

SANTA FE – Halyna Hutchins' family will finally see some form of justice after the New Mexico Environment Department's Occupational Health and Safety Bureau released the results of its imagination.

On April 20 OHSB released the results of its investigation into the workplace fatality that occurred on the set of "Rust" on Oct. 21.

The report concludes that Rust Movie Productions, LLC management knew that firearm safety procedures were not being followed on set and demonstrated plain indifference to employee safety by failing to review work practices and take corrective action.

Rust Movie Productions, LLC was issued a Willful-Serious citation that includes a civil penalty of almost $137,00. This is the highest level of citation and maximum fine allowable by state law in New Mexico.

Rust Movie Productions, LLC was cited for the 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.

While the film industry has clear national guidelines for firearms safety, Rust Movie Productions,

LLC failed to follow these guidelines or take other effective measures to protect workers. Rust Movie Productions, LLC's documents indicate that it would follow the Industry Wide Labor-Management Safety Committee's Safety Bulletin #1, "Recommendations for Safety With Firearms and Use of 'Blank Ammunition" but failed to adhere to these guidelines on set.

The guidelines require live ammunition "never to be used nor brought onto any studio lot or stage," that safety meetings take place every day when firearms are being handled, and that employees "refrain from pointing a firearm at anyone" except after consultation with the Property Master, Armorer or other safety representative, such as the First Assistant Director. By failing to follow these practices, an avoidable loss of life occurred.

"Our investigation found that this tragic incident never would have happened if Rust Movie Productions, LLC had followed national film industry standards for firearm safety," Environment Cabinet Secretary James Kenney said in a press release published on April 20. "This is a complete failure of the employer to follow recognized national protocols that keep employees safe."

OHSB administers the Occupational Safety and Health Administration program in the State of New Mexico. This civil investigation was conducted pursuant to 50-9-17 NMSA, which requires OHSB to issue a citation within six months following the occurrence of any violation of the Occupational Health and Safety Act or rules. OHSB's authority is to evaluate actions of the employer to determine if the Act was violated.

The Santa Fe County Sheriff's Office and Santa Fe County District Attorney are conducting independent investigations into the fatality. The criminal investigation is ongoing and unrelated to the citation.

Under federal requirements, Rust Movie Productions, LLC has 15 business days after receiving the citation to either pay the penalty and provide OHSB with certification of corrective action, or to contest the citation with the Occupational Health and Safety Review Commission. Should the production of this film resume in the future, Rust Movie Productions, LLC is required to abate the violations referred to in this citation before resuming operations.

"Employees should speak up about unsafe workplace conditions or report them anonymously to

us," OHSB Bureau Chief Robert Genoway said.. "As a reminder, it is illegal for any employer to retaliate against any employee who alleges a workplace safety violation."

Staff Reports