

Congress of the United States
Washington, DC 20515

August 8, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump,

We write to express our strong concerns regarding the nomination of Eugene Scalia to be Secretary of Labor. We believe Mr. Scalia's consistent record of opposing workers' rights disqualifies him from heading the Department designed to protect American workers. We urge instead that you put forward a nominee who will improve working conditions across the United States, defend workers' rights, and raise the standard of living for working people.

Mr. Scalia's record on issues directly relevant to the Department's work is extremely alarming. Several examples illustrate Mr. Scalia's patent hostility towards efforts to protect workers' health and rights:

- Mr. Scalia fiercely opposed a Clinton administration regulation to protect workers from repetitive stress injuries and issues like carpal tunnel syndrome, arguing "that ergonomic regulation will force companies to give more rest periods, slow the pace of work and then hire more workers (read: dues-paying members) to maintain current levels of production."¹
- Mr. Scalia represented UPS in its efforts to defeat lawsuits brought by UPS employees under the Americans with Disabilities Act in two cases during the 1990s and 2000s. In one case, "UPS employees claimed that the company had refused to let them return to work after they had suffered on-the-job injuries because they were unable to perform all the responsibilities of their previous jobs. The workers argued that the company violated the Americans with Disabilities Act by not providing accommodations that would let them resume work."²

¹ Haberman, Maggie, Scheiber, Noam and Crowley, Michael. "Trump to Nominate Eugene Scalia for Labor Secretary Job." *New York Times*. July 18, 2019. <https://www.nytimes.com/2019/07/18/us/politics/eugene-scalia-labor-secretary.html>.

² Scheiber, Noam. "Trump's Labor Pick Has Defended Corporations, and One Killer Whale." *New York Times*. July 19, 2019. <https://www.nytimes.com/2019/07/19/business/economy/eugene-scalia-labor-lawsuits.html>

- Mr. Scalia represented SeaWorld after a killer whale killed trainer Dawn Brancheau in 2010. While the Occupational Safety and Health Administration determined “SeaWorld either knew or should have known that the whale posed a threat to humans and should have taken steps to protect trainers,” Scalia and his colleagues claimed “SeaWorld already had adequate safety measures in place, and that the trainers had accepted the risks inherent in their jobs and that it was their responsibility to manage these risks.”³
- Mr. Scalia represented Wynn Resorts in its efforts to force casino card dealers to split their tips with pit bosses. According to the attorney who represented the dealers, “The tips were really these workers’ livelihoods... They gave them the ability to live middle-class lives, and Scalia as counsel defended the company policy that took a portion of them away.”⁴
- On July 9, 2019, in an attempt to strike down a California law intended to protect its workers’ safety and health when working with toxic, flammable or explosive chemicals, Mr. Scalia filed a complaint against the California Occupational Health and Safety Standards Board in the Eastern District of California, on behalf of his client, the Western States Petroleum Association.⁵

America’s workforce needs a passionate advocate for their rights. Key priorities for working families are at stake – from the administration of the Family and Medical Leave Act, to the enforcement the Occupational Safety and Health Act, to the delivery of critical benefits. Mr. Scalia’s career opposing these priorities renders him unfit to hold the position designed to champion them.

We cannot hope to grow our economy and lift working families without a Secretary of Labor who will unflinchingly prioritize the interests of America’s workers. We urge you to nominate a qualified candidate who will support our workforce and uphold their rights.

We thank you for your attention to this matter and look forward to your prompt reply.

Andy Levin
Member of Congress

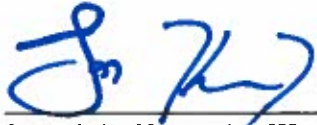
Sincerely,

Barbara Lee
Member of Congress

³ *Ibid.*

⁴ Stein, Jeff and Siegel, Rachel. “Eugene Scalia has defended Wall Street, Walmart and SeaWorld. Now he’s Trump’s pick for labor secretary.” *Washington Post*. July 19, 2019.
https://www.washingtonpost.com/business/economy/eugene-scalia-has-defended-wall-street-walmart-and-seaworld-now-hes-trumps-pick-for-labor-secretary/2019/07/19/6f2819f0-aa55-11e9-a3a6-ab670962db05_story.html?utm_term=.994c11a3bd79.

⁵ *Western States Petroleum Association v. The California Occupational Health and Safety Standards Board, et al.*, Eastern District of California, July 9, 2019, Case 2:19-cv-01270.



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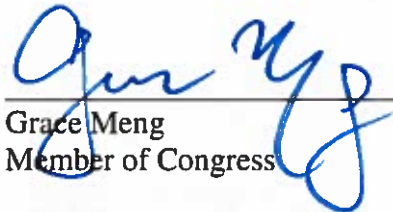
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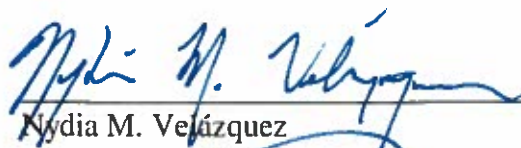
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