

U.S. DEPARTMENT OF TRANSPORTATION

INFORMATION COLLECTION
SUPPORTING STATEMENT
REPORTS BY AIR CARRIERS ON INCIDENTS INVOLVING
ANIMALS DURING AIR TRANSPORT
OMB CONTROL NO. 2105-0552

INTRODUCTION

This is a request for OMB to reinstate control number 2105-0552, “Reports by Air Carriers on Incidents Involving Animals During Air Transport.”

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century or “AIR–21” (Pub. L. 106-181), which was signed into law on April 5, 2000, includes section 710, “Reports by Carriers on Incidents Involving Animals During Air Transport.” This provision was codified as 49 U.S.C. § 41721. The statute requires air carriers that provide scheduled passenger air transportation to submit monthly to the Secretary of Transportation a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier.

On August 11, 2003, the Department of Transportation (DOT), through its Federal Aviation Administration (FAA), issued a final rule implementing section 710 of AIR–21.¹ The rule required air carriers that provide scheduled passenger air transportation to submit a report to APHIS on any incident involving the loss, injury, or death of an animal during air transportation provided by the air carrier. Due to issues regarding whether APHIS had the capability to accept such information directly from the carriers, DOT made a technical change in the rule on February 14, 2005, to require air carriers to submit the required information directly to DOT’s Aviation Consumer Protection Division (ACPD) rather than APHIS and to make the rule part of DOT’s economic regulations.²

On July 3, 2014, DOT published a final rule amending the requirement that air carriers file reports with DOT on the loss, injury, or death of animals during air transport.³ The rule (1) expanded the reporting requirement from the largest U.S. carriers (i.e., U.S. carriers that account for at least 1 percent of domestic scheduled passenger revenue) to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats; (2) expanded the definition of “animal” from only a pet in a family household to include all cats and dogs transported by covered carriers, regardless of whether the cat or dog is transported as a pet by its owner or as part of a commercial shipment (e.g., shipped by a breeder); (3) required covered carriers to file a calendar-year report in December, even if the carrier did not have any

¹ Reporting Directive Regarding Incidents Involving Animals During Air Transport, 68 Fed. Reg. 47,798 (August 11, 2003).

² Reports by Air Carriers on Incidents Involving Animals During Air Transport, 70 Fed. Reg. 7,392 (February 14, 2005).

³ Reports by Air Carriers on Incidents Involving Animals During Air Transport, 79 Fed. Reg. 37,938 (July 3, 2014) (codified at 14 CFR part 235).

reportable incidents during the calendar year; (4) required covered carriers to provide in their December reports the total number of animals that were lost, injured, or died during air transport in the calendar year; and (5) required covered carriers to provide in their December reports the total number of animals transported in the calendar year. The information collection request (ICR), “Reports by Air Carriers on Incidents Involving Animals During Air Transport,” OMB Control Number 2105–0552, was renewed twice: on August 25, 2015, OMB approved the renewal of the ICR through August 31, 2018, and on October 11, 2018, OMB approved the renewal of the ICR through October 31, 2021.

On January 24, 2024, DOT published a notice announcing its intent to request reinstatement of the previously approved ICR described above.⁴ The comment period for this notice closed on March 25, 2024. DOT received one comment in response to the notice.

JUSTIFICATION

1. Circumstances that make collection of information necessary. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

Section 710 of AIR-21 requires, among other things, air carriers that provide scheduled passenger air transportation to report to the Secretary of Transportation incidents involving the loss, injury, or death of an animal (as defined by the Secretary) during air transport. This provision was codified as 49 U.S.C. § 41721.

This information collection implements 49 U.S.C. § 41721. The information collection also supports DOT’s strategic goal of economic competitiveness by providing the public with information on the death, injury, and loss of animals during air transport. More specifically, the goals of this collection of information include promoting more efficient and safer transport of animals and enhanced accountability of covered air carriers for any potential incidents involving the transport of such animals.

2. How, by whom, and for what purpose is the information used. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

In order to implement the statutory requirements of 49 U.S.C. § 41721, DOT’s rule requires certificated U.S. air carriers operating at least one aircraft having a designed seating capacity of more than 60 seats to submit monthly reports of incidents involving the loss, injury, or death of animals during air transport.⁵ These reports are due within 15 days after the end of the month during which such incidents occurred,⁶ and must be

⁴ Notice of Submission of Proposed Information Collection to OMB Agency Request for Renewal of a Previously Approved Information Collection Request: Reports by Air Carriers on Incidents Involving Animals During Air Transport, 89 Fed. Reg. 4,656 (January 24, 2024).

⁵ 14 CFR 235.2.

⁶ 14 CFR 235.3(a).

submitted to DOT's Office of Aviation Consumer Protection (OACP).⁷ In addition, covered carriers are required to file a calendar-year report by January 15, even if they did not have any reportable incidents during the calendar year.⁸ The calendar-year report must contain the number of animals that were lost, injured, or died during air transport and the total number of animals the carrier transported during the calendar year.

Since 2005, DOT has processed the reports and published the information on a monthly basis in its Air Travel Consumer Report (ATCR).⁹ This information is available to the public to determine each air carrier's reliability and performance when transporting household pets and commercially-shipped dogs and cats. Additionally, DOT shares the reports with the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), which enforces the Animal Welfare Act and investigates alleged animal mistreatment.

3. Extent of automated information collection. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

Covered carriers are permitted to submit their data to DOT via e-mail within 15 days after the end of the month during which the incident occurred. DOT is working on creating a system for carriers to submit this data via a website.

4. Efforts to identify duplication. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.*

There is no similar information accumulated that could be used or modified for the purpose described in the answer for question 2 detailed above.

5. Efforts to minimize the burden on small businesses. *If the collection of information impacts small businesses or other small entities (item 5 of OMB form 83-i), describe any methods used to minimize burden.*

DOT certifies that the rule does not impact a substantial number of small businesses or other small entities. A direct air carrier or foreign air carrier is a small business if it provides air transportation only with small aircraft (i.e., aircraft designed to have a maximum passenger capacity of not more than 60 seats or a maximum payload capacity

⁷ ACPD was subsumed and incorporated into OACP.

⁸ 14 CFR 235.3(b).

⁹ The ATCR is a monthly product of the Department of Transportation's Office of Aviation Consumer Protection. The report is designed to assist consumers with information on the quality of services provided by the airlines. The ATCR are available online at <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>.

of not more than 18,000 pounds).¹⁰ Because the rule only applies to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats, it does not affect any small businesses or other small entities.

6. Impact of less frequent collection of information. *Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

The collection of information in 14 CFR part 235 is specifically outlined in AIR-21 and codified at 49 U.S.C. § 41721. The law requires air carriers that provide scheduled passenger air transportation to submit a monthly report on incidents of loss, injury, or death of an animal. If this collection is not completed, the Secretary of Transportation will be unable to comply with the statutory requirements of AIR-21 and 49 U.S.C. § 41721.

7. Special circumstances. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document;*
- *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- *requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

The requirement that covered carriers submit monthly reports on the loss, injury or death of animals during air transport is mandated by Section 710 of AIR-21 and codified at 49 U.S.C. § 41721. Otherwise, there are no special circumstances requiring information to be collected in any of the manners stated above.

8. Compliance with 5 CFR 1320.8: *Provide an electronic copy and identify the date, volume number and page number of the publication in the federal register of the agency's notice (for a 60-day and a 30-day notice), required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.*

- *Summarize public comments received in response to that notice and describe actions*

¹⁰ See 14 CFR 399.73.

taken by the agency in response to those comments. Specifically address comments received on cost and hour burden.

- *Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.*
- *Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years--even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.*

On January 24, 2024, DOT published a notice announcing its intent to request reinstatement of the previously approved ICR OMB No. 2105–0552, “Reports by Air Carriers on Incidents Involving Animals During Air Transport.”¹¹ The comment period for this notice closed on March 25, 2024. DOT received one comment in response to the notice.

- Howard Kahn states that most carriers do not allow pets to travel in the passenger cabin. He adds that the few airlines that do allow pets to travel in the passenger cabin make consumers “jump through incredible hoops just to get the pup under the seat.”

On June 20, 2024, DOT published a subsequent notice in the Federal Register announcing a 30-day public comment period.¹²

9. Payments or gifts to respondents. *Explain any decision to provide a payment or gift to respondents, other than enumeration of contractors or grantees.*

No payment or gift of any kind has been or will be provided to any respondents in the public sector or to carriers that must file reports pursuant to this rule.

10. Assurance of confidentiality: *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

The Privacy Act is applicable and will regulate the manner in which DOT will handle personal and corporate information.

11. Justification for collection of sensitive information: *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the*

¹¹ Notice of Submission of Proposed Information Collection to OMB Agency Request for Renewal of a Previously Approved Information Collection Request: Reports by Air Carriers on Incidents Involving Animals During Air Transport, 89 Fed. Reg. 4,656 (January 24, 2024).

¹² [FR-89 51939 dated 06/20/2024]

explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The sensitive information being collected under 14 CFR 235.3 is the name and contact information the owner(s), guardian, and/or shipper of any animal that is lost, injured, or dies during transport. DOT uses the data gathered to identify potential areas of concern and to meet the requirements of AIR-21.

12. Estimate of burden hours for information requested: *Provide estimates of the hour burden of the collection of information. The statement should:*

- *Indicate the number of respondents, frequency of responses, calculation for the individual burdens and for the total;*
- *Annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hour for customary and usual business practices*
- *If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in items 13 of OMB Form 83-I.*
- *Provide estimates of annualized cost to respondents for the hourly burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.*

	Respondents	Frequency Per Respondent	Burden Per Respondent	Total Burden on all Respondents
Monthly Reports	30	12	1 hour	360 hours
December Report	30	1	0.5 hour	15 hours

Respondents: U.S. carriers that operate scheduled passenger service with at least one aircraft having a designed seating capacity of more than 60 seats.

Estimated Number of Respondents: 30.

Frequency: For each respondent, one information set for the month of December, plus one information set during some other months (1 to 12).

Estimated Total Burden on Respondents:

- Monthly reports of incidents involving the loss, injury, or death of animals during air transport: 0 to 360 hours (Respondents [30] x Time to Prepare One Monthly Report [1 hour] x Frequency [0 to 12 per year]).
- December report containing the total number of animals that were lost, injured, or died during air transport in the calendar year and the total number of animals that were transported in the calendar year: 15 hours (Respondents [30] x Time to Prepare One December Report [0.5 hour] x Frequency [1 per year]).

13. Estimate of total annual costs to respondents. *Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the costs of any hour burden shown in items 12 and 14).*

- *Include a breakdown for total capital/start-up costs and operation/maintenance. The cost estimates should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- *Generally, estimates should not include purchases of equipment or services, or portions thereof, made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

Monthly reports of incidents involving the loss, injury, or death of animals during air transport: \$0 to \$13,989.60 (Respondents [30] x Time to Prepare One Monthly Report [1 hour] x Frequency [0 to 12 per year] x Average wage rate of one paralegal working in scheduled air transportation [\$38.86 per hour]).

December report containing the total number of animals that were lost, injured, or died during air transport in the calendar year and the total number of animals that were transported in the calendar year: \$582.90 (Respondents [30] x Time to Prepare One December Report [0.5 hour] x Frequency [1 per year] x Average wage rate of one paralegal working in scheduled air transportation [\$38.86 per hour]).

14. Estimate of cost to the Federal government. *Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff, and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.*

DOT estimates that the total annual cost to the federal government to receive the reports, publish the reports in the monthly ATCRs and make the reports publicly available on DOT's Aviation Consumer Protection website will be \$696 (Time to receive, publish, and make the reports publicly available [1 hour per month] x Frequency [12 months] x Average hourly wage for a Senior Transportation Industry Analyst (\$58)).

15. Explanation of program changes or adjustments. *Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.*

The estimated total annual burden hours in question 12 will decrease. In 2018, the estimated total annual burden hours was between 0 and 384 (the number of respondents was 32; the maximum number of hours assumed that all 32 respondents have one reportable incident every month during the calendar year). Since then, the number of respondents has decreased to 30. Therefore, the estimated total annual burden hours is between 30 and 360 because each respondent must, at a minimum, submit one report each year—the December report. For the other months of the year, a respondent must submit a report only if it experienced an incident in that month. The maximum number of hours assumes that all 30 respondents have one reportable incident every month during the calendar year.

16. Publication of results of data collection. *For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

AIR-21 requires the Secretary to publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport. DOT will continue to publish the reports in the ATCR. This publication is issued monthly and can be found on-line at <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>. DOT also plans to continue to share the reports with APHIS.

17. Approval for not displaying the expiration date of OMB approval. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons*

that display would be inappropriate.

Not applicable.

18. Exceptions to certification statement. *Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

Not applicable.