

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 in the wild as well as commercialization in any form – whether alive or dead, or as parts or manufactured products. Sometimes the age of the item makes a difference as to whether it can be sold, but not always.

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 or not. 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 or older.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which is



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Elephant ivory fan with hand painted silk

implemented in the United States under the ESA, requires permits or other paperwork for imports or exports of 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. Exemptions, however, exist for products that pre-date 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 always remember--when in doubt, contact the U.S. Fish and Wildlife Service to determine the legality of your item.

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 and other items: Depends on how and when acquired. Consult the U.S. Fish and Wildlife Service before selling or offering for sale. Import or export requires a permit. Sale of legally acquired items within a State allowed unless prohibited under State law.

Examples: Carved or “raw” tusks; carvings; jewelry; pianos with ivory keys; furniture or other inlay; decorative trim; trophies; elephant hide or hair products.

Asian elephant ivory and other items:

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



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Dagger with rhino horn handle

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, 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, handbags.

Taxidermied Migratory Birds or Migratory Bird Feather 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.



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Elephant ivory carving set

Taxidermied Bald or Golden Eagles or Eagle Feathers and Parts: Sale prohibited regardless of age.

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

Grizzly Bear, Jaguar, or Other U.S. Species listed as Endangered or Threatened: No interstate or international sale of any type regardless of age. Sale within a State allowed unless prohibited under State law.

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

Walrus Ivory: Sale legal only if ivory is “pre-Act” under the MMPA (acquired before 1972) or is a product that



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Elephant ivory statue

qualifies as an authentic Alaskan Native handicraft. Import or export requires a permit.

Whale Teeth or Bone: Sale legal only if material is “pre-Act” AND the specific whale species is not also protected under the ESA. Import or export requires a permit.

Example: Scrimshaw.

Polar bear: No sale in interstate or international commerce since species is listed as threatened under the ESA. No sale within a State unless item meets MMPA standards for sale (see “Walrus Ivory” above).

Examples: Taxidermied trophies; rugs; fur clothing.

Brazilian rosewood: Brazilian rosewood is listed in Appendix I of the CITES treaty. Commercial international trade typically not allowed, except for items acquired or manufactured before being listed 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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