



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Memorandum

Subject: Service Animal Forms Data Collection
: Request for Emergency Clearance to Extend the
Information Collection

Date: December XX, 2023

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Reply to: Maegan Johnson
C-70

To: Joseph Nye
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Summary

The Department of Transportation's Office of Aviation Consumer Protection (OACP) seeks emergency clearance to extend the information collection request (ICR) under OMB Control Number 2105-2576 related to the forms that airlines are permitted to require from passengers with disabilities traveling by air with a service animal. The ICR will expire on December 31, 2023. We are seeking emergency clearance to temporarily extend the ICR to ensure that airlines may continue to collect service animal forms from passengers with disabilities, which provide assurances to the airline that the service animal does not pose a safety threat to passengers and crew onboard aircraft, while OACP completes the regular ICR renewal process.

Background

DOT's rule in the Department's Air Carrier Access Act (ACAA) regulation on the transport of service animals by air, which was published in the Federal Register on December 10, 2020 (85 FR 79742), allows airlines to require passengers traveling with service animals to provide carriers with two DOT forms. The first form, the U.S. Department of Transportation Service Animal Air Transportation Form ("Behavior and Health Attestation Form"), is designed to ensure and inform airlines of the service animal's good health, disability-related training, and good behavior. The second form, the U.S. Department of Transportation Service Animal Relief Attestation Form ("Relief Attestation Form"), is only required for flights that are eight or more hours and is designed to ensure that the service animal will not relieve itself on the flight, or can relieve itself in a sanitary manner.

In the Behavior and Health Attestation Form, the passenger must attest that their service animal is currently vaccinated, has been trained to behave in a public setting, and that the animal

has not behaved aggressively or caused serious injury to another person or animal. The purpose of this form is to ensure that the service animal does not pose a direct threat to the health and safety of passengers, crew, and other during air transportation.

The Data Collection

The Department allows airlines to require a U.S. Department of Transportation Service Animal Air Transportation Form and, if applicable, a U.S. Department of Transportation Service Animal Relief Attestation Form from passengers traveling with service animals as a condition of transport. These information collections allow airlines to receive direct assurances from service animal users of their animal's good health, behavior, training, and ability to hold its relief functions or relieve itself in a sanitary manner on long flights. These form(s) also serve as an instrument to educate passengers traveling with service animals on how service animals in air transportation are expected to behave, and that the airline could charge passengers for damage caused by a service animal, so long as the airline had a policy of charging other passengers for similar kinds of damage. Finally, the forms serve as a deterrent for individuals who might otherwise seek to claim falsely that their pets are service animals, as those individuals may be less likely to falsify a Federal form and thus risk the potential for criminal prosecution.

Request for Emergency Clearance

This ICR expires on December 31, 2023. Although the 60-day notice to reinstate OMB Control Number 2105-0576 was published in the Federal Register on November 13, 2023, the comment period in the notice does not end until January 12, 2024, approximately two weeks after the expiration date of the OMB Control Number.

If the ICR were to expire, airlines would not be legally permitted to collect the DOT Behavior and Health Attestation Form from passengers traveling with service animals on aircraft, which would cause significant public harm. Service animals are transported in the aircraft cabin and airlines are not permitted to require service animals to be transported in a pet carrier. The health and behavior safety information in the DOT Behavior and Health Attestation is vital for airlines to verify that a service animal is safe to transport in the cabin and that the animal does not pose a threat to the health and safety of passengers, crew, and other during air transportation.

We have reviewed the requirements for emergency clearance outlined in 5 CFS 1320.13 and given the substantial public harm that would occur should this ICR expire, we believe that the situation meets the criteria outlined therein. We thus request emergency clearance to extend, for six months, the existing information collection under OMB Control Number 2105-2576.