



A bold voice for transportation workers

July 9, 2018

Maegan Johnson
Senior Trial Attorney
Office of Aviation Enforcement and Proceedings
Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

**RE: Traveling by Air with Service Animals
Docket No. DOT-OST2018-0068**

Dear Ms. Johnson,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on DOT's advance notice of proposed rulemaking (ANPRM) concerning air travel with service and support animals. TTD consists of 32 affiliate unions representing workers in all modes of transportation, including airport and airline employees who interact with customers who seek to fly with their service and support animals.¹ We therefore have a vested interest in this rulemaking.

DOT has published this ANPRM in response to increasing conflict and confusion as it relates to air travel with service and support animals. Currently, the Air Carrier Access Act (ACAA) and its associated regulations define a service animal broadly—any animal that is individually trained or able to provide assistance to a person with a disability; or any animal that assists persons with disabilities by providing emotional support—and provide protections for passengers with such animals.

¹ Attached is a complete list of TTD's 32 affiliate unions.

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Larry I. Willis, President / Greg Regan, Secretary-Treasurer



However, the marked increase of passengers bringing service animals, particularly emotional support animals (ESAs), on flights has strained the frameworks designed to accommodate travelers who have a medical need for a companion animal. Delta alone reports that it carries approximately 700 service or support animals daily, nearly 250,000 annually, and United reports carrying an additional 76,000 such animals per year. As carriers and TTD aviation unions report, these sharp increases in recent years have also brought a spike in unsafe incidents involving these animals. This includes but is not limited to animals biting or scratching flight attendants or passengers, defecating or urinating on the plane, fraudulent service animals, and animals that are not acceptable for air travel due to species, size, or breed.

These incidents go beyond a simple inconvenience. Aggressive and/or untrained animals represent health and safety threats to aviation workers, particularly to flight attendants and customer service agents, as well as the flying public—situations that carriers are directed to avoid by statute. In the most extreme situations, these incidents can lead to flight diversions, a significant economic cost to the airline and potentially to passengers. That being said, TTD appreciates the positions held by disability advocates and believes there is a way forward that can balance the needs of travelers with companion animals with safety for all individuals in the airport and aboard a flight.

Currently, regulations under the ACAA include ESAs under the umbrella of service animals. While we support DOT continuing to provide protections for ESAs, given that the vast preponderance of incidents involve these type of animals and their owners, we believe that it is incumbent on DOT to further regulate in this space. Today, carriers are permitted to produce their own rules with regards to species, size, and quantity. These rules are inconsistent across carriers and enforcement varies, as frontline airline employees are concerned with taking actions that may be perceived as discriminatory. By promulgating clear regulations on these topics, DOT can set across the board standards for what can and cannot be brought aboard flights. This would reduce conflict at the airport and on the plane, and reduce confusion for travelers, customer service agents, and flight crew. In making these determinations, DOT should consider items like the validity of certain species as ESAs, and logistical safety concerns for animals on a flight. While TTD understands the apprehension some hold towards prescriptive standards for ESAs, it is clear that the current status quo is not acceptable, and represents health and safety risks that cannot continue. A DOT regulation on these topics would represent a step in the right direction.

Additionally, DOT should consider requiring that all passengers carrying animals, regardless of status, be required to pass through the airline check-in desk prior to entering the security line. This ensures that the passenger is following the correct protocol for their animal, and gives the airline the ability to make a determination on whether or not the animal can fly prior to arriving at the gate. Situations where a passenger has made it as far as the gate and is attempting to board a flight with an unassessed animal places unnecessary stress on gate agents and flight attendants, who have to raise last minute concerns. This requirement also allows the carrier adequate time to review any document related to the companion animal in a complete and thorough way.

To this point, we urge DOT to require carriers to request documentation from the qualified professional who has met with the ESA user, demonstrating the medical necessity for an ESA, including at the check-in desk, as currently allowed on a discretionary basis in ACAA regulations. This information is the only tool available for airlines to confirm that any given animal is actually an ESA, as opposed to a pet with no medical function. Any proposal which prohibits requesting this documentation opens up flights as a free for all of unregulated and unassessed animals, and will greatly exacerbate the current abuse of ACAA protections, and should not be considered. We also request that DOT consider if it is permissible for the FAA or carriers to levy punishments against travelers who attempt to carry animals on board with fraudulent documentation. The existence of these penalties could be conveyed to the passenger during the ticket purchasing process and at check-in.

Similarly, we urge DOT to require carriers to request 48 hour advance notice of a passenger who wishes to bring a support animal onboard, again, as is currently permitted on a discretionary basis. This requirement allows airlines to ensure that they are prepared, and that employees who can best oversee the process are available. This notice can also help to avoid any confusion for flight attendants and customer service agents about how the animal should be treated when the passenger arrives. We understand that there are circumstances in which 48 hour notice is not possible, and to this end we urge airlines to develop procedures to accommodate these passengers.

Finally, we urge DOT to require that all service animals brought through the airport and on board are either harnessed or tethered in such a way that an owner can maintain control of the animal in any circumstances. Service animals who are not restrained in this manner can pose a threat to airport workers, flight crews, and other passengers if they behave poorly and cannot be quickly corralled. Requiring that animals be tethered is a common sense, low-burden requirement with significant positive improvements for safety. We also urge DOT to require that ESAs must be secured in an animal carrier or kennel throughout the duration of a flight. This is to help ensure the safety and health of all passengers, flight attendants, and service animals onboard.

As airlines have continued to observe a substantial influx of animals of all kinds on planes and a corresponding increase in incidents involving these animals, we urge DOT to take steps to ensure that safety and health risks for airport personnel, flight crews, and passengers are addressed. TTD and its aviation unions believe there are solutions available to DOT that can remedy existing problematic conditions, while preserving protections for passengers with medical needs. We appreciate the opportunity to comment on this notice, and hope to continue to work with the administration as it considers this issue.

Sincerely,



Larry I. Willis
President



Transportation Trades Department, AFL-CIO
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TTD MEMBER UNIONS

Air Line Pilots Association (**ALPA**)
Amalgamated Transit Union (**ATU**)
American Federation of Government Employees (**AFGE**)
American Federation of State, County and Municipal Employees (**AFSCME**)
American Federation of Teachers (**AFT**)
Association of Flight Attendants-CWA (**AFA-CWA**)
American Train Dispatchers Association (**ATDA**)
Brotherhood of Railroad Signalmen (**BRS**)
Communications Workers of America (**CWA**)
International Association of Fire Fighters (**IAFF**)
International Association of Machinists and Aerospace Workers (**IAM**)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (**IBB**)
International Brotherhood of Electrical Workers (**IBEW**)
International Longshoremens' Association (**ILA**)
International Organization of Masters, Mates & Pilots, ILA (**MM&P**)
International Union of Operating Engineers (**IUOE**)
Laborers' International Union of North America (**LIUNA**)
Marine Engineers' Beneficial Association (**MEBA**)
National Air Traffic Controllers Association (**NATCA**)
National Association of Letter Carriers (**NALC**)
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)
National Federation of Public and Private Employees (**NFOPAPE**)
Office and Professional Employees International Union (**OPEIU**)
Professional Aviation Safety Specialists (**PASS**)
Sailors' Union of the Pacific (**SUP**)
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**TCU**)
Transport Workers Union of America (**TWU**)
UNITE HERE!
United Mine Workers of America (**UMWA**)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (**USW**)

These 32 labor organizations are members of and represented by the TTD

