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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Continental Airlines, Inc.,) AWA Docket No. 07-0198
Respondent) Consent Decision
) and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(hereafter "AWA" or "Act"), by an amended complaint filed by the Administrator, Animal and Plant Health Inspection Service ("APHIS"), United States Department of Agriculture, alleging that the respondent 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).

The respondent admits the jurisdictional allegations in paragraph 1 of the amended complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, 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 Continental Airlines, Inc., is a Delaware domestic corporation that holds a certificate of authority to transact business in Texas, and whose agent for service of process is CT Corporation System, 1021 Main Street, Suite 1150, Houston, Texas 77002.

2. At all material times alleged herein said respondent was registered as a carrier as that term is defined in the Act and regulations issued pursuant to the Act. The respondent's registration number under the Act is 74-T-0016.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. 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 issued thereunder, and in particular, shall cease and desist from:

- a. failing to transport animals in enclosures that are strong enough to contain the animals securely and comfortably within the enclosure and that can withstand the normal rigors of transportation;
- b. failing to transport dogs and cats in enclosures that are constructed so that a dog or a 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;
- c. failing to handle animals in a manner that avoids causing them physical harm and distress; and
- d. failing to ensure transport enclosures are properly marked with "Live Animals."

2. The Consent Decision and Order will resolve all matters currently pending with the Animal and Plant Health Inspection Service involving violations of the Animal Welfare Act and the regulations and standards issued under the Act occurring prior to September 1, 2009.

3. Respondent is assessed a civil penalty in the amount of \$35,000 of which \$25,000 shall be paid by a certified check or money order made payable to the Treasurer of the United States. The civil penalty shall be sent to Sharlene Deskins, USDA OGC Marketing Division, 1400 Independence Ave., S.W., Mail Stop 1417, Washington, D.C. 20250-1417.

4. The remaining civil penalty of \$10,000 shall be held in abeyance provided that the

Respondent complies with the conditions as listed in this paragraph.

a. The Respondent shall provide training to all of its employees that handle animals and its contractors in the proper handling of animals transported by the Respondent as provided for in the Animal Welfare Act, 7 U.S.C. §§ 2131-2159 and the standards issued pursuant to the Act (9 C.F.R. Part 3) or any superseding standards.

b. The Respondent will obtain prior approval of the Respondent's training program from the Complainant. The Respondent shall provide copies of the training material as well as other necessary documents or information to APHIS for approval on or before January 5, 2010. APHIS shall notify the Respondent if it approves of the training program or if it does not approve, it shall notify the Respondent of the changes that must be made in order for APHIS to approve of the training program.

c. Upon receipt of approval of the training program material from Complainant, Respondent will conduct the training and provide verification to Complainant. In order to verify that the Respondent provided appropriate training, the Respondent shall make available to APHIS a list from each airport, signed by the appropriate Continental employee who is responsible for ensuring that Continental employees and its contractors handling animals receive adequate training, certifying that the appropriate employees and contractors were trained in accordance with the training program approved by APHIS. All documentation shall be sent to Dr. Robert Gibbens, Western Regional Director, USDA/APHIS/AC, 2150 Centre Avenue, Bldg. B, MS 3W11, Fort Collins, Colorado 80526. All training of Continental employees and its contractors shall be finished within six months after the date that APHIS approves Continental's training program.

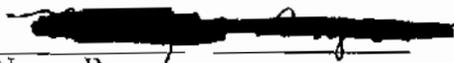
The provisions of this order shall become effective on the first day after service of this decision on the Respondent.

Copies of this decision shall be served upon the parties.

CONTINENTAL AIRLINES, INC.
Respondent, by



Mike Henning
Attorney for Respondent

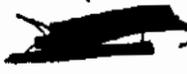
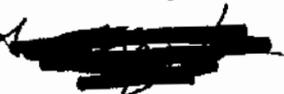


Nancy Bryson
Holland & Hart LLP
Attorney for Respondent

Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 1 day of Sept, 2009

Jill S. Clifton
Administrative Law Judge