

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 99-0025 RECEIVED
)
TRANS WORLD AIRLINES, INC.,)
a Delaware corporation,)
)
Respondent.) CONSENT DECISION
) AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), 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).

Respondent admits the findings of fact below, and admits that the Secretary has jurisdiction in this matter. Respondent 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

1. Respondent Trans World Airlines, Inc., is a Delaware corporation whose business address is 515 North Sixth Street, St. Louis, Missouri 63101, and at all times mentioned in the complaint was registered as a carrier, as that term is defined in the Act and the Regulations.
2. On September 22, 1996, respondent TWA transported five live dogs, including a dog named "Quick," from St. Louis, Missouri, to Portland, Oregon. "Quick" died of hyperthermia during that transportation and while in respondent's custody. Respondent (a) failed to handle the

animals so as not to cause overheating, physical harm, or unnecessary discomfort; (b) failed to ensure that the primary enclosures used to transport the animals were positioned in the primary conveyance so as to provide protection from the elements; (c) 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; (d) failed to ensure that animals in the cargo space had a sufficient supply of air; (e) failed to position the animals' primary enclosures in a manner that allowed each of them enough air for normal breathing; (f) failed to maintain an ambient temperature in the cargo area that ensured the health and well-being of the animals; (g) failed to ensure that water receptacles were securely attached inside "Quick's" primary enclosure; and (h) failed to observe the animals 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.

Conclusions of Law

On September 22, 1996, on flight 173, respondent violated sections 2.100(b) and 2.131(a)(1) of the Regulations (9 C.F.R. §§ 2.100(b), 2.131(a)(1)), and sections 3.14(e)(2), 3.15(a), 3.15(b), 3.15(c), 3.15(d), and 3.16 (c) of the Standards (9 C.F.R. §§ 3.14(e)(2), 3.15(a), 3.15(b), 3.15 (c), 3.15 (d), 3.16(c)). Respondent having admitted the foregoing findings and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent is assessed a civil penalty of \$5,000.
2. 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, and in particular, shall cease and desist from failing to handle animals in transportation so as not to cause overheating, physical harm, or unnecessary discomfort, to maintain animal cargo

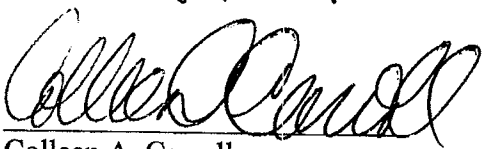
areas so as to protect the health and well-being of animals transported therein and ensure their safety and comfort, and to maintain an ambient temperature in animal cargo areas that ensures the health and well-being of animals.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

TRANS WORLD AIRLINES, INC.

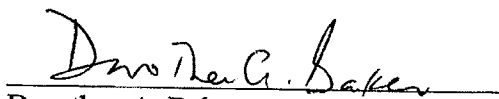
By Frederic J. Luchter

V.P. & Dpty Gen'l Counsel



Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 10th day of April, 2000



Dorothea A. Baker
Administrative Law Judge