

On July 6, 2016, a near-total ban on commercial trade in African elephant ivory went into effect in the United States. The information on this webpage is intended to provide guidance for those who wish to buy, sell, or otherwise trade in elephant ivory. It's important to note that the new regulations do not restrict personal possession of ivory. If you already own ivory – an heirloom carving that's been passed down in your family, or a vintage musical instrument with ivory components, those pieces are yours. We know those items created long ago aren't threatening today's wild elephants.

For more detailed information on trade in African elephant ivory see the Endangered Species Act [final 4\(d\) rule for the African elephant](#) and associated [FAQs](#), our CITES implementing regulations ([50 CFR part 23](#)), [Director's Order 210](#), and the [African Elephant Conservation Act](#). In addition to the information provided on this webpage, you must also comply with any relevant state laws and all imports and exports must be accompanied by appropriate CITES documents and meet other U.S. Fish & Wildlife Service (Service) import/export requirements.

African elephants are being poached at unprecedented levels to supply the illegal ivory trade, and the United States is among the largest markets for illegal ivory. We've implemented this near-total ban to ensure that U.S. domestic markets do not contribute to the decline of elephants in the wild. [Learn more.](#)

I own elephant ivory. What can I do with it?

To determine the appropriate legal framework for your elephant ivory, you first need to determine whether your items are made of [African](#) or [Asian](#) elephant ivory. Such proof can be in the form of a [qualified appraisal](#) or other documentation that demonstrates the identification of the species through a detailed provenance of the article. We understand that this documentation may take some time to gather. In the meantime, we recommend that you review information on trade in both African and Asian elephant ivory. Note that requirements are stricter for Asian elephant ivory with regard to interstate and foreign commerce. For import, the requirements for African elephant ivory are stricter. If you plan to meet the strictest requirements, you'll be prepared once you do confirm what species your item was made from.

It's also worth noting that without species identification, the Service may be unable to issue a pre-Convention, musical instrument, or traveling exhibition certificate for export, and specimens may be refused clearance and detained at the port. All wildlife imported to or exported from the United States must be declared at the species level. Both African and Asian elephant ivory items that qualify as ESA antiques are exempt from the prohibition on interstate commerce. If you are not able to demonstrate which species of elephant is involved, you may only be able to engage in activities that are lawful for both species, such as interstate commerce of ivory that qualifies as antique under the ESA.



African Elephant Ivory

What activities are allowed/ prohibited with African elephant ivory under statute, regulation, or law enforcement discretion?

Note: This table is for guidance only.

Import	<p><u>Commercial</u> What's prohibited:</p> <ul style="list-style-type: none"> Commercial imports are prohibited. <p><u>Noncommercial</u> What's allowed (accompanied by appropriate permits):</p> <ul style="list-style-type: none"> Sport-hunted trophies (limited to two per hunter per year). Worked and raw ivory as law enforcement and genuine scientific specimens. Worked ivory that was legally acquired and removed from the wild prior to February 26, 1976 and is either: <ul style="list-style-type: none"> Part of a household move or inheritance; Part of a musical instrument; or Part of a traveling exhibition. <p>What's prohibited:</p> <ul style="list-style-type: none"> Worked ivory that does not meet the conditions described above.
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	<ul style="list-style-type: none"> Raw ivory regardless of age (except for sport-hunted trophies, law enforcement and genuine scientific specimens).
Export	<p>Commercial What's allowed (accompanied by appropriate permits):</p> <ul style="list-style-type: none"> Worked ivory that meets the criteria of the ESA antiques exemption. <p>What's prohibited:</p> <ul style="list-style-type: none"> Raw ivory. <p>Noncommercial What's allowed (accompanied by appropriate permits):</p> <ul style="list-style-type: none"> Worked ivory that meets the criteria of the ESA antiques exemption. Worked ivory that was legally acquired and removed from the wild prior to February 26, 1976, and is either: <ul style="list-style-type: none"> Part of a household move or inheritance; Part of a musical instrument; or Part of a traveling exhibition; Worked ivory that qualifies as pre-ESA. Worked ivory as law enforcement and genuine scientific specimens. <p>What's prohibited:</p> <ul style="list-style-type: none"> Raw ivory regardless of age.
Sales across state lines (interstate commerce)	<p>What's allowed:</p> <ul style="list-style-type: none"> Items that meet the criteria of the ESA antiques exemption. Certain manufactured or handcrafted items that contain a small (de minimis) amount of ivory. <p>What's prohibited:</p> <ul style="list-style-type: none"> Ivory imported under the exceptions for a household move or inheritance, or for law enforcement or genuine scientific purposes, and Sport-hunted trophies.
Sales within a state (intrastate commerce)	<p>What's allowed:</p> <ul style="list-style-type: none"> Ivory lawfully imported prior to the date the African elephant was listed in CITES Appendix I (January 18, 1990)—[seller must demonstrate]. Ivory imported under a CITES pre-Convention certificate—[seller must demonstrate].
Noncommercial movement within the United States	<ul style="list-style-type: none"> Noncommercial use, including interstate and intrastate movement within the United States, of legally acquired ivory is allowed.
Personal possession	<p>Possession and noncommercial use of legally acquired ivory is allowed.</p>
Foreign commerce (sales outside the United States)	<p>What's allowed:</p> <ul style="list-style-type: none"> Items that meet the criteria of the ESA antiques exemption. Certain manufactured or handcrafted items that contain a small (de minimis) amount of ivory. <p>What's prohibited:</p> <ul style="list-style-type: none"> Ivory imported or exported under the exceptions for a household move or inheritance, and Sport-hunted trophies.



Can I sell African elephant ivory items...

...within a state?

Under Federal law, you can sell your African elephant ivory within your state (intrastate commerce) if you can demonstrate that your ivory was lawfully imported prior to the date that the African elephant was listed in CITES Appendix I (January 18, 1990). This documentation could be in the form of a CITES pre-Convention certificate, a datable photo, a dated letter or other document referring to the item, or other evidence.

You do not need to obtain a permit from the Service for sales within a state. However, if you are offering African elephant ivory for sale, you should be prepared to provide appropriate documentation to the Service, if asked. We would also suggest that you pass along all documentation to the buyer of your elephant ivory items.

Some states have laws prohibiting or restricting sale of ivory. Check to make sure that you are also in compliance with local and state laws. Contact the [state](#) to check on their requirements.



...across state lines?

The sale of African elephant ivory items across state lines (interstate commerce) is prohibited, except for items that qualify as [ESA antiques](#) and certain manufactured or handcrafted items that contain a small ([de minimis](#)) amount of ivory and meet specific criteria.

Interstate commerce is always prohibited for the following:

- sport-hunted trophies
- items imported under the exception for a household move or inheritance
- items imported as law enforcement or scientific specimens

To qualify for the [ESA antiques exemption](#), an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

- A: It is 100 years or older.
- B: It is composed in whole or in part of an ESA-listed species;
- C: It has not been repaired or modified with any such species after December 27, 1973; and
- D: It is being or was imported through an endangered species “antique port.”

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

To qualify for the [de minimis](#) exception, manufactured or handcrafted items must meet (i) or (ii) and (iii) - (vii) of the following criteria:

- (i) If the item is located within the United States, the ivory was imported into the United States prior to January 18, 1990, or was imported into the United States under a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate with no limitation on its commercial use;
- (ii) If the item is located outside the United States, the ivory was removed from the wild prior to February 26, 1976;
- (iii) The ivory is a fixed or integral component or components of a larger manufactured or handcrafted item and is not in its current form the primary source of the value of the item, that is, the ivory does not account for more than 50 % of the value of the item;
- (iv) The ivory is not raw;
- (v) The manufactured or handcrafted item is not made wholly or primarily of ivory, that is, the ivory component or components do not account for more than 50 % of the item by volume;

(vi) The total weight of the ivory component or components is less than 200 grams; and

(vii) The item was manufactured or handcrafted before July 6, 2016.

For items made of African elephant ivory that qualify as an [ESA antique](#) or meet the [de minimis](#) criteria, you do not need a permit from the Service to sell ivory across state lines. However, if you are offering African elephant ivory for sale, you should be prepared to provide appropriate documentation to the Service, if asked. We would also suggest that you pass along all documentation to the buyer of your elephant ivory items. For detailed information on documentation requirements, please refer to Director's Order 210.

Some states have laws prohibiting or restricting sale of ivory. Check to make sure that you are also in compliance with local and state laws. Contact the [state](#) to check on their requirements.



Can I import African elephant ivory items...

...for commercial purposes?

Commercial import of African elephant ivory into the United States is prohibited.



...for noncommercial purposes?

Certain noncommercial imports are allowed when specific criteria are met:

You may import a *worked* African elephant ivory item into the United States for the *noncommercial* purposes listed below if it was [legally acquired](#) and removed from the wild prior to the listing of the African elephant under CITES (February 26, 1976):

- sport-hunted trophies (limited to two per hunter per year).
- law enforcement specimens
- *genuine* scientific specimens.
- Worked ivory that was [legally acquired](#) and removed from the wild prior to February 26, 1976 and is either:
 - Part of a household move or inheritance;
 - Part of a musical instrument; or
 - Part of a traveling exhibition.

The import of *raw* African elephant ivory is prohibited except:

- as part of a lawfully taken personal sport-hunted trophy (limited to two per hunter per year),
- law enforcement specimens, or
- genuine scientific specimens.

You must obtain an ESA permit for import of an African elephant sport-hunted trophy. To apply for an import permit, submit application form [3-200-19](#). Instructions are on the form.

We do not require an ESA import permit for ivory items imported as part of a household move, inheritance, musical instrument, or traveling exhibition.

All ivory items must be accompanied by a valid CITES document from the country of export.

You can find contact information for CITES offices at the following

website: <http://cites.org/eng/cms/index.php/component/cp>

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact [the port](#) you intend to use for more information.

If the item is an antique, it must enter through an endangered species "antique port." U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on

September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.

What requirements must be met to import African elephant ivory as part of a household move or inheritance?

African elephant ivory can be imported for personal use as part of a household move or inheritance provided the ivory was [legally acquired](#) and removed from the wild prior to the listing of the African elephant under CITES (February 26, 1976), and the item is accompanied by a valid CITES pre-Convention certificate. Items are considered part of a household move if they are household effects included when moving your residence to or from the United States provided you own the item and are moving it for personal use and you import your household effects within one year of changing your residence from one country to another.

A CITES pre-Convention certificate should be obtained from the country of export. You can find contact information for CITES offices at the following website: <http://cites.org/eng/cms/index.php/component/cp>

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact [the port](#) you intend to use for more information. If the item is an antique, it must enter through an endangered species “antique port.”

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What requirements must be met to import African elephant ivory as part of a musical instrument?

Worked African elephant ivory can be imported as part of a musical instrument provided that the ivory was [legally acquired](#) and removed from the wild prior to the listing of the African elephant under CITES (February 26, 1976), and the musical instrument containing elephant ivory is accompanied by a valid CITES musical instrument certificate or an equivalent CITES document that meets the requirements of [CITES Resolution Conf. 16.8](#). Raw African elephant ivory cannot be imported as part of a musical instrument.

A CITES musical instrument certificate or an equivalent CITES document should be obtained from the musician's country of usual residence. You can find contact information for CITES offices at the following website: <http://cites.org/eng/cms/index.php/component/cp>

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact [the port](#) you intend to use for more information. If the item is an antique, it must enter through an endangered species “antique port.”

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What requirements must be met to import African elephant ivory as part of a traveling exhibition?

Worked African elephant ivory may be imported as part of a traveling exhibition, such as a museum or art exhibit, provided the ivory was [legally acquired](#) and removed from the

wild prior to the listing of the African elephant under CITES (February 26, 1976), and the item containing elephant ivory is accompanied by a valid CITES traveling exhibition certificate or an equivalent CITES document that meets the requirements of [50 CFR 23.49](#). Raw African elephant ivory cannot be imported as part of a traveling exhibition.

A CITES traveling exhibition certificate or an equivalent CITES document should be obtained from the country where the exhibit originates. You can find contact information for CITES offices at the following website: <http://cites.org/eng/cms/index.php/component/cp>

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact [the port](#) you intend to use for more information. If the item is an antique, it must enter through an endangered species “antique port.”

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Can I export African elephant ivory items...

...for commercial purposes?

If you wish to export your *worked* African elephant items for *commercial* purposes, you will need to demonstrate that your ivory qualifies as an [ESA antique](#).

To qualify for the ESA antiques exemption, an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

A: It is 100 years or older.

B: It is composed in whole or in part of an ESA-listed species;

C: It has not been repaired or modified with any such species after December 27, 1973; and

D: It is being or was imported through an endangered species “antique port.”

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

You do not need an ESA export permit as long as the item meets the restrictions noted above, but a CITES permit is required.

To obtain a CITES Pre-Convention Certificate for a single-use export authorization for worked ivory items, submit application form 3-200-23, available from <http://www.fws.gov/forms/3-200-23.pdf> (instructions are on the form).

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact [the port](#) you intend to use for more information. If the item is an antique, it must enter through an endangered species “antique port.”

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Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois. ▲

...for noncommercial purposes?

If you wish to export *worked* African elephant items for *noncommercial* purposes you will need to be able to demonstrate that your ivory meets one of the following:

I. It qualifies as an [ESA antique](#):

To qualify for the ESA antiques exemption, an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

A: It is 100 years or older.

B: It is composed in whole or in part of an ESA-listed species;

C: It has not been repaired or modified with any such species after December 27, 1973; and

D: It is being or was imported through an endangered species "antique port."

Under Director's Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

OR

II. It was [legally acquired](#) and removed from the wild prior to the listing of the African elephant under CITES, February 26, 1976, and is being exported as:

- part of a household move or inheritance, or
- part of a musical instrument or as
- part of a traveling exhibition.

OR

III. It qualifies as pre-ESA or "pre-Act" under [section 9\(b\)\(1\)](#) of the Act. To qualify as pre-Act, a specimen must:

- Have been held in captivity or in a controlled environment prior to December 28, 1973, or prior to the date of first listing under the ESA; and
- Such holding or use and any subsequent holding or use was not in the course of a commercial activity.

OR

IV. Exports of law enforcement and genuine scientific specimens may be authorized.

You do not need an ESA export permit as long as the item meets the restrictions noted above, but a CITES permit is required.

To obtain a CITES Pre-Convention Certificate for a single-use export authorization for worked ivory items, submit application form 3-200-23, available from <http://www.fws.gov/forms/3-200-23.pdf> (instructions are on the form).

To apply for a traveling exhibition certificate for frequent cross-border movement of worked ivory as part of a traveling exhibition, please submit application form 3-200-30, available from <https://www.fws.gov/forms/3-200-30.pdf> (instructions are on the form).

To apply for a musical instrument certificate for frequent cross-border movement of worked ivory contained in a musical instrument, please apply using application 3-200-88, available from <https://www.fws.gov/forms/3-200-88.pdf> (instructions are on the form).

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact [the](#)

[port](#) you intend to use for more information. If the item is an antique, it must enter through an endangered species “antique port.”



Can I sell African elephant ivory outside the United States (foreign commerce)?

Foreign commerce does not include import or export activities. Foreign commerce is defined in section 3 of the Endangered Species Act and applies to individuals or entities subject to U.S. jurisdiction. The term “foreign commerce” includes, among other things, any transaction—

- between persons within one foreign country;
- between persons in two or more foreign countries;
- between a person within the United States and a person in a foreign country; or
- between persons within the United States, where the wildlife in question is moving in any country or countries outside the United States.

Foreign commerce in African elephant ivory is prohibited for any person subject to the jurisdiction of the United States, except for items that qualify as [ESA antiques](#) and certain manufactured or handcrafted items that contain a small (*de minimis*) amount of ivory and meet specific criteria.

Foreign commerce is always prohibited for the following:

- sport-hunted trophies
- items that are imported or exported as part of a household move or inheritance

To qualify for the [ESA antiques exemption](#), an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

A: It is 100 years or older.

B: It is composed in whole or in part of an ESA-listed species;

C: It has not been repaired or modified with any such species after December 27, 1973; and

D: It is being or was imported through an endangered species “antique port.”

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

To qualify for the [de minimis](#) exception, manufactured or handcrafted items must meet (i) or (ii) and (iii) - (vii) of the following criteria:

- (i) If the item is located within the United States, the ivory was imported into the United States prior to January 18, 1990, or was imported into the United States under a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate with no limitation on its commercial use;
- (ii) If the item is located outside the United States, the ivory was removed from the wild prior to February 26, 1976;
- (iii) The ivory is a fixed or integral component or components of a larger manufactured or handcrafted item and is not in its current form the primary source of the value of the item, that is, the ivory does not account for more than 50 % of the value of the item;
- (iv) The ivory is not raw;
- (v) The manufactured or handcrafted item is not made wholly or primarily of ivory, that is, the ivory component or components do not account for more than 50 % of the item by volume;
- (vi) The total weight of the ivory component or components is less than 200 grams; and
- (vii) The item was manufactured or handcrafted before July 6, 2016.

Example African Elephant Scenarios

I have a violin bow that contains a small amount of ivory. Can I sell the bow in the United States, export it for sale, or take it overseas for a concert?

If the bow meets the requirements for the [de minimis](#) exception, including that the ivory was removed from the wild prior to February 26, 1976, and that the total weight of the ivory is less than 200 grams you will be able to sell it in the United States.

If the bow qualifies as an [ESA antique](#), you will be able to export it for sale.

If the bow meets the requirements for import/export of a musical instrument, including that the ivory was removed from the wild prior to February 26, 1976, it is accompanied by a CITES musical instrument certificate or equivalent CITES document, the bow is securely marked or uniquely identified, and it will not be sold or otherwise transferred while outside the United States (see paragraph (e)(4) in the proposed rule text for details) you can travel with it internationally for personal use, including to perform in concerts.



I have an antique ivory figurine. Can I sell it online?

If you can demonstrate that it qualifies as an [ESA antique](#), you can sell it. However, state laws and online retailer policies may further restrict or prohibit ivory sales. Always consult with your state and the retailer to determine their requirements.



I have an elephant head with tusks that my father killed in 1949. Can I sell it across state lines?

No. Under the final rule revising the African elephant 4(d) rule, you cannot sell the tusks. Ivory imported as a sport-hunted trophy that does not meet the criteria for an [ESA antique cannot be sold](#).



Asian Elephant Ivory

Can I sell Asian elephant ivory items...

...within a state?

Under Federal law, you can sell your Asian elephant ivory within your state (intrastate commerce) if you can demonstrate that your ivory was lawfully imported prior to the date that the Asian elephant was listed in CITES Appendix I (July 1, 1975). This documentation could be in the form of a CITES pre-Convention certificate, a datable photo, a dated letter or other document referring to the item, or other evidence.

You do not need to obtain a permit from the Service for sales within a state. However, if you are offering Asian elephant ivory for sale, you should be prepared to provide appropriate documentation to the Service, if asked. We would also suggest that you pass along all documentation to the buyer of your elephant ivory items.

Some states have laws prohibiting or restricting sale of ivory. Check to make sure that you are also in compliance with local and state laws. Contact the [state](#) to check on their requirements.



...across state lines?

The sale of Asian elephant ivory across state lines is prohibited except for items that qualify as ESA antiques.

To qualify for the [ESA antiques exemption](#), an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

A: It is 100 years or older.

B: It is composed in whole or in part of an ESA-listed species;

C: It has not been repaired or modified with any such species after December 27, 1973; and

D: It is being or was imported through an endangered species “antique port.”*

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

*U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.

For items made of Asian elephant ivory that qualify as [an ESA antique](#), you do not need a permit from the Service to sell ivory across state lines. However, if you are offering Asian elephant ivory for sale, you should be prepared to provide appropriate documentation to the Service, if asked. We would also suggest that you pass along all documentation to the buyer of your elephant ivory items. For detailed information on documentation requirements, please refer to [Appendix 1 of Director’s Order 210](#).

Some states have laws prohibiting or restricting sale of ivory. Check to make sure that you are also in compliance with local and state laws. Contact the [state](#) to check on their requirements.



Can I import Asian elephant ivory items...

...for commercial purposes?

Asian elephant ivory may only be imported into the United States for *commercial* purposes if it qualifies as [an ESA antique](#).

To qualify for the [ESA antiques exemption](#), an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

A: It is 100 years or older.

B: It is composed in whole or in part of an ESA-listed species;

C: It has not been repaired or modified with any such species after December 27, 1973; and

D: It is being or was imported through an endangered species “antique port.”*

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

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All ivory items must be accompanied by a valid CITES document from the exporting country. You can find contact information for CITES offices at the following website: <http://cites.org/eng/cms/index.php/component/cp>

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact the [port](#) you intend to use for more information.

If the item is an antique, it must enter through an endangered species “antique port”. U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.



...for noncommercial purposes?

Asian elephant ivory may only be imported into the United States for *noncommercial* purposes if it qualifies as [antique](#), or as [pre-Act](#) or is accompanied by an ESA export permit for scientific or enhancement of survival purposes.

To qualify for the [ESA antiques exemption](#), an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

A: It is 100 years or older.

B: It is composed in whole or in part of an ESA-listed species;

C: It has not been repaired or modified with any such species after December 27, 1973; and

D: It is being or was imported through an endangered species “antique port.”*

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

*U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.

To qualify as [pre-Act](#), under section 9(b)(1) of the ESA, a specimen must:

- Have been held in captivity or in a controlled environment prior to December 28, 1973, or prior to the date of first listing under the ESA (June 14, 1976 for the Asian elephant); and
- Such holding or use and any subsequent holding or use was not in the course of a commercial activity.

To apply for an ESA import permit for an Asian elephant specimen, [submit application form 3-200-37](#). Instructions are on the form. Per Section 10 of the ESA and 50 CFR 17.22 import will only be authorized provided the activity is for scientific purposes or will enhance the survival of the species.

All ivory items must be accompanied by a valid CITES document from the exporting country. You can find contact information for CITES offices at the following website: <http://cites.org/eng/cms/index.php/component/cp>

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact the [port](#) you intend to use for more information.

If the item is an antique, it must enter through an endangered species “antique port.” U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on

September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.



Can I export Asian elephant ivory items...

...for commercial purposes [+](#)

...for noncommercial purposes? [+](#)

Can I sell Asian elephant ivory outside the United States (foreign commerce)? [+](#)

Additional Questions

Is it legal for me to keep my elephant ivory?

Yes. Federal wildlife laws and regulations such as CITES, the ESA, and the AfECA do not prohibit possessing or display of ivory, provided it was lawfully acquired. There is no certification requirement or process to register ivory items and you do not need a permit from the Service to possess or display ivory for noncommercial purposes. We recommend that you maintain any records or documentation you have that demonstrates the origin and chain of ownership of the item. We recommend that you provide all documentation to any future recipient of your elephant ivory item. Check to make sure that you are also in compliance with local and state laws. Contact the [state](#) to check on their requirements.



Can I donate or give away elephant ivory?

Yes. Federal wildlife laws and regulations such as CITES, the ESA, and the AfECA do not prohibit donating or giving away your ivory item, or receiving an ivory item as a donation or a gift, provided it was lawfully acquired and there is no exchange for other goods or services involved. We recommend that you provide the recipient with any records or documentation you have that demonstrate the origin and chain of ownership of the items. Check to make sure that you are also in compliance with local and state laws. Contact the [state](#) to check on their requirements.



How can I tell the difference between elephant ivory and other types of ivory?

It is possible to identify elephant ivory from other types of ivory. For more information, please visit [the U.S. Fish & Wildlife Service's Forensics Laboratory website](#). Proceed with caution if you are purchasing ivory. Ask for documentation that shows the species and age of the ivory item you are purchasing. This documentation could include CITES permits or certificates, certified appraisals, documents that detail date and place of manufacture, etc.



How can I travel internationally with my musical instrument that contains ivory?

Some musical instruments contain parts of species, such as elephant ivory, that are protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other U.S. laws including the Endangered Species Act (ESA).

Musicians planning to make multiple border crossings with a musical instrument that contains ivory should apply for a CITES musical instrument certificate. This authorization is for noncommercial purposes; instruments must accompany the musician on travel out of and back into the country and may not be sold or otherwise disposed of outside the

United States.

Orchestras planning to make multiple border crossings with a group of instruments should apply for a CITES traveling exhibition certificate. Orchestras traveling internationally must maintain the instruments together on travels out of and back into the United States. This authorization is for noncommercial purposes; the instruments may not be sold or otherwise disposed of outside of United States. If a musician intends to travel with his or her instrument separately from the orchestra while outside the United States the musician should separately obtain an individual CITES musical instrument certificate.

The following criteria must be met:

- You must determine whether your items are made of [African or Asian elephant ivory](#). Such proof can be in the form of a qualified appraisal or other documentation that demonstrates the identification of the species through a detailed provenance of the article.
- If you have African elephant ivory, you must be able to demonstrate that the ivory was [legally acquired](#) and removed from the wild prior to the listing of the African elephant under CITES, February 26, 1976. This proof could be in the form of a qualified appraisal, or documentation that shows the manufacturing date of the instrument.
- If you have Asian elephant ivory, you must be able to demonstrate that the ivory qualifies as an ESA [antique](#) or as [pre-Act](#). This proof could be in the form of a qualified appraisal or documentation that shows the manufacturing date of the instrument.

U.S. musicians and orchestras wishing to embark on international travel with instruments that meet the above criteria may apply for a CITES traveling exhibition certificate from the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits using form 3-200-88, available from <http://www.fws.gov/forms/3-200-88.pdf> (instructions are on the form).

Musicians and orchestras based in foreign countries should contact the CITES Management Authority in their country of usual residence to obtain the necessary CITES documents. You can find contact information for CITES offices in foreign countries at the following website: <http://cites.org/eng/cms/index.php/component/cp>.

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact the [port](#) you intend to use for more information.

If the item is an antique, it must enter through an endangered species “antique port”. U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.



How can I import or export ivory items as part of a traveling exhibition?

Traveling exhibitions, such as museum or art exhibits, may include items that contain parts or products of species protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and U.S. laws including the Endangered Species Act (ESA), such as African or Asian elephant ivory. Certain items containing ivory may be imported into or exported from the United States as part of a traveling exhibition under specific conditions.

Raw African elephant ivory may not be imported or exported as part of a traveling exhibition.

Items containing elephant ivory must be accompanied by a valid CITES traveling exhibition certificate or equivalent CITES document that meets the requirements of [CITES Resolution Conf. 12.3](#) and [50 CFR 23.47](#), which you would obtain from the country where the exhibition originates. You can find contact information for CITES offices at the following website: <http://cites.org/eng/cms/index.php/component/cp>.

The traveling exhibition certificate authorization is for noncommercial purposes. Items authorized under a CITES traveling exhibition certificate must be maintained together and may not be sold or otherwise disposed while outside of your country of residence; the authorization is limited to items that will be returned to the country of residence.

In addition to the valid CITES traveling exhibition certificate, the following criteria must be met:

- Part of this process requires that you evaluate whether the items are made of [African or Asian elephant ivory](#). Such proof can be in the form of a qualified appraisal or other documentation that demonstrates the identification of the species through a detailed provenance of the article.
- Import of African elephant ivory as part of a traveling exhibition is allowed provided the worked ivory was [legally acquired](#) and taken from the wild prior to February 26, 1976.
- Import of Asian elephant ivory as part of a traveling exhibition is allowed provided it qualifies as an [ESA antique](#), or, if the item does not meet the antique criteria, it must meet [pre-Act](#) requirements .

U.S.-based exhibitions that meet the above criteria may apply for a CITES traveling exhibition certificate from the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits using application form 3-200-30, available from <http://www.fws.gov/forms/3-200-30.pdf> (instructions are on the form). The exhibition items must be maintained and exhibited together and may not be sold, or otherwise disposed of outside of the United States; the authorization is limited to items that will be re-imported.

All wildlife (including parts and products) imported into or exported from the United States for any purpose must be declared to the U.S. Fish & Wildlife Service Office of Law Enforcement. Contact the [port](#) you intend to use for more information.

If the item is an antique, it must enter through an endangered species “antique port”. U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.



What is the *de minimis* exemption?

The *de minimis* exemption applies only to items made from African elephant ivory. The African elephant 4(d) rule provides an exemption from prohibitions on selling or offering for sale in interstate and foreign commerce for certain manufactured or handcrafted items that contain a small (*de minimis*) amount of African elephant ivory.

To qualify for the *de minimis* exception, manufactured or handcrafted items must meet either (i) or (ii) and all of the criteria (iii) – (vii):

- (i) If the item is located within the United States, the ivory was imported into the United States prior to January 18, 1990, or was imported into the United States under a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate with no limitation on its commercial use;
- (ii) If the item is located outside the United States, the ivory was removed from the wild prior to February 26, 1976;
- (iii) The ivory is a fixed or integral component or components of a larger manufactured or handcrafted item and is not in its current form the primary source of the value of the item, that is, the ivory does not account for more than 50 % of the value of the item;
- (iv) The ivory is not raw;
- (v) The manufactured or handcrafted item is not made wholly or primarily of ivory, that is, the ivory component or components do not account for more than 50 % of the item by volume;
- (vi) The total weight of the ivory component or components is less than 200 grams; and
- (vii) The item was manufactured or handcrafted before July 6, 2016.

What types of ivory items are likely to qualify for the *de minimis* exemption?

Only African elephant ivory items may qualify for the *de minimis* exemption. This exemption is not available for Asian elephant ivory. When we proposed the 200-gram limit we had a particular suite of items in mind. The following types of items may qualify for the *de minimis* exception: many musical instruments (including many keyboard instruments, with ivory keys, most stringed instruments and bows with ivory parts or decorations, and many bagpipes, bassoons and other wind instruments with ivory trim); most knives and guns with ivory grips; and certain household and decorative items (including teapots with ivory insulators, measuring tools with ivory parts or trim, baskets with ivory trim, walking sticks and canes with ivory decorations, and many furniture pieces with ivory inlay, etc.). However, to qualify for the *de minimis* exception, all of the above criteria must be met (either (i) or (ii) and (iii)-(vii)). To view examples of items that may meet *de minimis* criteria, click [here](#).

What types of ivory items are not likely to qualify for the *de minimis* exemption?

Asian elephant ivory items do not qualify for the *de minimis* exemption. This exemption is not available for Asian elephant ivory. Examples of African elephant ivory items that we do not expect would qualify for the *de minimis* exemption include chess sets with ivory chess pieces (both because we would not consider the pieces to be fixed or integral components of a larger manufactured item and because the ivory would likely be the primary source of value of the chess set), an ivory carving on a wooden base (both because it would likely be primarily made of ivory and the ivory would likely be the primary source of its value), and ivory earrings or a pendant with metal fittings (again both because they would likely be primarily made of ivory and the ivory would likely be the primary source of its value).

How do I demonstrate that my ivory item meets the criteria to qualify for the *de minimis* exemption?

To qualify for the *de minimis* exemption, an item must be made of African elephant ivory and must meet the criteria provided above. We consider an item to be made wholly or primarily of ivory if the ivory component or components account for more than 50 percent of the item by volume. Likewise, if more than 50 percent of the value of an item is attributed to the ivory component or components we consider the ivory to be the primary source of the value of that item. Value can be ascertained by comparing a similar item that does not contain ivory to one that does (for example, comparing the price of a basket with ivory trim/decoration to the price of a similar basket without ivory components). Though not required, a [qualified appraisal](#) or another method of documenting the value of the item and the relative value of the ivory component, including information in catalogs, price lists, and other similar materials, can also be used. We will not require ivory components to be removed from an item to be weighed. To view examples of items that may meet *de minimis* criteria, click [here](#).

What does 200 grams of ivory look like?

A piece of ivory that weighs 200 grams is slightly larger than a cue ball. The 200-gram limit is large enough to accommodate the white key veneers on an 88-key piano. Click [here](#) for photographs of ivory items of various weights. ****NOTE: The items in these photographs would not qualify for the *de minimis* exception because they are made wholly of ivory.** These photographs are only intended to illustrate the size of 200g of ivory. To qualify for the *de minimis* exception, an item would need to meet all of the criteria listed above. To view examples of items that may meet *de minimis* criteria, click [here](#).



What is meant by the ESA antiques exemption?

To qualify for the ESA antiques exemption, an item must meet all of the following criteria [seller/importer/exporter must demonstrate]:

- A: It is 100 years or older.
- B: It is composed in whole or in part of an ESA-listed species;
- C: It has not been repaired or modified with any such species after December 27, 1973; and
- D: It is being or was imported through an endangered species “antique port.”*

Under Director’s Order No. 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and items created in the United States and never imported must comply with elements A, B, and C above, but not element D.

*U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.

Antiques that meet these criteria (ESA antiques) are exempt from ESA prohibitions and the provisions in the African elephant final 4(d) rule. ESA antiques may be sold in interstate and foreign commerce and may be imported or exported without the need for an ESA permit. However, CITES and other import/export requirements must still be met. In addition, the moratorium on import of African elephant ivory under the African Elephant Conservation Act remains in effect for antiques and other African elephant ivory (other than sport-hunted trophies).

How do I demonstrate that my ivory item meets the criteria to qualify for the ESA antiques exemption?

Under the ESA, a person claiming the benefit of the antiques exemption has the burden of demonstrating that the item qualifies for the exemption. This is true for all ESA-listed species, including African and Asian elephants. We have provided guidance in [Appendix 1 of Director’s Order 210](#) on ways to demonstrate that an item qualifies as an [ESA antique](#).

We want to clarify that forensic testing is not necessarily required. Provenance and age may be determined through a detailed history of the item, including but not limited to, family photos, ethnographic fieldwork, art history publications, or other information that authenticates the article and assigns the work to a known period of time or, where possible, to a known artist or craftsman. A [qualified appraisal](#) or another method, including using information in catalogs, price lists, and other similar materials that document the age by establishing the origin of the item, can also be used.



What is the difference between worked ivory and raw ivory?

Worked items include carvings and components of larger finished products such as knife handles, billiard cues, musical instruments and furniture. Raw ivory means an elephant tusk, or any piece of tusk, the surface of which, polished or unpolished, is unaltered or minimally carved, including ivory mounted on a stand or part of a trophy.



What does “legally acquired prior to February 26, 1976” mean?

February 26, 1976, is the date the African elephant was first listed under CITES (the pre-Convention date). An item that contains African elephant ivory that was removed from the wild prior to February 26, 1976, is considered to be a pre-Convention specimen. This does not mean that the current owner must have purchased or acquired it prior to 1976, but that the item was manufactured from ivory that was taken from the wild prior to 1976. For example, a musical instrument that was manufactured in 1965 using African elephant ivory would be considered a pre-Convention specimen. Likewise, an instrument manufactured in 1985 using ivory acquired by the manufacturer in 1975 would also be considered a pre-Convention specimen. Since it is unlawful to possess specimens that have been traded contrary to CITES or taken in violation of the ESA, the ivory must have been legally acquired.



What is a CITES pre-Convention certificate?

A CITES pre-Convention certificate can be issued for specimens that were taken from the wild before the species was listed under CITES in order to authorize export or re-export, provided certain criteria are met. For the African elephant, the pre-Convention date is February 26, 1976. For the Asian elephant, the pre-Convention date is July 1, 1975. It is not necessary to apply for a CITES pre-Convention certificate unless you are seeking authorization to export or re-export an item.

U.S. residents may apply to the U.S. Fish and Wildlife Service's Division of Management Authority, Branch of Permits using form 3-200-23, for a CITES pre-Convention Certificate for the purpose of exporting an item from the United States. If you wish to import an item into the United States, this authorization must be obtained from the exporting country. A list of CITES Management Authorities is available on the [CITES Secretariat's website](#).



What is a pre-Act specimen under the Endangered Species Act?

Specimens (e.g., elephant ivory, hair or leather) considered pre-Act may be exempt from standard prohibitions on import or export. To qualify as pre-Act, a specimen must:

- Have been held in captivity or in a controlled environment prior to December 28, 1973, or prior to the date of first listing under the ESA (June 14, 1976 for the Asian elephant; May 12, 1978 for the African elephant); and
- Such holding or use and any subsequent holding or use was not in the course of a commercial activity.



What is foreign commerce?

Foreign commerce does not include import or export activities. Foreign commerce is defined in section 3 of the Endangered Species Act and applies to individuals or entities subject to U.S. jurisdiction. The term “foreign commerce” includes, among other things, any transaction—

1. between persons within one foreign country;
2. between persons in two or more foreign countries;
3. between a person within the United States and a person in a foreign country; or
4. between persons within the United States, where the wildlife in question is moving in any country or countries outside the United States.