

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

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*The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.*

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**Rust Movie Productions issued 'Willful' citation for Halyna Hutchins' avoidable death on set**

*Rust Movie Productions, LLC receives maximum citation for plain indifference to recognized hazards associated with use of firearms on set*

**SANTA FE** — The New Mexico Environment Department's Occupational Health and Safety Bureau (OHSB) on Wednesday released the results of its investigation into the workplace fatality that occurred on the set of "Rust" on Oct. 21, 2021. 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 \$136,793 civil penalty. 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," said **Environment Cabinet Secretary James Kenney**. "This is a complete failure of the employer to follow recognized national protocols that keep employees safe." To view the Secretary's full video statement, [click here](#).

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 today's 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,” said **OHSB Bureau Chief Robert Genoway**. “As a reminder, it is illegal for any employer to retaliate against any employee who alleges a workplace safety violation.”

Employees in New Mexico can report a workplace health and safety concern by using our [online form](#) or sending the complaint via email at [complaints.osha@state.nm.us](mailto:complaints.osha@state.nm.us). You can also report workplace safety concerns by calling 505-476-8700 (or toll-free at 1-877-610-6742). An employee can request that their identity remain confidential.

The investigation encompassed 1,560 hours of staff time, 14 interviews, and review of 566 documents. The inspection citation and report are available [here](#).

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# INDUSTRY WIDE LABOR-MANAGEMENT SAFETY COMMITTEE

## SAFETY BULLETIN #1

### RECOMMENDATIONS FOR SAFETY WITH FIREARMS AND USE OF "BLANK AMMUNITION"

**BLANKS CAN KILL. TREAT ALL FIREARMS AS THOUGH THEY ARE LOADED. "LIVE AMMUNITION" IS NEVER TO BE USED NOR BROUGHT ONTO ANY STUDIO LOT OR STAGE.**

These guidelines are intended to give recommendations on the safe handling, use, and storage of firearms. Firearms include prop guns, rubber guns, plastic guns, non-guns, flintlock guns, pistols, machine guns, rifles, and shotguns that shoot "**Blank Ammunition.**"

**The Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) will be the individual acting in the interest of the Producer for obtaining, maintaining and handling all firearms for the production. He/she will work in conjunction with the production's designated Safety Representative to assure that the following standards are adhered to.**

Before any use of a firearm in a rehearsal and/or on-camera sequence or off-camera use, all persons involved must be thoroughly briefed at an on-site SAFETY MEETING where the firearms will be used. This meeting shall include an "on-site walk through" and/or "dry-run" with the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**, designated production representative, and anyone that will be using and/or handling a firearm. An understanding of the intended action, possible deviations, plans to abort, emergency procedures, and chain of command should be made clear.

No one shall be issued a firearm until he or she is trained in safe handling, safe use, the safety lock, and proper firing procedures. If there are any questions as to the competency of the person who will use the firearm, **the Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** shall determine if additional training is required.

A **SAFETY MEETING** for the cast and crew shall be conducted. If there are any questions as to the safety of firearms being used in the sequence or if any changes are made from the original sequence, another **SAFETY MEETING** shall be held.

Additionally, this Bulletin should be attached to the call-sheet each day firearms will be used.

## **GENERAL SAFE USE AND HANDLING OF FIREARMS**

1. Refrain from pointing a firearm at anyone, including yourself. If it is absolutely necessary to do so on camera, consult the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** or other safety representative, such as the First A.D./Stage Manager. Remember that any object at which you point a firearm could be destroyed.
2. **NEVER place your finger on the trigger until you're ready to shoot.** Keep your finger alongside the firearm and off the trigger.
3. **KNOW** where and what your intended target is.
4. **DO NOT** engage in horseplay with any firearms.
5. **NEVER** discharge a firearm when the barrel is clogged. The **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** should inspect the firearm and barrel **before and after every** firing sequence.
6. **UTILIZE** all safety devices until the firearm is ready to be used.
7. **NEVER** lay down a firearm or leave it unattended. Unless actively filming or rehearsing, all firearms should be safely secured.
8. **ONLY** a qualified person shall perform hand loading or altering factory loaded blank ammunition to work on firearms (either licensed or experienced). Check with local, state and federal regulations to see if a specific license is required.
9. **NO PERSON** is to be coaxed, coerced, or otherwise forced into handling a firearm.
10. The **jamming of firearms** or any malfunctions must be reported immediately to the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**. Do not attempt to adjust, modify, repair, or un-jam the firearm. Malfunctioning firearms should be taken out of service until properly repaired by a person qualified to work on firearms.
11. Protective shields, eye, and hearing protection or other appropriate Personal Protective Equipment (PPE) shall be issued and utilized by all personnel in close proximity and/or directly in the line of fire.

12. The Studio Safety and Security Departments are to be notified prior to any firearm use on studio property.
13. All personnel should remain a set safe distance from the weapon firing area (to be determined by the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production), Stunt Coordinator and/or designated Studio Safety Representative**) to ensure personal safety from blank debris and hot ejected blank casings.
14. All local, state and federal laws and regulations are applicable and can override these guidelines if they are more stringent.

**The Property Master (or, in his/her absence, a weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) is responsible for the following:**

1. Ensuring the control and distribution of all firearms on the set.
2. Ensuring that all firearms which will be used on the production (whether company owned, rented, or privately owned) are given to and are in possession of the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**.
3. The designation of experienced persons working under his or her immediate supervision to assist as necessary.
4. Their own qualifications for working with the type of firearms being used, the knowledge of their safe handling, use, and safekeeping, and familiarity with the "**BLANK AMMUNITION**" to be utilized.
5. Seeking expert advice if he or she is not familiar with the firearm to be used.
6. Ensuring current licenses and permits have been obtained for the possession and use of production firearms.
7. The knowledge of the applicable laws governing transportation, storage, and use of firearms and be in compliance with those laws.
8. The knowledge of and adherence to all manufacturers' warnings, expiration dates, storage, and handling procedures for "**BLANK AMMUNITION**" and firearms.

9. Ensuring that a sufficient amount of time has been allotted for training and rehearsal.
10. The ability to demonstrate prior knowledge of the safe handling of firearms and **"BLANK AMMUNITION."**
11. The personal loading of firearms or the personal designation of an experienced person working under his or her immediate supervision to load the firearms. Firearms are to be loaded just before they are used in a scene.
12. Ensuring that any actor who is required to stand near the line of fire be allowed to witness the loading of the firearms.
13. Using the lightest load of **"BLANK AMMUNITION"** consistent with the needs of the scene and advising the Director and other involved personnel.
14. The notification to all those present including the Sound Mixer, First Assistant Director and/or Stage Manager prior to any firing of **"BLANK AMMUNITION."**
15. The possession of all firearms except during actual filming or rehearsal. Afterwards, the **Property Master (or, in his/her absence, a weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** will **immediately unload** the **"BLANK AMMUNITION"** from the firearm.
16. Checking all firearms **before each use**. All firearms must be cleaned, checked and inventoried at the close of each day's shooting.
17. Ensure all firearms have been accounted for before personnel are allowed to leave the area. The Production Company needs to allow time in its shooting schedule for this procedure.
18. The utilization of replica or rubber prop guns whenever possible.
19. **Ensuring that an inspection is made of the set (location) and all spent "brass casings" and unspent "blank ammo" have been picked up and disposed of properly.**



## **SUMMARY OF INVESTIGATION**

### **INSPECTION**

1. On October 22, 2021, the Occupational Health and Safety Bureau (OHSB), a bureau within the New Mexico Environment Department (NMED), initiated an inspection of Rust Productions, LLC (Rust), at Bonanza Creek Ranch in Santa Fe County, New Mexico in response to a workplace fatality that occurred at approximately 1:47 PM on October 21, 2021. The New Mexico Film Office, which is part of the Economic Development Department (EDD), initially notified OHSB of the incident on the evening of October 21, 2021. OHSB was notified of a firearm-related incident occurring that injured two employees, with one succumbing to their injuries. OHSB assigned the inspection to Compliance Officer (CO) Lorenzo Montoya. The decedent was Halyna Hutchins, Rust Cinematographer. The second injured employee was Joel Souza, Rust Director.

2. Bonanza Creek Ranch, located in Santa Fe County, New Mexico, hosts locations utilized by movie and television productions for over 70 years, including an entire "Old West Town" with a saloon, jail, chapel, and other Western staples. The firearm incident occurred within the chapel at the southwestern edge of Old West Town.

3. On Friday, October 22, 2021, at approximately 12:30 p.m., I attempted to inspect the site, Bonanza Creek Ranch. When I arrived at the site, the three security guards present attempted to contact a representative of Rust by phone to confirm I would be allowed on site. The Company representative informed me that I would be allowed entry, but not be allowed to take pictures or conduct interviews until a warrant was acquired. After being denied the ability to inspect the site by the Sheriff's Office and the Company, I left.

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4. On October 24, 2021, following the Sheriff's Office releasing the site, Rust granted NMED access to inspect the site without a warrant.

5. On Monday, October 25, 2021, I conducted an opening conference and walkaround of the worksite, including the chapel. In attendance from NMED were CO Montoya, Compliance Supervisor Melissa Romero, and Assistant General Counsel Mia Napolitano. Representing Rust was Denise Stevens and Gabrielle Pickle, Line Producer. Also present was Jessica Hoffman, Field Representative of the International Alliance of Theatrical Stage Employees (IATSE) union. As a "Low Budget Contract" film, not all employees were union members, however, all employees were covered by a collective bargaining agreement with IATSE.

6. Following the walkaround on October 25, 2021, OHSB held the first closing conference outside the chapel with Gabrielle Pickle and Denise Stevens. I informed Rust representatives that OHSB would follow up to schedule employee interviews.

7. On March 18, 2022, I conducted a second closing conference with Ryan Smith, Producer, and Rust's legal representatives from Pillsbury Law including Derek Mayor, Tom Van Wyngarden, and Aaron Dyer. During the discussion, I explained that a citation related to safety practices on the use of firearms may be issued, and that abatement for such a citation would require an effective firearms safety program, which could include implementing and building upon the Industry Wide Labor-Management Safety Committee's "Safety Bulletin #1, Recommendations for Safety with Firearms and Use of Blank Ammunition".

**FINDINGS**

8. The firearm involved in the accident is a modern replica of a Colt .45 caliber revolver, "Long Colt" in style. Rust had 13 such revolvers for the production in total, from manufacturers Piette, Uberti, and Cimarron. In film, firearms are typically controlled by the "Props Department," with the individual





responsible for handling firearms and ammunition titled “Armorer” or “Weapons Handler.” The Armorer for this film was Hannah Gutierrez-Reed, and her immediate supervisor was Sarah Zachary, Props Master (or Property Master). Nicole Montoya, Props Assistant, provided support to Zachary and Gutierrez-Reed. The Rust Props Department was small, and for administrative purposes was placed under the “Art Department” headed by Bryan Norvelle, who provided support for Props but rarely worked with Zachary or Gutierrez-Reed.

9. Ryan Smith, Producer, was identified as overseeing the overall production. A management representative for Rust was Gabrielle Pickle, Line Producer, who directly hired individuals and crews, approved hours worked, and had authority to counsel or discipline employees in any department. Her immediate subordinate was Katherine “Row” Walters, Unit Production Manager, who shared similar authority. Also on the management team was Dave Halls, 1<sup>st</sup> Assistant Director and Safety Coordinator, who was the set manager and responsible for general workplace safety, who was peer in authority to Gabrielle Pickle and Row Walters.

10. Alec Baldwin, Actor and Producer, and Joel Souza, Director, negotiated with various producers to help create and fund the Rust project. Alec Baldwin’s authority on the set included approving script changes and actor candidates. Alec Baldwin handled the revolver and fired the round that struck and injured Halyna Hutchins and Joel Souza.

11. Hannah Gutierrez-Reed reported to Sarah Zachary for direction on daily tasks; Sarah Zachary reported to Bryan Norvelle; Bryan Norvelle reported to Row Walters; and Row Walters reported to Gabrielle Pickle. Due to the nature of her position as the sole Armorer for Rust, Hannah Gutierrez-Reed regularly corresponded with Gabrielle Pickle directly via text messages and emails. Hannah Gutierrez-Reed performed armorer duties such as demonstrating that a firearm was “cold” or “hot,” with Dave Halls. Dave Halls was also responsible for identifying and correcting hazardous conditions related to firearms safety.

12. As Armorer, Hannah Gutierrez-Reed was responsible for storage, maintenance, and handling of firearms and ammunition on set, and for training members of the cast who would be handling firearms. In

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accordance with Rust safety procedures and industry-recognized safety practice, the Armorer is required to be present whenever firearms are being handled and should have the authority to determine whether an individual requires additional safety training. However, Rust also required Hannah Gutierrez-Reed to perform the role of Props Assistant to Sarah Zachary when firearms were not in active use. In an email conversation that occurred on October 10, 2021, Gabrielle Pickle informed Hannah Gutierrez-Reed that she was allowed 8 paid days at the Armorer's rate in her contract to perform Armorer tasks, and the rest of her time was to be spent as a Props Assistant.

13. Rust ordered ammunition, with the intent to receive blank and dummy rounds, from PDQ Arm & Props, located in Albuquerque, New Mexico. The Property Master stated that Rust did not intend to have live rounds on the set. Live rounds may be distinguishable from dummy rounds by either a small hole in the brass cartridge (indicating that there is no powder), by a missing or dimpled primer at the bottom of the cartridge, or by shaking the round and hearing the distinct clatter of a BB within. Unless a round is removed from a storage box or firearm and inspected, it can't be verified as a dummy round.

14. On October 14, 2021, Gabriel Pickle emailed Hannah Gutierrez-Reed addressing Armorer and Key Assistant Props duties and stating, "...it has been brought to my attention that you are focusing far more on Armor and not supporting props as needed." In the same email, Ms. Pickle informed Ms. Gutierrez-Reed that the "Production and AD team have seen twice that there was a shotgun left unattended after a scene." Ms. Pickle went on to state that she needed "...some type of check in / out system put in place immediately." Ms. Gutierrez-Reed responded by email the same day stating that the Armorer job was "...a very serious job and since we've started I've had a lot of days where my job should only be to focus on the guns and everyone's safety." Ms. Gutierrez-Reed later in the same email stated, "there are working guns on set every day and those are ultimately going to be a priority because when they are not that's when dangerous mistakes can happen."

15. On October 16, 2021, there were two firearms misfires on the Rust set. In the first instance, Sarah Zachary inadvertently fired a blank round as she finished loading a .45 caliber revolver that was aimed at the ground. To return the hammer to the closed position and make the firearm safe, the operator must



hold the hammer and depress the trigger, guiding the hammer to the closed position deliberately. In the case of the first misfire, the hammer slipped from Ms. Zachary's thumb or fingers, likely resulting in the firing pin on the hammer striking the primer which ignited the powder, firing the blank round.

16. The second misfire on October 16, 2021, involved Blake Teixeira, Stunt Double for Alec Baldwin, and a lever action rifle of unknown make and model. It is not known how the misfire happened, as according to some statements he was alone in "the cabin", and others state he was not alone. Hannah Gutierrez-Reed stated that Blake Teixeira's only comment was "it just went off." Hannah Gutierrez-Reed described that it is probable the rifle fired by being placed onto the ground too roughly.

17. On October 17, 2021, Hanna Gutierrez-Reed sent a text message to Gabrielle Pickle stating, "Hey, we're on day 8 of Armor days. So if there's gunfire after this you may want to talk to the producers." Ms. Pickle replied the same day that there would be "No more trading (sic) days." Ms. Gutierrez-Reed then asked to clarify, "Training days?" Ms. Pickle responded, "Like training Alec and such."

18. On October 20, 2021, Lane Luper, 1<sup>st</sup> Assistant Camera, resigned citing safety concerns among other issues and stated in an email to Row Walters, "During the filming of gunfights on this job things are often played very fast and loose. So far, there have been 2 accidental weapons discharges and 1 accidental SFX explosive that have gone off around the crew between takes." Mr. Luper went on to state, "To be clear there are NO safety meetings these days. There have been NO explanations as to what to expect for these shots."

19. On October 21, 2021, Dave Halls handed the 0.45 caliber Colt revolver, loaded with what he assumed were dummy rounds, to Alec Baldwin. Mr. Baldwin aimed the revolver toward Halyna Hutchins and Joel Souza and a projectile was fired, striking Ms. Hutchins and Mr. Souza.



## **CONCLUSIONS**

20. As a result of the inspection, OHSB determined that Rust was responsible for a serious violation of the New Mexico Occupational Health and Safety Act (“the Act”). While no specific state or federal OSHA standards exist for firearms used in the film industry, it is clear both the employer and the film industry recognized the hazard associated with the use of firearms on movie sets, and the potential for serious injury to employees. Further, Rust demonstrated plain indifference to the safety of employees by ignoring recognized hazards inherent to the use of firearms and ammunition by failing to take appropriate corrective or investigative actions after two firearms-related incidents (misfires) occurred on October 16, 2021, and after employee(s) notified management that they did not feel safe with how weapons were being handled on set. Rust failed to follow company safety procedures, which likely would have prevented the accident from occurring.

21. Rust management did not ensure their own safety procedures, taken from film industry “safety bulletins” issued by the Industry Wide Labor-Management Safety Committee, were followed at the worksite. According to the “General Safe Practices” document provided by Rust, “...the following safety bulletins were taken into consideration during the course of production: ‘Recommendations for Safety with Firearms and Use of ‘Blank Ammunition’.’” Additionally, on January 7, 2022, Rust’s attorneys informed NMED that the Safety Bulletins used on set included “Recommendations for Safety with Firearms and Use of ‘Blank Ammunition’.” Rust’s use of procedures from Safety Bulletin #1, Recommendations for Safety with Firearms and Use of Blank Ammunition (Bulletin #1), and Rust’s failures to effectively implement those procedures, included the following:

- a. Bulletin #1: Page 1, The Property Master or Armorer will *“work in conjunction with the production’s designated Safety Representative to assure that the following standards are adhered to.”*



Failure to Implement: The standards listed in Bulletin #1 were not enforced by Rust managers and/or supervisors including but not limited to Sarah Zachary, the Property Master, and Dave Halls, the Safety Coordinator.

- b. Bulletin #1: Page 1, *“Live ammunition is never to be used nor brought onto any studio lot or stage.”*

Failure to Implement: Rust did not develop a process to ensure live rounds were not brought onto set, including failing to afford the Armorer time to thoroughly inventory ammunition.

- c. Bulletin #1: Page 1, *“Before any use of a firearm in a rehearsal and/or on-camera sequence or off-camera use, all persons involved must be thoroughly briefed at an on-site SAFETY MEETING where the firearms will be used. This meeting shall include an “on-site walk through” and/or “dry-run” with the Property Master (or ...), designated production representative, and anyone that will be using and/or handling a firearm.”*

Failure to Implement: Employees stated that while safety meetings took place, they were not conducted each day firearms were used on set, and often any mention about firearms was brief and not specific.

- d. Bulletin #1: Page 1, *“No one shall be issued a firearm until he or she is trained in safe handling, safe use, the safety lock, and proper firing procedures. If there are any questions as to the competency of the person who will use the firearm, the Property Master (or...) shall determine if additional training is required;”* and Page 3, *“9. Ensuring that a sufficient amount of time has been allotted for training and rehearsal.”*

Failure to Implement: Gabrielle Pickle instructed Hannah Gutierrez-Reed on October 17, 2021, that “no more trading(sic) days” would take place, “Like training Alec and such.” Rust management did not provide the Armorer (or Property Master) with the authority to determine if additional training was required, in violation of Rust safety procedures.



- e. Bulletin #1: Page 1, *“Additionally, this Bulletin should be attached to the call-sheet- each day firearms will be used.”*

Failure to Implement: During OHSB’s interview of Dave Halls, he referred to the safety bulletins, “...between the unions, between the Screen Actors Guild and IATSE, which represents the technicians, and the Directors Guild of America, there ... are what we call safety memos, you know, that -- that describe the protocols.” When asked if the safety memos were always attached to the call sheets, Halls responded, “No. They were not on our call sheets.”

- f. Bulletin #1: Page 2, *“7. Never lay down a firearm or leave it unattended. Unless actively filming or rehearsing, all firearms should be safely secured.”*

Failure to Implement: After instructing Hannah Gutierrez-Reed to focus more on her Props Assistant duties and less on Armorer responsibilities, Gabrielle Pickle then informed Hannah Gutierrez-Reed that “Production and AD team have seen twice there was a shotgun left unattended after a scene... We need all weapons to be in your control any time they are used.” Hannah Gutierrez-Reed explained conducting her Armorer duties and Props Assistant duties created a gap wherein actors or stuntmen put down a firearm and step away, leaving it unattended. Hannah informed Gabrielle that “It would slow production down terribly if we had to check them back in between scenes...” and “When I’m forced to do both, that’s when mistakes get made like the shotgun being unattended.” Gabrielle Pickle instructed Hannah Gutierrez-Reed to develop a check in/out system for weapons but did not follow-up to ensure weapons were secured and ignored Hannah Gutierrez Reed’s concerns about not being provided adequate time to perform Armorer duties.

- g. Bulletin #1: Page 2, *“1. Refrain from pointing a firearm at anyone... If it is absolutely necessary to do so on camera, consult the Property Master / or Armorer or other safety representative, such as the First A.D. / Stage Manager. Remember that any object at which you point a firearm could be destroyed.”*



Failure to implement: Lane Luper stated that many camera shots had the firearms pointed and firing at the camera. Halyna Hutchins and Joel Souza were injured when a firearm was pointed in their direction, with Hutchins' injury resulting in death. Rust management representative Dave Halls was present prior to and at the time the firearm discharged a live round, severely injuring two crew members. As Rust's top-level management safety official, Mr. Halls did not consult with the Property Master or Armorer during or after the firearm was loaded, handed to the actor, and pointed toward crew members in order to determine that pointing the firearm at persons was "absolutely necessary."

- h. Bulletin #1: Page 2, "*11...firearms are to be loaded just before they are used in a scene.*"

Failure to Implement: On the day Halyna Hutchins and Joel Souza were shot, the firearm was loaded and handed to Alec Baldwin during an informal rehearsal and prior to filming the scene involving the firearm.

22. Rust did not provide staff responsible for ensuring firearms safety with sufficient time to inspect ammunition received to ensure that no live rounds were present.

23. The first misfire, which occurred on October 16, 2021, presented a hazard to Sarah Zachary and any employees nearby. Rust failed to address the hazardous condition and reinforce adherence with their own protocols to protect workers.

24. Rust management, including Gabrielle Pickle and Row Walters, ignored concerns of firearm misfires on set according to statements taken by OHSB. Dave Halls, the Safety Coordinator, was present on set when the first accidental discharge occurred; Mr. Halls did not discuss the incident with staff, report the incident to Rust producers, review the incident as Safety Coordinator, ensure Sarah Zachary took appropriate actions with respect to safety protocols, or take any other corrective measures. According to employees interviewed, including Hannah Gutierrez-Reed, crew members verbally expressed their surprise and discomfort with Rust management's lack of action regarding the worksite safety issue.

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25. Rust initiated no investigative action for the second firearm misfire on October 16, 2021, beyond Hannah Gutierrez-Reed asking Blake Teixeira how it happened. Dave Halls was present during the incident and did not speak with either Hannah Gutierrez-Reed or Blake Teixeira. Lane Luper, 1<sup>st</sup> Assistant Camera, texted Row Walters informing her, "We've now had 3 accidental discharges. This is super unsafe." The third discharge involved a Special Effects "popper," which is a small explosive that simulates a bullet impact on a surface. Row Walters responded, "Accidental discharge on the firearms?" Luper responded, "Yeah 2 discharges today and 1 on week 1." Row Walters did not ask any additional questions to try to understand what had occurred. Despite being informed of the misfires, and that at least one employee expressed not feeling safe, Rust management took no corrective action.

26. Rust recognized the hazards associated with firearms and adopted safety bulletins that were designed to control and mitigate these hazards. Rust described these protocols as being enforced by the 1<sup>st</sup> Assistant Director, who is the Safety Coordinator. Ryan Smith, Producer, also stated during the Closing Conference that all members of cast and crew have stop-work authority. Despite this, no corrective, investigative, or disciplinary action was taken after the first and second firearms misfires by any member of management. Dave Halls, 1<sup>st</sup> Assistant Director and Safety Coordinator, was physically present and witnessed these misfires, and chose not to take any corrective, investigative, or disciplinary action. When the Unit Production Manager, Row Walters, was informed by the Props Master and the 1<sup>st</sup> Assistant Camera that weapons misfires had occurred, Walters did not initiate any corrective, investigative or disciplinary action in accordance with Rust's safety procedures.

27. When the 1<sup>st</sup> Assistant Camera resigned, informing management that there was an ongoing lack of firearms safe practices (among other labor issues) and that misfires had occurred, Rust management took no action to review or address worker safety concerns. When the Armorer 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.

28. The Employer, Rust Movie Productions, LLC, demonstrated plain indifference to the hazards associated with firearms by routinely failing to practice their own safety protocols, failing to enforce adherence to safety protocols, and failing to ensure that the handling of deadly weapons was afforded the time and effort needed to keep the cast and crew safe. Additionally, the Employer disregarded or otherwise did not follow-up, ask questions, or try to understand what happened when employees notified management about the misfire incidents and not feeling safe on set. The Safety Coordinator was present on set and took no direct action to address safety concerns. Management was provided multiple opportunities to take corrective actions and chose not to do so. As a result of these failures, Director Joel Souza and Cinematographer Halyna Hutchins were severely injured. Halyna Hutchins succumbed to her injuries on October 21, 2021.

### **RECOMMENDATIONS**

29. Based on the above findings, I recommend a Willful-Serious citation with penalties be issued to Rust Movie Productions, LLC, citing the plain indifference to the recognized hazards associated with the use of firearms on set, to which their employees were exposed.



## Citation and Notification of Penalty

To:  
Rust Movie Productions, LLC  
AND ITS SUCCESSORS  
502 S. Broad St.  
Thomasville, GA 31792

**Inspection Number:** 1560072  
**Inspection Date(s):** 10/22/2021-10/25/2021  
**Issuance Date:** 04/19/2022

**Inspection Site:**  
Bonanza Creek Rd., Bonanza Creek Ranch  
Santa Fe, NM 87508

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the Environment Department, Occupational Health and Safety Bureau at the address shown above. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, at the request of an employer, affected employee(s), or a representative of employees, the Bureau Chief or the Bureau Chief's designee may hold an informal conference. At this conference any issues raised by an inspection, citation, proposed penalty, proposed petition for modification of the abatement date or proposed petition for variance may be discussed. Please note that an informal conference will not suspend or extend the deadline for contesting the Citation and Notification of Penalty.

When the conference is requested by an employer, an affected employee or representative shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chief's designee. When the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee.

The request for an informal conference and the informal conference meeting shall not extend or modify in any manner:

1. an abatement date established in the citation;
2. the deadline for an employer to file a notice of contest;
3. any other filing deadline related to the citation; or
4. any matter pending before the bureau.

Once an employer files a notice of contest, a petition for modification of the abatement date, a request for a commission hearing, a petition for variance, or other filing with the Occupational Health and Safety Review Commission or the Environment Department, the opportunity for an informal conference is no longer available.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Bureau Chief in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. It is recommended that the Notice of Contest be filed via "Certified Mail".

**Penalty Payment** - Payment of penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to the Environment Department, Occupational Health and Safety Bureau. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions, conditions, or endorsements put on any check or money order for less than the full amount due and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations that you do not contest, you must notify the Compliance Program Manager that each cited violation has been abated. To certify abatement, you should complete the "Description of Corrective Action Taken" box which follows each citation and sign the statement on the last citation page. You are not required to certify abatement if the compliance officer observed that abatement has occurred during the on-site inspection. The citation may indicate that you should submit additional documentation such as photographs, purchase orders, copies of written programs, etc. Failure to return all completed forms and documents to the Compliance Program Manager no later than 10 days after the abatement date may result in additional penalties.

You are also required to inform your employees about abatement activities by posting a copy of each document submitted to OHSB or a summary of the document near the place where the violation occurred. Documents must remain posted for 3 working days after submission to OHSB.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Environment Department, Occupational Health and Safety Bureau at the address shown above.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Environment Department, Occupational Health and Safety Bureau at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau



525 Camino de los Marquez, Suite 3, P. O. Box 5469  
Santa Fe NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734

**Inspection Number:** 1560072  
**Inspection Date(s):** 10/22/2021-10/25/2021  
**Issuance Date:** 04/19/2022

**Citation and Notification of Penalty**

**Company Name:** Rust Movie Productions, LLC

**Inspection Site:** Bonanza Creek Rd., Bonanza Creek Ranch Santa Fe, NM 87508

Citation 1 Item 1 Type of Violation: **Willful-Serious**

50-9-5.A NMSA 1978: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to being struck by discharged rounds or projectiles when firearms were used on the set of the motion picture production.

This hazard was recognized by the employer and the film industry by way of "safety bulletins" published by the "Industry Wide Labor-Management Safety Committee," specifically, "Safety Bulletin #1, Recommendations for Safety with Firearms and Use of 'Blank Ammunition'."

Among others, one feasible and acceptable abatement method is to ensure that the provisions of the "Industry Wide Labor-Management Safety Committee," "Safety Bulletin #1, Recommendations for Safety with Firearms and Use of 'Blank Ammunition'," are fully implemented and effectively enforced by production management.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**May 13, 2022**  
**\$136,793.00**

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau



525 Camino de los Marquez, Suite 3  
Santa Fe NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734

**Inspection Number:** 1560072  
**Inspection Date(s):** 10/22/2021-10/25/2021  
**Issuance Date:** 04/19/2022

**Citation and Notification of Penalty**

**Company Name:** Rust Movie Productions, LLC  
**Inspection Site:** Bonanza Creek Rd., Bonanza Creek Ranch Santa Fe, NM 87508

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Citation 2 Item 1 a      Type of Violation: **Other-than-Serious**

NMAC 11.5.2.9

29 CFR 1910.157(e)(2): Portable extinguishers or hose used in lieu thereof under paragraph (d)(3) of this section shall be visually inspected monthly.

The Employer did not ensure that all portable fire extinguishers were subject to a monthly inspection to identify discrepancies or loss of function. An extinguisher had not been annually inspected since 2017.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

**Date By Which Violation Must be Abated:**

**May 13, 2022**

**Proposed Penalty:**

**\$0.00**

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau



525 Camino de los Marquez, Suite 3  
Santa Fe NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734

**Inspection Number:** 1560072  
**Inspection Date(s):** 10/22/2021-10/25/2021  
**Issuance Date:** 04/19/2022

**Citation and Notification of Penalty**

**Company Name:** Rust Movie Productions, LLC  
**Inspection Site:** Bonanza Creek Rd., Bonanza Creek Ranch Santa Fe, NM 87508

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Citation 2 Item 1 b      Type of Violation: **Other-than-Serious**

NMAC 11.5.2.9

29 CFR 1910.157(e)(3): The employer shall assure that portable fire extinguishers are subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less.

The Employer did not ensure that all portable fire extinguishers on set had received an annual maintenance check as required. The fire extinguisher on the Special Effects cart had not been checked since 2017.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

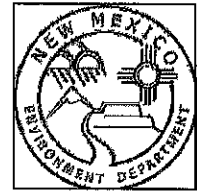
**May 13, 2022**  
**\$0.00**

I attest that all corrective actions contained in this document are accurate and affected employees have been informed of the abatement.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau



525 Camino de los Marquez, Suite 3  
Santa Fe NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734

**Inspection Number:** 1560072  
**Inspection Date(s):** 10/22/2021-10/25/2021  
**Issuance Date:** 04/19/2022

**Citation and Notification of Penalty**

**Company Name:** Rust Movie Productions, LLC  
**Inspection Site:** Bonanza Creek Rd., Bonanza Creek Ranch Santa Fe, NM 87508

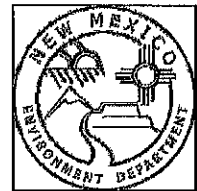
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**Robert Genoway**

Digitally signed by Robert Genoway  
Date: 2022.04.19 16:14:05 -06'00'

Robert Genoway, Bureau Chief

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau  
525 Camino de los Marquez, Suite 3  
Santa Fe NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734



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## INVOICE

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**Company Name:** Rust Movie Productions, LLC

**Inspection Site:** Bonanza Creek Rd, Bonanza Creek Ranch  
Santa Fe, NM 87508

**Issuance Date:** 04/19/2022

**Summary of Penalties for Inspection Number:** 1560072

Citation 1 Item 1, Willful-Serious	\$136,793.00
Citation 2 Item 1a, Other-than-Serious	\$0.00
Citation 2 Item 1b, Other-than-Serious	\$0.00

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**TOTAL PROPOSED PENALTIES:** **\$136,793.00**

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Please remit payment promptly to this office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: Environment Department, Occupational Health and Safety Bureau. Please indicate OHSB's Inspection Number (indicated above) on the remittance.

OHSB does not agree to any restrictions, conditions or endorsements put on any check or money order for less than full amount due and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Robert Genoway** Digitally signed by Robert Genoway  
Date: 2022.04.19 16:14:26 -06'00'

Robert Genoway, Bureau Chief

\_\_\_\_\_  
Date





Jason Bowles, J.D.\*

4811 Hardware Drive, N.E., Bldg D, Suite 5  
Albuquerque, New Mexico 87109

Telephone  
(505) 217-2680  
Facsimile  
(505) 217-2681

\*Licensed to practice law in New Mexico and Texas

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April 20, 2022

After OSHA's very comprehensive safety investigation involving numerous interviews and review of documents, it has concluded that production willfully failed to follow national gun safety standards, which caused this tragedy. OSHA found that Hannah Gutierrez Reed was not provided adequate time or resources to conduct her job effectively, despite her voiced concerns. Critically, OSHA also determined that production failed to call Hannah in to perform her armorer duties and inspect the firearm right before its use in the impromptu scene with Baldwin. As we have stated before, had anyone from Production called Hannah back into the church before the scene to consult with her, this tragedy would have been prevented. Hannah has also reached out to OSHA recently in an effort to provide her suggestions for changes and improvement of safety standards on sets to avoid a tragic incident in the future.

Jason Bowles  
Bowles Law Firm

&

Todd J. Bullion  
Law Office of Todd J. Bullion

*Attorneys for Hannah Gutierrez-Reed*