



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



DIRECTOR'S ORDER NO. 210

Subject: Administrative Actions to Strengthen U.S. Trade Controls for Elephant Ivory, Rhinoceros Horn, and Parts and Products of Other Species Listed Under the Endangered Species Act (ESA)

Sec. 1 What is the purpose of this Order?

a. The United States released the first [National Strategy for Combating Wildlife Trafficking](#) on February 11, 2014. One of the three strategic priorities of the National Strategy is to strengthen domestic and global enforcement, including assessing related laws, regulations, and enforcement tools.

b. This Order establishes policy and procedure for U.S. Fish and Wildlife Service (Service) employees to implement the National Strategy as it relates to the trade in elephant ivory, rhinoceros horn, and parts and products of other ESA-listed species.

c. The Order supersedes all previous policies on the June 9, 1989, African Elephant Conservation Act (AfECA) import moratorium.

Sec. 2 What will Service employees do under this Order?

a. Service employees must strictly implement and enforce all criteria under the ESA antique exception ([16 U.S.C. 1539 \(h\)](#)). The ESA requires that any person claiming the benefit of a statutory exemption has the burden of proving that the exemption is applicable (16 U.S.C. 1539 (g)) so the burden of proof is on the importer, exporter, or seller to definitively show that an item meets all of the criteria under the exception. The burden of proof standard is high to ensure that items that people claim are antiques under the ESA exception are authentic and qualify for the exception. See [Appendix 1](#) for additional guidance.

b. Service employees must strictly implement and enforce the June 9, 1989, AfECA moratorium ([54 Fed. Reg. 24758](#)) on the importation of raw and worked African elephant ivory

while, as a matter of law enforcement discretion, allowing importation without a threatened species permit (issued under 50 CFR 17.32) of certain parts and products, as follows:

(1) Raw or worked African elephant ivory imported by an employee or agent of a Federal, State, or tribal government agency for law enforcement purposes.

(2) Raw or worked African elephant ivory imported for genuine scientific purposes that will contribute to conservation of the species.

(3) Worked African elephant ivory imported for personal use as part of a household move or as part of an inheritance, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976; and
- The item is accompanied by a valid Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate.

(4) Worked African elephant ivory imported as part of a musical instrument, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976;
- The person or group qualifies for a CITES musical instrument certificate or an equivalent CITES document;
- The musical instrument containing elephant ivory is accompanied by a valid CITES musical instrument certificate or an equivalent CITES document that meets all of the requirements of CITES Resolution Conf. 16.8; and
- The musical instrument is securely marked or uniquely identified so authorities can verify that the certificate or equivalent CITES document corresponds to the musical instrument in question.

(5) Worked African elephant ivory imported as part of a travelling exhibition, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976;
- The person or group qualifies for a CITES travelling exhibition certificate or an equivalent CITES document;
- The item containing elephant ivory is accompanied by a valid CITES travelling exhibition certificate or an equivalent CITES document that meets the requirements of 50 CFR 23.49; and

- The item containing elephant ivory is securely marked or uniquely identified so authorities can verify that the certificate or equivalent CITES document corresponds to the item in question.

Sec. 3 Does this Order affect other legal requirements?

a. The AfECA moratorium does not apply to raw or worked African elephant ivory imported as part of a sport-hunted trophy, or to ivory from other species.

b. Nothing in this Order affects the ESA or CITES in-transit standards and requirements.

c. The AfECA moratorium does not apply to the tusks on live elephants, so nothing in this Order affects the importation of live elephants.

d. Nothing in this Order affects the prohibitions under the AfECA or the ESA. In addition to the terms of the June 9, 1989, moratorium and the prohibitions under the AfECA, all applicable legal requirements for the importation of African elephant ivory under [50 CFR Parts 13, 14, 17, and 23](#) must also be met.

Sec. 4. When is this Order effective? This Order is effective immediately. It remains in effect until incorporated into the Service Manual or until amended, superseded, or revoked, whichever comes first. If we do not amend, supersede, or revoke it, the Order will terminate in 18 months.

/sgd/ Daniel M. Ashe
DIRECTOR

Date: February 25, 2014, [as amended May 15, 2014](#); [July 31, 2015](#); and [July 18, 2016](#).

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