

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 98-0012  
Delta Air Lines, Inc., )  
Respondent ) Complaint

There is reason to believe that the respondent named herein has willfully violated the regulations and standards (9 C.F.R. § 1.1 et seq.), issued pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), herein referred to as the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

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A. Delta Air Lines, Inc., hereinafter referred to as the respondent, is a corporation with offices located at Hartsfield Atlanta International Airport, 1010 Delta Boulevard, P. O. Box 20706, Atlanta, Georgia 30320-6001.

B. The respondent, at all times material herein, was a registered carrier under the Act.

II

II

On July 19, 1996, at the Hartsfield-Atlanta International airport,, respondent placed six live animals in an animal cargo space which did not provide adequate ventilation and where the temperature was too high to ensure the health and well-being of

the animals. Respondent left the animals enclosed for approximately one and one-half hours when the flight was delayed due to the need to reload the baggage area. Respondent also placed other baggage too close to the animals. These actions are in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and sections 3.15(a), (b), (c), and (d) of the standards (9 C.F.R. §§ 3.15(a), (b), (c), and (d)), as to each animal. As a result of respondent's actions, three dogs were killed by suffocation and excessive heat and the remaining animals suffered harm.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding

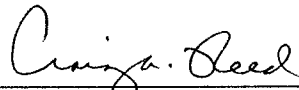
be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.  
this 5th day of March, 1998



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Administrator  
Animal and Plant Health  
Inspection Service

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