



Guide Dogs for the Blind
DOT ACAA NPRM
Docket ID: DOT-OST-2018-0068.

Guide Dogs for the Blind (GDB) appreciates the Department of Transportation's (DOT) thoughtful consideration of the needs of passengers with disabilities who require the use of service animals. We praise the DOT's productive and inclusive process of reaching out to stakeholders to develop effective regulations. We are encouraged by the move toward aligning the Air Carrier Access Act (ACAA) with the ADA's definition of service animals. We are, however, concerned that certain aspects of the DOT's proposal represent a step backward for disabled individuals who are traveling with highly-trained, legitimate service animals.

As the largest organization in North America training guide dog teams, GDB also felt it was important to survey its clients to ascertain their views on the proposed rule-making. Three hundred and twenty respondents completed the survey; their feedback is reflected in our response below.

Definition of service animals:

In response to a survey of our 2,200 graduates, 95% of respondents applaud the DOT aligning its definition of a service animal with the Americans with Disabilities Act. Given the present ambiguity and confusion over service animals, we strongly support the DOT's adoption of the Department Of Justice's definition which defines a service animal as a dog that is individually trained to do work or perform tasks for the benefit of a person with a qualified disability.

Emotional support animals:

We agree with the DOT that emotional support animals are not service animals as they have not been trained as such. Emotional support animals (ESA) are in reality pets and should be defined and considered as such under the ACAA. The alarming increase of fraudulent use of ESAs for public access has confused the public and caused legitimate service animal handlers undue hardship. Airlines for America and the International Air Transport Association state that they have seen a 56% increase of ESAs from 2016 to 2017. The explosion of these untrained animals, their potential for unpredictable, poor and even dangerous behavior, and the confusion they have caused about service animals, was reflected by 97% of respondents to our survey reporting public discrimination against them as people with a disability.

Health form:

The information sought by this form is not necessary given that health risks posed by dogs have not been of significant concern historically. 71% of our clients who completed our survey oppose this requirement. The practical implications of such a requirement on both the passengers and the airlines are unreasonable. We believe this requirement would pose an undue burden for people with disabilities traveling with service animals as they would incur costs from veterinary visits and would not be able to fly with short notice.



Guide Dogs for the Blind

Behavior and training attestation:

Over half of the respondents to our survey oppose the requirement of a DOT form attesting to the behavior and training of their service animals. Such attestation is only a personal assurance of the dog's behavior and does not guarantee the dog will act appropriately. Again we believe this requirement poses another barrier for individuals who wish to travel on short notice and serves to punish those who seldom are the perpetrators of poorly behaved animals on board. We believe that airline staff can observe the dog's behavior prior to departure and if a dog is behaving in a manner that threatens the health and safety of others, the dog should be removed.

Relief attestation form:

Attesting to the dog's relieving habits does not guarantee a mishap will not occur. Furthermore, unexpected delays of aircraft departure are a significant factor that is not within the passenger's control. In practice, this is a futile and unenforceable attestation. It is worth noting, that legitimate service animals are trained to relieve on a fixed schedule and rarely have accidents.

Large service animals:

We disagree with the requirement to limit the size of service animals unless it poses a safety risk.

Service animals breed or type:

We disagree with the requirement to limit dog breeds. A variety of dog breeds have been successfully trained as working service animals. Regardless of breed, we fully agree that the service animal handler should be in full control of his/her animal at all times. Service animals should be harnessed, leashed, or otherwise tethered in the airport and when on-board the aircraft at all times. The handler should be responsible for caring for the service animal including feeding, watering, and relieving. The handler may be charged for property damage caused by his/her animal. We support airline staff removing dogs that are not fully under their handler's control with or without a form on file. We support airline staff exercising appropriate discretion in ascertaining whether an animal poses a threat or other problem on board, based on observable behavior, not breed.

Check-in requirement:

Checking in an hour earlier than the general public poses an undue burden on legitimate service animal handlers and is opposed by GDB and 75% of our survey respondents. The current 2-hour requirement for domestic flights already adds significant time to a passenger's travel schedule. Considering that airport animal relief areas are few and far between, the additional time increases the risk of relieving mishaps.

Summation:

Although we are encouraged by the proposed rule making regarding emotional support animals, some aspects of the proposed DOT NPRM represent a discriminatory set of regulations towards people living with disabilities. These proposals serve to deny individuals with disabilities equal consideration for ease of travel imposing restrictions on their livelihood, job opportunities, and family and civic engagement. The proposed forms of attestations are, at best a hindrance, and at worst a complete barrier for a blind guide dog handler needing to catch a flight. If one's college-age child gets hurt requiring an impromptu flight to attend to them, what is a parent with



Guide Dogs for the Blind

disability to do? Attending a job interview? A funeral? If one's livelihood requires frequent air travel, what is that worker with a disability to do? Locating the right forms in a hurry, accessing them in time, gathering medical records under pressure, not to mention checking in with the airline 3-4 hours before flight departure, every time one attempts to fly, is not reasonable accommodation. Requiring unnecessary documentation is an unacceptable barrier for disabled air passengers with legitimate service animals. Furthermore, these requirements fail to address the underlying problem of fraudulent service animals.

In summary, we propose that the DOT support air passengers with disabilities' access to air carriers by enforcing the ADA definition of disabilities. This clarification of definition will reduce fraudulent service animals considerably. Misguided regulations impose undue burdens on people with disabilities who need to travel by air. These regulations violate their civil and human rights and fail to address the very problems they are trying to solve.

GDB also encourages the DOT and airlines to work with legitimate service dog handlers and organizations to influence legislation that will crack down on the unethical sale of fraudulent "service dog" equipment and certification online.