



Commemorating 40 Years
Of Disability Advocacy
1973-2013

June 13, 2014

A. J. North
Regulations Program
National Park Service
1849 C St. NW
MS-2355
Washington, DC 20240

Re: RIN 1024-AE06

On behalf of the Consortium for Citizens with Disabilities Veterans and Military Families Task Force, we are pleased to submit the following comments concerning the proposed rule published by the National Park Service [NPS] on April 18, 2014 which updates its definition of service animals and describes the circumstances under which service animals would be allowed in park property. CCD is a coalition of more than 100 national disability rights, advocacy, consumer, and provider organizations representing the nation's 54 million people with disabilities. This proposed rule is of significant interest to our many members and their families who visit our national parks each year.

As you know, it is Section 504 of the Rehabilitation Act which imposes on the federal government obligations parallel to those contained in the Americans with Disabilities Act [ADA]. The NPRM states it is the policy of the NPS to "align its regulations with the ADA and make NPS facilities, programs and services accessible to and usable by as many people as possible, including those with disabilities." The NPRM goes on to reference revised regulations for the ADA issued by the Department of Justice [DoJ] on September 15, 2010 that defined a service animal as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability." The NPRM also references DoJ regulations permitting the use of miniature horses as service animals as long as their presence does not result in a "fundamental alteration to the nature of the programs, activities, or services provided." These animals would be allowed into all NPS areas accessible to the public or employees unless a park superintendent determines that their presence in a specific area would constitute a threat to the health or safety of people or wildlife.

Also consistent with the DoJ regulations, the NPS would require that the service dog or miniature horse must be "individually trained to do work or perform tasks for persons with disabilities." The NPRM goes on to state that animals used "solely for comfort or

emotional support would not be considered a service animal” and would be subject to regulations governing pets, which are generally excluded from national park properties.

The task force is pleased that the NPS has taken these steps to harmonize its regulations with the ADA and believes that, overall, the proposed rules should ensure that people with disabilities who rely on the identified service animals will be able to enjoy better access to the national park system. At the same time, we wish to draw the attention of NPS to Congressional action taken in 2011 that expanded the authority of the Department of Veterans Affairs [VA] to provide service dogs for veterans with mental illnesses, including post-traumatic stress disorder [38 U.S.C. 1714(c)(3)]. The DoJ regulations explicitly identify service animal work tasks associated with mental illness and PTSD – “Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.” However, we are concerned that the truncated statement in the NPRM excluding as pets any animals used for “comfort” or “emotional support” could lead some park system officials to deny entry to animals providing legitimate services to veterans – and others - with hidden disabilities such as PTSD. The CCD task force would encourage the NPS to include the example statement from the DoJ regulations as part of its final rule to avoid any confusion on the part of those administering national parks.

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