

TCM Endangered Species Certification Scheme

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Introduction

Under international and Australian wildlife law, it is illegal to import, export or trade in items that are on the CITES list of endangered species unless the appropriate permits have been issued. CITES refers to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.¹ The relevant Australian law is the Environment Protection and Biodiversity Conservation Act 1999.

CITES Appendix I lists species that are threatened with extinction. Trade in specimens of species on Appendix I is permitted only in exceptional circumstances. This requires relevant import and export permits which may be issued only under very strict conditions that will not be detrimental to the survival of the species.²

CITES Appendix I includes, but is not limited to, the following species:^{3,4}

- Tiger (*Panthera tigris*); includes tiger bone *bugu*
- *Ursidae* species: Asiatic Black Bears (moon bears) (*Ursus thibetanus*); Brown bear (*Ursus arctos*) from Bhutan, China, Mexico and Mongolia; Himalayan Brown Bears (*Ursus arctos isabellinus*); includes bear bile *xiongdanyuan*
- Musk deer (*Moschus moschiferus*) *shexiang* from Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan
- Saussurea/Aucklandia (*Saussurea costus*/*Aucklandia lappa*) *guangmuxiang*.

CITES Appendix II includes species that may not necessarily be threatened with extinction, but the survival of which may be threatened if trade is not controlled. Export permits are required in accordance with CITES requirements and import permits are necessary if required by the national law of the destination country.²

CITES Appendix II includes, but is not limited to, the following species:^{3,4}

- All *Ursidae* (bear and panda) species, other than those listed in Appendix I
- Pangolin (*Manis pentadactyla*) *chuanshanjia*
- American ginseng (*Panax quinquefolius*) *xiyangshen*
- Musk deer (*Moschus moschiferus*) *shexiang* from all places, other than those listed in Appendix I.

A full list of cites species can be found at <http://www.environment.gov.au/biodiversity/trade-use/lists/cites/index.html>.

The illegal export, import, sale and use of endangered species by unethical traders and practitioners has been the source of substantial negative publicity for the traditional Chinese medicine (TCM) profession. It needlessly damages the professional reputation of bona fide practitioners and traders in Australia, and internationally, who willingly comply with wildlife protection laws.

A joint government-industry approach

In April 2007, the Australian Acupuncture and Chinese Medicine Association Ltd (AACMA) entered into a funding agreement with the Department of the Environment and Water, Heritage and the Arts (DEWHA) to establish and administer a collaborative certification scheme for professionals and traders involved in the research, recommendation, prescription, supply, export or import of traditional Chinese medicines.

This joint government-industry approach is aimed at raising awareness about and reducing the illegal international trade in endangered species. The scheme, which is loosely based on Operation Charm (an arrangement between the London Metropolitan Police and local Chinese medicine practitioners), is administered by AACMA and funded by DEWHA.

PURPOSES OF THE SCHEME

The purposes of the Traditional Chinese Medicine Endangered Species Certification Scheme are:

- to raise the level of awareness, education and compliance with the legal requirements associated with the international wildlife trade
- to recognise professionals and traders involved in the ethical research, recommendation, prescription, supply, export or import of traditional Chinese medicines, and
- to provide a credible mechanism to acknowledge and support professionals and traders to publicly promote that they do not use or support the use of Chinese medicinal products containing illegally traded wildlife ingredients.

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BENEFITS OF THE SCHEME

Participation in the ESCS is a positive announcement to the community that the individual or organisation trades only in legally acquired wildlife parts or products.

The chief benefit of certification for participants is the acquisition of a certificate advertising that the certified person or organisation trades only in legally acquired wildlife parts and products. Participants are also issued with a public identification sticker (window decal or door sticker) and two wall posters.

These materials all carry the AACMA, DEWHA and ESCS logos. They are intended for display at the participant's place of business and represent positive statements about the profession and its attitude to the use of illegally traded wildlife.

This has an intended offshoot in enhancing public awareness and reducing demand from the community for product containing, or claiming to contain, illegally traded wildlife.

WHAT THE CERTIFICATION SCHEME IS NOT

The certification scheme is not:

- a system of accreditation of a person, practice or business for the practice of traditional Chinese medicine
- a qualifications assessment
- an endorsement of the individual's competence or legal right to practise
- an endorsement of the individual's or organisation's business practices
- immunity from, or pretext for, investigation of possible illegal activity.

WHO CAN PARTICIPATE?

Participation in the certification system is open to TCM practitioners, traders and other organisations and individuals in Australia involved in the research, recommendation, prescription, supply, import or export of traditional Chinese medicines.

Typically this includes:

- practitioners of traditional Chinese medicine including, but not limited to, members of AACMA
- individual TCM practitioners as well as group practices;
- importers, exporters, wholesalers and retailers of traditional Chinese medicines and medicinal products
- researchers into traditional Chinese medicines
- organisations and institutions involved in the education and training of traditional Chinese medicine practitioners and dispensers.

Participation in the scheme is voluntary.

PROCESS FOR PARTICIPATION

Application kits may be obtained from AACMA. The application kit includes:

- Applicant Information Sheet
- Application Form and Declaration
- DEWHA wildlife booklet
- Certification Examination
- Anonymous Questionnaire (for feedback to DEWHA)
- Application Checklist.

The DEWHA wildlife booklet provides information about endangered wildlife flora and fauna, together with accepted alternatives and substitutes.

Applicants for certification are required to complete and pass an open-book Certification Examination and complete the Anonymous Questionnaire. Applicants are required to sign a declaration to trade only in legally acquired wildlife parts and products and pay the application fee (if applicable). Once accepted, a certificate of participation; a window decal or door/window sticker; and two posters, each with the AACMA, DEWHA and ESCS logos, are issued for display at the applicant's business premises.

Certification is on an annual basis, with a declaration as to compliance to be submitted each year in order to maintain certification and the right to continue to display the decal/sticker etc. A reasonable annual fee may be charged.

Participating individuals and organisations must agree to be subject to the AACMA Disciplinary Committee in relation to complaints under the scheme and to the release of complaint details to the relevant personnel in DEWHA for investigation and legal action if appropriate.

PARTICIPATION COSTS

AACMA has waived the \$165 application fee for AACMA members. To encourage participation by other practitioners, businesses and organisations, no fees are being charged for the first 200 non-member applicants (this includes non-member practitioners and group practices, traders, importers/wholesalers, and educational and research organisations). The fee will be reviewed mid-2010. Members and others are encouraged to take advantage of the free participation ahead of this time.

LEGISLATIVE FRAMEWORK

The Australian Government cooperates with other nations to protect wildlife by implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

In Australia, the export and import of wildlife and wildlife products is regulated under Part 13A of the Commonwealth

Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act), which is administered by DEWHA. Regulation applies equally to individuals, commercial organisations and not-for-profit organisations.

A permit issued by DEWHA may be needed in order to legally:

- export or import specimens of CITES species from or into Australia
- export specimens of Australian native species from Australia
- import live specimens into Australia.

Failure to obtain the relevant Australian export or import permit prior to consignment is an offence under the EPBC Act, and may result in the item being seized. Severe penalties apply to breaches of the EPBC Act.

Participation to date

Although involvement in the scheme has been initially slow, it is expected to increase over time as the benefits of participation become more recognised and valued.

Categories of participants from the TCM sector so far are:

- individual TCM practitioners
- group TCM practices
- educational and research organisations
- importers/wholesalers.

While work will continue to increase participation from the above sectors, based on feedback from DEWHA the area where participation in the ESCS needs to focus in the short to medium term is on the retailers of Chinese medicine products such as Chinese herb shops and dispensaries.

Conclusion

It is important that the Chinese medicine profession and related industry take a leadership role in the sustainable development of Chinese medicine. This includes the protection of endangered species of wildlife flora and fauna to ensure their survival into the future.

By taking responsibility for the sustainable use of Chinese medicine products we, the Chinese medicine profession in Australia, believe we can show the world that Chinese medicine is able to adapt to present day challenges and play an important role as a contemporary, ethical and sustainable system of health care for all.

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Further information

Further information about CITES and wildlife trade, and the ESCS, can be obtained from:

- www.environment.gov.au/travel
- www.environment.gov.au/biodiversity/trade-use/lists/cites/index.html
- www.cites.org
- www.acupuncture.org.au.

Clinical Commentary

A major benefit for practitioners participating in the scheme is the positive message given to patients. Anecdotal reports are that patients of TCM practitioners are aware of these issues – the messages from animal protection bodies have been very effective – and are re-assured that their practitioner is also aware. This can work as positive publicity for the practitioner as well as educating the public that ethical and professional practitioners trade only in legally acquired wildlife parts and products.

References

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4. CITES. Appendices I, II and III [online]. [cited 1 Dec. 2009]; Available from: <http://www.cites.org/eng/app/e-appendices.pdf>.