

Can I sell it?

A Guide to Wildlife and Plant Protection Laws

U.S. laws that protect wildlife and plants generally address the removal of species from the wild as well as commercialization in any form – whether alive or dead, or as parts or manufactured products. In some cases, the age of the item may make a difference as to whether it can be sold.

Some wildlife laws prohibit all sale or purchase of products made from a protected species. Examples include the Migratory Bird Treaty Act (which protects more than 1,000 wild birds native to the United States) and the Bald and Golden Eagle Protection Act.

Under the Endangered Species Act (ESA), the legality of selling an item made from an endangered or threatened species in interstate or international commerce may depend on a number of circumstances, including the age and origin of the item and whether the species is native to the United States. The Endangered Species Act is the only Federal wildlife law that addresses the concept of an “antique,” and the statute specifies that such items must be at least 100 years old.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a treaty that regulates international trade in certain species, requires permits or other paperwork for imports and exports of



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Elephant ivory fan with hand painted silk

thousands of animal and plant species and products made from them, including items that were acquired before being listed under CITES.

The Marine Mammal Protection Act (MMPA) prohibits sale of whale, walrus, polar bear, and other marine mammal species. However, exemptions exist for products that predate the law (1972) and products that qualify as authentic Alaskan Native handicrafts and clothing, but only if the species does not have further protection under the ESA (e.g., many whales, some seals).

Watch list *

As a buyer or seller of items made from or containing wildlife products, it is important to be aware of the laws governing commercial trade. Of course, these laws can be complicated, so when in doubt, contact the U.S. Fish and Wildlife Service to determine whether it is legal to buy or sell an item. For us to answer your questions accurately, you must be able to tell us the species involved, including the scientific name, if possible.

This “watch list” highlights some of the most common wildlife and plant materials that may be problematic to buy, sell, import, or export.

African elephant ivory:

A near-total ban on commercial trade in African elephant ivory went into effect in the United States on July 6, 2016. Regulations do not restrict personal possession of ivory. Permits required for import or export. Consult our webpage “What Can I Do With My Ivory?” (<http://go.usa.gov/xj8f4>) for information on prohibited versus allowable activities.

Examples: Carved or “raw” tusks, carvings, jewelry, pianos with ivory keys, furniture or other inlay, decorative trim.

Asian elephant ivory and other items:

Generally cannot be sold in interstate or international commerce, with certain limited exceptions. Consult our webpage “What Can I Do With My Ivory” (<http://go.usa.gov/xj8f4>) for information on prohibited versus allowable activities. Permits required for import or export. Sale of items within a State allowed unless restricted by “use after import” limitations associated with items imported after the listing of the species under CITES or unless prohibited under State law.



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Dagger with rhino horn handle

Examples: Carved or “raw” tusks, carvings, jewelry, chess sets, inlay, and decorative trim.

Rhino horn: Generally cannot be sold in interstate or international commerce. Consult the Service for limited exceptions. Import or export requires a permit. Sale of items within a State allowed unless restricted by “use after import” limitations associated with items imported after the listing of the species under CITES or unless prohibited under State law.

Examples: Libation cups, dagger handles, carvings, trophies, and jewelry.

Sea turtle shell and leather:

Generally cannot be sold in interstate or international commerce. Consult the Service for limited exceptions. Permits required for import or export. Sale of items within a State allowed unless restricted by “use after import” limitations associated with items imported after the listing of the species under CITES or unless prohibited under State law.

Examples: Tortoiseshell jewelry, combs, mirror casings, brushes, and guitar picks; furniture, musical instruments, or other items with shell inlay; boots, belts, and handbags.



Elephant ivory carving set

Taxidermied migratory birds or migratory bird feathers and parts:

With some limited exceptions, sale of any type prohibited regardless of age of the specimen. (Exceptions involve limited purchase and sale of certain captive-reared and sport-taken migratory waterfowl.)

Examples: Victorian songbird collections, vintage women’s hats, and feather boas.

Taxidermied bald or golden eagles or eagle feathers and parts:

Sale prohibited regardless of age

Examples: Native American cultural and handcraft items (fans, headdresses, dreamcatchers); bald eagle mounts.



Elephant ivory statue

Grizzly bear, jaguar, or other U.S. species listed as endangered or threatened:

No interstate or international sale of any type regardless of age, without a permit. Sale within a State allowed unless prohibited under State law

Examples: Taxidermied specimens, rugs, clothing, and other fur articles.

Walrus ivory:

Import or export requires a permit. Sale legal if ivory is “pre-Act” under the MMPA (acquired before 1972) or is a product purchased within the U.S. that qualifies as an authentic Alaskan Native handcraft.

Whale teeth or bone:

Consult the National Oceanic and Atmospheric Administration for guidance on sale. Import or export requires a permit.

Example: Scrimshaw.

Polar bear:

Import or export requires a permit. Sale within the United States legal if polar bear is “pre-Act” under the MMPA (acquired before 1972) or is a product purchased within the United States that qualifies as an authentic Alaskan handcraft.

Examples: Taxidermied trophies, rugs, and fur clothing.

Brazilian rosewood:

Brazilian rosewood is listed in CITES Appendix I. Commercial international trade typically not allowed, except for items acquired or manufactured before listing under CITES, and any import or export requires a permit.

Examples: Guitars, marimbas, billiard cues, chess sets, furniture, and furniture inlay.

* NOTE: Please be aware that this list does not include every type of wildlife or plant material that could be problematic to sell, buy, import or export. For example, thousands of species not mentioned here are listed in CITES Appendix I or II and may require permits from the importing, exporting, or re-exporting country.

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