

BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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In the matter of:)	
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Traveling by Air With Service Animals)	
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Advanced Notice of Proposed Rulemaking)	Docket DOT-OST-2018-0068
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_____)	

COMMENTS OF AMERICAN AIRLINES, INC.

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American Airlines (AA or American) recognizes the integral role that trained service animals play in the lives of individuals with disabilities and supports the rights of those individuals. American Airlines thanks the Department of Transportation (DOT or department) for taking action to clarify the service animal rules and respectfully submits these comments in response to the Advanced Notice of Proposed Rulemaking (ANPRM) regarding service animals, issued on May 23, 2018. *See*, 83 FR 23832. In the ANPRM, DOT acknowledges that “the current regulation could be improved to ensure non-discriminatory access for individuals with disabilities, while simultaneously preventing instance of fraud and ensuring consistency with other Federal regulations.” *See Id.*

American’s primary comment is to request that the Department align the definition of service animal with the definition of service animal found in the Americans with Disabilities Act (ADA)—dogs that are “individually trained to do work or perform tasks for the benefit of an individual with a disability.” *See*, 28 CFR 36.104. The ADA definition considers psychiatric

support animals to be service animals. *Id.* If DOT were to make this change, it would eliminate from protection the category of emotional support animal and thus, eliminate the need to work through many of the safety and hygiene issues discussed below. This change would serve the clear priority of airline crews—to ensure the cabin is safe for all passengers while still protecting the rights of individuals with legitimate service animals.

American’s comments complement those submitted by Airlines for America, which American helped to prepare and supports in full.

I. Introduction and Background

American Airlines supports the rights of qualified individuals with disabilities and their legitimate service animals. Given the dramatic increase in the use of untrained emotional support animals in the last few years and the safety issues they create, however, American Airlines respectfully requests the Department to prioritize the safety of passengers.

For purposes of this comment, a “service animal” or a “trained service animal” is an animal that is trained to perform functions to assist an individual with a disability, for example, a seeing eye or a hearing assist dog. An “emotional support animal” is an animal used for the emotional well-being of the passenger; these animals are not required to be trained. Psychiatric Service Animals (PSAs) are animals (usually dogs) that are individually trained to help people with emotional or psychiatric disabilities including post-traumatic stress disorder; however, PSAs are currently categorized by DOT as emotional support animals.

DOT regulations provide that service and support animals fly free of charge in the cabin of the aircraft. Since 2008, when DOT issued guidance that expanded the regulatory protections to emotional support animals, airlines have seen dramatic increases in the number of emotional support animals generally and in reported incidents involving these animals.

The Air Carrier Access Act (ACAA) governs the rights of disabled people in air travel and it does *not* define service animal. *See*, 49 U.S.C. 41705. The statute does not require or even contemplate the category of emotional support animals. *See Id.* The implementing regulations for the ACAA are found in 14 CFR Part 382 and are the subject of this rulemaking. These regulations do not define service animal. The inclusion of emotional support animal in this framework is a result of 2008 DOT guidance—“[t]his document refines DOT’s previous definition of service animal by making it clear that animals that assist persons with disabilities by providing emotional support qualify as service animals...” 73 FR. 27614, 27658 (May 13, 2008).

While the ACAA covers air travel, the Americans with Disabilities Act (ADA) has a broader scope and applies to state and local governments and public and commercial facilities (including airports). *See generally*, Pub. L. No. 101-336 (1990). The regulations implementing the ADA define service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. *See*, 28 CFR 36.104. The ADA regulations, including the definition of service animal, were first issued in 1991 and were amended through notice and comment rulemaking in 2010 to narrow the definition of service animal to trained dogs and to exclude emotional support animals entirely. *See*, 56 FR 35694 (July 26, 1991) and 75 FR 56164 (September 15, 2010).

DOT has the authority and the discretion to amend the definition of service animal and harmonize it with the Americans with Disabilities Act. American strongly urges DOT to align these definitions and limit the animals protected on airplanes to dogs individually trained to perform tasks for people with disabilities. This comment addresses the issues raised in the

ANPRM, starting with survey results and data to support our positions. We then turn to the issue that has the biggest impact for our front line team members—the definition of service animal.

The next section addresses large support animals; then containment and control; and finally, species, number of animals, behavior and veterinary forms, and code-share flights are addressed.

II. Statistics and Survey Results

In 2016, American carried 105,155 emotional support animals. In 2017, that number increased by 48 percent to 155,790. During the same period, the number of trained service animals that traveled on American Airlines was 39,926, and in 2017, it was 49,196. Meanwhile, the number of cabin pets and checked pets decreased during this same period. Between 2015 and 2016, American Airlines saw a 21 percent drop in checked pets, and a 17 percent decrease again in 2017, which is a 38 percent drop over a two-year period. In 2016, 67 percent of ESAs carried by American Airlines were dogs, while only 2 percent were cats. In 2017, 71 percent were dogs and 3 percent were cats.¹

In support of this effort by DOT, American Airlines surveyed our passengers in May 2018, requesting input on species and number of service animals permitted in the cabin, as well as whether service animals should be required to have up-to-date vaccinations. *See*, Appendix 1. The survey was conducted over one weekend, with approximately 18,000 responses. Fifty-eight percent of respondents said that only trained service dogs (as defined in the ADA) should be permitted in the cabin; 29 percent preferred trained service dogs and support dogs only; and 14 percent preferred the status quo. With respect to the number of service and support animals permitted to travel with an individual: 91 percent preferred that it be just one, while six percent said two animals per passenger, and three percent said three animals per person. Finally, 96

¹ This data set includes the category of “unknown,” which was used when the data is not inputted or known. In 2016, 30 percent was “unknown,” and in 2017, it was 26 percent.

percent of respondents said that all animals flying in the cabin should be required to have up-to-date vaccinations.

American also surveyed our team members in June 2018, and over the course of a week, approximately 10,400 individuals responded. *See*, Appendix 2. Seventy percent (7347 team members from across the airline, including team members from Flight, Flight Service, and Airport Customer Service) said that their job puts them in contact with customers and their service and support animals. The survey asked employees approximately how many disruptions they have experienced involving ESAs: 65 percent of respondents, or 4,712 team members, have experienced 1-10 events in the last two years, and 11 percent have experienced 11-25 incidents. Twenty-five percent of respondents found that aggressive and threatening behavior was the most common type of disruption, while 11 percent noted that soiling of the cabin was the most common type of disruption. Thirty-four percent answered that reseating customers was most common type of disruption; these could be reseating because other passengers do not want to sit near the animal or because the animal is too big for the space assigned. Seventy-one percent of respondents preferred that DOT adopt the ADA definition of service animal and exclude ESAs from the cabin. Eighty-eight percent of respondents believe that permitting untrained emotional support animals on an aircraft significantly disrupts cabin service and poses a health and safety risk to others. And finally, 90 percent of respondents answered that the passengers should be limited to one service animal onboard the aircraft.

In addition to responding to the questions in the survey, over 6000 people also provided individual, unique comments, which would imply that they have strong feelings about this topic. These are comments about safety and passenger comfort from front line team members, such as:

I have had untrained ESAs go to the bathroom inflight because of their nerves. The animal's owner said that was the cause. It smelled up the

entire cabin for a three hour flight. Not pleasant. I've also worked flights where an ESA would not stop barking. Probably because they were unsure of what was going on, but we get passenger feedback, and it isn't very nice. Understandably so. As comfortable as we try to make our passengers, it's an unpleasant, unnecessary, and avoidable experience. If we were to have an emergency, the last thing that we (passengers and crew) need to worry about is an animal onboard that can't be controlled in a potentially chaotic environment.

Employee Survey, June 2018. Another team member articulated,

On any given day we board between 3-5 ESAs per flight. My greatest fear as a cabin crew member is that an untrained ESA will “snap” in flight and have an altercation with the one or more animals that are in the cabin. I have seen animals react negatively to each other during boarding and continue to growl throughout the flight at one another on more than one occasion... People want their pets to travel with them in the cabin and know that if they claim them to be emotional support animals they are okay to do so. They will assure you that their animal is trained and “would never be aggressive; I take them everywhere with me” and while I am sure that is true in their home and/or current public environment, *being enclosed in the tight quarters of a full airplane cabin with hundreds of people and possibly other animals may be a whole other story ...*

Employee Survey, June 2018. Emphasis added.

In short, it is clear that the vast majority of American Airlines passengers and team members want this issue to be addressed, and want DOT to implement changes to reduce the abuse and improve airline travel. And American asserts that the best way to accomplish this is to align the definition of service animal with the ADA.

III. Discussion

A) Psychiatric Service Animals and Emotional Support Animals

The current environment is not sustainable. The regulations are unnecessarily broad and easily abused. Consequently, American has seen increases in passenger and crew complaints attributed to untrained animals—people have been bitten, licked, jumped on, and growled at; aisles have been blocked; and animals have urinated and defecated on our airplanes. The current

framework also uniquely impacts people with disabilities that must depend on trained service animals because working dogs can be threatened and distracted by these untrained animals and the prevalence of untrained support animals could negatively impact the effectiveness of trained, working animals and puts working dog teams at risk.

The airline environment is an inflexible environment where safety is paramount and traditional exit options do not exist. Service animals, including PSAs, are trained to behave in these stressful environments, and emotional support animals are not.

Even for trained animals, maneuvering through crowds or traveling in confined places like planes can be stressful, but they are conditioned not to act out. Untrained animals in those circumstances are prone to misbehave by growling, biting or having accidents...Chris Diefenthaler, operations administrator at Assistance Dogs International, said one of the worst outcomes could be when a pet posing as a service dog attacks a legitimate one, leaving it so traumatized or injured it has to be retired or put down.

Christopher Mele, *Is That Dog (Or Pig) On Your Flight Really A Service Animal?*, New York Times, 2018, at A13. American Airlines must manage the safety of all of our team members and passengers; untrained support animals on airplanes pose a risk to the health and safety of all travelers. In fact, airlines must be able to show that they can *evacuate full airplane in 90 seconds*. See, 14 CFR 121.291 (emphasis added). Trained service animals are trained to follow commands in stressful environments, while ESAs are not. Accordingly, American strongly supports a new definition of service animal that would include PSAs as service animals, but eliminate the category of emotional support animals.

DOT seeks comment on experiences “with passengers attempting to pass off pets as service animals” including ESAs and PSAs. See 83 FR 23838 (May 23, 2018). AA included multiple examples of such dubious presentations in the American Airlines Comment submitted in response to DOT’s Interim Statement of Enforcement Priorities published on May 23, 2018, at

83 FR 23804, Docket DOT-OST-2018-0067. In short, because of the easily accessible online certifications and the low bar for compliance, airlines are not strongly situated to determine when a passenger has “fraudulently” asserted the protection because they have the requisite documentation.

DOT is also seeking comment on what alternative methods are there to prevent fraud if airlines could no longer require medical documentation for PSAs, and further, what would prevent passengers from asserting their ESA was a PSA in order to avoid having to submit documentation. There is a concern that people with ESAs would try to pass their animals off as PSAs if ESAs were no longer permitted on aircrafts, and while that risk does exist, that is not reason enough to deny PSAs be treated consistent with the ADA. Generally, trained service animals, including PSAs, present as professional working dogs, while most ESAs do not, they present as pets. One potential way to combat misrepresentation of an ESA as a PSA is to add to the list of questions that DOT deems appropriate for credible verbal assurance, such as asking the passenger to give a command to illustrate the animal’s training and airline personnel could observe the animal’s behavior. This ability to distinguish based on presentation and credible verbal assurance is really the only way, under the current regulatory regime, that carriers can make to that assessment. American Airlines submits that eliminating the whole category of ESA would at least send a strong message to the public and potentially chill future fraud and abuse.

DOT notes that it intends to “help ensure that the fraudulent use of other animals not qualified as service animals is deterred and animals that are not trained to behave properly in the public are not accepted for transport as service animals.” *See*, 83 FR 23832 (May 23, 2018). According to NBC News, 21 states—from Arizona to Maine— have begun to crack down on fake service dogs, enacting legislation to make fraudulent misrepresentation of an animal as a

service animal a crime. *See*, Adam Edelman, *Collared: New Laws Crack Down on Fake Service Dogs*, NBC News, May 5, 2018. DOT should consider instituting similar provisions for air travel.

American Airlines believes that most of the fraud and safety issues discussed throughout the ANPRM would be mitigated if DOT were to adopt the ADA definition of service animal; this would include PSAs, exclude ESAs, and generally limit the species of service animal permitted on airplanes to dogs. This change would also bring consistency between airports and air carriers, because, as noted above, Airports are subject to the ADA and the implementing regulations, not the Air Carrier Access Act, and the ADA regulations do not include emotional support animals in the definition of service animal. *See*, 28 CFR 36.104. The current discordant approach where airports are more restrictive than airplanes is unnecessarily confusing and defies logic—that rules for a building on the ground where people may come and go with ease would be more restrictive than the rules for the airplane environment is difficult to justify or explain.

It is also notable that DOT's Federal Railroad Administration and Federal Transit Administration are both subject to the ADA and the ADA definition of service animal. *See*, 49 CFR 37.3 and 37.167(d). Accordingly, emotional support animals are not permitted on a bus or on a train. But right now, they are permitted on planes. To align the requirements across DOT for all modes of transportation makes sense intellectually and practically.

The primary reason that American takes this position is safety. As one of our team members articulated:

Trained service animals have never caused an issue on any of my flights, and their owners have been very respectful of other passenger's space and working crew members. This is not the case with emotional support animals and their owners. As with the two very large emotional support dogs I had on my flight, who kept blocking access to the first class cabin, spreading themselves out in the aisle at the bulkhead. The owners were

oblivious to the need to keep the aisle clear during the flight and the inconvenience to others having to step over the dogs. I have had a lot of very large service dogs on my flights, all trained to accommodate themselves in a small space. It would be best for the comfort of other passengers to eliminate the emotional support animals from all flights, as lack of training and consideration for others space and safety I see as a continual issue...Emotional support animals have not been tested and trained to ensure compatibility with traveling openly on a crowded commercial jet...The safety and comfort of every paying passenger must be considered not just the emotional support of one.

Employee Survey, June 2018. If only highly trained working dogs are qualified as service animals for air transport, airline travel will be safer because the proliferation of untrained animals being passed off as support animals would no longer be permitted on planes as service animals, and the multitude of safety issues they generate would be solved.

One popular source of ESA certification provides “Instant Mental (and Financial) Benefits—save 100s on unfair pet fees, guaranteed access for your current (or future) pet, and peace of mind for less than \$1 a day.” And “Order today to get your ESA letter in 2 business days or less.” This industry, and the people who abuse the requirements by taking liberties with the definition of disability, cannot be the intended beneficiary of DOT’s protections. American strongly urges the Department to ensure cabin safety for trained service animals, passengers, and crews and align the definition of service animal with the ADA.

In the alternative, if DOT keeps the protection for ESAs in the regulation, DOT absolutely must maintain a separate section of the regulation to address all of the unique issues ESAs generate.² Specifically, the regulation must continue to permit 48 hours advanced notice and a certification from a medical provider. That certification should include assurance that the passenger needs the animal for an air-related disability accommodation. In addition, the

² For a detailed discussion of the myriad of safety issues created by the current environment, please see the American Airlines Comment submitted in response to the Department of Transportation’s Request for Comment on its Interim Statement of Enforcement Priorities published on May 23, 2018, at 83 FR 23804, Docket DOT-OST-2018-0067.

regulation should be modified to require that the person has an actual disability. Currently, DOT only requires that passengers have a mental or emotional disability recognized in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM). *See* 14 CFR 382.117(e)(1). The DSM is a diagnostic manual which includes many conditions that are not disabilities under the ADA or DOT's disability rules. Consequently, under the current regulation, a person could get an ESA certification for a condition in the DSM that is not a qualified disability, such as compulsive gambling and kleptomania.

American Airlines also requests that, in an effort to combat fraud, the certification made by the medical provider be made under penalty of perjury pursuant to 28 U.S.C. 1746. Finally, airlines must be permitted to assess the compliance and safety issues associated with an individual ESA before the passenger arrives at the airport or at the check-in counter (depending on the carrier's own process), including a review of paperwork submitted and any safety issues associated with the size of the animal and the particular aircraft.

B) Large Animals

DOT seeks comment on limiting the size of emotional support animals. If DOT decides to continue to permit emotional support animals, at minimum, DOT must recognize the safety issues that come with these large untrained and un-kenned animals in the cabin. Even if on a leash, in the best of circumstances, these animals often infringe on the space of other passengers that paid for their seats, and worse, if aggressive, the bigger the dog, the bigger the problem.

The 65 lb [dog] that the passenger... was traveling with an emotional support animal, did not cause a "disturbance" per se but the passenger clearly had very little control over her dog. The dog did not listen to her at all and was so strong it was pulling on it leash and she could barely keep up with it. The dog did not settle down the entire flight. It was a large dog and kept trying to jump into her lap. Once we got to [our destination], I saw the passenger being dragged through the terminal by her support animal.

Flight Service Report, February 2018. These animals are also not secured in any way and in the event of severe turbulence they may be injured or become very heavy projectiles in the cabin. Also, the FAA requires that air carriers be able to show that the aircraft, emergency equipment, and emergency procedures *allow the evacuation of the aircraft at full seating capacity, including crewmembers, in 90 seconds or less.* See, 14 CFR 121.291 (emphasis added). Accordingly, American requests that DOT permit airlines to establish size limits for safe carriage in the cabin, consistent with size limits airlines have for pets in the cabin.³ As a flight attendant observed, “[f]amily has a large service animal that was not trained. The large dog barked repeatedly and was agitated in the waiting area. It repeatedly approached children. The owner said he had medicated the dog but it didn’t work.” Flight Service Report, July 2017. When large, untrained animals are permitted to travel on an aircraft, there are multiple ways that they can threaten others on the plane, including children. They can literally be threatening and aggressive; their large, unrestrained bodies become a threat to others during turbulence; they can create a hazard by obstructing the aisles; or their mere presence can be threatening to people with severe allergies. Finally, American Airlines requests that DOT modify the regulations to expressly state that airline personnel are not required to request that other passengers to cede their space for another person’s support animal.

C) Containment and Control

The next topic raised by DOT is whether airlines may require that ESAs be kept in a carrier for the duration of the flight and whether service and support animals must be tethered. First, American notes that if DOT were to align the definition of service animal with the ADA,

³ American Airlines requires that pets in the cabin be in a kennel that the animal can stand up, turn around, and lie down in, in a natural position, and the kennel must fit under the seat. A non-collapsible kennel cannot exceed 19 x 12 x 9 inches.

this issue would be eliminated because untrained animals would no longer be permitted in the cabin for transport as service animals.

Notwithstanding AA's primary position that only trained dogs should be permitted to fly as service animals, if DOT continues to permit ESAs onboard airplanes, then there should be a requirement that they remain in a carrier for the duration of the flight if they are small enough to fit into a carrier.

Emotional support animals pose a risk to in-cabin safety because they are generally not trained to deal with stressful situations, to remain calm around other animals, or behave in the confined space of an aircraft. American has received hundreds of complaints from passengers and crews over the last few years about emotional support and "fake service animals." These complaints often cite the fact that the offending animal is outside of a carrier. Customer complaints include general aggression, biting, licking, and animals relieving themselves on the aircraft. For example,

Passenger...boarded with a supposed emotional support Yorkie-type dog which was an extremely nervous and unleashed animal that was climbing all over the armrest area and going on top of the meal tray on occasion. The dog proceeded to defecate all over the owner's shirt and then leaped over the seatback into [another] passenger's lap. [Owner] made no immediate effort to retrieve the dog. He then went to the lavatory taking off the soiled sweater full of waste, coming out...trying to give it to me. The odor and dog waste were present in both the cabin and lavatory. The other passengers were covering their faces and turning on their air vents. The abuse of our "emotional support animal" privilege hit a new low on this flight.

Flight Service Report, November 2017. This scenario is one of many that occur in our skies every day and necessitate stronger controls. In the last two weeks, two cross-country flights on AA carried emotional support animals that were either sick or not housebroken. On both of these flights, these dogs defecated all over the front of the

aircraft. In both cases, the aircraft had to be taken out of service for cleaning and the passengers compensated for the very unpleasant experience they endured. Many of these passengers blamed American Airlines for the event.

Requiring that smaller animals be kept in a pet carrier on the floor throughout the flight would go a long way in eliminating these issues. A contained animal cannot bite another animal or person; it cannot wander about; and if it goes to the bathroom, at least the issue would be contained. As one Flight Attendant reported,

Passenger...was assisting her child to the lavatory...when coming out, the dog on lap of [another passenger] went to attack but was restrained by owner. There were no actions by passengers...that could have incited the dog...to sound vicious and in attack mode! After finishing service I approached the woman and the dog went for me! I told the woman to restrain her dog at all times [and] do not sleep!

Flight Service Report, December 2017.

Regarding animal control, American Airlines strongly supports the Department of Justice approach—service animals must be harnessed, leashed, or tethered unless the device interferes with the animal’s work or the individual with a disability is unable to hold a tether because of the person’s disability. *See*, 83 FR 23840 (May 23, 2018). This should be the rule for both service and support animals, if support animals continue to have status under the new regulation. The basic dynamics of airline travel support this very minor infringement the right of the disabled person to travel with an animal without a leash or harness because the control of the animal in this constrained environment directly impacts the safety of others on the aircraft.

The dogs on my trip were not service animals, they were extremely large untrained animals barking and walking in the aisles. The owner of 4 of them was loud and rude... The flight attendants were very professional and did the best they could. One of the dogs was in the aisle when beverages were being served and almost tripped the agent.

Passenger Complaint, October 2017. There are many things wrong with this example, and one of them is that these animals do not appear to have been leashed or under control, to the risk of the others on the aircraft.

D) Species Limitations

DOT next asks what, if any limits on species should be imposed for service and support animals. As noted, “[a]ll major stakeholders—disability rights advocates, airlines, flight attendant associations—appear to agree that limiting the types of species recognized as service animals would provide greater predictability and prevent the erosion of the public’s trust.” *See*, 83 FR 23839 (May 23, 2018). American Airlines applauds the department’s willingness to address this issue and agrees that there should be limitations put on the species of animal, and further, that this would be in the public interest and protect the largest number of people. American also notes that were DOT to adopt the ADA definition of service animal, this issue would also be resolved, as the ADA defines service animals as trained *dogs*. American recently surveyed customers on the species of service and support animals that should be permitted, and 87 percent of respondents said that only dogs should be permitted. For trained service animals, DOT specifically asks if service animals should include miniature horses, capuchin monkeys, or cats. *See*, 83 FR 23840 (May 23, 2018). The department is also seeking data on the types of animals that airlines transport.

The ADA does not include miniature horses in its definition of service animal, but does provide that they be accommodated where reasonable. *Id.* American Airlines recognizes that miniature horses are sometimes legitimately preferred over dogs as service animals, but notes that they nevertheless are not be appropriate in the airline environment. While called “miniature,” they are still rather large animals in the context of air travel space allotments. They

are also classified as livestock and have hooves, so there are practical and safety issues with their carriage in the cabin. Horses are not as flexible as dogs and cannot accommodate the smaller spaces in the aircraft cabin, nor are they able to manage their elimination functions the way a trained service dog can. And in the event of an evacuation, their hooves could puncture the slide, potentially disabling it. Accordingly, American asserts that horses are not suited for safe air travel. In the alternative, if DOT determines that miniature horses should be permitted, American respectfully requests that airlines be permitted to determine ahead of travel, on a case-by-case basis, whether the animal is an appropriately trained service animal that will safely fit in the particular aircraft.

Capuchin monkeys are not considered service animals under the ADA due to “their potential for disease transmission and unpredictable aggressive behavior.” *See*, 75 FR 56164, 56194 (Sept. 5, 2010). American Airlines supports this conclusion and does not support including monkeys in the definition of service animal, due to the confined spaces and risks to passengers and crew, as well as concerns about general cabin disruption. With respect to the treatment of cats as service animals, American first notes that they are not recognized as service animals by the ADA. *See*, 43 FR 23837 (May 23, 2018). Further, American Airlines is not aware of circumstances where cats have been successfully trained to do work or perform tasks for the benefit of an individual with a disability. For this reason, American Airlines does not support including cats in the definition of trained service animal. With respect to the data request for trained service animals, because there are no current documentation or approval requirements permitted for trained service animals, American does not keep detailed records on species carried.

In terms of species limitations for emotional support animals, American first notes, again, it's position that emotional support animals not be included in the definition of service animal in the amended rule due to the safety issues created by having untrained animals onboard the aircraft. That being said, if DOT determines that airlines must continue to recognize support animals, American urges DOT to limit it to dogs. The regulation permits carriers to refuse to transport any support animal that displays behavior evidencing a lack of training to behave in a public space, and American Airlines submits that cats may fall into this category and thus should not be permitted on the aircraft as emotional support animals, or at the very least, should be required to remain in a carrier for the duration of the flight. As noted above in Section II, the overwhelming majority of AA passengers and crews support this approach.

With respect to all other species, American Airlines has been asked to carry emotional support birds, an ant colony, a sloth, kangaroos, rabbits, lizards, pigs, crabs, wallabies, and monkeys. The department should not require airlines to make individualized assessments before the determining that an animal (or bug) is wild and not fit for passenger air travel; is too large or heavy to be accommodated; poses a direct threat to the health and safety of others; or causes significant disruption of cabin service. Limiting the species to just dogs provides greater predictability and access for the majority of people with disabilities, and raises the chances for a safe and orderly evacuation of the aircraft because the crew can be confident that the service dog was trained to follow commands in stressful environment.

E. Number of Service Animals Per Passenger

With respect to the number of service or support animals permitted with each passenger, the current regulation provides that “[a]s a carrier, you must permit *a* service animal to accompany *a* passenger with a disability.” *See*, 14 CFR 382.177(a), (emphasis added). The

regulation does not, as currently written, require carriers to accept multiple service or support animals with each passenger. Given that DOT has over the years applied this provision more loosely, American's primary request is that the requirement for one service animal per passenger be applied and enforced. If that is not the approach taken, American Airlines proposes that persons seeking to travel with more than one service animal be required to provide, ahead of travel, reasonable justification that the passenger needs more than one animal to provide services *while onboard the aircraft*.

For emotional support animals (if DOT maintains that they continue to be protected), American strongly supports DOT's current approach to limiting the number to one per passenger because, as the department notes "it is less clear that passengers require more than one ESA for travel..." *See*, 83 FR 23806 (May 23, 2018). In a recent survey of passengers, 92 percent of respondents said passengers should be limited to one service or emotional support animal. Multiple, untrained ESAs traveling with one person creates real space issues for other passengers because these animals need go somewhere, and generally speaking, there is not room in the footprint of one individual's seating area for multiple animals. Multiple animals traveling with a single person also creates safety risks to others in the cabin because it is difficult for people to control multiple animals. Multiple animals traveling with one person will also complicate an evacuation and be hazardous for other passengers and crews trying to deplane safely.

Passenger...was observed with two dogs upon landing. My concerns are that I saw the passenger holding the one dog repeatedly at the door showing the pet to anyone who would pay attention. I also saw the passenger wait to take the one white dog to the toilet. This means that the other black dog was left unattended by the passenger on different occasions. The need for 2 ESAs for one passenger seems to be beyond the capabilities of the traveler.

Flight Service Report, September 2017. The safety of all of our passengers and crew must be balanced against one person's desire to have multiple support animals with them on a flight.

Further, American also requests that DOT consider permitting airlines to limit the total number of ESAs on any given flight. The number of complaints AA receives from passengers that have animal allergies appears to be increasing, and one way to mitigate the impact on all of our passengers is to limit the overall number of animals on a flight. And while American is not suggesting an overall limit on trained service animals, limiting the overall number of ESAs per flight (like we limit the number of pets in cabin) would reduce the number opportunities for serious incidents between these untrained animal interacting, and reduce the overall number of animals in the cabin, creating a safer environment for passengers generally and for passengers with allergies. The more animals there are in the cabin (ESAs or pets in cabin), the harder it is for the flight attendants to move people around to accommodate allergies and any inter-animal conflicts.

F) Behavior and Veterinary Documentation

DOT seeks comment on how the regulation should be amended to allow airlines to require that all service and support animal users attest that their animal can behave in a public setting, and whether that attestation may be required in advance of travel. 83 FR 23840 (May 23, 2018). Again, if DOT were to narrow the definition of service animal to align with the ADA, the issues around behavior would hopefully drop dramatically. As discussed throughout this Comment, there are unique issues created in the airline environment because people and animals are in a confined space for prolonged periods of time without exit options, and the situations are exacerbated when the animals are untrained. For example,

Passenger...was traveling with an emotional support animal. During boarding, [it] growled and barked at a Flight Attendant. As the Flight Attendant was collecting pre-departure beverages, dog continued to growl and bark...[A nearby] passenger complained...about the dog being on passenger's lap. The Flight Attendant...cautioned the passenger that that if the [dog] continued to bark and growl, it would be reported to the captain. Passenger stated that the ESA was there for her protection.

Flight Service Report, March 2018. In order to manage these situations with the most care, if DOT continues to require carriers to accept emotional support animals, carriers should be permitted to require certification that the animal has been trained to behave in the public setting, and airlines should have the option of requesting this information ahead of travel.

DOT also seeks comment on whether airlines should be permitted to require that service animal users provide evidence that the animal is current on the rabies vaccine. *See*, 83 FR 23842 (May 23, 2018). If ESAs continue to be part of the equation, airlines should be permitted to require proof of current vaccinations ahead of travel. For trained service animals, including PSAs if DOT adopts the definition of service animal from the ADA, airlines should be permitted to impose uniform requirements on passengers to maintain or immediately make available in the event of an incident, proof that the animal has been vaccinated. As DOT notes, current rabies vaccines are required in all 50 states, and American asserts that passengers with service and support animals should be able to present this information to the airline either as a condition of carriage, or upon request. *See Id.* Flying is a communal experience and these animals are flying with other passengers and crew in a confined space. If a passenger or crewmember is bitten, at a minimum, the injured party should be able to quickly ascertain whether the animal was up-to-date on its vaccinations. Allowing airlines to seek some level of assurance that the animals have current vaccinations seems a minimal burden for those passengers. In a recent survey, 97 percent of respondents expected that all animals flying in the cabin have up-to-date vaccinations.

G) Code-Share Flights

Currently, foreign airlines are only required to recognize service and support dogs. *Id.* U.S. airlines that code-share with foreign carriers are thus put in a position of being subject to enforcement action by DOT for failing to recognize other species of animal. This is clearly problematic, and yet another reason that DOT should define service animals consistent other regulators, as dogs only. Certainly, if DOT continues to recognize support animals and species other than dogs, American Airlines assumes that the department will provide a carve-out for these circumstances where there is a conflict in laws.

IV. Conclusion

American Airlines supports the rights of qualified individuals with disabilities and their legitimate service animals. American respectfully requests that the Department recognize that air travel is a unique platform, not appropriate for an expansive view of already permissive regulations and amend the regulations to protect all passengers, crews, and trained service animals. In sum, American requests that the department align the definition of service animal with the ADA and permit only dogs that are “individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” *See* 28 CFR 36.104. This change would eliminate from protection the category of emotional support animal and thus, eliminate the need to work through all of the safety and hygiene issues associated with these animals. In addition, American also requests that airlines be permitted to require: advance notice from persons travelling with more than one service animal; behavior certifications; that animals be tethered; proof of current vaccinations; and finally, that DOT should not penalize domestic carriers for complying with foreign laws.

Respectfully Submitted,



Meghan Ludtke
Managing Director, Regulatory Affairs



Molly Wilkinson
Vice President, Regulatory Affairs



Appendix I

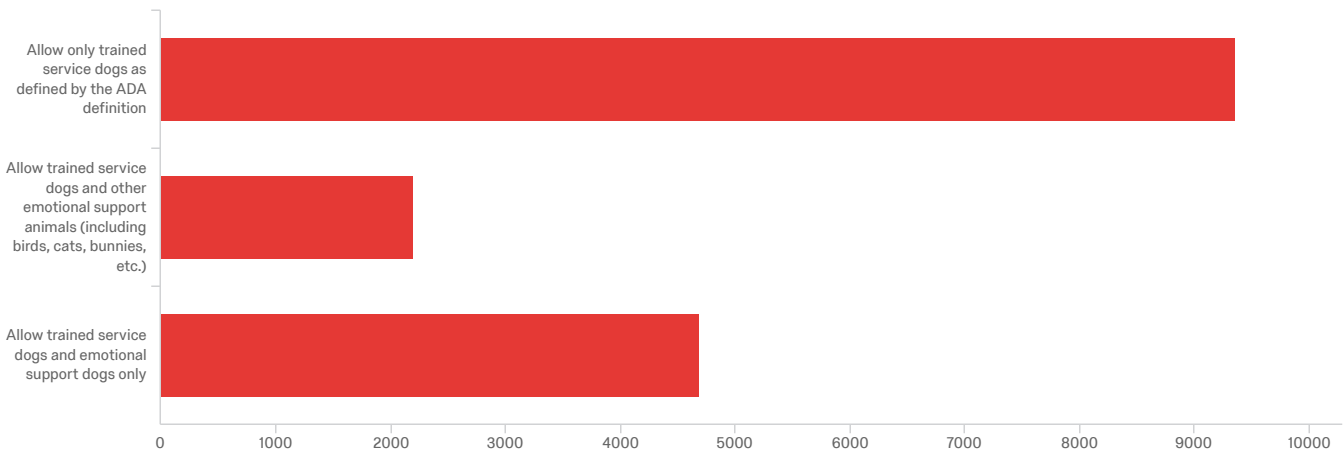
Animals

CSS- New Version

June 28, 2018 1:44 PM CDT

Svc_AnimI_Polcy - The Americans with Disabilities Act (the ADA) defines service animals

as dogs that are trained to do work or perform a task for an individual with a disability. If airlines used this definition, this would eliminate emotional support animals because they are not trained as service animals. Which of the following policies do you think airlines should adopt when deciding which animals to allow in the cabin onboard flights:



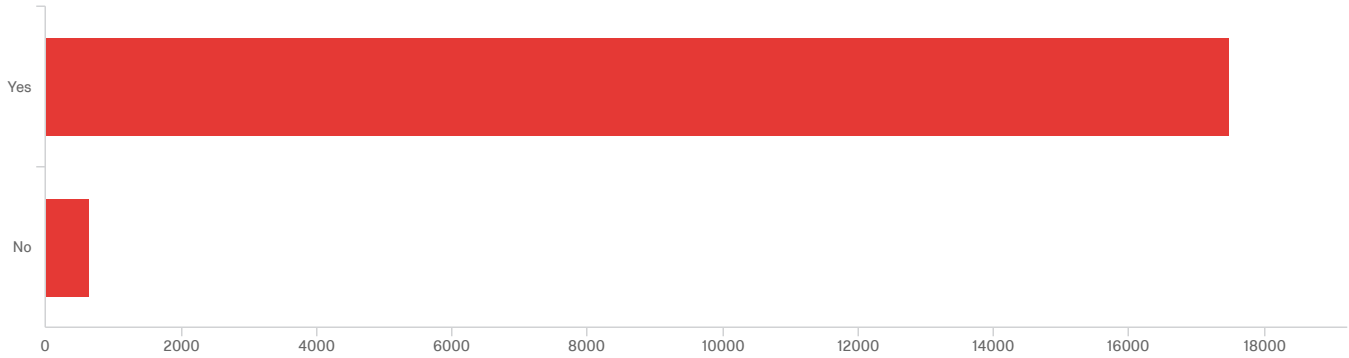
#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	The Americans with Disabilities Act (the ADA) defines service animals as dogs that are trained to do work or perform a task for an individual with a disability. If airlines used this definition, this would eliminate emotional support animals because they are not trained as service animals. Which of the following policies do you think airlines should adopt when deciding which animals to allow in the cabin onboard flights:	1.00	5.00	2.56	1.84	3.40	16,250

#	Field	Choice Count
1	Allow only trained service dogs as defined by the ADA definition	57.59% 9359
2	Allow trained service dogs and other emotional support animals (including birds, cats, bunnies, etc.)	13.52% 2197
3	Allow trained service dogs and emotional support dogs only	28.89% 4694

Showing Rows: 1 - 4 Of 4

Svc_Animl_Vacc - Should all animals (including emotional support animals) be required to

be up-to-date on their vaccinations before being allowed to fly in the cabin?

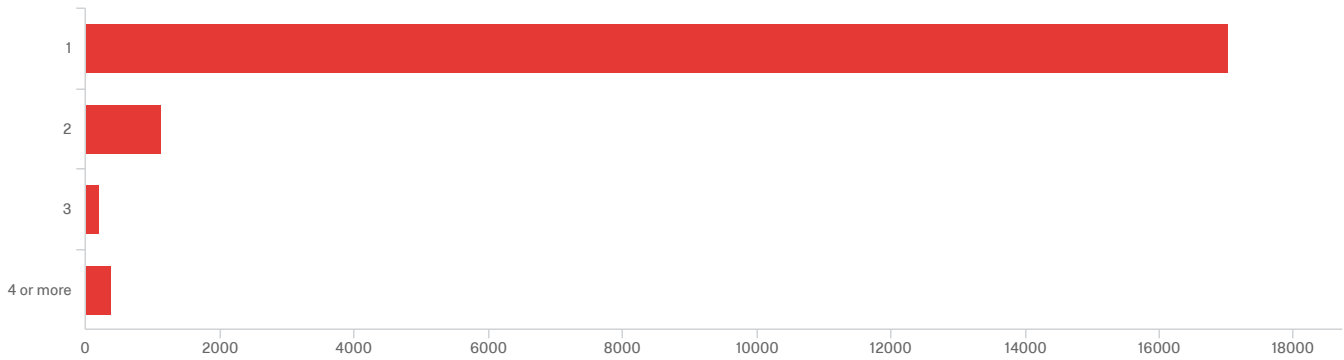


#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Should all animals (including emotional support animals) be required to be up-to-date on their vaccinations before being allowed to fly in the cabin?	1.00	2.00	1.04	0.18	0.03	18,129

#	Field	Choice Count
1	Yes	96.47% 17489
2	No	3.53% 640
		18129

Showing Rows: 1 - 3 Of 3

Max_Nmbr_Animl - What is the maximum number of service animals an individual should be permitted to have accompany them onboard a flight?



#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	What is the maximum number of service animals an individual should be permitted to have accompany them onboard a flight?	1.00	4.00	1.14	0.51	0.26	18,731

#	Field	Choice Count
1	1	90.95% 17035
2	2	6.00% 1123
3	3	1.04% 194
4	4 or more	2.02% 379
		18731





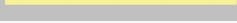
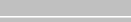



Showing Rows: 1 - 5 Of 5



End of Report









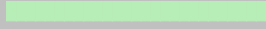



Appendix II

Team Member Feedback on DOT and Support Animals




Select your workgroup:		Response Percent	Response Total
Airport Customer Service		16.39%	1711
Cargo		0.72%	75
Fleet Service		3.34%	349
Flight		13.45%	1404
Flight Service		30.34%	3167
Leadership & Support Staff		16.16%	1687
Premium Customer Services		1.96%	205
Reservations		8.59%	896
Tech Ops (AMTs, MCTs, Material Logistics Specialists, Stock Clerks, etc.)		9.04%	943
		Total # of respondents 10437. Statistics based on 10437 respondents; 0 filtered; 0 skipped.	

Does your job put you in contact with our customers and their service and emotional support animals?		Response Percent	Response Total
Yes		70.39%	7347
No		29.61%	3090
		Total # of respondents 10437. Statistics based on 10437 respondents; 0 filtered; 0 skipped.	




In the last two years, approximately how many disruptions have you experienced involving an emotional support animal on the aircraft or at the gate?		Response Percent	Response Total
0		18.69%	1359
1-10		64.81%	4712
11-25		11.27%	819
25+		5.23%	380
		Total # of respondents 10437. Statistics based on 7270 respondents; 0 filtered; 3167 skipped.	

In your experience, please indicate the most common type of disruption that you have seen related to a service or emotional support animal?		Response Percent	Response Total
Aggressive or threatening behavior		24.64%	1681
Departure delay		4.25%	290
Reseating of customers		33.81%	2306
Flight diversion		0.21%	14
Soiling of cabin		10.88%	742
Other impact to customers, please specify		26.21%	1788



Total # of respondents 10437.
 Statistics based on 6821 respondents; 0 filtered; 3616 skipped.

The Americans with Disabilities Act (the ADA) defines service animals as dogs that are trained to do work or perform a task for an individual with a disability. If DOT used this definition, this would eliminate emotional support animals because they are not trained as service animals. Which of the following policies do you think DOT should adopt when deciding which animals to allow in the cabin onboard flights:		Response Percent	Response Total
Allow only trained service dogs as defined by the ADA		70.92%	7355
Allow only trained service dogs and emotional support dogs		21.86%	2267
Allow trained service dogs and other emotional support animal (including birds, cats, bunnies etc.)		7.22%	749

Total # of respondents 10437.
 Statistics based on 10371 respondents; 0 filtered; 66 skipped.

What is the maximum number of service animals an individual should be permitted to have accompany them onboard a flight?		Response Percent	Response Total
1		89.83%	9343
2		7.32%	761
3		2.86%	297

Total # of respondents 10437.
 Statistics based on 10401 respondents; 0 filtered; 36 skipped.

Do you believe that permitting untrained emotional support animals on an aircraft significantly disrupts cabin service and poses a health and safety risk to others (customers, crew, and trained service animals)?		Response Percent	Response Total
Yes		87.83%	9135
No		12.17%	1266

Total # of respondents 10437.
 Statistics based on 10401 respondents; 0 filtered; 36 skipped.

Please provide any additional comments or examples that we may share with the DOT. Rest assured that your comments will remain anonymous.		Response Total
		6090

Total # of respondents 10437.
 Statistics based on 6090 respondents; 0 filtered; 4347 skipped.

