

THE LEGAL BEAGLE

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Pets & Planes: What You Should Know Before Flying the “Friendly” Skies

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With the holiday season fast approaching, many pet owners are contemplating air travel that includes family pets. Although air travel for humans is one the safest methods of transportation available, air travel for pets is another story.

This month's *Legal Beagle* provides pet owners with information regarding the safety of air travel with pets and provides an overview of the Safe Air Travel for Animals Act.

How Many Pets Are Flying the Friendly Skies?

According to the U.S. Department of Transportation, more than two million pets and live animals are transported by air every year in the United States. Sponsors of the Safe Air Travel for Animals Act, legislation aimed at protecting pets during air travel, estimate that as many as 5,000 animals are lost, injured or die annually in air travel. Such tragedies are preventable and due primarily to mishandling by baggage personnel, severe temperature fluctuations, insufficient oxygen in cargo holds, or damage to kennels.

“Floyd” Raises Awareness Regarding the Safety of Air Travel for Pets

Until recently, pet owners, mistakenly presuming that their animal companions traveled in conditions similar to humans, rarely considered the safety of air travel for their pets.

A case called *Gluckman v. American Airlines, Inc.*, 844 F. Supp. 151 (S.D.N.Y. 1994) gave many pet owners a rude awakening regarding the safety of air travel for pets. The lawsuit arose out of the needless death of a golden retriever named “Floyd” due to admitted negligence when American Airlines left Floyd for over an hour in a crate in an unventilated baggage compartment that reached 140 degrees. Floyd, who suffered from heat stroke and brain damage, had to be put to sleep by his owner, Andrew Gluckman.

Gluckman sued American for its failure to safely transport Floyd, including seeking damages for Floyd’s pain and suffering. In court, American argued, among other things, that because Floyd was legally considered “property,” the case for his death could not proceed. The Court agreed with American, and the lawsuit brought to right the wrong of Floyd’s needless death was dismissed.

Floyd’s story did not, however, go unnoticed. It served to raise public awareness about the poor standard of care that pets were receiving from U.S. airlines. Soon, a campaign to ensure the safety of animals in air travel blossomed and legislation was eventually enacted to hold airlines accountable for any mistreatment of animals.

The Safe Air Travel for Animals Act

The Safe Air Travel for Animals Act (the “Act”), was signed into law by President Bill Clinton on April 5, 2000, with the goal of

improving the safety of air travel for animals. However, the final rules of this act did not go into effect until this past June.

Prior to the Act, there was no way for a consumer to obtain an airline's safety record for transporting animals. The Act requires U.S. airlines that perform scheduled passenger transportation to file reports with the U.S. Department of Transportation Aviation Consumer Protection Division concerning incidents involving the loss, injury or death of animals during air transportation.

The Department of Transportation publishes the reports monthly, and forwards the reports to the U.S. Department of Agriculture, which enforces the Animal Welfare Act. Such reports are made available to the public and include detailed information about the injury, loss or death of any pet. The Act also holds airlines accountable for the safety of pets during the entire time the pet is in the airline's custody.

Despite its inclusive sounding name, the Act does not, however, protect *all* animals. The Act defines "animal" as "any warm or cold blooded animal which, at the time of transportation, is being kept as a pet in a family household in the United States." 14 C.F.R. § 234.13. Thus, although family pets are protected, many other animals are not.

Steps You Can Take to Make Air Travel Safe for Pets

As the *Gluckman* case made evident, air travel for animals is not always safe. Pet owners have an important role in improving the safety of air travel for animals.

Pet owners should fly their pets only on airlines with a proven record of pet safety. An airline's pet safety record is available from the Aviation Consumer Protection Division online at <http://airconsumer.ost.dot.gov/reports/>.

Pet owners can also hold airlines accountable for any mistreatment of pets by reporting incidents of pet mistreatment to the U.S. Department of Agriculture APHIS, Animal Care Staff, 4700 River Road, Unit 84, Riverdale, MD 20737 (301) 734-7833.

Conclusion

Our pets count on us to ensure their safety in all instances. Air travel is no exception. The Safe Air Travel for Animals Act gives pet owners an important tool to protect pets during air travel, and to hold airlines that do not protect pets accountable for their actions.

For more information about the safety of air travel for pets, visit the Humane Society of the United States at:

http://www.hsus.org/pets/pet_care/caring_for_pets_when_you_travel/traveling_by_air_with_pets/.

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