



September 23, 2019

Committee on Health, Education,
Labor & Pensions
United States Senate
Washington, DC 20515

Dear Senator:

On behalf of the 3 million members of the NEA who teach and support students in 14,000 communities across the nation, we appreciate the opportunity to provide comments for the committee's hearing on the nomination of Eugene Scalia as Secretary of the Department of Labor. We urge you to VOTE NO on this nomination. Votes on this issue may be included in NEA's Report Card for the 116th Congress.

The Department of Labor's mission is to "foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; to improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights." Eugene Scalia, however, has devoted his entire career to undercutting workers' rights, protecting corporations at the expense of employees and consumers, and threatening workers' retirement security.

Workers' rights. Mr. Scalia has:

- Represented businesses that threatened employees for attempting to organize a union, and, specifically, defended Boeing after it retaliated against employees for past strike activity by placing a manufacturing operation at a non-union facility;
- Opposed card check and the Employee Free Choice Act;
- Defended companies that have fired or in other ways retaliated against corporate whistleblowers.

Worker safety and OSHA protections. Mr. Scalia has:

- Opposed regulations intended to protect workers from repetitive stress injuries;
- Opposed what he calls "intrusive safety regulations," including those protecting workers against dangerous exposures to beryllium, a cause of disabling or fatal lung disease;
- Sought to narrow workers' protections under the Americans with Disabilities Act; and
- Sought to protect businesses from exposure to sexual harassment and sexual discrimination lawsuits.

Retirement security and consumer protection. Mr. Scalia has:

- Defended employers when retirement plan participants have been required to pay excessive administrative and recordkeeping fees, violating ERISA requirements of reasonable fees; and
- Defended overturning an Obama administration rule that required financial advisers to put their clients' interests ahead of their own in making recommendations.

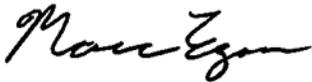
Recently, Mr. Scalia has even represented the e-cigarette industry in its efforts to market products to teenagers and argued against additional regulation of the vaping industry. His work directly conflicts with the administration's announced plan to crack down on teenage vaping, and is a threat to students' health. Studies have shown that young people are uniquely at risk from using e-cigarettes, which expose their developing brains to nicotine levels that can cause addiction, mood disorders, and affect concentration.

In addition, Mr. Scalia is a board member of several organizations that wish to reduce the role of teachers in determining how best to teach and support students in public schools, even though educators have the experience and expertise to make such recommendations. He is also a member of the board for the New Civil Liberties Alliance, which exists to reduce the role of the federal government in society—yet Mr. Scalia is the nominee to lead a federal agency.

While we are glad that Mr. Scalia has expressed a change of heart regarding his previous views on an ergonomics standard that would have protected workers from repetitive trauma disorders, that is not enough. We must protect the right to bargain collectively that enables workers to have a say on safety standards and the conditions of their workplaces. This right is also essential in enabling educators to advocate for their students. We must also protect retirement security, an important factor in recruiting and retaining the committed educators students deserve.

Lastly, America needs a Labor Secretary who will put the health and well-being of consumers—especially vulnerable youth, the workforce of the future—first. For these reasons, we strongly urge you to vote NO on his nomination to be the next Secretary of Labor.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan
Director of Government Relations
National Education Association