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The Honorable Mary E. Peters
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Peters:

I am writing you with concern about current regulations for reporting animal deaths, injuries, and losses in air transport. As the author of the law that led to these regulations, I believe current policies do not reflect Congressional intent. It has come to my attention that animals shipped commercially are excluded from the reporting requirements for animal deaths, injuries, and losses because they are not considered household pets. Restricting the definition of an animal to those considered household pets at the time of flight has resulted in possible under-reporting of animal safety incidents. This includes animals being delivered from breeders to their new owners.

As an Atlanta Journal-Constitution investigative reporter related to me, this was the case with Maggie Mae, a West Highland terrier puppy, that flew in the cargo hold of an April 5, 2008 Delta flight. Maggie Mae was tragically crushed to death by baggage equipment during a flight transfer at Atlanta's Hartsfield-Jackson International Airport and her death has not been reported in the record of animal incidents. A pet breeder in Arkansas shipped the puppy, using regularly scheduled passenger flights, to her new home in New Hampshire. Since the breeder is a commercial owner, Maggie Mae did not fit the definition of animal in the current regulations as she was not considered a pet and her death was not required to be reported. The new owner is understandably upset about the death of her dog and angry that it was not reported.

As the author of H.R. 2776, the "Safe Air Travel for Animals Act," that was the basis for Section 710 of AIR-21 (Public Law 106-181) mandating air carriers to report animal safety incidents, I am surprised and disappointed that animals covered by this law have been defined in such a narrow fashion.

The intent of Congress was 1) to protect animals being transported on airplanes and 2) to increase transparency of airline safety records so consumers could evaluate airline carriers and make informed decisions.

Reviewing 14 CFR Part 119, a report of the DOT and FAA, it is my understanding that this definition was reached after consideration of House Report 106-153 that stipulated that the

Department of Transportation work with airlines in training their employees so they could explain to passengers the conditions under which their pets were carried (see page 198). However, this language was specific to employee training and not meant to be the basis of the definition of an animal. It is also my understanding that the use of the phrase "(an) air carrier that provides regular scheduled passenger air transportation" was considered to limit animals to those presented by owners to an airline for a passenger flight. Focusing on these phrases has resulted in overly narrow parameters for which animals would be included or excluded from reporting requirements.

I am concerned that consumers and the government are being left in the dark, unaware of the deaths, injuries, and losses of some animals that are transported by airline carriers. This compromises both the safe transport of animals and the rights of the persons paying for their transport.

I would like an explanation as to why you chose such a narrow definition of the term "animal." Specifically I would like to know:

- Why are only pets shipped by or traveling with their owners considered animals? Does this definition exclude animals shipped by pet breeders or pet stores on air carriers from safety and reporting requirements?
- Was this narrow definition selected because of cost or other concerns?
- How is the safety of animals, who are not considered typical household pets, ensured?
- How does the public know when the safety of these supposed non-animals has been compromised?
- How many animals traveling on airplanes are considered commercial shipments?
- I would also like an estimate of the number of animal deaths, injuries, and losses that are unreported because they are not considered pets.

In addition to providing this information, I also ask that you review these regulations and determine whether animals are truly being fully protected during air transport as required by the Safe Air Travel for Animals Act and AIR-21. I hope we can work together to ensure the safety of animals in the care of airlines, a goal shared by Congress, the Department of Transportation, air carriers, and consumers.

I thank you for your attention to this matter and await your reply.

Sincerely,

Robert Menendez

ROBERT MENENDEZ
United States Senator