



Aquarium Professionals Group

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Will Senate Bill 1193 shut down your aquarium?



Aquarium owners beware! Unless the pet industry and pet owners across the nation wake up soon, *The Safe Air Travel for Animals Act* (U.S. Senate Bill 1193), sponsored by Senator Lautenberg (D- NJ), may become law without any debate or hearing by Senate committee.

Although SB-1193 was pending debate before the Senate Commerce, Science and Transportation Committee, on October 5, 1999, Senator Lautenberg successfully amended the *F.A.A. Reauthorization Bill* (SB-82) with the provisions of SB-1193 in a last-minute move on the Senate-floor. These provisions may now be found in the official record of SB-82 as Senate Amendment 1921.

The F.A.A. Reauthorization Bill is expansive, and addresses many air- transportation issues. Senator Lautenberg was able to slip the provisions of his bill under the guise of S.AMDT.1921 into this complex package, where they can easily get lost in the dozens of pages of text that this bill contains. SB-82 has been officially adopted by the Senate and **if the Lautenberg provisions remain unchallenged, they too will become law.**

What's the big deal?

On the surface, the title of "*The Safe Air Travel for Animals Act*" sounds harmless. After all, who doesn't want safe air-travel for animals? For the pet industry as a whole, the problem with SB-1193 is that it will impose regulations on airlines that are extremely expensive to implement. So much so, that they may actually force airlines to place an embargo on the air-transport of animals. If the requirements proposed by the bill are imposed on airlines, it may spell the beginning of the end for the pet industry starting January 1, 2001, the date that enforcement is specified to begin.

The major issue with SB-1193 for aquarium owners is the way it is worded. The bill has a very broad definition of the word "animals." If passed into law, it will also amend both Title 7 of the U.S. Code (The Animal Welfare Act) and Title 49, Chapter 417 (Regulation of Air Carriers). **"Animals" as defined by the AWA includes only warm-blooded animals.** However, this term is defined only by the word "animals" for the purposes of Title 49, Chapter 417, which relates solely to air transportation. Therefore, **all** animals may wind up being subject to the provisions of SB-1193 (or S.AMDT.1921 in SB-82), including reptiles, amphibians and all other aquatic animals.

There are good intentions behind the bill. Senator Lautenberg (D-NJ), has sponsored this bill in an honest effort to improve conditions for animals, particularly pets, being transported by air in the United States. Not all of the proposed regulations are unreasonable. What the Lautenberg provisions do not mention is that in the United States, most of these requirements are already being met by airlines that transport live animals and those that are not may not be necessary.

Animal rights groups lobbied intensely for the creation of this bill. There are several animal rights groups that honestly feel that no person should own animals or keep any animal in captivity. These groups have been lobbying Congress for years in an effort to find a way to shut down the pet industry. Unfortunately, the groups that lobbied for this bill have distorted facts and supplied erroneous information (a common practice with most lobby groups) that create the impression that problems with the air transport of animals in this country are much worse than reality. Statistics used to persuade Congress to pass this bill include data in a report by an air transportation organization, the text of which is actually quoted in the language of the Lautenberg provisions.

Senate Bill 1193 states (and we quote) " According to The Air Transportation Association, over 500,000 animals are transported by air each year and as many as 5,000 of those animals are lost, injured, or killed" and adds: "most injuries to animals traveling by airplane are due to mishandling by baggage personnel, severe temperature fluctuations, insufficient oxygen in cargo holds, or damage to kennels."

This is quite misleading, as these statements lead the reader to believe that The Air Transportation Association

referred to in the bill is an American organization. It is not. It was not the U.S. organization: "The Air Transportation Association," that prepared the report containing this information. It was **"The International Air Transportation Association."** **Unlike the ATA,** the 263 members (as of 1999) of this worldwide association (IATA) include airlines that do not operate within the United States. It also includes some member airlines that do fly in the U.S., but are prohibited from bringing live animals into or out of the country. This report was referring to statistics compiled from data on ALL air flights by ALL airline members of its INTERNATIONAL organization worldwide. This includes many airlines that do not have policies in place for the air-transport of animals as do airlines operating in the United States. These airlines would not be affected by the proposed new laws anyway, so it is doubtful if the statistics mentioned in SB-1193 will change as a result of the passage of this bill.