

Senate Bill 735

ENTERTAINMENT INDUSTRY BREAKDOWN

COMPLETED BY A.S.E.P.O.

Background

SB-831 (2022):

- ▶ October 21, 2021 – Rust accident in new Mexico; Halyna Hutchins dies
- ▶ California Sen. David Cortese immediately pens bill to ban all firearms and blanks from all motion picture sets – encounters resistance
- ▶ Sen. Cortese, in coordination with tax incentive lobbyists California IATSE Council (CIC), rewrites it as a general safety bill with firearms provisions
- ▶ January 3, 2022 – Cortese introduces bill as SB-831, co-sponsored by CIC
- ▶ January 14, 2022 – ASEPO informed of bill, discovers that L44 has pledged support without craft input
- ▶ Feb-Mar - ASEPO and L44 craft reps submitted opposition letters and live testimony to the Senate committees, and the bill was dead for the session (it's not clear if it was due to the opposition or other politics in play).

What's in SB-735

Made up of 3 main items:

- ▶ 1. All motion picture productions must hire a “qualified safety supervisor” to “be on set daily to ensure cast and crew are not engaged in or exposed to an environment or activity that puts workers’ health and safety at risk.”
- ▶ 2. Codifies specific requirements and procedures with motion picture firearm usage, but references Safety Bulletins 1 & 2 into California Law
- ▶ 3. Requires completion of a C.S. Firearms Safety Course or equivalent industry-wide, statewide, by anyone who works within “proximity” to firearms

FULLY OPPOSED

CONDITIONALLY OPPOSED
with concerns regarding
codifying of SB's

CONDITIONALLY OPPOSED
need to better define
“proximity”, and concerns
with codifying a Safety
Passport Course into Law

What's in SB-735

1. Safety Supervisor

Language:

9152.(a) An employer shall hire a qualified safety supervisor for all motion picture productions to perform a risk assessment to be completed in advance of principal photography of a feature, an episode of a series, or a program, and to be on set daily to ensure cast and crew are not engaged in or exposed to an environment or activity that puts workers' health and safety at risk.

(d) Production shall conduct a daily safety meeting on set, including, but not limited to, the meeting required in paragraph (4) of subdivision (a) of Section 9153. The safety supervisor shall participate in the safety meetings.

(e) The safety supervisor shall be present every day during production.

What's in SB-735

1. Safety Supervisor

ARGUMENT AGAINST:

- ▶ Overly burdensome to the industry and the economy
 - ▶ Will require hiring thousands of “qualified” supervisors to monitor every set and location in California daily. There may not be enough quality candidates to fill that many positions.
 - ▶ Over 500 production stages and facilities (95% occupancy) + other shoot locations not pre-approved
 - ▶ Each production can be huge, and include multiple locations (mills, propshops, rehearsal locations, base camps, multiple shoot units, special effects, etc...). One supervisor wouldn't be enough.
 - ▶ Unclear if required during construction and strike operations as well (when most accidents occur)
 - ▶ Competent qualified candidates require broad film/tv experience, understand crew specialties (grip, electric, property, special effects, stunts, VFX, camera, sound, ...), ask the right questions, make proper judgements, and write comprehensive analyses. The qualification standards in the bill are insufficient.
 - ▶ The current union model successfully includes expert safety professionals who oversee multiple shows' safety plans and implementation, and visit in person as deemed needed.

What's in SB-735

1. Safety Supervisor

ARGUMENT AGAINST:

- ▶ Ignores stellar motion picture industry safety statistics

2019 Fatalities for all industries nationwide: 3.6/100,000 *

2019 Fatalities for all industries in California: 2.5/100,000 † (60% of the National rate)

2019 Fatalities in the film industry nationwide: 0.9/100,000 *
(counted among the **safest** rated industries)

Latest firearm related fatality on a motion picture in California: 1984 (39 years ago)

* Bureau of Labor Statistics

† California Department of Industrial Relations

What's in SB-735

1. Safety Supervisor

ARGUMENT AGAINST:

- ▶ Ignores the basis of California's film industry safety success
 - ▶ Comprehensive safety training for all rank and file workers (33 courses overall)
 - ▶ Empowers workers to police themselves and each other, reducing need for direct monitoring
 - ▶ Dramatically reduced industry injuries and fatalities since implemented
 - ▶ Collection of about 60 periodically updated Safety Bulletins and guidelines
 - ▶ Included with all daily call sheets when applicable
 - ▶ Informs/reminds entire crew about particular hazards and protocols as they arise
 - ▶ Freely available online
 - ▶ Anonymous safety hotlines
 - ▶ Info posted on call sheets, safety bulletins, soundstage postings, and at csatf.org

What's in SB-735

1. Safety Supervisor

ARGUMENT AGAINST:

- ▶ Runaway productions
 - ▶ These unnecessary burdens will contribute to runaway productions from California
 - ▶ “Rust” was a runaway production in New Mexico
 - ▶ “Midnight Cowboy” was a runaway production in Georgia
 - ▶ Tax incentives
 - ▶ Lower wages (non-union, less experience crews)
 - ▶ Fewer regulations and restrictions (state oversight)
 - ▶ California can't legislate Laws for other states
 - ▶ But we can avoid chasing more productions out of our State

What's in SB-735

2. Codifying CSATF Training Course and Safety Bulletins

Language:

9153. (a)(4) As indicated in safety bulletins of the Industry-Wide Labor-Management Safety Committee, a safety meeting shall be conducted when firearms are involved in a scene.

(b)(2) ...a joint entertainment industry labor-management firearm safety training course certificate or equivalent recognized by the entertainment industry.

9155. (b) ...in the exceptions set forth in subdivision (a), all range safety rules, federal, state, and local laws, and Industry-Wide Labor-Management Safety Committee Safety Bulletin #2 shall be followed under the supervision of the armorer, property master, or designee.

What's in SB-735

2. Codifying CSATF Training Course and Safety Bulletins

CONDITIONAL OPPOSITION

- ▶ The references to “Safety Bulletins” and the “CSATF Firearms Safety Course” elevate their contents to Law, even as they are later modified.
- ▶ When such living documents ARE referenced into legislation (i.e. NFPA, ANSI, etc.), their development includes a public comment process, just as all legislation does. Although the Joint Labor-Management Safety Committee has representatives from multiple groups, they do not offer a comment process outside of the Committee.
- ▶ The State will lack any control over future changes to language within the Bulletins or Course, and in effect, the Law. Is this fundamentally poor legislative practice?

What's in SB-735

3. Entertainment Firearms Safety Course

Language:

9153. (b)(2) A joint entertainment industry labor-management firearm safety training course certificate or equivalent recognized by the entertainment industry.

9156. Every employer shall ensure that any employee responsible for handling, **or in proximity to**, firearms on set completes the Contract Services Administration Trust Fund (CSATF) Firearms Safety Course for the Entertainment Industry, or an equivalent training. This training shall be paid for by the employer and is not limited to crew or guild members.

What's in SB-735

3. Entertainment Firearms Safety Course

CONDITIONAL OPPOSITION – Industry-wide training is greatly needed

- ▶ “Proximity” needs to be better defined. Also including hair, make-up, & PA's?
- ▶ There is currently no entertainment industry firearms training outside of the CSATF Course. Where do non-union productions go for this required training? And who within the “industry” then decides if some future outside course is “recognized”?
- ▶ And again, concerns regarding codifying the CSATF Course as the legal standard. There have been complaints of the newer online course not being as deeply comprehensive as the previous in-person course. And it will likely be changed again.

What's in SB-735

Some sensible firearms requirements in the Bill:

- ▶ Firearms remain under custody and control of qualified armorer, propmaster, or designee
- ▶ Only propmaster or armorer can hand weapon to performer or stand-in
- ▶ Armorer, propmaster, or designee shall have no other duties while firearms are in use and until they are locked away
- ▶ Staffing of qualified propmaster, armorer or designee is the responsibility of employer
- ▶ Industry specific firearms training
- ▶ Current firearms permit and/or license issued by Dept. of Justice
- ▶ Current FFL and evidence of legal possession of firearms

In conclusion

SB-735 is a messy mash-up of two distinctly different issues that should be handled separately. In the absence of that option, ...

- ▶ 1. We oppose the Safety Supervisor requirement as written, and if included, we oppose the entire bill.
 - ▶ Requiring them on every set, every day, all day is unfulfillable and overly burdensome
 - ▶ Will not impact safety, which has been achieved by safety training for the workers
 - ▶ Disadvantages California and will foster more unnecessary runaway production
- ▶ 2. The Safety Bulletins and CSATF Firearms Course should not be codified into Law.
 - ▶ The desired language can instead be copied and adjusted selectively
- ▶ 3. We are highly supportive of industry-specific firearms training, but
 - ▶ The bill needs to better define “proximity”
 - ▶ CSATF Firearms Training Course should not be globally codified into Law
 - ▶ The industry needs non-union training options (Who approves them?)