

**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. 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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