

Trump taps Eugene Scalia for secretary of labor

August 28, 2019

President Donald Trump officially nominated Eugene Scalia, son of the late Supreme Court Justice Antonin Scalia, for secretary of labor on Aug. 27.

If confirmed, Scalia would replace R. Alexander Acosta, who resigned July 19 amid renewed controversy over his involvement in convicted sex offender Jeffrey Epstein's plea deal in a 2008 sexual abuse case in Florida. Deputy Secretary of Labor Patrick Pizzella is leading DOL on an interim basis.

Before the Epstein controversy renewed, Acosta was reportedly drawing scrutiny from the White House about DOL's slower-than-desired pace of deregulation.

Scalia, a partner at the law firm Gibson, Dunn & Crutcher, has argued on the management side of some high-profile cases. One such case was on behalf of SeaWorld of Florida LLC against OSHA, after the death of killer whale trainer Dawn Brancheau in February 2010.

Four years later, the U.S. Court of Appeals for the District of Columbia Circuit ruled 2-1 in favor of OSHA, with current Supreme Court Justice Brett Kavanaugh as the dissenting vote.

Scalia also criticized OSHA's former ergonomics regulation in a 2000 published commentary for the Cato Institute, writing that the rule "would afford little benefit to workers because it is based on thoroughly unreliable science." The regulation was the first rescinded by the Congressional Review Act in March 2001.

Trump first announced his intention to nominate Scalia on July 18 in a Twitter post.

"Gene has led a life of great success in the legal and labor field and is highly respected not only as a lawyer, but as a lawyer with great experience," Trump wrote.

The National Employment Law Project voiced its concerns regarding the then-potential nomination the next day.

"Mr. Scalia has spent his entire career fighting for big businesses and against working people," the organization states in a press release. "He is a frequent opponent of the Department of Labor and its initiatives to try to improve the lives of the country's workforce. As his nomination is considered, the Senate should hold Mr. Scalia to the same standard we would any other nominee for this post – will he make it his mission to be a champion of the country's workforce?"

Scalia was the DOL's solicitor of labor in 2002 after a recess appointment. He served as special assistant to current Attorney General William Barr from 1992 to 1993, during Barr's first stint in that role.