



May 9, 2016

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE,  
West Building, Ground Floor, Room W12-140  
Washington, DC 20590

Re: Nondiscrimination on the Basis of Disability in Air Travel

Dear Sir or Madam:

On behalf of the Asthma and Allergy Foundation of America (AAFA, [www.aafa.org](http://www.aafa.org)), I write to provide AAFA's comments about the Negotiated Rulemaking Session currently being considered by the Department of Transportation (DOT). AAFA, a not-for-profit organization founded in 1953, is the leading patient organization for people with asthma and allergies, and the oldest asthma and allergy patient group in the world. AAFA is dedicated to improving the quality of life for people with asthma and allergic diseases through education, advocacy, and research. AAFA provides practical information, educational programs and services, community-based services and support through a national network of chapters and support groups.

Currently, more people than ever are struggling to live normal and healthy lives in the face of the daily limits that asthma and allergic diseases present. According to the Centers for Disease Control and Prevention (CDC), more than 25 million Americans have asthma<sup>i</sup> and 50 million have allergies<sup>ii</sup>. Allergies to pets with fur are common, especially among people who have other allergies or asthma<sup>iii</sup>. AAFA offers the following specific comments about service animals and reporting for your consideration.

## 1. Service animals

The Air Carrier Access Act (ACAA) and the Americans with Disabilities Act (ADA) have different rules in regard to service animals. Currently, the ACAA regulations have a broad definition of service animal. The regulations recognize that any type of animal can be a service animal or an "emotional support animal." Emotional support animals are allowed to fly after a passenger has provided the airline with written medical documentation signed by a licensed mental health professional stating that he has a mental or emotional disability and needs the animal for air travel or activity at his destination. This is in contrast to the rule established by the Department of Justice under the ADA. The ADA recognizes only dogs (and in some cases miniature horses) as protected service animals, and no longer recognizes or gives protection to "emotional support animals." The Department of Transportation (DOT) is considering making the regulations under the ACAA more compatible with those of the ADA. These animals can create problems since they are often not trained or well-behaved during flight.

Our constituents share the concerns of the DOT. There is no cure for either asthma or allergic diseases; rather, individuals with these diseases must protect their health by managing their environmental and behavioral conditions. Allowing various types of animals to fly will expose all passengers to pet dander, even when the animal is riding in an



enclosed carrier. Allergens can become airborne and can remain in the air and on surfaces even when the animal is no longer present. For passengers who are highly sensitive to pets, airborne allergens can be enough to trigger a severe allergic reaction or an asthma attack, both of which can be life-threatening and require immediate medical attention.

Therefore, AAFA believes that limiting the definition of service animal under the ACAA to only dogs as the ADA does would serve the asthma and allergy community as it would greatly reduce the type and the amount of exposure to animal dander in the cabin. However, if the DOT is inclined to keep the current definition which does not limit the type of service animal, then AAFA would recommend that policies be crafted to ensure the minimization of dander in the airplane. This might mean that any animal, whether in the role of a service animal or an emotional support animal, be well-trained and allowed only to sit with its owner throughout the flight. Untrained animals run the risk of travelling throughout the cabin, thus contaminating several surfaces with dander.

## 2. Reporting

DOT regulations currently require US and foreign carriers to submit to DOT an annual report summarizing the number of disability-related complaints they have received during the prior calendar year, broken down by type of service and nature of the complaint. The Department is considering expanding this reporting requirement to include, in addition, the number of disability-related requests received by that carrier in the past year. This is an effort to better understand the make-up of the disabled passengers who fly and to put the number of disability-related complaints received into perspective. In other words, it is difficult to judge whether a carrier's number of yearly disability complaints is significant without knowing the total number of yearly requests made.

AAFA applauds the DOT for wanting to increase the amount of knowledge gathered about the disabled travelling public. Allergies are considered a disability under the ACAA, and DOT tracks the complaints airlines receive related to passengers with allergies. The number of people with allergies, and in particular food allergies, is increasing. As such, it is reasonable to assume that more passengers are requesting accommodations due to allergies. Knowing exactly how many airline passengers are affected by allergies is helpful information as it can aid airlines in developing policies for handling allergies. It is also helpful for passengers who are deciding which airline is "friendlier" to their condition.

It is also consistent with the goals outlined in the Airline Access to Emergency Epinephrine Act, which is currently pending in the U.S. Senate as bill number S. 1972. AAFA has supported this bill since its introduction. It requires the GAO to give a report to Congress on current airline policies regarding several issues including the extent to which airline food allergy policies are transparent and accessible, the steps that could be taken to develop a model policy, and the incidence of inflight allergic reactions and administration of epinephrine. If airlines are already collecting data about the requests for allergy accommodations, it would make the reporting required by this law much easier and faster. As such, it would help Congress to determine the need and the types for policies and procedures that would be helpful to the allergic community.



## Summary

AAFA is grateful for the opportunity to provide our input and comments on the Negotiated Rulemaking Session. Asthma and allergies are among the most common chronic conditions in the United States, and both asthma and allergies can be severe and life-threatening in certain cases. We urge the DOT to take the needs of Americans with asthma and allergies into consideration when assessing regulations that will impact those with disabilities.

Should the DOT need any additional information or to discuss the issue further, please do not hesitate to contact me at [mbloomrosen@aafa.org](mailto:mbloomrosen@aafa.org) or (202) 466-7643 ext. 223.

Regards,

Meryl Bloomrosen, MBA, MBI  
Senior Vice President of Policy, Advocacy, and Research  
Asthma and Allergy Foundation of America

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<sup>i</sup> Centers for Disease Control and Prevention. Asthma FastStats. Available at: <http://www.cdc.gov/nchs/faststats/asthma.htm> Published 2015. Accessed May 6, 2016.

<sup>ii</sup> Centers for Disease Control and Prevention. Allergies. Available at: <http://www.cdc.gov/healthcommunication/toolstemplates/entertained/tips/allergies.html> Published 2011. Accessed May 6, 2016.

<sup>iii</sup> American Academy of Allergy, Asthma, and Immunology. Pet Allergy. Available at: <http://www.aaaai.org/conditions-and-treatments/allergies/pet-allergy.aspx> Published 2016. Accessed May 6, 2016.