



October 5, 2023

Roxanne Mullaney, D.V.M.
Deputy Administrator
Animal Care
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

Via e-mail: Roxanne.C.Mullaney@usda.gov; ac.complaints@usda.gov

Dear Dr. Mullaney:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally—to respectfully request swift action from the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) against EGYPTAIR (USDA Certificate No. 21-T-0107) for its failure to safely and securely transport a shipment of rescued cats from Cairo to New York, resulting in the escape of five cats, the death of at least one cat, and additional suffering among the survivors.

According to reports and photographs that True Hearts for Healing Paws Rescue shared with PETA, EGYPTAIR flight 985 violated the federal Animal Welfare Act (AWA) and several of the Animal Welfare Regulations (AWR). Here's a brief history of the flight:

- Thirty-seven cats, including kittens, were scheduled to be transported on a flight from Cairo International Airport. EGYPTAIR required that the animals arrive 12 hours before departure (4:30 p.m. EEST on Thursday, September 28).
- The flight was scheduled to depart at 4:34 a.m. EEST on Friday, September 29. When the crates of cats and kittens were being loaded into the plane, an incident caused several crates to fall. Three of them were so severely damaged that animals escaped. One crate contained a blind cat named Angus, and the other two had two kittens each.
- Angus and the two kittens were eventually found. Angus was held inside the airport for several hours, without medical attention, and died as a result. His body was not released to the rescue organization, so the exact cause of death cannot be determined.
- As of this writing, the other two kittens who escaped at the airport haven't been found.
- The cats who did not escape at the Cairo airport arrived at John F. Kennedy International Airport on Friday, September 29, at 8:48 a.m. ET. Most of the crates arrived damaged, several with duct tape holding them together or giant holes. Please see the attached photographs. Several of the food and water containers had flipped up so that they were empty and inaccessible to the cats.

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OF ANIMALS

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- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

- That day, New York City experienced intense rain, resulting in flash flooding. EGYPTAIR reportedly unloaded the crates with cats and left them exposed to the rain. When one of the rescuers arrived, she moved the crates under an awning. Nonetheless, the attached photographs show that the rain resulted in wet cats, flooded food bowls, and destroyed paperwork on the crates.

We believe the transport of these cats failed to comply with the following AWRs.

1. Failure to accept animals more than four hours before scheduled departure

Section 3.14(a) of the AWRs states:

Carriers and intermediate handlers must not accept a dog or cat for transport in commerce more than 4 hours before the scheduled departure time of the primary conveyance on which the animal is to be transported.

EGYPTAIR required that the rescue group in Cairo deliver the animals to the airport 12 hours before the scheduled flight departure, thereby violating the regulation.

2. Failure to refuse shipment of animals in unsafe primary enclosures

Section 3.14(d) of the AWRs states:

Carriers and intermediate handlers must not accept a dog or cat for transport in commerce in a primary enclosure unless the primary enclosure meets the requirements of § 3.15. A carrier or intermediate handler must not accept a dog or cat for transport if the primary enclosure is obviously defective or damaged and cannot reasonably be expected to safely and comfortably contain the dog or cat without causing suffering or injury.

EGYPTAIR proceeded with shipping 32 cats, even though many crates were obviously damaged and could cause injuries or allow for escapes. See the photos in exhibit A.

3. Failure to safely contain the cats

Section 3.15(a) of the AWRs states:

Primary used to transport dogs and cats must be constructed so that ... (1) The primary enclosure is strong enough to contain the dogs and cats securely and comfortably and to withstand the normal rigors of transportation; (2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the animal contained in it; (3) The dog or cat is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animals nearby; (4) The dog or cat can be easily and quickly removed from the enclosure in an emergency.

The crates of cats that arrived at JFK had significant damage, presumably from the incident during loading at Cairo. Many were duct-taped shut, had protruding sharp edges or holes large enough for the cats to put parts of their bodies through or even escape, and clearly were not strong enough to be used to transport the animals safely and securely. Many, if not all, of the crates were zip-tied shut, preventing the quick removal of cats in case of an emergency. See the photos in exhibit A.

4. Failure to secure accompanying documents and records

Section 3.15(h) of the AWRs states:

Shipping documents that must accompany shipments of dogs and cats ... must be securely attached in a readily accessible manner to the outside of any primary enclosure that is part of the shipment, in a manner that allows them to be detached for examination and securely reattached, such as in a pocket or sleeve.

After the arrival at JFK, the paper shipping records on the crates were damaged, torn, and otherwise illegible due to water damage. See the photos in exhibit B.

5. Failure to provide access to food and water

Section 3.17(d) of the AWRs states:

Food and water receptacles must be securely attached inside the primary enclosure and placed so that the receptacles can be filled from outside the enclosure without opening the door. Food and water containers must be designed, constructed, and installed so that a dog or cat cannot leave the primary enclosure through the food or water opening.

Several crates that arrived at JFK had food dishes filled with water or that were flipped up so that food or water was inaccessible to the cats. See the photos in exhibit C.

6. Failure to arrange veterinary care for cat in obvious physical distress

Section 3.18 of the AWRs states:

(b) the carrier must observe the dogs or cats whenever they are loaded and unloaded and whenever the animal cargo space is otherwise accessible to make sure ... that all other applicable standards of this subpart are being complied with. The carrier must determine whether any of the dogs or cats are in obvious physical distress, and arrange for any needed veterinary care as soon as possible.

EGYPTAIR was responsible for ensuring that the loading of these cats was in accordance with AWA regulations. It was also responsible for ensuring that Angus received veterinary care as soon as possible, but it neither arranged for veterinary care nor allowed the local rescue coordinating the shipment to assess his health status.

7. Failure to provide shelter from rain at JFK airport

Section 3.19(e) of the AWRs states:

Shelter. Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) holding a live dog or cat in an animal holding area of a terminal facility must provide the following: Shelter from rain or snow. Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

Additionally, Section 3.20(2) of the AWRs states:

Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) who moves (including loading and unloading) dogs or cats within, to, or from the animal holding area of a terminal facility or a primary conveyance must do so as quickly and efficiently as possible and must provide the following during movement of the dog or cat: Shelter from rain and snow. Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

The crates of cats unloaded at JFK from the EGYPTAIR plane were then left outside in the rain, without shelter, until one of the rescue groups receiving some of the cats arrived and brought them under an awning. Many cats became very wet and were likely cold. See the photos in exhibit D.

8. Failure to avoid causing physical harm and distress to the cats

Section 3.20(b) of the AWRs states:

Any person handling a primary enclosure containing a dog or cat must use care and must avoid causing physical harm or distress to the dog or cat.

EGYPTAIR's improper handling of the crates at the Cairo airport led to the death of Angus. It also caused distress to the four kittens who escaped, two of whom are still missing and may be injured or dead. Every cat whose crate came crashing down in this incident was obviously distressed, at a minimum, and many more were likely harmed because of the lack of access to food and water or the sharp protrusions of the shattered crates.

The violations documented in this shipment are deeply concerning. EGYPTAIR has recently begun shipping nonhuman primates by the hundreds from overseas, including a reported shipment of 540 endangered long-tailed macaques that arrived the very next day at JFK, raising further concerns. The airline has demonstrated that it can't ship animals safely and reliably.

We ask that you immediately investigate and bring the full scope of your authority to bear in addressing the many failures of EGYPTAIR's shipments of live animals.

Thank you for your attention to this urgent matter. If you have any questions, please contact me at KathyG@peta.org.

Sincerely,

A handwritten signature in black ink that reads "Kathy Guillermo". The signature is written in a cursive, flowing style.

Kathy Guillermo
Senior Vice President
Laboratory Investigations Department
PETA

EXHIBIT A













EXHIBIT B



EMER NO 177-234-0688
JFK 32
11

Kate

EMER NO 177-234-0688
JFK 32
11

Kate







EXHIBIT C





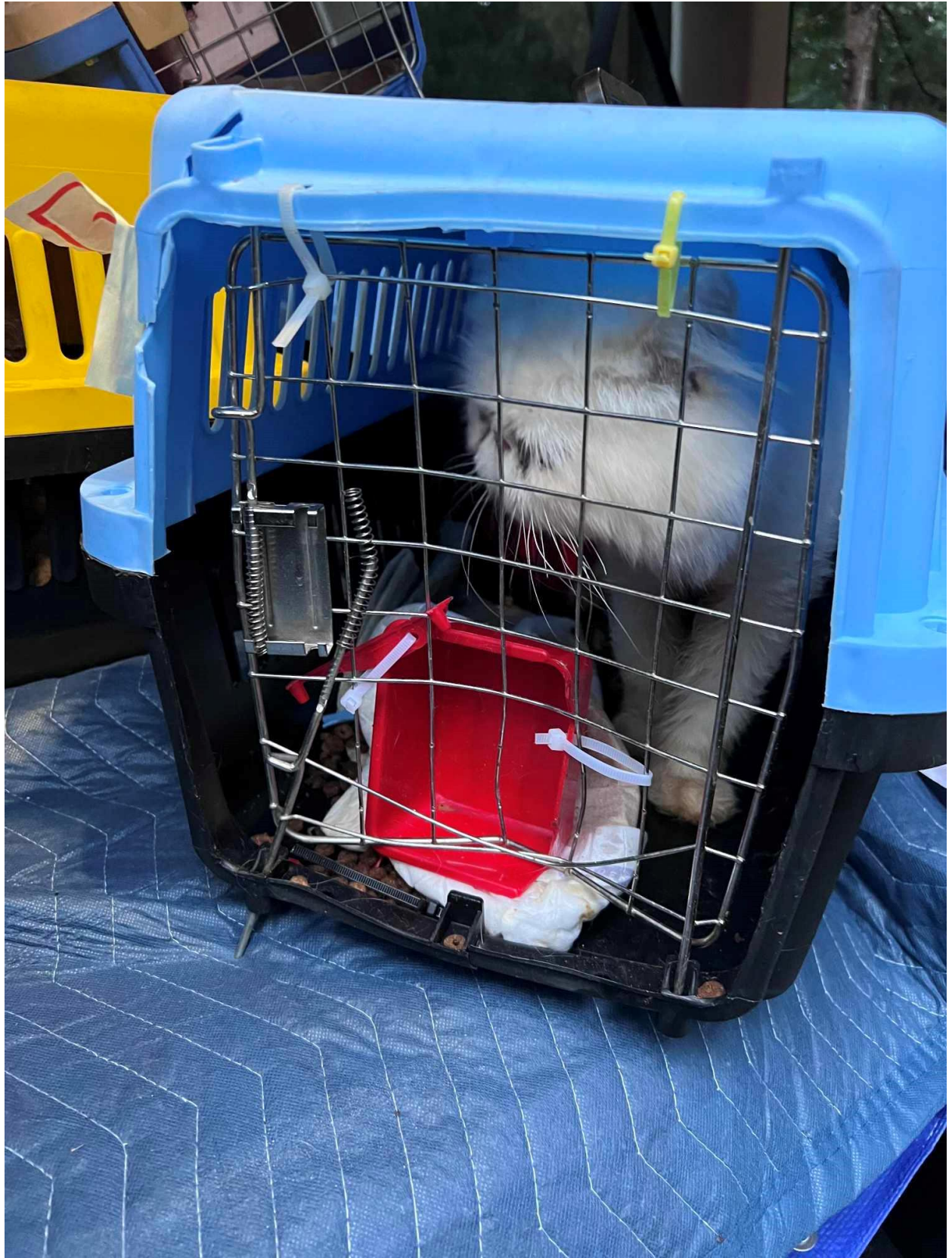




EXHIBIT D



