

THE ALLIANCE OF SPECIAL EFFECTS & PYROTECHNIC OPERATORS, INC.

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June 6, 2023

RE: Senate Bill 735 - Opposition
Motion Picture Productions: Safety: Firearms: Ammunition

To The California Assembly Committee on Labor and Employment:

We are writing as representatives of an international coalition of Special Effects professionals in the motion picture industry to voice their stark opposition to SB-735. The primary mission of the Alliance of Special Effects and Pyrotechnic Operators (ASEPO) is the promotion of safe practices throughout our craft and industry. As rank-and-file workers, we stand firmly on the side of safety. SB-735 is redundant, will produce no improvement on safety, and the mandates it seeks to evolve toward will lead to the loss of jobs and residents in California.

There are two overriding themes driving our opposition:

1. Respectfully, the Industry-Wide Labor-Management Safety Committee is much more qualified to develop and implement meaningful motion picture industry safety standards than a process involving political gamesmanship and compromise.
2. The unnecessary burdens that the ultimate goals this bill will levy upon productions will push more of them to other states, send our jobs and residents with them, and negatively impact California's economy.

Addressing the first theme, California is the safest place in the world to make motion pictures, second to none – an undeniable fact. Our motion picture industry has worked very hard over the past 40 years to implement comprehensive standards resulting in a vigorous culture of safety engrained into the rank-and-file workers employed here. The solutions developed and overseen by the Industry-Wide Labor-Management Safety Committee (LMSC) have evolved over four decades, and continue to evolve to be the most thoroughly comprehensive, yet adaptive safety program in the industry – one which many other regions model their operations after. We are very proud of that fact. It is also a reason many of us choose to work in California and not travel elsewhere for our work.

This legislation is unnecessary. Each and every production that this “pilot program” would apply to already follows a much more comprehensive safety program.

- Mandatory safety training for all employees:
 - Up to 33 specific safety courses that must be taken, and periodically renewed
 - Empowers workers to co-police themselves (employers maintain full liability)
 - Dramatically reduced occupational injuries/fatalities since implementation
- Seventy (70) highly comprehensive Safety Bulletins that must be followed:
 - Must be distributed with daily call sheets as related activities are expected
 - Reminds workers about specific hazards and protocols regarding such activities
 - They are adaptive; incidents lead to further improvements in the guidelines
 - Written in both English and Spanish
 - Freely available online worldwide
- Anonymous safety hotlines available:
 - Posted on call sheets, soundstage postings, and at csatf.org
- Already employs a professional safety coordinator or entire safety department:
 - Experienced with entertainment safety and are OSHA-30 trained
 - Reviews and assesses all planned activities in detail
 - Identifies risks and addresses them with mitigation measures
 - Places additional focus on potentially higher-risk activities
 - Coordinates with department heads and subject matter experts
 - Verifies mitigation measures are in place, with the authority to halt production
 - Visits sets and locations in person as deemed necessary
 - Assigns additional supervision as deemed necessary
- Our safety program also includes comprehensive firearms provisions:
 - The firearms provisions in this bill are already required practice
 - Several firearm provisions in the bill are already law

The effectiveness of these measures is evidenced by the data. According to the National Bureau of Labor Statistics and the California Department of Industrial Relations, the California motion picture industry is counted among the safest rated industries:

- 2019 fatalities for all industries nationwide – 3.6/100,000
- 2019 fatalities for all industries in California – 2.5/100,000
- 2019 fatalities in the film industry nationwide – 0.9/100,000

SB-735 was initially motivated by the tragic death of Halyna Hutchins on the set of “Rust” in New Mexico (2021). It is also influenced by the deaths of Sarah Jones on “Midnight Rider” in Georgia (2014) and Brandon Lee on “The Crow” in North Carolina (1993). The only firearms related fatality on a motion picture set in California was Jon-Erik Hexum forty years ago (1984) when he carelessly played Russian roulette with a blank gun. The Twilight Zone tragedy in 1982 prompted California’s commitment to a new safety regimen that evolved and successfully guides us today. Our local industry voluntarily took on that challenge, and the program has flourished. California can’t legislate away safety problems confronting other states. Rather, we offer the example that they should follow.

Regarding our second overriding theme of the negative impact SB-735 will have on our jobs and economy, we must address the additional and unnecessary burdens it ultimately aims to mandate upon our industry. Our safety departments are already staffed with industry professionals. They don’t need to be told how to follow our industry protocols or the labor laws. Requiring them to be present for the daily on-set

safety meetings ignores how we successfully operate. We already hold daily safety meetings on set, as well as at the beginning of a production, at new locations and operations, and whenever there are high-risk activities planned. Sometimes, our safety departments have a representative present, sometimes they don't. But there are others present who are also qualified to implement such meetings. This bill doesn't allow for such flexibility.

Requiring advisors to be assigned to only one show at a time will severely limit the reach of the better qualified safety professionals. If this legislation is eventually expanded to cover every production in the state, it would require the hiring of an army of thousands of safety "advisors". This is completely unrealistic. California is home to over 500 approved shooting facilities that are often at 95% capacity plus hundreds of other locations not pre-approved. Staffing all of them daily with truly qualified advisors would be impossible. It has been suggested that stunt coordinators and special effects coordinators would be an ideal source for such talent. Unfortunately, California already experiences a shortage of these professionals for the number of projects underway. Either the safety advisor qualification requirements will have to be reduced or productions will have to move elsewhere. And our jobs and residents will go with them.

And what about the smaller operations - student films, non-commercial hobbyist projects, documentaries, social media videos, smaller industrial videos, etc.? Many of these projects present virtually no risks to the crews. California has been the birthplace of many great filmmakers who worked on micro-budget shows in their early days – Ron Howard, James Cameron, Steven Spielberg, George Lucas, David Lynch, and so many more. Many of these opportunities will completely disappear, and with them, much of California's motion picture future.

Following the safety bulletin guidelines that are then elevated to the status of law will also impact employment numbers. Seemingly minor issues such as the level of atmospheric haze being used could put productions at risk of legal jeopardy. Special effects experts work to maintain recommended levels, but the environmental conditions can become fickle at times, making levels difficult to fully control. Even though they aren't at jeopardy personally, their employers who bear the liability could choose to forgo its use, and thus eliminate those jobs. This example is already playing out in Georgia. Such a scenario applies to every activity described within the scores of Safety Bulletins, regardless of the actual risk level. SB-735 claims it is not the intent of the bill to adversely impact the employment of craft employees, but an adverse impact on employment is exactly what will happen. The risk assessments and post production reports won't track this very important data point. Jobs will be lost.

The requirement for employers to pay for non-guild armorers to take training equivalent to Contract Services Administration Trust Fund (CSATF) Firearms Safety Course for the Entertainment Industry, which also must be approved by the LMSC, fails to understand how the guild system works. What applicant for a job as an armorer would dare ask a potential employer to pay to train them? It creates the impression of a lack of experience and won't happen; yet, how do they get that required training? Within the guild system, the employers share the expense of this training in advance of employment. Outside of the guild system, that doesn't work. Regardless of experience, they won't get hired unless they pay for the course themselves, assuming it's even available to them.

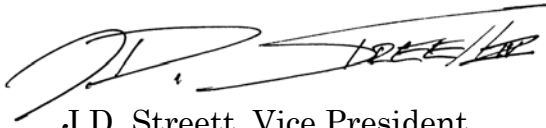
In conclusion, SB-735 is unnecessary, overly-burdensome, and a job killer for California. Our motion picture industry wrote the book on safety for the entertainment industry, and continues to add more chapters. We should support it, not constrain it. California's golden industry and its jobs depend on it.

Please vote NO on SB-735.

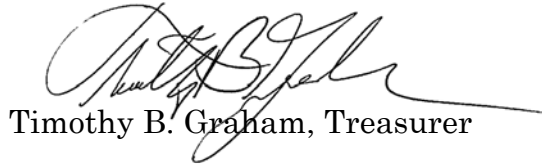
Thank you for your consideration.
The Alliance of Special Effects and Pyrotechnic Operators
Studio City, California



Jesse Noel, President



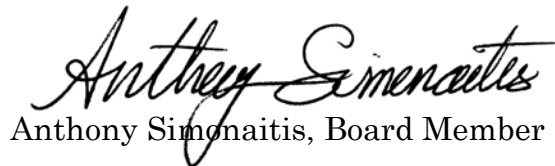
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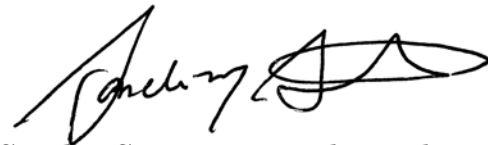
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