

January 27, 2025

Public Comments Processing
U.S. Fish and Wildlife Service Headquarters
MS: PRB (JAO/3W)
5275 Leesburg Pike
Falls Church, VA 22041-3803

Submitted Via Internet: www.regulations.gov

Docket Number: FWS–HQ–IA–2024–0033

Re: Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Twentieth Regular Meeting: Taxa Being Considered for Amendments 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 (FR 89 105074) for comments on amendments to CITES Appendices, resolutions, decisions, and agenda items that the United States is considering for submission to the 20th Conference of the Parties (CoP20) 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 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 CoP20.

A great many musicians perform with legally crafted and legally purchased musical instruments that contain elephant ivory, tortoise shell, reptile skin, tree species, and other materials subject to CITES controls. Very small amounts of ivory and tortoise shell may be found in an array of older string, wind, percussion, and brass instruments. Reptile skin may be found on the grips of bows for stringed instruments, and a variety of woods are 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.

We are appreciative the of U.S. Fish and Wildlife Service's (USFWS) acknowledgment of our stakeholder comments in response to the Federal Register notice published on March 22, 2024 at 89 FR 20489, in which we commented in detail regarding the music sector's views on opportunities for U.S. leadership as the CoP20 agenda potentially addresses travel with musical instruments, tree species listings and annotations, and permitting efficiencies. In the current call for comments, USFWS has indicated that the agency has not yet identified resolutions, decisions, and agenda items for submission for CoP20, due to the significant number of issues subject to ongoing discussion at the 78th meeting of the Standing Committee (SC78), taking place February 3-8, 2025.

While a broad range of agenda items under consideration at SC78 intersect with CITES regulation of travel and trade in musical instruments, we note that the following numbered agenda items are of particular direct relevance to music stakeholders, and we look forward to

engagement with USFWS on these matters during and following the SC78 proceedings:

34.3 Review of Significant Trade in Specimens of Appendix II Species (re: *Dalbergia melanoxylon*)

50. Purpose-of-Transaction Codes (re: codes “P” and “Q”)

51. Electronic Systems and Information Technology (re: simplified procedures for the non-commercial movement of musical instruments)

56. Rapid Movement of Wildlife Diagnostics Samples and Musical Instruments

73. Brazil wood (*Paubrasilia echinata*)

76. Annotations

77. Annotation #15

We offer the following responses to the USFWS statements outlined in the current request for comments.

Streamlining Processes under CITES and CITES Implementation

Our stakeholders agree with the Association of Zoos & Aquariums’ (AZA) recommendation that resolutions, decisions, or agenda items that the United States submits for consideration at CoP20 focus on streamlining processes to decrease burdens on Parties and the wait time for permit processing, specifically for activities that pose little or no risk to wild populations. We likewise agree with the recommendation that the United States develop implementation plans for any new CITES listings or increased regulatory controls and share these plans before CoP20 so that the decisions taken at CoP20 include assurances of effective implementation, and that the Service include associated funding requirements in its FY 2026 budget request. USFWS has responded that, given the Parties are engaged in ongoing discussions on facilitating the efficient international movement of wildlife samples for diagnostic purposes and/or conservation purposes and the non-commercial movement of musical instruments for purposes of performance, display, or competition, the United States is unlikely to submit a document on the topic of streamlined processes to CoP20. We support USFWS action to apply the principles of streamlining, the consideration of permit burdens, and focusing CITES resources where they are most impactful to conservation of the species as a *cross-cutting approach* that could be applied to resolutions, decisions, and agenda items that may be advanced following consideration of the above-referenced agenda items at SC78.

Annotations for CITES-Listed Tree Species

We appreciate the commitment articulated by USFWS at FR 89 105085, *10. Annotation for CITES tree-listed species*, and are grateful for the record of U.S. leadership in advancing the CITES deliberations that led to the modification to Annotation #15 adopted at the 17th Conference of the Parties. Our organizations stand ready to provide expert views on the implementation of CITES controls on musical instruments as any potential decisions advance on Annotations, Annotation #15, and new species proposals generated for consideration at CoP20.

At CoP19, the revised Annotation #10 for *Paubrasilia echinata* was carefully crafted to focus new CITES controls for finished products on the sole range state for the species, regulating “all parts, derivatives and finished products, except re-export of finished musical instruments, finished musical instrument accessories and finished musical instrument parts.” This approach has preserved opportunities for investments in awareness-building, science, conservation, and restoration programs based on international cooperation and capacity-strengthening; global trade and travel with bows for stringed instruments that have been made over the course of more than 250 years; and limited the associated permit burden imposed on global CITES management authorities, while directing CITES resources toward documenting wood and wood products exported from the range state of Brazil.

Travel with Instruments Containing CITES-listed species

The USFWS has been a valuable partner in engagement with the Standing Committee’s Working Group on Rapid Movement of Musical Instruments. As the recommendations of the Working Group advance out of Standing Committee and to consideration at CoP20, we ask for support from the U.S. to advance proposed new CITES resources to improve implementation of existing efficiencies, while also bringing to the attention of the Parties the remaining significant limitations to relief afforded by the use of the Musical Instrument Certificate and the Personal Effects exemption. In our extensive experience in dialogue with CITES parties and observer non-governmental organizations, we find these mechanisms are erroneously assumed to be a sufficient avenue to support ongoing travel with musical instruments – or provide complete exemption from CITES permit protocols - when finished musical instruments are under consideration for new CITES trade restrictions. Without sufficient communication of the limited availability of streamlined procedures and exemptions, CITES Parties may once again take policy action with significant and severe unintended consequences for travelling musicians.

Thank you for the opportunity to provide our responses to the U.S. comments on the species proposals, resolutions, decisions, and agenda items the United States may consider submitting for discussion at CoP20. We look forward to providing further comments as the CoP20 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 Federation of Musicians of the United States and Canada
American Federation of Violin and Bow Makers
Carnegie Hall
Chamber Music America
Fender Musical Instruments Corporation
International Alliance of Violin and Bow Makers for Endangered Species
International Pernambuco Conservation Initiative-USA
International Society of Violin and Bow Makers

League of American Orchestras
C.F. Martin & Co., Inc.
National Association of Music Merchants (NAMM)
Paul Reed Smith Guitars
Recording Academy
Taylor Guitars
Yamaha Guitar Group, Inc