Dear Chairman Alexander and Ranking Member Murray,

As members of the BlueGreen Alliance, a coalition of the nation's largest labor unions and environmental organizations collectively representing millions of members and supporters, we urge you to oppose the confirmation of Eugene Scalia as Secretary of Labor. Mr. Scalia has built his career endangering, dismissing, and cheating American workers. His nomination is an offense to the Department of Labor (DOL), its mission, and our nation's workforce.

Mr. Scalia is a partner at Gibson, Dunn & Crutcher where he specializes in defending corporate clients on employment and labor law issues. Scalia has built his practice by sustaining an assault on government efforts to protect American workers and communities.

**Oil Refinery Safety at Risk**

In the wake of catastrophic refinery fires in Houston, Texas; Philadelphia, Pennsylvania; and Superior, Wisconsin, Mr. Scalia—rather than taking steps to improve the safety of the nation's refineries—has instead chosen to file lawsuits in both federal and state courts on behalf of Chevron, Shell, Phillips 66, PBF, BP, Valero, Marathon, and other refiners to obstruct the nation's first modern refinery safety regulations. These regulations were adopted in California in 2017, after a catastrophic explosion and fire in 2012 at the Richmond, California Chevron refinery, which nearly killed 19 refinery workers and caused 15,000 residents to seek medical attention for symptoms related to exposure to the smoke and fire gases. Another catastrophic explosion in 2015 at the ExxonMobil refinery in Torrance, California threatened a tank containing tens of thousands of pounds of hydrofluoric acid (HF). Given the 330,000 residents, 71 schools, and eight hospitals located within three miles of the plant, the U.S. Chemical Safety and Hazard Investigation Board (CSB) concluded that had the tank ruptured, the resulting HF release—which vaporizes when released from its container—had “the potential to cause serious injury or death to many community members.”

California's 2017 refinery safety regulations represent the nation's first successful update to refinery safety since 1992, and Mr. Scalia is going to court to stop them, despite the
continuing record of 150 major industrial chemical fires, explosions, and releases that occur each year, on average, in communities across the nation.

**Bulldozing Basic Workplace Protections**

In his legal practice, Mr. Scalia has focused on cynically attacking the safety and economic security of American workers and their families. For example, he has:

- Fought to overturn rules that require employers to pay for workers’ protective equipment, such as hardhats, respirators and gloves;\(^{ii}\)
- Fought OSHA for SeaWorld, arguing that the company did not need to follow OSHA regulations after a trainer was killed on the job by an Orca whale;\(^{iii}\)
- Stopped a Maryland law that would have required Walmart and other employers with more than 10,000 workers to spend 8% of payroll on their workers’ health insurance, or contribute to the state’s Medicaid fund;\(^{iv}\)
- Fought for Boeing against NLRB charges that the company illegally retaliated against striking workers in its unionized Seattle plant by transferring work to South Carolina; and\(^{v}\)
- Successfully led the U.S. Chamber of Commerce effort to stop OSHA’s ergonomic regulations, which would have protected millions of workers from disabling injuries caused by unsafe workplace design.\(^{vi}\)

Scalia’s virulent attack on the proposed Ergonomics Standard was enough to stop the Senate from confirming his 2001 appointment as solicitor of the Labor Department. President Bush later used a recess appointment to give him that job.

**Taking Us Back 100 Years**

Safety regulations are borne out of tragedy. They reflect “lessons learned” and seek, albeit imperfectly, to protect workers and communities from industrial hazards. The historical record illustrates that regulations also protect industry from its own excesses and shortsightedness.

From the fire exit rules that resulted out of the Triangle Shirtwaist fire of 1911 to California’s 2017 refinery regulations in the wake of the Richmond Chevron fire, safety is a thin line drawn out of public concern and shaped by public officials who respond to that concern with new laws and regulations. Mr. Scalia will be charged with enforcing those protections, including the Occupational Safety and Health Act, the Fair Labor Standards Act, the Family and Medical Leave Act and others that American workers and their families have come to depend on.

Mr. Scalia has devoted his career to demolishing these basic protections. The signatories to this letter urge you in the strongest possible terms to oppose his appointment.
Sincerely,

BlueGreen Alliance
International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART)
International Union of Bricklayers & Allied Craftworkers
Natural Resources Defense Council
Sierra Club
Union of Concerned Scientists
United Steelworkers Union
Utility Workers Union of America


