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## Comment on National Federation of the Blind - Petition for Exemption from 14 CFR 382.27(b)(3), 75, and 79

Office of Aviation Consumer Protection, Office of the Secretary, U.S.  
Department of Transportation

Docket ID# *DOT-OST-2024-0014*

February 27, 2024

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Office of Aviation Consumer Protection:

The issues NFB's petition points out are very serious. In a throwback to when psychiatric service dog users were systematically and specifically discriminated against in the flying context, some disabled people are once again being denied meaningful access to air travel because they cannot independently complete a form, and others are choosing not to fly at all due to the difficulty in doing so. (See USAUSA's 2018 Flight Access Survey Report for some of this history; <https://www.regulations.gov/document/DOT-OST-2018-0068-1265>.)

### *The forms must be accessible in practice*

We believe that if DOT allows airlines to require a service animal form, DOT must ensure airlines make that form accessible to disabled people regardless of their (1) disability type, (2) electronic device type, or (3) technological skill level. Discrimination based on (1) disability type runs counter to the fundamental principles of the Air Carrier Access Act found in [49 USC § 41705](#). Letting disabled individuals' (2) electronic device type or (3) technological skill level act as barriers would run counter to DOT's apparent intent to ensure service animal form accessibility in [14 CFR § 382.75\(e\)](#).

It is a major flaw that the fillable PDFs that most airlines are using are not able to be accessed on a cell phone. If DOT chooses to keep using these forms, they need to be accessible on every platform people use to access the internet—not just computers.

DOT also needs to ensure that there are alternative methods to fill out the form that do not rely on the internet. Clearly, airlines must comply with the regulatory specifications and mail forms to those who need them (*id.*). We also strongly agree airlines should accept verbal answers for the forms over the phone from people who need this kind of accommodation; DOT should consider clarifying this in a rulemaking.

### *Carve-outs for disability type are not an access solution*

The crux of the argument in this petition is that blind people have less access to the internet and computers than non-disabled people, so they should be exempted from filling out the forms.

However, these issues are not unique to blind people. The petitioners compared blind

people to non-disabled people when looking at their internet and computer access. This is the wrong group to compare them to. Since the petitioners are asking for an exemption of blind people out of all disabled people, they should have compared them to people with other types of disabilities.

The Pew Research Center found in 2021 that while 95% of people without disabilities had access to the internet, only 85% of disabled people did. They also found that 81% of non-disabled people owned a computer, while only 62% of disabled people did (<https://www.pewresearch.org/short-reads/2021/09/10/americans-with-disabilities-less-likely-than-those-without-to-own-some-digital-devices/>).

So the petitioners' solution of exempting blind people from these forms would only benefit 2% of the service-dog-using public, and would leave the other 98% of us still dealing with these very serious issues (according to the numbers in the petition).

The facts include that many blind people can access the forms and many non-blind disabled people cannot, as attested to within our community. This means disability type is quite a blunt instrument for trying to carve out who should and who should not be exempt from the forms.

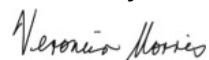
Again, the issues that are raised are serious and deserve consideration from DOT. However, the solution isn't to create a disability hierarchy where people with certain disabilities are treated better or worse than those with other disabilities. Instead, there needs to be an equitable solution that works for everyone.

#### *Options and a non-starter*

DOT has three possible options based on how they see the situation. (A) If the rules could work if enforced properly, enforce the rules. (B) If the rules could work if enforced properly, don't enforce the rules and don't require the form (exempt all disabled people from using the form). (C) If the rules would not work even if enforced properly, update the rules and require airlines to provide access.

What is not an option—and we do believe DOT understands this—is to create a system that discriminates on the basis of disability type.

Sincerely,



Veronica Morris, PhD  
President  
Psychiatric Service Dog Partners