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## Comment on OMB Control Number 2105–0576 reinstatement, “U.S. Department of Transportation Service Animal Air Transportation Form”

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

Docket ID# *DOT–OST–2018–0068*

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Office of Aviation Consumer Protection:

We support the clarifying updates to the *U.S. Department of Transportation Service Animal Air Transportation Form* (“the form”) under existing Air Carrier Access Act (ACAA) regulations. It is important the form make explicit the equal footing of owner training service animals with other means of training them, per DOT’s plan.

As we have discussed with your office, people have been more confused about the acceptability of owner-training than anticipated. Our peer-based organization serves as a nexus for communication about such issues, and we’ve had many owner-trainers contact us simply believing they would be unable to fly (based on the form’s current wording). While we are able to happily correct this misperception for those who find us, there are many more disabled peers out there who never receive this information.

What’s more, we know this confusion has extended to airline employees and contractors. Often with little specialized training, they will default to positions that merely feel like they make sense, and in their ignorance, will turn away owner-trainers who do or who would properly fill out the form. In a situation incredible to the inexperienced, one entire airline seems to have had allegiance to this mistake as a policy. The clarifying update is thus beyond welcome—it’s a practical necessity.

While we do not have a problem with airlines *having* the information on the form, there are major issues with how airlines or contractors are *using* that information to unduly reject disabled customers.

As we have also discussed with your office, the system is not working as anticipated. The trainer and veterinary contact information was intended to be used in a manner similar to emergency contact info—only in case of a problem, in service of solving that problem. Instead of an as-needed backup, some airlines/contractors have been using this info to run a background check on every prospective service animal team. There is no problem with this in theory, but there are several problems in practice.

Foremost, disabled customers are being denied travel by false positives from this frisking. If a customer’s trainer is retired from the field, deceased, or simply changed numbers or doesn’t answer the phone right away, that lack of contact is apparently worthy of invalidating the form. Where this new access system was supposed to move us away from disabled people needing third-party verification in order to travel, this is a

clear oversight of how the system could (and does) subvert that noble intent.

The new system was also not supposed to drop access responsibility onto the shoulders of trainers and service dog program staff. Our professional counterparts tell us how they were not equipped for this and do not want to have to be on call for this all hours of every day, needing to look through records and reply quickly or risk being the reason for a team being unable to fly. They are also uneasy about sharing personal information of clients without clear authorization—especially routinely.

The remedy seems simple, and we hope DOT will implement it as soon as possible. Yes, we petition DOT to do this through a regulatory process, but we also plead with DOT to encourage airlines to choose the easy solution. That is, airlines should treat the third-party contact info as if it were emergency contacts, not as fodder for a universal background check. To avoid false positives, the third-party verification should only be used if there is a particular issue with the form or the team's behavior.

We realize some airlines' decision-makers feel more secure performing universal background checks on those seeking disability accommodations. If they are unwilling to stop doing this, at the very least they must have a modicum of grace with disabled passengers whose trainers (or veterinarians) they are unable to contact. Airlines must recognize and treat as serious any situation in which they are considering rejecting travel for a disabled person solely because the airline's attempt at third-party verification was unsatisfied, with no indication of a passenger's nefarious intent. The process is confusing for many disabled customers, and we find people are just doing their best to do the right thing.

On a parallel path, airlines/contractors have been rejecting owner-trainers with insufficient consideration. Owner-trainers commonly take dog-training classes for things such as obedience, but train work or tasks and public access behavior on their own. Yet many believe it is preferable to list their third-party trainer on the form, sometimes as a frightened appeal to authority, not understanding what the outside trainer is expected to attest to. If the airline/contractor is able to communicate with the third-party trainer and they do not get the expected answer, airlines/contractors have rejected the team from traveling, rather than simply clarifying the situation with the disabled customer.

We understand that DOT cannot force airlines to act better in ways that fall outside of regulations and statutes. However, in the substantial time before we have updated regulations, we do believe DOT can at the very least encourage airlines to act with more grace in the situations we discussed. We also believe airlines doing so would help them avoid such problems as rejections due to "false positives", which are clearly out of step with the ACAA's basic nondiscrimination mandate.

We do appreciate DOT taking this opportunity to clarify the form and would appreciate helpful airline nudges. We also look forward to participating in the process DOT has planned for updating the regulations, so we can leverage lessons from the practical effects of the new access system and strive to align it better with the intent of the ACAA.

Earnestly,



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