

August 17, 2005

The Honorable Michael Chertoff  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Chertoff:

I am writing on behalf of the American Public Health Association (APHA) to bring to your attention an issue of deepest concern to our members. APHA is our nation's oldest, largest and most diverse organization of public health professionals, dedicated to protecting all Americans and their communities from preventable, serious health threats. We were alarmed to learn that on July 6, 2005, Immigration and Customs Enforcement (ICE) officials misrepresented themselves as Occupational Safety and Health Administration (OSHA) officials as part of a sting operation at Seymour Johnson Air Force Base in North Carolina. Construction workers were lured to a meeting under the false pretext of a mandatory safety meeting where 48 workers were arrested and placed on a fast track for deportation.

While we understand the challenges faced by ICE in accomplishing its mission during these troubled times, we believe this action was both inappropriate and counterproductive. It will significantly damage the credibility of OSHA and undermine citizen confidence in government. By making workers fearful of attending workplace safety programs it will set back our efforts to prevent injury and death on the job. This is a national goal, which we have worked tirelessly with employers, unions and government agencies, to ensure.

Immigrant workers, whether documented or undocumented, are at greater risk for occupational injury and fatality than their native-born counterparts. In the past decade the fatality rate for immigrant workers has increased more than forty percent. This situation is especially serious because immigrant workers in this country are vulnerable to discrimination and fear tactics. Even documented immigrants are reluctant to come forward to report unsafe conditions in the workplace for numerous reasons, including fear of deportation. OSHA has recently increased its efforts to reach out to immigrant communities to build relationships based on trust. The tactics taken by ICE

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will seriously harm these efforts. This action also has the serious potential to undermine your efforts to ensure the biosecurity of our nation, as well, by driving underground individuals who may be exposed to infectious diseases or prohibiting the occupational health personnel from providing critical preventive services that protect all Americans from new and deadly infectious diseases.

Sting operations of this type have the serious potential to damage national efforts to prevent workplace illness and injury, to improve access to health care services, and to protect the public health. These are longstanding concerns of APHA and we are writing to you to request that you take broad and prompt action to ensure this does not happen again. In addition, we ask that you adopt and publicize department policy prohibiting ICE from misrepresenting itself as OSHA or other public health and safety agencies in future operations.

We thank you in advance for your support of our request.

Sincerely,

Georges C. Benjamin, MD, FACP  
Executive Director