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DEPT. OF TRANSPORTATION
DOCKETS

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September 27, 2002

Docket Management System
U.S. Department of Transportation
400 Seventh Street, SW., Room Plaza 401
Washington, DC 20590-0001

Re: Docket No. FAA-2002-13378 - Request for Extension of
Comment Period

Dear Sir or Madam:

This concerns the Notice of Proposed Rulemaking (NPRM) on Reports by Carriers on Incidents Involving Animals During Air Transport, published in the Federal Register September 27, 2002 (67 Fed. Reg. 61238). For reasons set forth herein, the Pet Industry Joint Advisory Council (PIJAC) hereby requests an extension of the comment period for an additional 60 days beyond the 30-day period set forth in the referenced NPRM.

PIJAC is the largest trade association in the United States, representing the entire pet industry, with membership running in the thousands. PIJAC's membership includes associations, organizations, corporations and individuals throughout the United States involved in the commercial pet trade, and entailing the breeding, import, export, distribution, wholesale and retail sale of companion animals. Air transport of numerous species of animals is a fundamental and integral aspect of such trade and, accordingly, PIJAC's members will be directly and substantially impacted by the proposed rulemaking. PIJAC requests that the Federal Aviation Administration (FAA) consider an extension of the comment period for the following reasons:

I. Although the FAA suggests in its notice that likely respondents are approximately 40 air carriers providing passenger air transportation services, the actual impact of the proposed rule is significantly greater. Cost increases, both direct and indirect, to persons shipping animals will affect commercial shippers of live animals represented by PIJAC, in addition to the thousands of others who ship animals for various purposes.

PET INDUSTRY JOINT
ADVISORY COUNCIL

1220 19th Street, N.W., Suite 400
Washington, DC 20036
Tel: 202-452-1525
Fax: 202-293-4377

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Aquaria, Inc, Moorpark, CA

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Segrest Farms, Gibsonton, FL

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W. Paul Norton (FTFFA)
Norton's Fisheries, Ruskin, FL

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**EXECUTIVE VICE-PRESIDENT
AND GENERAL COUNSEL**

N. Marshall Meyers

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Further, potential for government publication of private information (both commercial and noncommercial), implicit in the proposed rule, will affect thousands of citizens. The very limited timeframe provided for comment in response to the NPRM will effectively deny the opportunity for meaningful input by many, if not most, of the people affected by the proposed rule. This is particularly true where, as here, the agency received no input from affected parties in the formulation of its proposed rule.

II. No compelling reason, involving public health, safety or otherwise, necessitates urgent adoption of the proposed rule. Indeed, the FAA has elected to take more than 28 months to draft and publish its proposed rule for implementation of the reporting requirement contained in P.L. 106-181. This belies any notion that there may be an urgent need to adopt the regulation; rather, it supports our proposition that affected parties should enjoy a reasonable opportunity to respond to the NPRM. Certainly, a 90-day comment period is modest in response to a proposed rule having taken 28 months to develop.

III. A meaningful response by PIJAC necessitates analysis and input by our membership. Because PIJAC represents a significant number of entities who would be impacted by the regulatory provisions of the proposed rule, and communication to such members regarding the NPRM will entail written alerts distributed via mail, a 30-day comment period is clearly inadequate to assure FAA it may benefit from the views and information from this critical segment of the affected public.

For the reasons we have noted, supra, PIJAC believes a 60-day extension to the FAA's comment period on this NPRM is essential in order that the FAA may receive meaningful comment from affected parties. We believe that the FAA is not cognizant of the full implications of its proposal. This is likely due in part to the fact that no input from affected individuals was solicited in the process of crafting the proposed rule.

Respectfully Submitted,



By: N. Marshall Meyers
Executive Vice-President/General Counsel
Pet Industry Joint Advisory Council

Cc: Mr. James Whitlow