Academy
Taylor Guitars
Theatre Communications Group
Yamaha