

U.S. Department of Labor

Bureau of Labor Statistics
2 Massachusetts Ave., N.E.
Washington, D.C. 20212



Dear Employer,

As the operator of a commercial enterprise of a federally-recognized Indian tribe, we ask that you complete the enclosed mandatory Survey of Occupational Injuries and Illnesses. All American employees, including employees of federally-recognized tribes, are afforded the protection of the Occupational Safety and Health Act. The Act includes language that charges the Secretary of Labor to "develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics." The Survey of Occupational Injuries and Illnesses, conducted by the Bureau of Labor Statistics, is part of this data collection program and is approved under OMB No. 1220-0045. The exclusion from the Survey of the commercial enterprises of federally-recognized Indian tribes is inconsistent with the mission of the Bureau of Labor Statistics with regard to the Occupational Safety and Health Act.

We are authorized to collect this information under the Occupational Safety and Health Act's General Duty Clause. This is consistent with the Supreme Court's decision in *FPC v. Tuscarora Indian Nation*, 362 U.S. 99, 116 (1960), which declares that "a general statute in terms applying to all persons includes Indians and their property interests."

We believe that it is in the best interests of American workers to publish data that accurately represent the covered population of our survey requests. Your response will help improve the quality of our survey results, making the data more useful to all Americans. Please complete the enclosed mandatory survey for the employees of the establishment described on the address label on the form.

If you have questions regarding your participation in our survey, please call the State agency telephone number listed on the front page of the form.

Sincerely,

Marika Litras
Assistant Commissioner
Office of Safety, Health, and Working Conditions
Bureau of Labor Statistics