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September 3, 2025
Department of Labor
Occupational Safety and Health Administration
Docket No. OSHA-2025-0041

Comments Submitted by the Center for Law and Social Policy (CLASP) on Proposed Rule
"Occupational Safety and Health Standards; Interpretation of the General Duty Clause: Limitation for Inherently Risky Professional Activities"

To whom it may concern,

CLASP vehemently opposes the Trump administration's efforts to modify or remove more than 25 "obsolete" employment regulations, particularly the proposed rule to limit the use of the General Duty Clause. This rule is notably harmful given that it would greatly reduce OSHA's ability to cite employers under the Clause for hazards deemed "inherent and inseparable"¹ from certain professions in high-risk sectors. The limitation of this standard will allow employers to overlook known hazards in the workplace without requiring them to take reasonable steps to prevent or regulate the environment. We urge that you recognize the General Duty Clause as a crucial safeguard for OSHA's function of requiring employers to protect workers from serious hazards once they are aware of them. The key importance of this rule is that it provides a safety net for workers in potentially hazardous work environments beyond what OSHA's rules may specifically address.

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, nonprofit organization whose mission is advocating for policies that advance economic and racial justice. Founded more than fifty years ago, CLASP works to develop and implement federal, state, and local policies that reduce poverty, improve the lives of the working class, tear down barriers arising from systemic racism, and create pathways to economic security.

The General Duty Clause Is One of OSHA's Most Important Tools

Congress passed the Occupational Safety and Health Act of 1970 (OSH Act) to create new standards that make workplace environments safer. The Act established two federal agencies: the Occupational Safety and Health Administration (OSHA), which develops and enforces workplace safety and health standards, and the National Institute for Occupational Safety and Health (NIOSH), which investigates the causes

¹ Proposed Rule of July 1, 2025, *Occupational Safety and Health Standards; Interpretation of the General Duty Clause: Limitation for Inherently Risky Professional Activities*, Occupational Health and Safety Administration No. OSHA-2025-0041, <https://www.federalregister.gov/documents/2025/07/01/2025-12236/occupational-safety-and-health-standards-interpretation-of-the-general-duty-clause-limitation-for>

and treatments for occupational injuries and illnesses. OSHA is the fourth pillar of the US safety policy framework, alongside the legal system, state workers' compensation insurance schemes, and the labor market.

Given that employers already have autonomy over what is "essential" to a job and how to establish workplace standards, especially in nonunionized settings, the General Duty Clause is one of OSHA's most effective enforcement weapons to address the countless inconceivable dangers workers may face across industries. By giving OSHA the authority to address significant workplace dangers that are not covered by more focused rules, the clause serves as a vital safeguard for the agency's enforcement. Without the clause's wide safeguards, OSHA would be significantly less equipped to respond to developing risks or hold employers accountable for recognized hazards that lie within gaps in current regulations.

Many industries that employ millions of individuals in hazardous industries (manufacturing, construction, nursing, transportation, and more) benefit from the General Duty Clause, given the lack of holistic and explicit ergonomic standards on the books. Federal ergonomic laws can be difficult to interpret due to the complex nature of workplace safety regulations; thus, the Clause has allowed OSHA to cite employers that subject workers to ergonomic hazards in many cases. Since the passage of the OSH Act, OSHA has been able to [examine numerous motions](#)² in order to utilize the Clause within ergonomically risky environments, using both worker experience and research.

Because the OSHA standard-setting process is notoriously time-consuming and difficult, the general obligation clause has proven to be a useful gap filler for addressing crucial safety issues. Removing workers or occupations from the general duty clause has major consequences. In the absence of a specific OSHA regulation, many workers would have no workplace safety safeguards at all, including from hazards that their employer may prevent.

Workplaces Will Be More Dangerous Due to Handicapped OSHA Enforcement Power

Coupled with changes to the General Duty Clause, the loss of at least 90 percent of NIOSH's workforce will affect the development and flow of research information and the creation of up-to-date methodologies that keep people safe, essentially making an increase in injury and illness within the workforce inevitable. The lack of NIOSH expertise means that the agency will have little ability to counteract the existence of hazardous workplace environments outside of existing rules, and OSHA's ability to defend the scientific foundation of existing rules will be limited.

Since its adoption, the OSH Act has saved the lives of at least [700,000 workers](#)³ and reduced worksite mortality by [nearly two-thirds](#)⁴, despite the fact that the US workforce has more than doubled. Regardless, despite decades of progress, far too many workers continue to face substantial risk of injury, sickness, or

² BHS Industrial Equipment. *Ergonomic Compliance with the General Duty Clause of the OSH Act*. July 20, 2015, <https://na.bhs1.com/blog/post/ergonomic-compliance-with-the-general-duty-clause-of-the-osh-act>

³ Rebecca L. Reindel, Ayusha Shrestha, Chenay Arberry, *Death on the Job: The Toll of Neglect, 2025*, AFL-CIO, 2025, <https://aflcio.org/reports/dotj-2025>

⁴ Occupational Safety and Health Administration. *All About OSHA*, 2020, <https://www.osha.gov/sites/default/files/publications/OSHA3302.pdf>

death. In addition to severe injury and occupational illnesses that kill around [140,000 workers](#)⁵ each year, up to 7.8 million workers are injured or sick at work each year.

Data shows that reducing workplace safety regulations will disproportionately put elderly workers, workers of color, and immigrants in danger. [Over 33% of workplace deaths](#)⁶ in 2023 were among workers ages 55 and older, with immigrants accounting for 67% of those murdered on the job. Black and Latinx workers are more likely to suffer fatal injuries on the job, with Latinos having the highest fatality rate.

[The proposed rule](#)⁷ draws on previous U.S. Supreme Court judgments addressing the "major questions doctrine," which holds that agencies lack the jurisdiction to regulate on subjects of "economic and political significance" without unambiguous congressional authorization. It implies that these decisions push the Labor Department to reconsider the scope of the OSH Act since a hypothetical future agency may pursue enforcement in a way that would involve "policy-sensitive judgments." This raises concerns about how the Labor Department may be exploiting the doctrine to seek regulatory reforms that lack proper policy justification.

The General Duty Clause must be understood as a foundational part of our worker safety system. It provides a baseline rule that employers have to protect their workers from known and preventable hazards when OSHA standards do not dictate specific and necessary safety protocols. The protection and enforcement of this clause safeguards hundreds of thousands of workers, and its weakening is a clear threat to occupational safety.

Please reach out to Lshewan@clasp.org with questions or for more information.

Sincerely,
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⁵ Reindel et al., *Death on the Job: The Toll of Neglect*, 2025

⁶ Reindel et al., *Death on the Job: The Toll of Neglect*, 2025

⁷ Docket No. OSHA-2025-0041