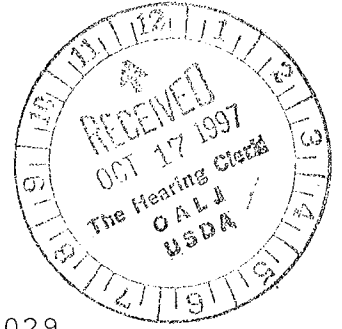


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No. 97-0029  
)  
Hawaiian Airlines, )  
) Consent Decision  
Respondent ) and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

(a) Hawaiian Airlines, hereinafter referred to as the respondent, is a corporation with offices located at 3375 Koapaka Street, Suite G-350, Honolulu, Hawaii 96819.

(b) The respondent, at all times material herein, was a carrier as defined in the Act.

#### Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

(a) Handling animals in a manner that causes trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort;

(b) Failing to ensure that the name, address, and telephone number of the consignee of a dog or cat accepted for transport is provided by the consignee;

(c) Failing to certify in writing that any dog or cat accepted for transported has been offered food and water in the 4 hours prior to delivery to the respondent;

(d) Failing to transport animals in primary enclosure that are large enough to ensure that the animal has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position;

(e) Failing to ensure that no live dog or cat shall be placed in an animal cargo space that is not designed, constructed and maintained in a manner so as to protect the health and well-being of each live animal contained therein and to ensure their safety and comfort;

(f) Failing to securely attach required documents to the primary enclosure used to transport animals.

(g) Failing to attach food or water receptacles so that the receptacle can be filled from the outside of the enclosure without opening the door;

(h) Failing to register with APHIS every three years; and

(i) Failing to notify APHIS by certified mail to any address changes within ten days after making such a change.

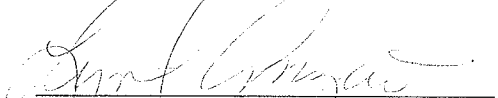
2. Respondent is assessed a civil penalty of \$5,000 which shall be paid by a certified check or money order made payable to the Treasurer of the United States.

3. The Respondent shall revise its training program for its employees, subject to the approval of APHIS, on the requirements contained in the Animal Welfare Act, Regulations and Standards on the acceptance and handling of animals for transportation. The revised training program shall be implemented within one year from the effective date of this Order. The Respondent shall submit the training program to APHIS for review by APHIS within 30 days of the effective date of this Order. APHIS shall send a letter to the Respondent indicating whether or not it approves of the revised training program.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

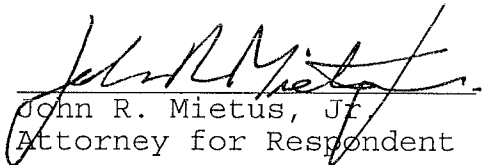
Hawaiian Airlines  
Respondent, by



(Name) Lyn F. Anzai  
(Title) Vice President, General  
Counsel & Corporate Secty.

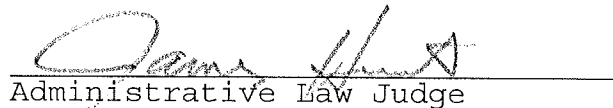


Sharlene A. Deskins  
Attorney for Complainant



John R. Mietus, Jr.  
Attorney for Respondent

Done at Washington, D.C.  
this 17th day of October, 199  



Administrative Law Judge