



October 24, 2025

Mr. Frank Meilinger  
Director, Office of Communications  
United States Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

RE: Opposition to OSHA's Proposed Rule Narrowing the General Duty Clause [Docket No. OSHA-2025-0041]

Dear Mr. Meilinger:

The Association of Farmworker Opportunity Programs (AFOP), representing nonprofit organizations across the United States dedicated to providing job training and safety education to farmworkers, submits this letter to express strong opposition to the Occupational Safety and Health Administration's (OSHA) proposed rule titled "Occupational Safety and Health Standards; Interpretation of the General Duty Clause: Limitation for Inherently Risky Professional Activities" (Docket No. OSHA-2025-0041), and to the associated deregulatory measures that would weaken OSHA's enforcement authority.

AFOP's member organizations serve some of the nation's most vulnerable workers: agricultural laborers who face daily risks from heat exposure, dehydration, pesticide contact, repetitive strain, and other serious hazards. Through federally supported programs, AFOP members provide both job-skills training and critical instruction in recognizing and preventing heat stress and related illnesses. The proposed narrowing of the General Duty Clause threatens to undermine these efforts by removing one of the few tools available to hold employers accountable for recognized, serious hazards that may not be covered by specific OSHA standards.

General Duty Clause is essential for protecting farmworkers.

The General Duty Clause (29 U.S.C. § 654(a)(1)) requires every employer to furnish employment and a place of employment "free from recognized hazards that are causing or are likely to cause death or serious physical harm." Historically, OSHA has relied on this authority to address serious dangers in workplaces where no specific standard yet exists or where existing rules do not adequately cover the hazard.

In the agricultural sector, where working conditions are highly variable and hazards numerous, this broad authority is indispensable. Many of the threats farmworkers face—such as extreme heat, prolonged sun exposure, repetitive physical strain, or exposure to chemicals—are not always regulated

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The National Federation of Farmworker Training, Employment and Service Organizations An Equal Opportunity Employer



by narrowly defined standards. In these circumstances, the General Duty Clause provides a vital safeguard, ensuring employers must take reasonable steps to prevent harm. Weakening this obligation would directly endanger agricultural workers and reduce employers' incentives to implement the safety practices AFOP promotes through its training programs.

Proposed carve-out for "inherently risky activities" undermines basic worker protection.

The proposed rule would prevent OSHA from citing employers under the General Duty Clause for hazards deemed "inherent and inseparable from the core nature" of a professional activity; hazards that, in OSHA's view, cannot be eliminated without "fundamentally altering" the work itself. While the stated intent is to clarify coverage for certain sectors, such as live entertainment or professional sports, the structure of the rule invites broader application and interpretation.

If adopted, this exemption could easily extend to other industries, including agriculture, where many tasks involve physical risk by nature. Employers could argue that the dangers of working in high heat, using sharp tools, or operating heavy machinery are "inherent" and therefore beyond their control. Such reasoning would erode one of the most fundamental principles of workplace safety: that employers must take feasible steps to reduce risks, even when those risks cannot be entirely eliminated.

Farm work is, by definition, physically demanding. Yet that reality does not absolve employers of responsibility for protecting their workers. Preventing heat stress, for instance, does not "alter" the work of harvesting—it simply requires reasonable precautions, such as providing water, rest breaks, shade, and acclimatization. By introducing the concept of "inherent risk" as a legal shield, the proposed rule risks signaling that basic, preventive measures are optional.

Consequences for heat stress prevention and farmworker safety.

AFOP's training programs, implemented nationwide by member organizations, are designed to teach farmworkers how to recognize and avoid heat stress, dehydration, and other heat-related illnesses. These programs reinforce the principle that both workers and employers share responsibility for identifying hazards and taking action to mitigate them. OSHA's current authority under the General Duty Clause supports this approach by holding employers accountable when serious, recognized hazards are ignored.

If the proposed rule is finalized, OSHA's ability to address extreme heat hazards—particularly in regions where no specific heat standard yet exists—would be sharply limited. Employers might interpret the change to mean that working in high heat is simply "part of the job," weakening the progress AFOP and its partners have made in preventing illness and death in the fields. For a workforce already facing high injury and fatality rates, any rollback in protection is unacceptable.

Broader implications for worker protection and regulatory enforcement.

AFOP views the proposed rule as a step backward for all workers who depend on OSHA to enforce a safe baseline of conditions. By narrowing the scope of employer responsibility, the rule may encourage complacency and reduce advances in safety measures. Over time, such a shift would not only expose workers to greater risk but also erode public confidence in the nation's workplace safety framework.

Agricultural workers, many of whom are immigrants and low-income earners, often have limited power to advocate for themselves or to refuse unsafe work. For this population, a strong OSHA presence—supported by a robust General Duty Clause—is often the only assurance that employers will be held accountable for maintaining safe conditions. Diminishing OSHA's authority in this area would leave these workers more vulnerable to preventable injury and illness.

Recommendations.

To protect the health and safety of farmworkers, AFOP urges OSHA and the Department of Labor to:

- Maintain the full scope of the General Duty Clause so that employers in all sectors, including agriculture, remain obligated to address recognized hazards, regardless of whether a specific standard exists.
- Explicitly exclude agriculture and outdoor labor from any definition of “inherently risky activities.” Agricultural hazards, including heat stress and chemical exposure, are well documented and subject to feasible control measures.
- Clarify that “inherent risk” does not exempt employers from implementing reasonable, evidence-based safety practices. Even when risk cannot be fully eliminated, employers have a duty to minimize harm.
- Engage farmworker-serving organizations in further consultation and analysis of how the rule would affect agricultural laborers, especially with respect to heat-related hazards.
- Prioritize the development of a federal heat-illness prevention standard that establishes clear, enforceable protections for outdoor and agricultural workers, thereby strengthening rather than weakening OSHA's authority.

AFOP respectfully urges the Department of Labor and OSHA to withdraw or substantially revise the proposed rule narrowing the General Duty Clause. Preserving this long-standing protection is essential to maintaining safe workplaces, especially for the nation's farmworkers who labor daily under challenging and often hazardous conditions.

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AFOP and its member organizations stand ready to assist OSHA in developing policies that strengthen, rather than dilute, the protections intended by the Occupational Safety and Health Act. The association welcomes continued collaboration and would be pleased to share insights from decades of experience training and protecting agricultural workers nationwide.

Thank you for your attention to this matter and for the Department's continued commitment to the safety of America's workforce.

Sincerely,



Daniel Sheehan  
Executive Director