



On March 7 2023, the California trade ban on alligator products was declared invalid after 4 years of litigation. What is the story behind this, which arguments were brought forward ?



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She holds numerous industry positions including being a [CITES](#) Consultant and representative of the [Louisiana Alligator Advisory Council](#), a Board member for [ICFA](#), and the Industry Vice Chair for the [International Union for Conservation of Nature Crocodile Specialist Group](#).

Christy and her family own [American Tanning and Leather LLC](#).

Christy explains a little about the **history & background** behind the lifting of the ban.

BRIEF OVERVIEW

- In the 1960s, Louisiana began to notice declining American alligator populations in the state and closed the alligator harvest season.
- At that time, there were few, if any, federal protections for imperiled species in the USA or internationally.
- In 1970, California in order to support the conservation and recovery efforts for alligator, enacted a law that would make it illegal to possess or trade in alligator or crocodile skins and products.
- In 1973, CITES was formed and international protection and trade monitoring became possible to help recover species. Alligators immediately benefitted with species rebounding quickly.
- By 1979, the American alligator was downlisted to Appendix II in the CITES, allowing trade globally. The alligator populations in the USA were declared completely recovered by 1987.
- The US Federal Government and CITES [allowed trade both nationally and internationally for American alligators](#) from this point forward with strict management and trade oversight on a state, national, and international level.
- California repeatedly issued exceptions to their 1970 ban (called “sunset clauses”) that allowed sales in alligator leather and products due to the fact that the alligator populations had recovered.

MORE RECENTLY

- In 2019, California legislators were heavily lobbied by animal rights groups and denied an exception to the ban, citing that alligator can be difficult to distinguish from other species of endangered crocodiles. The ban was set to go into effect on January 1, 2020.
- In December of 2019, the State of Louisiana and a group of private businesses around the world (across all segments of the alligator and crocodile supply chain) filed two separate lawsuits in US Federal Court for an emergency halt to the Californian ban. A US Federal Judge ruled that while the lawsuit was ongoing, that trade in alligators and crocodiles shall remain legal. The lawsuit spanned 3 years.
- On March 7, 2023, [the Judge issued a final ruling in favor of Louisiana](#) and the alligator and crocodile industry on the legal basis of “federal preemption” supported up by the Supremacy Clause of the US Constitution. Judge Kimberly Mueller ruled that California’s ban is illegal and individual states do not have the right to supersede US Federal law, which expressly authorizes trade in American alligators.

IMPORTANT POINTS TO NOTE

- 85% of the Louisianan wetlands are owned by private landowners. Wetland landowners need and depend on income to maintain their property and keep land in its most natural form.
- This is due to the high number of hurricanes and weather patterns that cause erosion and disrupt water flow, ultimately threatening habitats.
- Alligator farmers purchase alligator eggs from landowners, providing direct financial incentive to keep wetlands intact, thus encouraging wetlands care and restoration projects from the landowner.
- Thanks to [well managed populations and regulated trade](#), the population of alligators has grown from less than 100,000 in the 1960s to nearly 4-5 million in the wild today across the USA.
- The alligator industry, including farmers, landowners, tanners, traders, manufacturers, brands, and retail stores provides nearly 20,000 jobs in the USA.

CITES - APPENDIX II

- Appendix II lists species that are stable enough for trade. Some species are listed in CITES only due to a similarity in appearance to other endangered species.
- [The American alligator](#) remains listed in CITES for this reason.
- Crocodylians, including American alligators, are the most strictly controlled species under CITES due to the Universal Tagging Rule which mandates each skin have a serialized tag number for traceability.