

# Airline's Ban on Pit Bulls as Service Animals Vetoed by DOT

In 2018, 'pit bull type dogs' were deemed unacceptable as a service dog or support animal for passengers on Delta Air Line flights. Then, the Department of Transportation announced that airlines must allow any breed of dog for that purpose, directly rejecting Delta Air Line's ban on pit bulls.

Reviewed by Dr. Becker

## STORY AT-A-GLANCE

- A policy banning pit bulls on Delta Air Line flights in 2018 was overturned by the Department of Transportation (DOT)
- Dogs biting passengers and airline employees, as well as urinating and/or defecating during flights, were some of the causes listed by Delta Air Lines when they instituted the ban
- Delta Air Lines, the DOT and other entities and individuals weighed in on the ban, including the Americans With Disabilities Act, the ASPCA and the Air Carrier Access Act
- The ASPCA criticized Delta's ban on pit bulls as a specific breed, arguing that it encouraged a false stereotype, and demanded that Delta rescind its ban
- Airlines, air travelers and owners of service animals are upset about many aspects of the conversation; for instance, some have tried to scam the system when flying with a pet by calling it a service animal

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As of March 1, 2018, "pit bull type dogs" were deemed unacceptable as a service dog or support animal for passengers on Delta Airline flights. The policy, which went into effect on July 1, 2018, was instituted following an 84% increase in reported "incidents" since 2016.<sup>1</sup> The airline's website explained that its "top priority (was) ensuring safety for its customers, employees and trained service and support animals, while supporting the rights of customers with legitimate needs, such as disabled veterans, to travel with trained animals."<sup>2</sup>

Incidents triggering the airline's policy included service animals urinating and/or defecating during flights, as well as "several" airline employees who had been bitten by dogs in 2016 alone. One was a highly reported incident involving a 50-pound emotional support dog that attacked and bit a passenger.

According to The Atlanta Journal-Constitution,<sup>3</sup> the dog was sitting on the lap of its owner, Ronald Mundy Jr., on a Delta flight. When Marlin Termaine Jackson attempted to take his seat between Mundy and the window, witnesses said the dog started growling, then attacked and bit Jackson's face twice, requiring 28 stitches.<sup>4</sup>

Contention about the incident arose both because of an alleged policy at Delta regarding unrestrained larger animals, as well as whether the dog had undergone proper verification that he was indeed a trained emotional support animal, while the DOT maintained that airlines can't require such animals to be carried in a kennel unless some safety-related

reason required it.<sup>5</sup>

According to the Americans With Disabilities Act, a service animal is only one that's been "individually trained to do work or perform tasks for an individual with a disability."<sup>6</sup> The Air Carrier Access Act,<sup>7</sup> meanwhile, requires airlines in the U.S. to allow **emotional support animals** to travel with their owners.

## The Department of Transportation Rejects Delta's Ban

However, on August 8, 2019, just over a year after Delta Airline's ban on pit bulls, the U.S. Department of Transportation (DOT) announced that airlines, including Delta, must allow any dog breed to be used as a service or support animal on flights. The Huffington Post notes:

*"The agency announced in a news release that it would not allow businesses to restrict specific breeds of service animals, ensuring that 'dogs as a species are accepted for transport.' ... DOT's definitions of service animals are different from the one set by the Americans With Disabilities Act, which defines a service dog strictly as a 'dog that has been individually trained to do work or perform tasks for an individual with a disability.'"<sup>8</sup>*

For one thing, the ban on "pit bull type dogs" seemed odd when the dog in the Atlanta incident was found to be a mix of chocolate Labrador retriever and pointer, Huffington Post<sup>9</sup> later noted. According to Huffington Post, more entities got involved:

ASPCA president Matt Bershadker criticized Delta's ban on pit bulls as a specific breed, arguing that it encouraged a false stereotype. He added, "Pit bull type dogs have long been popular family pets noted for their affection and loyalty,"<sup>10</sup> and stated the airline should avoid such blanket statements and rescind its ban.

Delta's attempt to ban emotional support animals on flights lasting longer than eight hours was nullified by the DOT, which offered as a caveat the requirement for owners of emotional support dogs to be able to verify with documentation that the animal would be able to "relieve itself without creating a sanitation or health issue during the flight." DOT officials further stipulated:

*"The Department's Enforcement Office would view it to be a violation for an airline to reject a medical form or letter that meets the criteria found in the rule because of an airline's preference that the passenger use the airline's form."<sup>11</sup>*

## Why Airlines May Restrict Animals

Under DOT regulations, airlines are allowed to decide if any other species of animal poses a direct risk, not just to passengers, but for the animals themselves. This may be due to these breeds being more likely to have breathing difficulties, such as brachycephalic breeds due to their flat faces.

BringFido<sup>12</sup> lists "snub-nosed" dogs Delta Air Lines restricted, including bulldogs, boxers, American Staffordshire and Boston terriers, pit bulls, several types of pugs, mastiffs and Pekinese, as well as Burmese, Himalayan and Persian cats.

But passenger, airline and airport workers, and owners of emotional support and other types of service animals, are upset about many aspects of the conversation. One of them is that it's relatively easy to scam the system when flying with a pet by simply calling it a service animal.

United Airlines flight attendant Jen Williams notes that there's been a tremendous increase in support animals on flights just in the past year and that compared to pets, service animals aren't required to jump through as many hoops, so to speak. She told The Atlanta Journal-Constitution:

*"It's definitely gotten carried away to the point where people are taking advantage of the system ... It's hard when someone is following protocol and they're not allowed to take the animal out of the cage, but others use the loophole to have an animal sit on their lap."<sup>13</sup>*

Bizarre incidents involving people claiming out of the ordinary animals to be their "emotional support" animals have caused a crisis of sorts in more than a few airlines. In one case it was a peacock,<sup>14</sup> but snakes, a large spider, penguins, a kangaroo, a live lobster and an assortment of farm animals, including a rooster, chicken, duck, turkey and a large pig were all animals passengers tried to bring on board.<sup>15</sup>

## To Fly or Not to Fly with Your Animal

No one cares more about your pet's health than you do, and even though Snowball may be a good dog, there's no guarantee she will be given the appreciation (not to mention the care) you would give her by personnel and passengers on a flight. Because it's impossible to say what circumstances may arise, it's best to avoid flying your dog anywhere, unless it's absolutely necessary or your dog is a trained service animal. In the event that it's unavoidable:

- Make sure your dog is in good health
- Ensure her carrier is properly constructed, and make sure she's comfortable in it
- Make sure she's wearing a collar that identifies her with your information
- Avoid flying during weather extremes — either very cold or very hot
- Try to book a nonstop flight

Updated information on Delta's website can help avoid problems if you need to fly with your service dog. For instance, to fly with an emotional support or psychiatric service animal, passengers are required to have their animals' vaccinations up to date. In addition, owners must upload documentation about their service animal at least 48 hours before the flight. Additional information on service and support animals on Delta's service animal policies is available on the airline's Service and Support Animals website.<sup>16</sup>

## Sources and References

<sup>1</sup> [Delta News Hub June 20, 2018](#)

<sup>2</sup> [Delta New Hub March 1, 2018](#)

<sup>3, 5</sup> [The Atlanta Journal-Constitution June 5, 2017](#)

<sup>4</sup> [The Atlanta Journal-Constitution June 8, 2017](#)

<sup>6</sup> [Americans with Disabilities Act February 28, 2020](#)

<sup>7</sup> [Emotional Support Animal Doctors 2015-2019](#)

<sup>8, 10</sup> [Huffington Post August 9, 2019](#)

<sup>9</sup> [Huffington Post May 29, 2019](#)

<sup>11</sup> [U.S. Department of Transportation August 8, 2019](#)

<sup>12</sup> [BringFido 2005-2019](#)

<sup>13</sup> [The Atlanta Journal-Constitution November 3, 2016](#)

<sup>14</sup> [Business Insider January 30, 2018](#)

<sup>15</sup> [Business Insider January 31, 2018](#)

