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Travel by Air with Service Animals

United States Department of Transportation, Office of the Secretary

The American Kennel Club (AKC) is America's only not-for-profit all-breed dog registry devoted to the study, breeding, exhibiting, and advancement of purebred dogs.

Founded in 1884, the AKC is a private, not-for-profit organization that demonstrates its commitment to responsible dog ownership and breeding through a variety of educational programs, humane programs, a multi-million-dollar commitment to canine health research through the AKC Canine Health Foundation, and by conducting thousands of kennel inspections each year. As the only national all-breed dog registry with a kennel inspections program, which includes a flexible, comprehensive, performance-based care and conditions policy for the welfare of all dogs, AKC has conducted more than 70,000 inspections of people who have registered their dogs with AKC since 2000.

The American Kennel Club strongly supports the training and use of dogs by humans, whose lives are enriched by dogs performing essential services. Dogs provide a wide variety of valuable services including: handicapped assistance dogs; drug, bomb, and arson detection dogs; and tracking dogs to locate missing persons and fugitives. We encourage the continuation and further development of the use of dogs for these and similar purposes.

The American Kennel Club has long been a champion of responsible dog ownership, of education about training and proper behavior for dogs, and of encouraging appropriate behavior standards for all dogs. In addition to the appropriate behavior required to compete in AKC-sanctioned events, the AKC Canine Good Citizen (CGC) family of tests and titles—which

includes AKC S.T.A.R. Puppy, Canine Good Citizen, AKC Community Canine, and AKC Urban Public Access Test—is the gold standard of behavior for pet dogs in communities. Some one million dogs, both purebred and mixed breed, have participated in the program since it began in 1989. In particular, the AKC Urban Canine Good Citizen Public Access Test (formerly known as AKC Urban CGC) was designed to test a dog’s skills in settings that provide the dog with exposure to crowds, traffic, noises, smells, and other environmental stimuli. Many dog trainers and programs use the AKC CGC family of tests as part of baseline behavioral requirements for service dogs. Dogs that have already passed the basic CGC test and that successfully complete the Public Access Test demonstrate control in differing situations such as entering and exiting doorways, walking through crowds, using stairs and elevators, crossing streets, and interacting with the public and other dogs, that they will confront in dog-friendly businesses and their communities.

The American Kennel Club shares concerns that passengers wishing to travel by air with their pets may be falsely claiming that their pets are service animals so they can take their pet into aircraft cabins or to avoid paying fees for their pets. The AKC strongly condemns the practices of characterizing dogs as service animals when they are not, or attempting to benefit from a dog’s service dogs status when the individual using the dog is not a person with a disability.

As cited by the Department of Transportation (DOT) throughout its January 2020 Notice of Proposed Rulemaking¹, passengers have increasingly brought untrained or poorly-trained service animals into airports and onboard aircraft, thereby putting the safety of the aircraft, crew, and other passengers at risk. Behavior-related service animal problems include animals running around freely in aircraft or in airports; barking, jumping on, or growling repeatedly at people; biting; and urinating or defecating in aircraft cabins or airport gate areas.

These situations undermine the use of all service dogs. For example, legitimate service dogs and users have been turned away from stores and restaurants after poorly-behaved animals purported to be service animals have created public nuisances. In the course of our operations, AKC has been made aware of instances where legitimate service dogs have been threatened or attacked by dogs inappropriately claimed to be service dogs. These and similar situations create havoc for the public and the industry. If left without substantive changes, the current system will continue to suffer, to the particular and unjust harm of disabled individuals who need the services of appropriately-trained animals to access public facilities, particularly in air travel.

¹ <https://www.regulations.gov/document?D=DOT-OST-2018-0068-12959>

Especially when considered in the context of air travel and the extraordinary considerations it presents, we believe these issues demonstrate a need for upgraded Air Carrier Access Act (ACAA) standards.

AKC appreciates DOT's recognition of the value of stakeholder expertise in shaping reasonable, efficient, and appropriate rules for implementing and insuring compliance with the ACAA. To ensure air travel safety, nondiscriminatory access to air travel for individuals with disabilities, fraud prevention, and consistency with other Federal regulations, we believe that developing quality oversight rules, standards, and procedures will take into account accurate data and real-world experiences. We offer the following comments for DOT's consideration.

AKC Supports DOT's Proposed Definition of Service Animal

To address ongoing public confusion as to what is considered a service animal under what circumstances, the American Kennel Club supports the proposal to align the Department of Transportation's definition of service animal with the Department of Justice's (DOJ) definition of service animal under Title II and Title III of the Americans with Disabilities Act (ADA).² Doing so will create uniformity in policy across both public and private airports (controlled under the ADA) and aircraft (controlled under the ACAA).

We support DOT's proposed definition of "service animal" as a dog that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Treatment of Emotional Support Animals Not Individually-Task Trained

The American Kennel Club reiterates our support for alignment of the Air Carrier Access Act with the Americans with Disabilities Act. In our view, only task-trained animals should be accommodated as service animals and receive special regulatory treatment by the Department of Transportation. Animals not specifically-task trained should be treated as pets for the purposes of air travel.

Treatment of Psychiatric Service Animals

The American Kennel Club encourages the Department of Transportation to treat task-trained psychiatric service animals in the same manner as other service animals. This will further align the Air Carrier Access Act with the Americans with Disabilities Act, thereby reducing confusion among users and airline staff and leading to proper and fair enforcement.

² 42 U.S.C. §12101, *et seq.*

We encourage the DOT to closely monitor unintended consequences that may result from classifying psychiatric service animals as service animals, particularly whether it facilitates increases of passengers falsely representing pets as mental-health-related service animals, as may be indicated by resulting safety incidents or behavioral complaints.

Behavior and Training Attestation and Relief Attestation

In an effort to balance the interests of access to air travel and air travel safety, we support allowing airlines to require service animal users to attest to their service animal's level of training. Verification of successful training in behavioral standards for dogs used and accommodated as service animals can provide a baseline of behavior in public spaces that every service animal should be required to meet.

Again, the American Kennel Club strongly condemns the practices of characterizing dogs as service animals when they are not, or attempting to benefit from a dog's service dog status when the individual using the dog is not a person with a disability. We believe allowing airlines to require the completion of standardized attestations or verification of behavioral standards will reduce instances of fraudulent misrepresentation of an animal as a service animal. At minimum, we believe that the implementation of the proposed *Behavior and Training Attestation Form*, which would include requiring passengers to attest to their awareness that their service animal must be under his or her control at all times, and the treatment of emotional support animals not specifically trained to complete a task as pets for the purposes of air travel will help reduce nuisance behavior of animals on airlines and in airports.

Likewise, AKC recognizes the value of the proposed *Service Animal Relief Attestation Form*, potentially requiring individuals traveling with service animals on flight segments of longer than eight hours to attest that the service animal will not need to relieve itself or can relieve itself in a way that does not create health or sanitation risks.

We also believe that it is of utmost importance that the imposition of standardized form requirements does not create an undue burden on passengers traveling with service animals. We believe that requiring the completion of the proposed attestation forms for each service animal, similar to the proposed *Air Transportation Service Animal Health Form*, is appropriate and does not impose undue burdens on service animal users. Completed attestations may be kept on file and noted in passenger records maintained by airlines and/or DOT, by individuals or third parties providing those services, or other federal government agencies.

Health Form

The American Kennel Club agrees with recommendations of the American Veterinary Medical Association (AVMA), some airlines, and other commenters that the Department of Transportation should require all service animals to provide proof of vaccinations. We believe

the proposed *Air Transportation Service Animal Health Form's* one-year term of validity is reasonable, and that the form can be readily completed during the service animal's annual physical. The form should be acceptable in both paper and electronic format. To assure accurate verification, photographic identification of the service animal user and the service animal, either in electronic or printed format, is encouraged. We believe that requiring the completion of the health form, as proposed, does not impose an undue burden on service animal users.

In the interest of public safety, airlines should be able to refuse transportation to a service animal based on the information contained in the form.

AKC Believes Large Service Animals Must Be Accommodated

The American Kennel Club supports the right of those who require a dog to perform essential services to be permitted to keep a dog without regard to the dog's size, phenotype or breed, and strongly support public accommodations that allow individuals with disabilities to use service dogs.

We recognize that passenger space on aircraft has continued to shrink.³ However, we agree with disability advocates that there is little evidence to show that larger service animals pose a greater safety risk than smaller service animals on aircraft, and that limiting the size of service animals would be disproportionately unfair to individuals who use larger service animals to mitigate their disability. It should be noted that larger service animals may be necessary to mitigate certain disabilities, such as mobility issues, based on individual need. In our view, limitations should only be made based on the aircraft type and the available space in the aircraft cabin. Airlines should be required to seat passengers with larger service animals next to an empty seat within the same class of service where the service animal can be accommodated, if available. If not available, the airlines should be required to take further action to reasonably accommodate the passenger and service animal(s) on the next available flight with an appropriate amount of available space.

Control of Service Animals

The American Kennel Club agrees that the safety risks associated with transporting unrestrained animals creates the need for clear guidance from the Department of Transportation that details service animal restraint requirements. We join with airlines, disability advocates, non-governmental organizations, and many individual commenters who support requiring service animals to be harnessed, leashed, or tethered, or otherwise under voice, signal, or other effective means of control by service animal users as long as such requirements do not interfere with the animal's ability to work. These requirements would further align the Air Carrier Access Act and the Americans with Disabilities Act.

³ According to Flyers Rights, an air passengers rights advocacy organization, in the early-2000s, rows in economy used to be 34 inches (86 centimeters) to 35 inches apart; now 30 to 31 inches is typical, though 28 inches can be found on short flights. See <https://time.com/5636154/airplane-legroom-shrinking-asia/> (accessed March 26, 2020).

Service Animal Breed or Type

The American Kennel Club supports the right of persons who require a dog to perform essential services to be permitted to keep a dog without regard to the dog's size, phenotype or breed, and strongly supports public accommodations that allow individuals with disabilities to use service dogs.

We believe it is imperative that any regulations developed pursuant to the Air Carrier Access Act should address the abilities and actions of individual dogs. Regulations must not be based on, or permit generalities that result in, wholesale prohibitions on certain breeds from being used as service dogs. Promotion and execution of equitable breed-neutral policies will ensure that every person who utilizes the assistance of service dogs will be treated fairly and will enjoy appropriate access to air transportation.

For these reasons, AKC supports the Department of Transportation's proposal that airlines should continue to be prohibited from restricting service animals based solely on the breed or generalized type of dog. Under this rule, airlines will still be able to refuse transportation to individual dogs that exhibit aggressive behaviors and that pose a direct threat to the health or safety of others. This rule will also align with the Department of Justice's rejections of outright bans on service animals based on breed.

The American Kennel Club thanks the United States Department of Transportation for its consideration of these comments. Questions may be addressed to:

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