

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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THE UNITED STATES
DEPARTMENT OF AGRICULTURE

In re:) AWA Docket No. 99- 0025
)
)
TRANS WORLD AIRLINES, INC.,)
a Delaware corporation,)
)
Respondent.) COMPLAINT

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

JURISDICTIONAL ALLEGATIONS

1. Respondent Trans World Airlines, Inc., ("TWA") is a Delaware corporation whose business address is 515 North Sixth Street, St. Louis, Missouri 63101.
2. At all times mentioned herein, respondent TWA was registered as a carrier, as that term is defined in the Act and the Regulations.

VIOLATIONS OF THE REGULATIONS AND STANDARDS

1. On September 22, 1996, respondent TWA transported five live dogs from St. Louis, Missouri, to Portland, Oregon. Among them was a 6½-year-old Golden Retriever dog named "Quick". "Quick" died of hyperthermia during that transportation and while in the custody of respondent TWA. On September 22, 1996, the respondent willfully violated the Regulations and Standards as follows:
 - a. Respondent TWA failed to handle the animals, and in particular, "Quick," so as not to cause overheating, physical harm, or unnecessary discomfort, in violation of section 2.131(a)(1) of the Regulations (9 C.F.R. § 2.131(a)(1)).

b. Respondent TWA failed to ensure that the primary enclosures used to transport the animals, and in particular, “Quick,” were positioned in the primary conveyance so as to provide protection from the elements, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.14(e)(2) of the Standards (9 C.F.R. § 3.14(e)(2)).

c. Respondent TWA failed to maintain its animal cargo space so as to protect the health and well-being of the animals transported in it and ensure the animals’ safety and comfort, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and sections 3.15(a) of the Standards (9 C.F.R. § 3.15(a)).

d. Respondent TWA failed to ensure that animals in the cargo space had a sufficient supply of air, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.15(b) of the Standards (9 C.F.R. § 3.15(b)).

e. Respondent TWA failed to position the animals’ primary enclosures in a manner that allowed each of them enough air for normal breathing, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.15(c) of the Standards (9 C.F.R. § 3.15 (c)).

f. Respondent TWA failed to maintain an ambient temperature in the cargo area that ensured the health and well-being of the animals, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.15(d) of the Standards (9 C.F.R. § 3.15 (d)).

g. Respondent TWA failed to ensure that water receptacles were securely attached inside “Quick’s primary enclosure, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.16(c) of the Standards (9 C.F.R. § 3.16 (c)).

h. Respondent TWA failed to observe the animals, including “Quick,” during the time when the cargo space was accessible to ensure that the animals maintain an ambient temperature in the cargo area that ensured the health and well-being of the animals, in violation of section

2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.15(d) of the Standards (9 C.F.R. § 3.15 (d)).

2. Between March 23, 1998, and May 8, 1998, respondent TWA, in willful violation of section 2.125 of the Regulations (9 C.F.R. § 2.125), failed to provide to APHIS senior investigator Mark Westrich, within a reasonable time, information that Mr. Westrich had requested concerning the transportation by respondent of the dog known as “Quick” on September 22, 1996

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations 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:

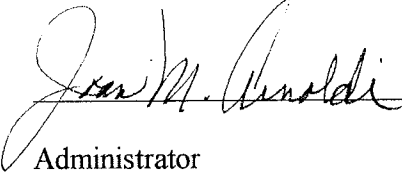
1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 8th day of June, 1999

A handwritten signature in cursive script, reading "Joan M. Arnoldi", is written over a horizontal line.

Administrator
Animal and Plant Health
Inspection Service

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