



Psychiatric Service Dog Society

April 13, 2009

Docket Clerk, Office of the General
Counsel, Department of Transportation,
Washington, DC 20590

TO WHOM IT MAY CONCERN:

PSDS is a 501c3 nonprofit organization located in Arlington, VA. We are the only service and advocacy organization focused exclusively on the use of Psychiatric Service Dogs by persons living with mental health disabilities. Our mission is national in scope. As a flagship service dog organization, we are innovating the use of Psychiatric Service Dogs with an eye toward community stewardship. In matters of policy, we reflect the perspectives of thousands of PSD handlers across the country that otherwise would have no voice in Washington, DC.

The community of PSD handlers we represent is **united in its opposition** to the proposed DOT regulation that will require all PSD handlers to give the airlines 48 hours advance notice before flying and to present a letter from a licensed mental healthcare provider that discloses the fact that the passenger is a mentally ill patient under the provider's care and that a service animal is required inside the plane's cabin as part of the passenger's treatment plan.

While such a requirement may be reasonable for persons living with mental health disabilities who rely upon untrained pets for so-called emotional support, it is not at all reasonable when such persons are assisted by Psychiatric Service Animals, which by definition are extensively trained to provide disability-related assistance. If requiring such documentation was reasonable, then DOT should be fully amenable to making the new regulation applicable to all persons with disabilities utilizing service animals. The fact that DOT has not made such a requirement merely illuminates the discrimination inherent to treating persons with mental health disabilities differently from all other persons with disabilities who wish to engage in air travel. This violates the regulatory intent of Section 382 of the Air Carrier Access Act.

At a public forum held in July 2008 in Washington, DC, a senior DOT official explained that the requirements of the new regulation are 'necessary discrimination' in light of the large numbers of persons who are fraudulently attempting to hitch a free ride with their pets in-cabin under the guise that they are Psychiatric Service Animals or Emotional Support Animals. While such a justification for 'necessary discrimination' might be compelling in the context of a large body of verifiable data that documents known incidences of fraud, indeed it has been revealed that DOT has established no such evidence base. Thus, it appears that the DOT is orchestrating systemic discrimination against an entire class of disabled persons when, in fact, the discrimination, itself, has no rational basis. This is a shameful violation of the civil rights and privacy of thousands of disabled Americans seeking access to air travel.

Furthermore, the policy itself is poorly conceived, because all one has to do to get one's pet on board an airplane is to claim that the animal is a service animal for any number of other invisible disabilities such as epilepsy, diabetes, heart disease, dementia, etc. which do not require a provider's letter or advance notice of travel. That said, PSDS is prepared to educate its large constituent base about the availability of this loophole in case our request for revocation of the policy is denied. If such a media campaign was undertaken by PSDS, one may be assured that the information will eventually find its way into the dog show and pet communities where it may be easily exploited. Then, what will DOT do? Will it require documentation for all service dog handlers with invisible disabilities? Try getting such 'necessary discrimination' accepted by the physical disability community. It will never happen.

There are additional reasons why this regulation should be repealed immediately. For example, it requires that passengers with mental illness be identified in the context of a letter that must be provided to airline employees thereby violating an individual's right to privacy regarding personal medical information. Further, the regulation makes no provisions for the safe storage of this personal medical information; nor does it restrict the dissemination of it. A reasonable person might ask the following questions for which the regulation offers no answers, "How will this information be used? How will it be stored? Who will have access to it? How long will it be stored? Will my medical information be put into a Transportation Security Administration file? Will I be subject to additional screening because I am mentally ill? Will the airlines add air marshals to every flight that has a person with mental illness on it? Where does the intrusion upon this community of already stigmatized disabled persons end?"

Requiring a letter from a mental healthcare provider assumes that persons who utilize Psychiatric Service Dogs have health insurance or significant cash reserves and are being seen by a mental healthcare provider who supports their use of a service animal. First, many with health insurance are required to see a General Practitioner instead of a psychiatrist or psychologist for their

medications. Yet, the DOT policy does not allow for letters from General Practitioners. What about those who do not have health insurance? Will they be banned from air travel? This is certainly what follows from the regulation as it is currently written. Not all mental healthcare providers are aware of Psychiatric Service Dogs. There is, as yet, no published evidence base for their usage; thus, clinician skepticism about such a new rehabilitative model is understandable.

The regulation requires that the letter be less than one year old. This means that in addition to requiring all PSD handlers to have health insurance (or large amounts of cash on hand), and be under the care of a mental health provider, they must also pay extra for the letter writing services of their clinician, if they wish to fly in an airplane. In the disability and policy worlds what DOT is doing here is called “erecting barrier to equal access”.

The regulation makes no provisions for individuals who have both physical and mental disabilities. Which disability takes precedence—the physical or the mental? If such a person fails to report the presence of a mental health disability in addition to a physical disability will there be sanctions? Will they be unable to fly? These are basic questions that the authors of the regulation neglect to consider.

The 48 hour advance notice rule is similarly problematic. There are many types of personal emergencies that require spontaneous and immediate travel such as, medical emergencies (self or other) and the death of a loved one. In the course of its rulemaking, did DOT consider that the pre-emptive revocation of civil rights for an entire class of disabled persons would also preclude the same individuals from attending the death-beds or funerals of loved ones? Imagine telling a veteran from the Iraq war that they cannot attend the military funeral of their fallen comrade because the funeral is set to take place less than 48 hours before the veteran’s scheduled flight departure. Where is the common sense, here?

Did DOT officials decide that anyone utilizing a Psychiatric Service Dog who is also on an organ transplant list might as well die, because the airlines will not allow him/her to claim an available kidney or liver that awaits them half way across the country? These are but some of the **very serious** implications of the proposed regulation, and DOT cannot hide from acknowledging that this is what will follow if the regulation is enacted. We anticipate an avalanche of civil rights lawsuits to follow from this regulation.

It would be one thing if DOT had an evidence base supporting such an outrageous policy, but it doesn’t even have that. As a result, there is no compelling reason that justifies the systemic pre-emptive discrimination against all PSD handlers, in case someone somewhere **might** try to sneak a pet on board an airplane. This is nothing short of ludicrous. It is no doubt a policy that reflects the previous administration’s priorities—business first, people second, and mentally ill people last. Our civil rights are not yours to give away. This

regulation is unsubstantiated, poorly conceived, and most importantly will not prevent unscrupulous people from sneaking pets onto airplanes. 'Spot' has suddenly become a diabetic alert dog.

Sincerely,



Joan Esnayra, Ph.D., President

THE RULE(S) THAT THE PETITIONER SEEKS TO HAVE REPEALED:

14 CFR Part 382

[Dockets OST-2004-19482; OST-2005-22298; OST-2006-23999]

[RINs 2105-AC97; 2105-AC29; 2105-AD411

Nondiscrimination on the Basis of Disability in Air Travel

AGENCY: Department of Transportation, Office of the Secretary

ACTION: Final Rule Issued May 8, 2008

“These five steps can help one determine whether an animal is a service animal or a pet...” p.187

“Require documentation for emotional support and psychiatric service animals: With respect to an animal used for emotional support (which need not have specific training for that function but must be trained to behave appropriately in a public setting), airline personnel may require current documentation (i.e., not more than one year old) on letterhead from a licensed mental health professional stating (1) that the passenger has a mental health-related disability listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV); (2) that having the animal accompany the passenger is necessary to the passenger's mental health or treatment; (3) that the individual providing the assessment of the passenger is a licensed mental health professional and the passenger is under his or her professional care; and (4) the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued. Airline personnel may require this documentation as a condition of permitting the animal to accompany the passenger in the cabin. The purpose of this provision is to prevent abuse by passengers that do not have a medical need for an emotional support animal and to ensure that passengers who have a legitimate need for emotional support animals are permitted to travel with their service animals on the aircraft. Airlines are not permitted to require the documentation to specify the type of mental health disability, e.g., panic attacks.

There is a separate category of service animals generally known as "psychiatric service animals." These animals may be trained by their owners, sometimes with the assistance of a professional trainer, to perform tasks such as fetching medications, reminding the user to take medications, helping people with balance problems caused by medications or an underlying condition, bringing a phone to the user in an emergency or activating a specially equipped emergency phone, or acting as a buffer against other people crowding too close). As with emotional support animals, it is possible for this category of animals to be a source of abuse by persons attempting to circumvent carrier rules concerning transportation of pets. Consequently, it is appropriate for airlines to apply the same advance notice and documentation requirements to psychiatric service animals as they do to emotional support animals." pp.190-192

"Keep in mind that you can ask but cannot require documentation as proof of service animal status UNLESS (1) a passenger's verbal assurance is not credible and the airline personnel cannot in good faith determine whether the animal is a service animal without documentation, or (2) a passenger indicates that the animal is to be used as an emotional support or psychiatric service animal." p.194

TESTIMONIES ENCLOSED:

To Whom It May Concern:

I was extremely upset to read the new Air Carrier Access Rules regarding service animals (Docket DOT-OST-2004-19482, pages 182-209), as these rules discriminate against an entire class of people with disabilities.

A service animal is any animal that has been specifically trained to do work or tasks that mitigate the life limiting disability of their handler. There are many types of service animals. They can guide people with vision impairments, alert those with hearing impairments to sounds, alert to seizures, alert to diabetic shock, alert to panic attacks or other psychiatric symptoms etc.

The old ACAA rules recognized all types of service animals, and defined an additional class of pet animals that can fly in the cabin, Emotional Support Animals (ESDs). ESDs are pets that provide support to individuals, but the individuals they support may not be disabled, and the pets are not specifically trained for public access or to do work or tasks for the individual.

The new ACAA rules are the same for most types of service animals, but lumps service animals that assist people with mental illnesses in with emotional support animals. Remember, ESDs are pets while service animals are highly

trained and medically necessary treatments for disabilities. These new rules take away the rights of individuals with mental health disabilities using service animals. ESDs and service animals that assist with mental health disabilities now have to provide 48 hrs notice for travel, and have to show a letter stating that the person is mentally ill in order to fly.

While I think these new regulations are fine for ESDs (who are pets), it is discrimination to require just one class of people using service animals to abide by these same regulations. All other types of service animals do not have to provide a letter, and do not have to give 48 hrs notice.

If the new rules had said that all service animals have to give 48 hrs notice and provide a letter from their doctor, I would not be as upset since all service animals would be treated equally.

These new rules discriminate against only one type of disability. Other service animals do NOT have to go through the same process to fly. It is only people with service animals for mental health disabilities who have to provide the extra information. This is outright discrimination. It is wrong to single out one class of people and require them to go through extra hoops in order to enjoy the same rights and freedoms as others.

I fly quite often, about 3-4 round trips a year. On all of my trips I take my highly trained service dog with me, who alerts to my bipolar mood swings and panic attacks. Being forced to show a letter stating that I have a mental illness would be humiliating to me.

I believe these new rules were passed in order to cut down on the number of people who are faking service animals in order to take their pets on the plane. These rules will not help this matter at all, since if someone wants to fake a service animal they can say they have a seizure alert dog or another type of service animal that does not have to show the letter. Discriminating against an entire class of people is not an acceptable response for trying to prevent something that might (or might not) happen.

I urge you to reconsider these rules, and stop discriminating against people with mental health disabilities that require the use of a service animal.

Sincerely,

Veronica Morris

[Redacted]

El Cerrito, CA 94530

[Redacted]

To Whom it May Concern:

It has been brought to my attention that some changes have been made to the Air Carrier Access rules. I am shocked that anyone can, with good conscience, celebrate these changes, as it does not increase access for *all* individuals with disabilities, as it should. It actually adds a barrier to those people with psychiatric disabilities who utilize service animals to help mitigate their disabilities. It decreases the access this population will have to air travel. This is an absolute outrage as it is such a blatant example of discrimination against this population of individuals. This information is provided in document #1298, docket DOT-OST-2004-19482, between the pages 182 & 209.

First, let me say that there is a huge difference between an Emotional Support Animal (ESA) and a Psychiatric Service Animal/dog (PSA). ESAs require no or very little training. They are basically pets that are allowed in no pets housing to provide emotional support to those with a variety of disabilities or the elderly. They do not have any other public access rights other than that (and flying in the cabin with their person). A PSA (or PSD) is just like any other service animal. A psychiatric service dog does work or performs tasks that meet the individual needs of its disabled handler. A PSA is trained to help mitigate a person's disability. A service dog **MUST** be trained for public access and must have basic obedience training at the least. There are actually training centers that train and certify such dogs for this job. The person with the disability who is utilizing a psychiatric service dog meets the definition set forth by the ADA (Americans with Disabilities Act) and, like any person who utilizes a service dog of any type, is covered by Federal law (the ADA). ESAs are **NOT** PSAs!

The fact that you have placed barriers to only people utilizing PSAs is itself is obvious discrimination. If there are no barriers to air travel for people who utilize other types of service dogs then there should not be if the person is using a psychiatric service dog either. It is ridiculous to expect a 48-hour notice to travel by air with a service dog. No other service dog needs this advanced notice. Other service dogs do not have to provide documentation to board an aircraft either, so why do handlers of psychiatric service dogs? Could it be discrimination? If it looks like a duck, quacks like a duck, it must be a duck.

Another concern of mine is that individuals with psychiatric disabilities that utilize the aid of a service dog to help with day to day functioning will have to divulge personal medical information to non-medical individuals. How is this information going to be protected? Would that not mean that employees at the airport would have to begin following strict confidentiality rules, and perhaps need to abide by HIPAA laws? It is none of anyone's business what my medical problems are and I have the right to divulge this information or not. You do not ask people with other disabilities to surrender their medical problems before boarding an airplane, why force it on a specific population of disabled


individuals? Could it be Discrimination? Is this not in a way stigmatizing people with psychiatric disabilities even more than they are?

Now about me: I have a psychiatric disability that has greatly affected my life for about 14 years. Three years ago, after about 7 years of research, I decided to try the service dog route. Otherwise I feared I might be dead in the near future. What this dog has done for me in that brief time is more than any health provider, any hospital, any therapist or any medication has ever been able to do for me. This dog has increased my time out of the hospital and has increased my level of functioning. The work she does is invaluable. When I traveled alone for the first time with her last fall via plane from Maine to Washington DC, I was thrilled how well it went. I hate long distance travel and am absolutely terrified of flying. Without my service dog by my side, my trip would not have happened... or it would not have gone half as well as it did. So as you can see, this subject is very close to home for me. To say that my service dog is nothing more than an emotional support dog is a great insult not just to my dog, but also to all the money & hard work I have put into her in order to have her become my service dog.

All in all, these changes in ACAA rules could set a dangerous precedent that could lead to other federal civil rights laws being amended to require that all people who have psychiatric disabilities who utilize a service animal to carry paperwork at all times as a condition to gaining entry to any public accommodation. These changes discriminate against an entire group of disabled individuals and are a huge step back in progress. DOT and ACAA should not be celebrating these new changes. It really does not increase accessibility to air travel. It outright discriminates a particular group of disabled people, taking access away. DOT and ACAA and all who accept and celebrate these changes should actually be hanging their heads in shame and working real hard and fast on how to fix this. I would at least think that the American airlines would want to provide equal access to all and would want to be up to speed or better than the ADA's protection.

Sincerely,

Heather Gerquest


Bangor, Maine 04401-6165

Dear DOT Regulators,

In the fall of 1996, I was brutally attacked while living in church-sponsored off-campus college house. Subsequent to this attack, I developed and still live with severe posttraumatic stress disorder. At times, the symptoms of this disorder

have been so overwhelming that I have qualified for support from SSDI (social security disability insurance). This is private and personal health information protected under the safeguards of HIPAA (Health Insurance Portability and Accountability Act).

Why should I be required to share this information on any level with someone who is not a health professional and may not have any training in how to appropriately protect my confidential and private information? I do not believe that I should, and requiring me to do so is a blatant form of discrimination based on a history of stigmatization of persons with mental illness.

People with mental illness develop these conditions through no fault of their own. Just like persons with physical disabilities, the symptoms that make life more difficult arise through a combination of birth (genetic predisposition) and circumstance (life events). Yet the proposed changes to the ACAA would treat us differently if we request a legitimate accommodation for our legitimate disabilities because we use service animals.

The proposed changes would require us to present documentation from a currently licensed health care provider stating that we have a condition documented in the Diagnostic and Statistical Manual of Mental Disorders (DSM--the "bible" of mental disorders) and that a service animal is a necessary accommodation. We would also be required to notify the airline at least 48 hours in advance. In addition, the proposed regulations make no distinction between service animals and emotional support animals. Finally, there are no provisions in the regulations for emergency or last-minute travel.

Emotional support animals (ESD) are rarely more than pets that accompany their handlers, providing exactly that--emotional support. Service animals, on the other hand, are minimally trained in basic obedience, public access skills, and handler-specific behaviors to ameliorate or mitigate the effects of a disability. ESDs are not the equivalent of service animals for persons with psychiatric or mental health-based disabilities. I urge you to reconsider the creation of such equivalence in the ACAA because it sets a new standard that is not in agreement with the Americans with Disabilities Act and other land-based human rights law covering persons with disabilities and medically necessary accommodations.

People using service animals for hearing, sight, mobility, and medical alert would not be required to perform the same notification 48 hours in advance. Nor would they be required to show documentation that they have a disability and that the animal is a necessary assistive device from a currently licensed medical professional. Only persons using psychiatric service animals and emotional support animals would be held to this different standard. This amounts to discrimination against people with one particular sort of disability who use service animals as necessary assistive devices.

Allowing us to be treated differently sets a dangerous precedent and permits the continued stigmatization of people with mental illness. The land-based counterpart of the ACAA--the Americans with Disabilities Act--clearly states that we are not required to provide documentation as this creates an additional barrier for people with disabilities. Why should it be required for air travel?

I am currently on a waiting list to receive a highly trained service dog from a program of national standing. Sometime in the next year to two years, I will be paired with a service dog that is trained in basic obedience, public access skills, and a host of other behaviors specific to my needs as a person living with post-traumatic stress disorder. My health care professionals, supportive members of my family, and I eagerly await the addition of this living, caring, responsive, medically assistive animal. We expect the service dog will allow me a greater range of freedom to move about in public with less fear, to sleep more soundly, and to provide needed assistance for me as I do my day-today as a social worker in a hospital emergency department.

A hospital emergency department can accommodate my use of a psychiatric service animal with no additional intrusive documentation requiring disclosure of my private health information. Why should airlines be allowed to request a higher level of documentation than a place that I work particularly when one considers that people exposed to my private health information at work have training to appropriately handle my private health information and persons working for airlines may not? What are the airlines to do with the collection of private health information they will amass? How will this information be protected from intentional or accidental disclosure?

Because of the nature of my disability (PTSD caused by an attack against my person), disclosure of the very fact that I have a disabling condition that responds best to certain types of accommodations provokes a great deal of anxiety for me. Were the ACAA truly striving to make air travel accommodations easier for passengers with disabilities—as they so proudly proclaimed in a press release from early May, 2008--they would not require me to disclose my private health information with a written declaration from my health provider and they would not require notification 48 hours in advance. I would be able to present at my local or destination airport JUST LIKE ANY OTHER passenger with a visible or invisible disability for travel.

Air travel is the fastest and most cost-effective way for me to collect the service dog after our intensive training. It is also the mode of transportation my partner and I use two to three times per year to visit family. Allowing airlines to decide who has proper documentation for their medically necessary service animals is clearly outside the "scope of practice" for an airline. It has the potential to turn the start of a relaxing vacation into an anxiety-provoking access challenge not faced by other persons using service animals for different reasons. I submit to

you that this is unfair discrimination against persons with a particular kind of medical condition who use a particular kind of assistive device.

Because the ACAA lacks provisions for emergency travel, would I be denied same-day air travel to attend my grandmother's funeral? Or would I not be allowed to travel with my service animal should one of my parents have a medical crisis? Or would my husband and I not be allowed to take advantage of fun "last minute" travel packages because I had not notified the airline at least 48 hours in advance of my intention to travel with a medically-necessary service animal? Would we no longer be allowed to fly "stand by" to assist airlines with their 'overbooking' issues?

The ACAA rules would, in essence, require me to inform my health care provider of my intention to travel far enough ahead so that I had the necessary documentation with my protected health information. The ACAA rules do not require this of ANY OTHER DISABLING CONDITION, including those for which service animals are used.

People using wheelchairs, crutches, leg braces, oxygen, seeing-eye dogs, hearing dogs, seizure alert dogs, diabetic alert dogs, pacemakers, colostomy bags, walkers, hearing aids and cochlear implants, electronically controlled pain management systems, and a whole host of other medically necessary assistive devices are not required to current documentation from a licensed health care professional. Allowing discrimination against people with mental illness who use medically necessary assistive animals causes more difficulties than it solves. It also undermines the basic human rights protected by the ADA and other disability law.

I urge you to reconsider and rescind the documentation and time notification requirements attached to psychiatric service animals because it fundamentally discriminates against a particular group of people using a medically necessary intervention to mitigate or ameliorate the effects of their particular disability.

Most Sincerely,

Robin DeBates
Talent, Oregon

To Whom It May Concern,

I am very much outraged by the revised rule for people with mental disabilities and their service dogs. I just can't believe that I am being so discriminated against. I don't understand how this could not be considered discrimination when a group of people with a certain type of disability are being singled out

and are the only disability required to show their papers. Let's try a scenario, let us say that most people in the world are disabled, and you, being one of the few "normal" people left, were asked to present proof that you were in fact "normal". How would that make YOU feel? Would you feel threatened? I can guarantee you that this revised rule makes me feel so.

Transportation Secretary Mary E. Peters said, "This revised rule expands the protections people with disabilities will enjoy while traveling by air" How, how can this protect people with disabilities? This brings extra attention to us, which in many cases is exactly what we are trying to avoid. I know with my anxiety and panic disorders, the last thing I want, is to be singled out in this way.

A mental disability is just that, a disability. In many ways it is even more humiliating than having a physical disability, even though I can do no more about it than I would be able to about physical one. Having a mental disability has been very hard for me; I quit leaving my house because of my problems. I couldn't even go buy my groceries without having panic attacks and being totally debilitated in the middle of a crowded store. My service dog allows me to have MUCH more independence. I am now able to leave my house and be around the public, go grocery shopping, go to the zoo, etc...

It still makes me angry that the world continues to judge the world by what it can see, most of time the mental scars are deeper and leave a larger scar than the physical ones. Being asked for my paperwork for my service dog would send me into a panic attack, and would be very intrusive. I ask that you please reconsider this rule, that, to say the very least, I find very offensive.

Sincerely,

Wendy Corbridge

██████████

North Logan, UT 84341

To Whom It May Concern,

I am outraged at the new regulations for air travel with my psychiatric service dog for several reasons. I am unable to work due to multiple psychiatric disabilities and have found that my Service Dog assists me greatly in my daily life.

Here are some problems that I have with the new Air Carrier Access Rules (ACAA) regulations:

If this was written just for Emotional Support Animals I would not have an issue,

but to put Psychiatric Service Dogs in the same category as an ESD does these hardworking Service Dogs a great injustice!

Emotional Support Animals (ESD) are not allowed into public facilities etc. My Service Animal is allowed wherever I need to go, as long as it is working. There is a huge difference between an ESD and a PSD (Psychiatric Service Dog). However, they are in the same category in this ACAA. This I feel is a huge error. A Service Animal is trained for public access to behave and to assist its handler. That is a huge difference from an Emotional Support animal that is only helps out in the home environment, without any necessary training or manners and gives cuddles or calmness to the owner. ESDs and PSDs are a whole world apart. How can you lump them together? To do so does a great disservice to the hardworking Psychiatric Service Dog.

Why must I, with my Psychiatric Service Animal give 48 hours notice to the airlines? Do any other type of service animals need to give notice of their teams pending arrival to the airport. Why are people with hidden psychiatric disabilities being made to stand out? There are many service dog teams in the world for people with other invisible disabilities who need give no notice of their arrival. Why for a mentally ill person? When I go to the store do I have to call them and tell them 2 days in advance that I will be shopping on Wednesday? NO, it is my right to utilize their public shopping center along with other able customers. This doesn't even begin to mention, what if there is an emergency where there isn't 48 hours to plan the travel. Must I miss an important event, i.e. funeral or return of loved soldier, because of this new rule?

Why must I provide documentation of my medical illness to a stranger on why it is necessary for me to use a Service Dog? Do I go up to my cashier at the grocery store and say "Hello, I have Post Traumatic Stress Disorder, Bipolar Disorder with Psychosis, Obsessive Compulsive Disorder, Borderline Personality Disorder, etc. and the DSM codes for those are..... and these are the 30+ tasks that I have trained my service dog to do to assist me when I hallucinate/blackout/etc, etc, etc....by the way where are the eggs?" No I don't, why is that? Because it is my right as an American to go to the grocery store without having to give my life history and to tell everyone that I was raped and live a daily existence that literally is equal to a torture chamber in my own body! And yet now the ACAA wants me to tell these things to a stranger at ticketing booth at an airline, where they have no confidentiality rules keeping them from snickering to their friends and family on the way home what this crazy woman's doctor said about her reason for needing a Service Dog. Please forgive me for thinking that this is a huge infringement on my personal rights.

Does the person with epilepsy, diabetes, Parkinson's, or fibromyalgia who utilizes a service animal have to jump through all of these hoops? There are many invisible disabilities that people are benefiting from using a Service Animal from and I find it unfair and discriminatory that people such as myself

with Psychiatric illnesses are the only ones who are being harassed by this ridiculous ACAA regulation.

A definition of a service animal would be 'Any animal individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are deaf or hard of hearing to intruders or sounds, pulling a wheelchair or fetching dropped items.' Anyone who utilizes a Service Animal should have the same rights and privileges as other people utilizing the airlines.

Please reconsider and rewrite this ACAA regulation to not discriminate against PSD.

Sincerely,

Candice Milhausen

Alma, MI 48801

Dear DOT:

It has been brought to my attention that the revised ACAA regulations improve the rights of many while actually increasing the discrimination against those with a specific type of disability. This is unacceptable.

Why should I - or anyone else with a mental illness - have to expose our mental health history just to fly with our service animals? After all, a psychiatric service animal is a service animal. Why should our doctors have to expose their licenses just because they're treating someone with a mental health problem who's chosen to fly with their psychiatric service animal? Why do we have to give at least 48 hours notice simply because we're mentally ill and have service animals? Why do we have to prove to the airlines that we're disabled and need our service animals? Why were only the mentally ill singled out for all these extra requirements?

Who's going to protect our privacy or more importantly our rights? The airlines can with these new rules easily choose to disallow our service animals - or even us - because of our class of disability. Discrimination against mental illness and the mentally ill is still a problem. Even if an airline didn't prevent us from flying, many of us could be hurt if the airline chose to leak our medical info.

It's not like this solves anything either. There are many classes of invisible disability. There are many types of service animals that do difficult to explain or demonstrate work/tasks. Even if the issue is poorly trained or poorly presented

service animals, that's not a problem limited to the mentally ill and psychiatric service animals.

Ultimately, I don't see what this ACAA revision does other than legislate discrimination against the mentally ill.

Sincerely,

Danetta Amschler
[Redacted]
Seattle, WA 98121

To Whom It May Concern,

I have carefully read the new ACAA Regulations that are being considered. I have reviewed them with my colleagues in the field of Psychology and Psychiatry. I sincerely urge you to immediately cancel any and all ACAA Regulations that limit access of people with mental illness who utilize a Service Dog. No other disabled person utilizing a Service Dog is subjected to these new rules. I read in the new regulations that airlines are prohibited from requiring documentation from ANY disabled Service Dog handler. Please do not single out those with a Mental Illness utilizing Service Dogs and keep the ACAA Regulations fair and equal to every disabled person utilizing a Service Dog. Thank you for reading my letter.

Respectfully,

Linda J. Jedju, R.N.
[Redacted]
Rochester, NY 14607

To Whom It May Concern:

I would like to make my voice heard on this issue. I thought that the thinking that mental illness was all 'in your head' and one could just 'snap out of it' had long gone. How sad that this piece of legislation shows how much that antiquated kind of thinking still exists in the world.

It is discrimination at it's worst...if one can't see the disability, it is simply not real. Speaking for myself, I am a law-abiding, contributing member of society who earns more than a good living, who has mental disabilities and employs the use of a service dog to overcome them. My service animal insures that I can

continue to be a contributing member of society. He has saved my life more than once.

If this testimonial does not speak to our legislators, then let them think on this: I have post traumatic stress disorder, traumatic brain injury, and bipolar disorder. These three are the most commonly claimed disabilities for returning veterans. PTSD sufferers with service animals recover in less time, with less permanent damage than those without them. Do we really want to create another generation of veterans that we must silence with ignorance and intolerance? Do our citizens deserve less?

Alise Stewart

[Redacted]
Troutville, VA 24175
[Redacted]

To whomever it may concern:

As a person with disabling mental illness that uses a Service Dog, I am very disturbed by the implications of the newly released Air Carrier Access Rules published by the Department of Transportation!

There is so much stigma attached to having a mental illness that I find that having to disclose my illness to a stranger or other person in order to fly with my much needed Service Dog to be very degrading. I feel that these new rules violate my civil rights. It is demeaning to have to disclose to anybody that I have a mental illness or what my disability is just to have access with my Service Dog.

If these new rules are supposed to make it easier to fly for those of us who are disabled and use Service Dogs, why is a whole group of disabled people being singled out and discriminated against?

Please change these rules to give the same rights to all disabled people traveling with Service Dogs!

Tracey Martin

[Redacted]
Clawson, MI 48017

To Whom It May Concern:

I am a Psychiatric Service Dog Handler and Trainer, these new rules for those of us the have Mental Health Diagnosis is a complete outrage!! I thought that we were making progress with the Stigma that has always went with Mental Illness but I guess that this proves we haven't really made much progress at all. We should we have to be force to disclose our diagnosis to anyone?? If at the time we are ready to board a plane we have the appropriate health certificate why should we be required to have any other documents? I am not sure how they have imposed these new Regulations that are clearly against the Federal ACAA law. Who do these people feel they are to need to know my diagnosis? Surely there is a way that we can get this reversed. Please feel free to let me know if there is anything that I can do to help expedited getting this changed.

Thank you for your work on this matter.

Eva Moore

[REDACTED]

Edison, Ohio 43320

[REDACTED]

To Whom It May Concern:

I am amazed at the sense of freedom from my disabling conditions that I experience since working with my service dog Winston. I recently heard that new rules are being implemented for air travel. I think it's great that so much progress has been for people with disabilities. Things have progressed so people legally could start recognizing and exhibiting their abilities to compensate their disabilities. I'm absolutely appalled that the ACAA's new rules will have limit to my access to air travel due to the fact that my disability is psychiatric in nature. For instance, if a relative gets sick or dies and I need to fly down immediately, under the new rules I will not be able to. I would need to give a 48-hour notice that is inhumane and discriminatory to me because of my mental illness and my use of a service dog. Although airline personnel are not allowed to ask what my specific type of mental health disability is I believe it is against my rights for me to have to disclose to any airline personnel that my disability is, in fact, psychiatric in nature. This is stigma and violates my privacy, as an individual with a disability. It is discriminatory that I shall not be permitted to fly with my service animal on a moments notice like non-disabled passengers. Furthermore it is a violation of my rights as a human being that I need to give notice before I am flying due to the nature of my disability. I feel that airlines are trying to single out passengers with mental illness. I do not want to be treated less favorably due to my illness. Would a passenger who is flying

with their wheelchair need to give a 48-hour notice? Would a diabetic individual need to for warn the airlines of their arrival? Would a blind person need to provide a letter from their primary care doctor stating their percentage of blindness that is current in a year, providing their providing license and state provided in? Would a person who has HIV be required to state this before boarding? No, No, No, No, No!!!! Why am I being treated any differently? Because I am mentally ill!!! This is ludicrous and inhumane to put such requirements on individuals who travel with an aid of a service animal due to a disability that is psychiatric in nature. I support inclusion. These new rules support exclusion and seclusion. Thank you for taking the time to read this letter and for your consideration.

Sincerely,

Melanie D. Jannery

[REDACTED]

Burlington, Vermont 05401

Dear DOT:

I am writing to express my dismay at the new changes to the ACAA regulations that would require advance travel notification and documentation on the part of handlers of Psychiatric Service Dogs (PSDs). Individuals using PSDs are members of a protected class, people living with a qualifying disability, and it is unacceptable to place undue restrictions on their freedom of movement based on the type of disability that they have. Furthermore, these changes represent a dangerous legal precedent that could contribute to the erosion of civil rights for those living with a mental health disability.

We are told that these changes would help prevent abuse, but would they really? The new regulations would require extensive documentation and up to 48 hours of advance notice on the part of handlers of PSDs, but it does not extend these requirements to people with other invisible disabilities, such as those with seizure disorders. This will not prevent people from pretending that their companion animal is an SD, given that they still have the option to falsely claim any number of other invisible disabilities. There is still the same potential for abuse, only now there is an entire class of individuals marginalized based upon their disability. Is this really what civil rights law has become?

I myself am a handler of a PSD. A few years ago I had a family emergency and had to be on the next plane out of town. Were these regulations in place at that time, I would have been unable to travel and would have missed the last precious hours of a loved one's life. I would not have had time to contact my doctor for a specially crafted note; and I would not have had 48 hours to spare.

And what about PSD handlers that work in business and industry? If their work requires them to travel on short notice, these regulations could have serious consequences for their employment.

I humbly ask that you reconsider these changes to the ACAA on the grounds that they are discriminatory and will have no positive effect in preventing abuse involving counterfeit service animals.

Sincerely,
Jes Peters

████████████████████
New Paltz, NY 12561

To Department of Transportation:

I have recently read the amended ACAA rules to apply to foreign carriers and am concerned with the section entitled “Guidance Concerning Service Animals”. My first concern is that an “assistance animal” by definition does not include “emotional support animals”. An “assistance animal” is trained to mitigate a person’s disability while trained for public access. An “emotional support” animal is just that- a support device for a person’s emotional state-not trained for public access, therefore not granted the same rights.

I also am concerned about the purpose of differentiating between “service animals” and “psychiatric service animals”. It is generally known that mental illnesses are imbalances in the brain- a “physical” medical problem. The distinction made is not logical and indeed, is discriminatory towards those who have “mental” disabilities vs. “physical” disabilities.

The document also states that asking the question “what is your disability” *implies you are asking for a medical label or the cause of the disability, which is intrusive and inconsistent with the intent of the ACAA*. But requiring a letter on letterhead from a licensed mental health professional stating (1) that the passenger has a mental healthrelated disability listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV); (2) that having the animal accompany the passenger is necessary to the passenger's mental health or treatment; (3) that the individual providing the assessment of the passenger is a licensed mental health professional and the passenger is under his or her professional care; and (4) the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued discloses the type of disability- therefore, requiring this type of documentation is intrusive and inconsistent with the intent of the ACAA, as stated so in the DOT’s own document.

While not allowing airlines to request these types of documents would, at first, seem to be limiting and restrictive to the airlines, there are guidelines that are consistent with the ADA and the ACAA allowing airlines to bar any type of animal from boarding. These are found in the document, i.e., 2. *Determine if the service animal presents either • a "direct threat to the health or safety of others," or • a significant threat of disruption to the airline service in the cabin (i.e., a "fundamental alteration" to passenger service). See §382.19(c) and service animals are trained to behave properly in public settings. For example, a properly trained guide dog will remain at its owner's feet. It does not run freely around an aircraft or an airport gate area, bark or growl repeatedly at other persons on the aircraft, bite or jump on people, or urinate or defecate in the cabin or gate area. An animal that engages in such disruptive behavior shows that it has not been successfully trained to function as a service animal in public settings. Therefore, airlines are not required to treat it as a service animal, even if the animal performs an assistive function for a passenger with a disability or is necessary for a passenger's emotional well-being.*

Just as there are guidelines for airlines to restrict or bar individuals from boarding an airplane in place, there are already guidelines for barring animals from boarding an airplane- WITHOUT requiring additional documentation or disclosure of one's disability.

I would like to point out one other portion of the document, although I have already addressed my concerns about the wording of the paragraph. Again, using the terms EMOTIONAL SUPPORT and PSYCHIATRIC SERVICE ANIMAL in the same place is discriminatory.

Ask the passenger whether he or she has documentation as a means of verifying the medical necessity of the passenger traveling with the animal. Keep in mind that you can ask but cannot require documentation as proof of service animal status UNLESS (1) a passenger's verbal assurance is not credible and the airline personnel cannot in good faith determine whether the animal is a service animal without documentation, or (2) a passenger indicates that the animal is to be used as an emotional support or psychiatric service animal.

As for my own personal experiences on flying, I have not had any problems with traveling with my Service Animal- although I have not traveled alone- I usually have my husband with me. I do happen to have mental illnesses, which are considered disabling. Although I do take medication for them, I do require my Service Animal to mitigate them in addition to the medication. He has been owner trained and professional trainers have overseen his training. My Service Dog is well trained, well behaved and has been welcome on all my flights. Although I personally have not had any problems with any other animals on any flights, I have been exposed to allegedly "service animals" in public settings. I quietly informed the owners they had the right to ask ANY disruptive influence to leave the premises, a right the airlines have also.

I hope you will take this letter seriously, as there are legal guidelines here that are at issue.

Sincerely,

Elaine Jordan

[Redacted]

Somerset TX 78069

[Redacted]

Dear DOT Policymakers:

The new air travel restrictions will severely hamper my ability to visit and support my elderly relatives in times of illness. I need the freedom that every other citizen has to freely travel throughout our country in order to have a meaningful life in spite of my psychiatric disability. My Psychiatric Service Dog is necessary for me to do this. Why should one group of disabled passengers be required to disclose personal medical information, when no other passengers are required to do so? The new restrictions that would take effect next year must not occur- they are discriminatory against one type of disabled Americans.

Thank you very much,

Elaine A. Malkin

[Redacted]

Canaan, ME 04924

Dear Department of Transportation (DOT) -

I would like to tell you about myself and what I go through when trying to travel with a service dog. I use a service dog to help me where medication has failed me. I am allergic to everything we have tried (12 different medication families), except my dog Fallon who I am not allergic to. I suffer from Bipolar, Obsessive Compulsive Disorder (OCD), General and Social Anxiety Disorder with Panic Attacks, Agoraphobia. Now individually these things, you would think, would not cause someone to be disabled. However, all of them together make life, as most people know it nearly impossible for me. Combine that with an inability to take medication and I am a total mess.

My family and I do not get to travel much as I am unable to work due to my

disabilities. The stress of it is far more than I can handle on a day-to-day basis. When we do get a chance to travel we need to take a lot of time to plan it all out. For example, we are planning a trip to Orlando Florida this summer for nine days. We are flying on a different airline than we normally do, so I am very unsure as to what they will say about my service dog. This means I need to call them to ask. I have a really hard time talking to people in the phone that I do not know. Then since I have had trouble in the past with what people on the phone saying not being the same as what they tell me at the gate I will have to go to the airport before our flight to ask. I hate large crowds of people and it often causes severe panic attacks. I will have to subject myself to that to find out for sure what they will require from me. I need to have enough time to make those preparations. If nothing else to prepare myself to know what I need to present to them when we get there.

Most people can just buy their tickets, and then go to the airport once, board their flight and be done with it. However, this is not the case for my family and me. I have two small children, and a husband. It is already stressful for us to travel with the children. Add on top of that all of the other things I have to deal with and the fact that I use a service dog in order to even leave my house, and you have got one fantastically stressful situation. It is almost guaranteed that I will have one panic attack and very possible to have more than one. That by itself is very scary and terrible to try to deal with. Then you add on top of that the fact that my children ask me what is wrong, we have to stop in our tracks so I can try to regain my composure with the help of Fallon. Then all of my other issues make traveling one of worst experiences of my life.

That is only in my home airport, and does not account of what I will have to deal with in the airport when we arrive, with our baggage possibly getting lost and any problems they give me once we arrive or on our returning flight. Add even more on top of that with the stress of worry about how we will be welcomed once we arrive with my service dog Fallon. It is exhausting, and terrible to think about. This is why we choose not to travel very often. However, if I did not have Fallon to help me, I would likely never leave my home at all, which is exactly what happened for months before I got Fallon. I was house bound for approximately 9 weeks, and barely leaving the house for things as appointments to see my therapist and psychiatrist, and the kids' appointments. That was all I was able to do for a really long time.

Now that Fallon, my Psychiatric Service Dog, is growing and learning and is now able to help me more I have been able to do more things. I have a chemical imbalance in my brain that causes me to react to things much differently than "normal" people. This does not mean that I try to make things harder on those around me. In fact the opposite is true. I try very hard to look out for those around me. When having Fallon with me, I make sure to brush him and often give him a dry bath before I set foot in a store. He has very trim nails as to not scratch floors. He is kept clean as to not aggravate people's allergies

to dogs. He wears a tag silencer pouch so he does not make noise when he walks. I keep up with his training and we take classes all the time to make us better as a team and him sharp on his abilities. He has all of his shots and flea prevention not only for his health but for the health of any other dog or person we may encounter. We do not allow any nonsense behaviour from Fallon so he will not draw attention to himself and cause others stress by his presence.

I have lots of online support from those on the listserve on Psychiatric Service Dog Society (PSDS). It is a great support system when the rest of the world likes to test us and make things harder for us with service animals. We get lots of resistance from other types of service dog handlers because they feel that we are not "deserving" of the use of a service dog. I have even met a therapist who felt that way as well. Needless to say she was not a very good therapist and I no longer see her. My psychiatrist even had to stick up for me with her that these things are not all in my head, so to speak. However, isn't it true that your brain is an organ without which we all could not survive?

Now on top of all of that mess we have to deal with on a regular basis, we get news that there are new regulations being put upon us, those of us who deal with Mental Disabilities, and we were not given a chance to say anything about it. Now we will have even more problems than we have faced in the past. Even more stress, anxiety, and even more worry about how we will be treated. I feel that this will make me want to travel even less. It is expensive to do so, but will affect my children because they will not get those experiences because their mother deals with ridicule for the difficulties she has. That is a lot of guilt to deal with. Driving takes so much time, that we will likely not travel very far after these new regulations go into effect.

It will be quite difficult to get the letter that is now going to be required. My new medical insurance does not cover mental health since my husband changed jobs recently. This means that I need to find a doctor who is supportive of Psychiatric Service Dogs, **and** also willing to write a detailed letter about such a device for me to use. My current mental health facility will not take those without insurance. I have found that this will take about 6 months of being seen by that mental health professional before they would be comfortable with signing such a letter, and then charge a "fee" for writing such a letter. This means that such a letter each time I want to travel will cost my family and me more than the trip itself because we do not travel often enough to have a letter that is current before each time we want to travel. I will have to get such a letter and hope that my doctor will not charge me a fee each time I want a letter and another 6 months of treatment before that time as well.

Along with that, what will happen if we have a family emergency and we need to be there right away to say good-bye to a family member who is dieing? My family would have to go on ahead of me while I "give the airline 48 hours notice that I will be boarding" and then also hope that my letter will be sufficient for

them. If not, I will be out of the price of my ticket, and have to drive there alone. This means that I would miss out and my husband and children will be alone. We live 2 days away from most of my husband's family if I drive. That is a long time in a car. Not to mention that I tend to dissociate while driving and would be unsafe for me to drive for that long alone. Of course I do have Fallon with me and he helps a little, but have not traveled with him that long before and I could not know how he would do with it.

I am outraged that I can be discriminated like this! None of the other classes of people with service dogs/animals are asked to provide such information about them and why they are disabled. None of the other disabled patrons without service dogs need to give 48 hours notice. Why then are we now chosen as we use a service dog as part of our treatment as Psychiatric Service Dog handlers to be singled out and required to give such unreasonable things? I would be very worried for an airline or all places to have a letter containing such personal information on me knowing they will likely not protect my privacy in having that information. I believe that people breaking the rules are a totally separate issue than allowing PSD's (Psychiatric Service Dogs) on an aircraft.

I see that there are at least three major issues with these regulations:

1. I would be discriminated against as a PSD handler and a disabled person in the community.
2. PSD and ESD (Emotional Support Animals) no longer have the distinction they clearly have.

An Emotional Support Animal is usually prescribed to otherwise non-disabled patrons who have a disabling fear of flying or some sort of phobia that in itself is not disabling. These animals can be anything that has some basic manners, but do not have any real training or the need to have any real training to qualify. These animals are considered pets. So they are likely just as misbehaved as any household pet you can encounter at your friend or relatives house. Basically as long as the animal is not biting everyone and everything it sees they can be let on the plane with only a Doctors note.

A Psychiatric Service Dog/Animal is one that has thousands of hours of training to assist with tasks and/or therapeutic work to mitigate the disabled handler. These dogs are often clearly marked. These animals are very well behaved, and have a very strong bond with their handler from all of the months and years of training. These animals are typically easy to spot because of their extensive training.

Do these two types of animals sound like they should be the same to you? I sure would hate to see everyone's hard work to train their dogs go down the tube, so to speak, because they are now being grouped together with the

untrained dogs and animals called ESD's. What a shame to have thousands of hours wasted in the blink of an eye like that. Some people seem to think just because we have emotional issues (as a majority of mental health issues deal with this) that our dogs only have "lovey dovey" things they do and did not get trained to do them. However, it is only through our countless hours and years even training and shaping these dogs do we develop such a close bond with them, that they can "sense" our needs. Most think it could be a chemical signature. But only through time can they know what is "normal" for us and what is not.

Some people may think that it is a breeze to train a dog to do the things we train them for. However, I have found through my own training experiences that it is one of the most difficult things you can do. There are not many resources for those how train "Psych Dogs" (as I often call them). Personally I go through classes to help and because it can be fun for Fallon. He deserves the best, and the best is what he gets. Service dogs are most often some of the most taken care of dogs in the country and in other countries as well I am sure.

My dog gets the best and most prompt vet care, the best food on the market, groomed daily, the coolest little gadgets, the best gear I can find, a super safe seat belt, three crates, four dog beds, and more toys than some kids have. He gets the best training, the most love, and he gets to be with me all the time and is never alone. In return for that he gives me unconditional love no matter what I look or feel like that day. He is there right by my side even when I don't ask him to, lying on my feet because he knows that helps me. He helps me when nothing or no one else will. He is very reliable. I never have to worry if he is going to be "busy" that night like I would friends or family. He is never angry if I talk too much or pet him too much. He just reminds me nicely that I need to do something else now. He carries my most important things since I often forget where they are. He gives better hugs than my husband. I would not be able to leave my home for fear of a panic attack, a flash back from seeing a man or woman who look like those who have hurt me in the past and not knowing how to deal with it.

I still have issues, but now I am starting to know the causes for these things and more, as well as how to calm down without having to run to my car and hide for hours before it all goes away, or try to drive home where it is safe. I can now come into an empty house without fear that I am going to be attacked. I don't have to worry about whether my children will pick up on these things and become afraid as well. I no longer have to fear about being a danger to others or myself. Fallon is there and he has no side effects other than the effort it takes to take care of him and to train him.

Not all dogs are cut out for this work. Many are not. I hope and pray everyday and Fallon will make it to the end. Could you imagine spending as much time as you do a child to raise, teach, care for, and love only to find out that they are

not a good fit for you? It would be heart breaking! Yet this happens often. So we again have to start at the beginning. But it is all worth it to find that one dog that can make the grade.

Please, if you are going to require such notice and documentation, do so to all Service Dog teams, and all disabled patrons. Do not single me out and then tell me that it doesn't matter that I trained my dog or not. We as a community have enough worries and hardships to go back on our rights.

Warm Regards,

Nicole Danielle Berto-Penner
[REDACTED]
Issaquah, WA 98029

To Whom It May Concern,

As a handler with mental illness who uses a Psychiatric Service Dog to mitigate my disability, I am horrified and outraged at the new rules stating that handlers of PSDs must notify their carrier 48 hours in advance of traveling and provide a letter from their psychiatrist attesting to their mental illness.

This is discrimination in its lowest form. I understand that only persons with a psychiatric disability will be so inconvenienced. Additionally, the letter that you request from the physician is extremely invasive.

I would like to formally protest this new ruling, as a user of a PSD, and one who travels by air at least once a year. (The fact that a new letter would be required every year is also grossly discriminatory.) If you are requiring letters from physicians, why not get them from the blind, hard of hearing, mobility impaired, and others with disabilities? Then at least there would be some degree of fairness to these outrageous requirements.

I hope that you will consider this matter carefully, and revise the ACAA to eliminate these requirements for psychiatric service dogs.

Sincerely,
Valerie Stocking
[REDACTED]
Santa Fe, NM 87507

To whom it may concern,

I am writing in regards to the new ACAA rules regarding individuals with psychiatric disabilities flying with their service animals. I am referring to the information beginning on page 182 discussing "Nondiscrimination on the Basis of Disability in Air Travel (14 CFR Part 382). Specifically, I want to address the issue of an emotional support animal (ESA) and a psychiatric service animal (PSA) and the apparent discrimination these new rules place solely on an individual with a psychiatric disability, one of a class of invisible disabilities. I want to show that these new rules place an undue burden on me as an airline passenger who chooses to fly with my service dog, stigmatizes me unfairly, and have the potential to cause unnecessary problems for me and my service dog, airline personnel and other passengers.

First, I want to point out that there is a significant difference between an ESA and a PSA. A PSA is a service animal just as one that provides services to an individual who is blind, deaf, or who has mobility impairment. In your own rules, you define the differences. Clearly, there is an issue here. A PSA is not a pet. My cats are pets; they provide emotional support by climbing in my lap, purring and letting me pet them. I didn't have to train them to do that; they do it on their own initiative when they want attention. I am a practicing professional in the field of American Sign Language and deafness for 26 years. I have extensive experience with a variety of service animals used by individuals with disabilities. My friends and colleagues who are blind, have mobility impairment or are Deaf or Hard-of-Hearing and use a service animal do not consider it a pet; neither do I consider my PSA a pet. Our respective service animals have undergone obedience training, appropriate public behavior training, and specific training to mitigate our respective disability-related needs. A service animal is a service animal regardless of the type of disability it is trained to mitigate. Discrimination is illegal; be it based on race, creed, skin color, religion, national origin or disability type.

These new rules subject me as a qualified individual with a disability (psychiatric) to additional and burdensome proof of the legitimacy of my service animal. The wording seems to emphasize additional authority of airline personnel over individuals flying with a PSA than other types of service animals that by itself discriminates against a specific type of service animal (and its owner/handler). It also forces me to provide information to an airline employee of my psychiatric disability, which no other individual with an invisible or 'hidden' disability is required to do. If I choose to fly without my PSA as I have on multiple occasions, no one asks me if I have a disability, no one suspects I have a psychiatric disability and I am not treated differently than other passengers. The presence of my PSA should not change that fact. The Americans With Disabilities Act, signed into law in 1990 prohibits discrimination on the basis of ANY disability. How then can you justify discrimination within the spectrum of disabilities based on psychiatric

disability?

Why should I have to document on paper that I have "...a mental health-related disability listed in the...DSM-IV; that having the animal accompany [me] is necessary to [my] mental health or treatment; that the individual providing the assessment of the passenger (me) is a licensed mental health professional and that [I] am under his or her professional care; and the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued" if someone with a seizure disorder or fibromyalgia isn't required to document similar information on paper and show it to airline personnel? It doesn't appear that an individual with a seizure disorder will be asked if the animal is necessary for their health or treatment. Yet I am required to prove my service animal is necessary and theirs is not. If my Deaf friend chooses to sit next to me with their service dog, are you going to ask they produce an audiogram when they book the seat, give you 48 hours notice they are flying with the service dog, and make them show a letter from the audiologist that the service dog is necessary for their health or treatment? A double standard is not appropriate in any situation; setting up a double standard for individuals with ANY disability is discrimination taken to an extreme, in my opinion.

Are you going to hold up the entire flight to call my mental health provider to verify the accuracy and authenticity of the letter I just provided to the airline personnel? Are you going to ask me to leave the plane if you get an answering machine, take the time needed to find my checked baggage and remove it from the cargo area, and anger the rest of the passengers by delaying departure by an hour for an unknown reason – other than a fellow passenger and their service animal being told they aren't permitted to remain on the flight? Are you going to compensate a large number of individuals who will probably miss connecting flights for direct and indirect costs relating to the delay?

How are you going to explain to my fellow passengers that I am being denied passage solely on the basis of my disability being psychiatric in nature without violating my civil rights? Do you have protocol in place to deal with the fallout that will ensue at that moment and in future litigation?

Psychiatric disabilities carry a stigma that no other disability bears today. How do I know that the particular airline personnel I will deal with stigmatize and misunderstand psychiatric disabilities or not? Are they going to treat me differently because of it? How would you feel if you were in my shoes? Would you want to be singled out and have to provide sensitive, personal information that individuals with non-psychiatric disabilities aren't required to provide? Why should I have to be humiliated in a manner that no other individual with a disability that uses a service animal is forced to experience? People fear what they do not understand; most people do not understand psychiatric disabilities and easily react in fear when such information is disclosed, often reacting in a

manner from personally held stereotypes and may yield needless disastrous effects for all parties. Second, a psychiatric disability is an invisible (or hidden) disability just as deafness, seizure disorders, diabetes, a severe cardiac condition or even Multiple Sclerosis, compared with those that are visible like blindness or mobility impairment. Why am I as an individual with a psychiatric disability being singled out and required to follow additional rules that others with invisible or hidden disabilities are not? Don't make the mistake of thinking that anyone with a mental illness is a larger threat to passengers and airline personnel than the individual in the next seat. My mental illness has already been diagnosed, and is being treated. Do you know the same about the individual in the seat next to me – or to you?

The regulations state: "Carriers shall accept as evidence that an animal is a service animal identifiers such as identification cards, other written documentation, presence of harnesses, tags or the credible verbal assurances of a qualified individual with a disability using the animal." The regulations go on to state that airline personnel may obtain credible verbal assurances from the passenger by asking questions regarding the animal's function or training, and having the individual describe how the animal performs this task or function. If I were to respond to someone asking me to describe what my service animal has been trained to do for me by saying (taking the verbiage directly from page 188): my animal alerts or responds to a disability-related need, why would that be considered less credible verbal assurance because I am identified as an individual with a psychiatric disability than if I said that my animal helps me to maintain balance, or that I cannot hear well and my animal alerts me to sounds in my environment? Is having bad balance (an invisible disability as well) or poor hearing more credible? An individual with a psychiatric disability is just as capable of providing credible verbal assurance as someone with a seizure disorder, a severe cardiac condition, poor hearing or MS. My ability to provide credible verbal assurance should not be questioned based on a psychiatric disability.

I take issue that the regulations say that documentation may be **requested** (emphasis mine) for service animals other than emotional support or psychiatric service animals but that documentation is **required** (emphasis mine) for emotional support and psychiatric service animals. The regulations also state that "the law allows airline personnel to ask for documentation...but DOT's rules tell carriers not to require documentation as a condition for permitting an individual to travel with his or her service animal..." yet the rules **require** me, an individual with a psychiatric disability, to provide documentation to travel with my service animal. The regulations instruct airline personnel how to ascertain if a passenger is a qualified individual with a disability if the disability is not readily apparent. Is Deafness, MS or a seizure disorder readily apparent? The regulations themselves further discriminate against individuals with psychiatric disabilities: "**Keep in mind that you can ask but cannot require documentation as proof of service animal status UNLESS (1) a passenger's**

verbal assurance is not credible and the airline personnel cannot in good faith determine whether the animal is a service animal without documentation, or (2) a passenger indicates that the animal is to be used as an emotional support or psychiatric service animal.”

The employees at my grocery store, bank, Subway sandwich shop, hair salon, favorite Italian restaurant, hardware store, gas station, bus transportation system, taxi, San Francisco’s BART, car repair facility, local airport (when I go in the terminal to meet someone or see someone off), police station, courthouse, and every public establishment I patronize do not stop me at the door to ask what type of disability I have, why I have a service animal, what it does for me and why I need it there. They all say hello, allow us in to conduct business, use the bus, BART or taxi, take my money and say goodbye as we leave. Why should my PSD and I be treated differently just because I happen to want to use an airplane as my mode of transportation or business that I patronize?

If I have to travel by air to my next professional conference, I shouldn’t have to disclose my disability – in clear violation of The Americans With Disabilities Act – when I book my flight, show a note at the check in counter before I board my flight from my mental health provider that says I have a mental health-related disability listed in the DSM-IV and that having the animal accompany me is necessary to my mental health or treatment; that I am under the professional care of a licensed mental health professional (license type and information included). I should be able to greet the flight attendant, stow my bags, have a seat and focus on preparing for the conference. I shouldn’t have to worry that I have exactly the right documentation that the airline personnel will require, that I informed them at least 48 hours in advance that my service animal will be with me, and go down a huge checklist only to find out that I will be denied boarding because one thing on the list is missing. Oh, yes, and will I have to forfeit my hefty priced plane ticket because I notified the airline 47 hours instead of 48 hours in advance that my service animal will be accompanying me? Would you do any of this to someone who is blind or Deaf or has a seizure disorder? Of course not; that’s my point: only someone whose illness is psychiatric in nature.

Do you have a disability? Do you use a service animal? If your disability isn’t psychiatric, make business, personal or vacation plans without forethought about being accompanied by your service animal. If your disability is psychiatric, leave your service animal at home or with a professional animal care provider unless you want to be forced to disclose your diagnosis at the gate. Sincerely,

Denise Wetzler

████████████████████

MESD, AZ 85203

Thank you for posting the new proposed guidelines for nondiscrimination in Air Travel. As a service dog handler myself, there are two items that worry me.

One concern is your singling out psychiatric service dogs (PSDs) and emotional service animals (ESAs.) I understand your concern over passengers passing off pets as working animals, but targeting one specific disability is based on several false assumptions:

First, the social stigma surrounding mental illness has effectively rendered those with psychiatric conditions as second-class citizens. It makes no more sense for someone to fake a mental illness for special favors than it does for someone to fake being a rightwing Muslim in a post-911 airport. On the contrary, anyone who knows the pain of this stigma firsthand might be tempted to claim a different disability at the security checkpoint anyway just to sidestep the humiliation of having to announce his or her condition to a room of strangers.

The flip side of this is that the social stigma itself would be a powerful incentive to a passenger with a fraudulent service animal to claim one of several other conditions, including epilepsy, diabetes, MS, or even vision loss, as many who are legally blind can compensate with glasses and peripheral vision. So the logic of requiring documentation for PDSs and ESAs to avoid fraudulent working animals on board is flimsy at best.

My other point of concern is the acceptance of "credible verbal assurance" that a working animal is valid. I applaud the fact that service animals and ESAs do not need to be marked, especially on a long flight where a harness or vest would be uncomfortable. But any service dog handler will tell you that it is all too easy for someone who doesn't like animals to manufacture excuses to block access. For instance, my dog and I were once ejected from a restaurant as a "biohazard" after he shed a single white hair on a gray carpet. A vague term like "credible verbal assurance" is an open invitation to any staff member who doesn't like animals to take advantage of a passenger with a facial tic who "looks like he's lying," or someone with hearing loss who might not have heard a question correctly. Service animal handlers need more protection from discrimination, not less.

All in all, I thank you for the time and care you've put into updating your regulations. I hope that the comments you receive will be incorporated for a policy that's fair to everyone.

Respectfully,

Anna Hazelton

████████████████████
Louisville KY 40203

To Whom It May Concern:

I am writing to you about the rulings that have been made concerning Emotional Support Animals (ESA) and Psychiatric Service Animals (PSA) protocols which stigmatize and discriminate against people using these animals as part of their necessary and sometimes life-saving treatment. People with disabilities, whether physical or mental, need to be treated with the same respect and acceptance. No other disability group is being asked to follow this new protocol that specifically signals out those with mental health service animals. How can this be seen as anything other than discrimination?

I understand your concern that animal owners wanting to travel with their pets might try to take advantage of service animal allowances. However there are always people in every line of endeavor who will try to get something that is not their due. I don't think it is right to penalize the people who need and use these service animals. Why should they have to pay for the wrong doings of others? Just because some person decides to pretend that he is blind to collect money in the streets, should I then request documentation from every blind person with a tin cup before I decide to put my money into his cup?

I am writing to you as an outraged citizen but also I am writing to you as a licensed clinical social worker that understands the depth of the kind of disability that puts a person in the position of needing a psychiatric service animal. And I have seen the tremendous benefit they bring to their disabled owners. These people suffer stigma enough from the many facets of their disability without being signaled out and made to prove their right and need to board a plane with their animal.

I ask you to revise this unfair and oppressive ruling and treat mental health disabled service dog handlers as you would any of the rest of the disabled Service Dog handlers.

Sincerely,

Joan Levy, LCSW, ACSW
[REDACTED]
Kapaa, HI 96746

To Whom It May Concern,

Regarding the new ACAA rules about Service Dogs, I'm outraged that this is even an issue. The blind, the deaf the handicapped do not need to state the

disability or bring a doctors note. Just because you don't see a person's disability doesn't give others the right to decide who is or isn't disabled. You are acting as if having a mental conditions are by choice, not that people were born with this disability.

you provide walking canes, Braille, seeing eye dogs, hearing aids, TTY, you provide wheel chairs, prostheses, you have even gone as far as to train monkey to help quadriplegic's and many more services in accordance to the civil rights act for Disability rights. Why do the airlines have the right for this request?

If fact the other day I read that a man and his wheel chair bound Wife, couldn't even get a lift onto an airline. That her husband had to hoist his disabled wife onto the plain up a ramp. the Airline stated that it was against policy to aide or assist a disabled. And you people are worried over a service Animal. What is this world coming to heaven sake?

Tracy Jarvis



Kamuela, Hi 96743

To Whom It May Concern,

I am writing to express my feelings about the new transportation act affecting a person with a mental disability that needs a service dog. This is blatant discrimination toward people who have mental disabilities severe enough to need a dog. Just because a person cannot see another persons disability should not mean that they have to have a doctor's note to prove that they need a service dog. This just adds more stress to a person's traveling ventures. If a person has a mental disability, then they could very likely be more affected by stress than others. This just causes undo stress to mentally disabled passengers and their dogs as well. The reason they have dogs, in some cases, is because they need to be warned about their mental disability. I have friends that need to have service dogs to function safely and making their lives harder does not help anyone in their situations.

Sincerely,

Robyn Spencer



Dayton, OH 45420

To Whom It May Concern:

I have been a therapist for 18 years. During that time I have worked with many people who have PTSD, Anxiety, Panic Disorders and Dissociative Disorders. One factor that makes life difficult for some folks with these disabilities is problems going out in public and being noticed.

Several clients I see have found that with an assistance animal they can actually get out of the house and go places without the fear and panic they had before. It is so helpful for them to have their dog with them in all environments to reduce dissociation, panic and anxiety. One of the biggest challenges they face is having to explain why they have a service dog. They are embarrassed and humiliated when people challenge them taking their dog places.

I think the regulations requiring someone to show that they have a mental illness violate the right to privacy. It is degrading to require someone to prove they are "crazy" in order to have their service animal accompany them on airplanes.

The people I work with face enough discrimination and humiliation having to fight to get help in the first place. Mental illness is still stigmatized in our society. There are so many people who live with disabilities such as depression, anxiety and post traumatic stress disorder that may barely make it through each day but hide their disability from friends and co-workers because of the embarrassment they experience having a mental illness.

The clients that are fortunate enough to be helped by a service dog have already been through enough embarrassment and humiliation trying to deal with their illness. It is inhumane to make a person "prove that s/he is crazy" in order to travel with their trained assistance animal.

Please change this policy so that people are not put through more humiliation.

Thank you,

Karen Marshall, LCSW

To Whom It May Concern,

As the owner of N.W. Pawserverance, a business dedicated to assisting owner trainers with the training of Psychiatric Service Dogs and other dogs that help persons deal with living with some form of brain-oriented need I am appalled at this proposed change to the Airlines policy regarding persons using PSD It is totally outrageous that you are striving to single out and add another stigma to

persons who already must deal with stigmas that we have only just begun to live down after hundreds of years of work. This is taking a step back into the dark ages where persons with mental problems were shut away in locked rooms and hidden by their own families from the general public. I do agree that there have been persons who have abused the system as it was but do not single out the people who need their dogs in trying to determine who does not need the dog. It is much better to allow all then to single out one class of disability.

Nancy Williams

Grants Pass, OR. 97527

To Whomever It Concerns:

I am a user of a service dog who is trained in psychiatric assistance work along with tasks for a neurological physical disability. But this document has me greatly concerned in that because I have a psychiatric diagnosis I will be discriminated against if I dare declare to an airline what some of my service dog's tasks are. My neurological disability is an invisible disability.

What I see in this new ACAA rules is that mentally disabled people with psychiatric service dogs are required to meet the same guidelines as untrained emotional support pets . The DOT is claiming it is easier for people to fake the need for this type of assistance animal. But since a psychiatric disability is an invisible disability like diabetes, epilepsy, hearing assistance. Where is the proof that it is ONLY psychiatric service dogs that are the easiest to fake for fraudulent people to gain access to airplane travel for their pets? I have known show people to fake their show dogs as diabetic alert dogs and even try to borrow guide dog harnesses so they can pass their show dogs off as service dogs so they can avoid shipping their prize show dogs as cargo and save that expense.

So I see these new rules as a very discriminatory rule aimed only at people with psychiatric disabilities and their trained service dogs that mitigate their disability. This means The DOT has decided that individuals with psychiatric disabilities are relegated to less access than a normal person or other disabled person would have to airplane travel in an emergency or for a standby. An example such as if we have a family emergency or a death in the family and have to fly out quickly like any other normal person can. Instead we would have to notify the airline and wait 48 hours to have PERMISSION before we would be ALLOWED to fly with our trained psychiatric service dog. All because of the type of mental disability we have.

If there is supposedly such a problem with non-disabled people faking pets as psychiatric service dogs. Such fakers are not dumb and will just switch off to another way to pass off their pets as a service dog. One that won't require documentation. Example- diabetic alert, seizure alert, hearing assistance, developmental disabilities, traumatic brain injury, Alzheimer's assistance, MS and other mobility or sensory disabilities that are not readily apparent at a glance.

So dropping the 48-hour pre-notification to the airlines and just requiring all types of service dog users to present documentation of proof of need for a service dog would be less discriminatory if this is such a problem. Instead it seems the DOT has decided to pick on a very vulnerable part of the population of the service dog user community who have truly trained service dogs who are not pets but working animals needed for the handler to mitigate their disability in normal everyday access in public places.

In my opinion this gives the airlines an easy way to be discriminatory and fearful of people with only psychiatric types of mental disabilities who need to use a trained psychiatric service dog to mitigate their disability.

Sincerely,

Nora Terrell



Bailey, Colorado 80421

To Whom It May Occur.....

I am a Canadian, who has visited the USA on a number of occasions. Almost always by airline. I am most disgusted, and question the validity of me having to disclose my "Mental Illness" in order to be accompanied by my Service Dog on an airplane in the US. My Service Dog is what allows me to leave the house, converse with people in a calmer fashion, tolerate being in crowds, visit friends and just live as a normal person. In fact most people wouldn't suspect there is anything amiss, as my dog and I work together in a smooth and practiced fashion, that isn't intrusive to others. When I am suffering from a Panic attack she will get my attention by nudging or jumping on me, until I switch my attention to her, and refocus. When I become confused, she also alerts me, and provokes me to pet her and focus on her, for a time long enough to get "it" together. I fail to see why my 'Invisible Handicap' should be anymore reportable or disclosable than a heart disease patient, diabetic, kidney disease, epileptic, or any other condition that Service Dogs have been trained to aid by being a Medical Alert dog. Medical alert dogs are a branch of Service Dogs that prevent the worst case scenario....low or high blood sugar for diabetics, ketoacidosis in kidney patients, oncoming seizures in some

epileptics and I could go on. Psychiatric Service Dogs are a valuable tool in allowing people with Mental Illnesses continue to function at their highest possible level. Without my Service Dog "Promise" I am nothing, I can't function out of my house, somebody else has to do my grocery shopping, errands etc... because I am agoraphobic and can't leave my house. This is not only intensely personal, it is also embarrassing the fuss that some people make when told about my condition. There is judgment, as sadly there are many under educated and under informed people that do not understand that having a Mental Illness, is not a judgment of the quality of person you are. A Mental Illness is a chemical imbalance in the brain, some respond well to treatment, and some are kept under control with aids (drugs, meditation, Service Dogs etc) allowing that person to live their life.

We as a society are supposed to be progressing to greater acceptance, assimilation and understanding. "We Are The World" a song about just such an attitude stresses the importance of this, for the worlds continued well being. This is progress, and emotional growth that is needed to help prevent further wars and prejudice. You as an American, often consider yourself the 'World Leaders'... others are to look to you for standards of practice and proper societal behavior. "To be an American" is supposedly a proud and wonderful privilege. Well... unless you have a Mental Illness, and want to be a functioning member of society, using all reasonable aids available to me. What is next? Will the Mentally Ill go by the way of automatically being incarcerated/hospitalized?

I can easily spend my money up here in Canada or elsewhere in the World; there are few countries with such a Draconian outlook and treatment of people living with Mental Illnesses. I intend to spread the message..... Remember also, that acknowledged or not between 5-10% of ALL people will live with and suffer with a Mental Illness of some degree in their lives. Are you one of US, can you prove you are not?

Kim in British Columbia

To Whom It May Concern:

“Since beginning to work with my psychiatric service dog, I have been much more able to travel for pleasure than I was before I began using this treatment modality. Although I am not a US citizen, I have been choosing to vacation exclusively in the United States because of the clear and comprehensive legislation regarding service animals. In the past two years, I have made perhaps half a dozen trips to the United States, spending my tourism dollars there. Because Canadian laws require certification for service animals on an airplane, I have consistently chosen to fly with an American-flagged carrier each

time I travel by air. This was because the Air Carrier Access Act allowed any trained service animal to accompany its handler in the cabin; it specifically protected me from having to disclose the nature of my disability.

The new changes claim that psychiatric service animals are a "separate category", despite the fact that they "may be trained by their owners, sometimes with the assistance of a professional trainer, to perform tasks such as fetching medications, reminding the user to take medications, helping people with balance problems caused by medications or an underlying condition, bringing a phone to the user in an emergency or activating a specially equipped emergency phone, or acting as a buffer against other people crowding too close." The newly revised law draws no distinction in required accommodation between psychiatric service animals, individually trained to do work or perform tasks for a person with a disability, and pet animals that act as a comfort just by being present, without specific training. This is despite the fact that the ruling notes, for other disabilities, "There may be cases in which a passenger with a disability has personally trained an animal to perform a specific function (e.g., seizure alert). Such an animal may not have been trained through a formal training program (e.g., a 'school' for service animals). If the passenger can provide a reasonable explanation of how the animal was trained or how it performs the function for which it is being used, this can constitute a 'credible verbal assurance' that the animal has been trained to perform a function for the passenger. "

This "separate category" for psychiatric service animals means that not only must we have a doctor's note, very specifically disclosing personal medical information, but we must provide this to the airline two days ahead of when we must travel. I do not think it unreasonable to be concerned that an already stigmatizing condition would affect the treatment I received from the airline and its personnel. This assumes, of course, that my doctor will be willing to write such a note; in the past, psychiatrists have expressed reservations about providing this information to third parties.

Clearly, this new ruling suddenly forces me to disclose the nature of my disability not because of concerns about owner-trained animals, but because people with mentalhealth related disabilities are considered less deserving of basic human dignity and privacy concerning our medical needs. This is likely to strongly influence my choice of travel destinations after April of 2009."

Heather Wegemer

████████████████████
 Oshawa, Ontario
 Canada
 L1J 5Z4

Dear DOT Officials,

I do not have a service dog, but I have friends who do. I am appalled at the new law requiring PSD handlers to reveal that they have a mental disorder to board a flight with their SD. This is discriminatory. Psychiatric disorders continue to be stigmatized in our society. I fear that people who have to reveal this information will face discrimination out of the airline staff's own stereotyping, misconceptions, and irrational and uneducated fears. A disorder is a disorder, and people with psychiatric disorders should be treated with the same respect as anyone else. This is outrageous. The government is completely ignoring a person's right to privacy, if that is even a right anymore. It is not an airline or TSA's business to know someone's disability. That is between and patient and his/her doctor.

Sincerely,

Holly Anderson

END OF TESTIMONY