

The U.S. Department of Transportation said this month that it wants public comment on possible alterations to service animal regulations under the Air Carrier Access Act. But before going into that, I thought I'd share a funny story I heard from Lisa Goodman recently about an emotional support cat on an airplane.

I'm sure some of you remember Lisa Goodman but for those who do not, Lisa is a staff attorney at DIG. Lisa used to write an article each month for DIG's Newsletter but has noticeably been missing ever since I started contributing. Funny thing about that...

Well, Lisa recently came back from attending her cousin's law school graduation and she told me about her experience with another passenger's emotional support animal on the airplane ride home-

In the middle of the flight, the passenger sitting behind Lisa started pushing Lisa's chair. As Lisa peered back through the space in between her seat and the person sitting next to her, Lisa saw that the people in the row behind her seemed to all be looking for something. All of a sudden, the woman sitting directly behind Lisa, was crouched down at Lisa's feet searching for what she had misplaced. Lisa did not immediately inquire about what the woman was doing crouched down at her feet as she thought the woman was probably looking for her phone. Finally, Lisa asked the woman what she had lost and in the most distressed voice, the woman replied, "My cat!!! My emotional support animal is missing!" Clearly thinking he was off duty, the curious emotional support kitty had let himself out of his carrier and took the opportunity to explore the plane. As soon as Lisa heard the words "emotional support animal," she turned her flash light on on her phone and started to help search for the missing emotional support cat. While looking for the emotional support cat, Lisa laughed to herself that "of course [she's] searching for an emotional support animal on the plane given what we do at DIG." The emotional support cat was found a couple of rows ahead of Lisa's seat and was returned safely to his carrier.

Not to toot my own horn, but I guarantee I would have found that emotional support cat faster than anyone on that plane!

Anyways, getting back to the alterations to service animal regulations on air crafts-

On May 16, 2018, the U.S. Department of Transportation, requested public feedback on possible alterations to service animal regulations under the Air Carrier Access Act. According to U.S. Department of Transportation, the purpose of alterations to service animal regulations would be to deter the fraudulent use of animals not qualified as service animals, while at the same time ensuring access to air transportation for individuals with disabilities. The Department's request comes after Delta, United Airlines and American Airlines have all implemented new policies with regards to service/support animals.

The U.S. Department of Transportation is asking for comment on the following:

1. Whether the Department should amend its service animal regulation so psychiatric service animals are treated the same as other service animals.
2. Whether the Department should continue to include Emotional Support Animals in its definition of a service animal under the Air Carrier Access Act?
3. If the Department adopts a rule that continues to require that Emotional Support Animals be accepted for transport in the aircraft cabin, should the Department allow airlines to require that Emotional Support Animals be in carriers for the duration of a flight.
4. Whether a limitation on species should be imposed for service animals/emotional support animals.

The full Notice of Proposed Rulemaking can be accessed here:

<https://www.regulations.gov/document?D=DOT-OST-2018-0068-0001>

Please feel free to provide your feedback!

****Disclaimer-** We shared Lisa's story from the airplane because we thought it was a funny/cute story. The fact that this story is included in this article should in no way suggest an opinion one way or the other with regards to the behavior of that

particular emotional support cat and whether airlines should require that Emotional Support Animals be in carriers for the duration of a flight