

Film production company for *Rust* given wrist slap fine in death of Halyna Hutchins

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The New Mexico Occupational Health and Safety Bureau (OHSB) issued a Willful-Serious citation last week against Rust Movie Productions, LLC (RMP) for the avoidable death of cinematographer Halyna Hutchins and the severe injury of director Joel Souza on the set of the film *Rust* on October 21, 2021.

Hutchins, 42 years old, was a 2015 graduate of the American Film Institute Conservatory and considered a rising star in the industry. She was killed when actor Alec Baldwin, who was also a producer of the film, accidentally fired a prop gun while rehearsing a scene of the Western. Souza, 48, was wounded in the shoulder by the same bullet.

According to New Mexico state law, a citation is required to be issued within six months following a violation of the Occupational Safety and Health Act or related rules. The New Mexico Environmental Division (NMED), which oversees the state's occupational safety and health administration, issued the citation on the eve of the deadline.

In a statement, NMED Cabinet Secretary James Kenney said, "Our OSHA investigators determined that Rust Movie Productions, LLC failed in their obligation to provide a workplace free of recognized hazards. More specifically there were several management failures and more than sufficient evidence to suggest if standard industry practices were followed the fatal shooting of Halyna Hutchins and the serious injury to Joel Souza would not have occurred."

The investigation found that the film production company was guilty of "plain indifference to the recognized hazards associated with the use of firearms on set that resulted in a fatality, severe injury, and unsafe working conditions."

It further found that RMP claimed it would adhere to the Industry Wide Labor-Management Safety

Committee Safety Bulletin #1 "Recommendations for Safety with Firearms and Use of 'Blank Ammunition'" but did not do so on the set of the film.

Some of the most egregious violations included not having daily safety meetings; bringing live ammunition onto the set; pointing a weapon at someone without appropriate preparation and consultations; leaving firearms unattended; loading firearms before a scene was to be shot.

According to the investigation, less than a week before the tragic accident, there were two misfires of guns on the same day and both were dismissed by management. However, "[C]rew members verbally expressed their surprise and discomfort with Rust management's lack of action regarding the worksite safety issue.'

The report further states, "When the Armorer (who is in charge of all firearms on a set) had used most of their contractually limited "Armorer Days," they were issued a written instruction to focus less on their Armorer tasks and spend more time assisting the Props Department. When the Armorer expressed a need to ensure actors be able to safely handle a firearm with a holster, they were told by the Line Producer that the Armorer would be informed if that was necessary. When the Armorer was scheduled to train the stunt crew on firearms safety, she was told that the Stunt Coordinator would handle that instead."

In other words, Armorer Hannah Gutierrez-Reed, who was only working on her second film, was forced to do two jobs for eight days during filming. Her complaints and the complaints of others were ignored. "We cited everything from lack of payment for three weeks, taking our hotels away despite asking for them in our deals, lack of COVID safety, and on top of that, poor gun safety! Poor on-set safety period!" one worker

recalled.

The film was an ultra-low-budget production, and management clearly cut corners to save money to wrap up the film more quickly and boost profits. But this was sanctioned by the International Alliance of Theatrical Stage Employees (IATSE), which allows low-budget productions to hire nonunion workers and pay wages below the prevailing rate.

The tragedy in New Mexico occurred just four days after IATSE announced a last-minute deal with the Alliance of Motion Picture and Television Producers (AMPTP) to prevent a strike by 60,000 film and TV production workers. Rank-and-file workers were determined to overturn the union-backed concessions which allowed unbearable conditions to prevail across the industry, such as those which led to the tragic accident in New Mexico. This included workdays of 14 hours or more; one person doing the jobs of two or more, lack of breaks, lack of meal breaks and long commutes, to name a few.

The contract IATSE pushed through did nothing to alleviate these issues. In fact, the majority of IATSE members voted down the sellout, but the union used its undemocratic electoral system to ratify it anyway.

As the WSWS pointed out at the time, “After workers rallied behind a strike vote of 98 percent, IATSE called off the strike and told the press it had struck a ‘Hollywood Ending.’ Workers were then presented with a deal which did not significantly increase turnarounds between shifts, did not guarantee lunch breaks, left dangerous levels of exhaustion on set in place, did not grant rights to streaming revenues and left pay increases well below the current rate of inflation.”

While New Mexico authorities found the production company guilty of endangering the lives of the film crew, the citation they issued included a civil penalty of only \$136,793, which, according to a press release from the NMED, is the “maximum fine allowable by state law in New Mexico.”

Criminal investigations are still underway, but RMP as a corporation will not be held criminally liable, and as a Single Purpose Entity, RMP will also most likely not be held liable for the pittance they have been fined.

The slap wrist fine for the death of a worker and injury of another provoked outrage among film and TV workers.

As one commentator in the Crew Stories Facebook group noted, “that’s the budget for catering on wrap day for a ton of big productions.”

Another stated, “I’ve held a camera build worth more than that.”

Many others made note that New Mexico puts a very small value on human life.

“Corporations don’t go to jail,” another said. “They get a crappy little fine and are told to move on to the next victim. Movies, coal mining, construction, factory work. Families are free to sue but unless they have money and a lot of time to wait for it’s still too little too late. I feel for the family. I hope they get Justice I’m afraid that won’t happen.”

The government may well yet find a worker or even a middle manager to scapegoat for this crime. The conditions that entertainment workers are forced to endure will continue, with future loss of life, until workers take the conduct of their struggle out of the hands of IATSE and build new, democratically controlled organizations to defend their lives, living standards and working conditions. This means building rank-and-file committees in opposition to the labor-management bodies that do the bidding of the industry, and the fight for workers’ control over the pace and hours of work, health and safety.

Are you a film or TV production worker? Contact us to discuss conditions at your site and how to build rank-and-file committees.



To contact the WSWS and the Socialist Equality Party visit:

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