



# WHO NEEDS A WAKE-UP CALL?

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## MOVIEMAKING IS A DANGEROUS INDUSTRY. PAYING CAREFUL ATTENTION TO SAFETY ON SET IS THE SMARTEST THING YOU'LL EVER DO

On October 12, 1984, actor Jon-Erik Hexum of the television series *Cover Up*, restless during a delay in filming on the 20th Century Fox lot, unloaded all but one of the blanks in a .44 Magnum handgun being used as a prop and decided to play Russian roulette—not realizing that blanks are as dangerous as live ammunition, especially when pressed to the side of the temple. Hexum was rushed to Beverly Hills Medical Center but declared brain-dead on October 18.

On March 6, 1997, after completing a 19-hour work day following consecutive 12- to 14-hour days on the film *Pleasantville*, second assistant cameraman Brent Lon Hershman fell asleep while driving on the Century Freeway and hit a utility pole, dying instantly. Hershman's death prompted extensive litigation between his widow and New Line Cinema, as well as an industry-wide call to limit the amount of hours worked. The court eventually sided with the studio, though, and sleep deprivation remains a persistent danger in the entertainment industry nearly 20 years later.

On February 20, 2014, during the first day of shooting on the Gregg Allman biopic, *Midnight Rider*, in Wayne County, Georgia, second camera assistant Sarah Jones was reportedly struck by shrapnel debris and fell into the path of a CSX freight train. The train had hit a hospital bed placed on the railroad tracks for a dream sequence in the film, as reported by *Variety* and *The Los Angeles Times*. Seven other crew members were injured. A Georgia grand jury indicted the filmmakers Randall Miller, Jody Savin and Jay Sedrish with involuntary manslaughter and criminal trespassing. The production allegedly had not obtained proper permission to film on the train tracks; nor did they have site lookouts, a pre-shoot safety meeting, or an on-set medic. Because of those oversights, they were denied insurance coverage.

Harry V. Bring, co-executive producer of television series *Criminal Minds*, had known Jones since they worked together on the program *Army Wives*. Bring himself witnessed an accident on set as producer on *The X-Files*, when a crew member was electrocuted and another disabled by being too close to an arcing electrical wire. He vehemently

believes in mass safety protocols. "When my location manager tells me something is unsafe, I adhere to it. If special effects tells us everybody has to be 45 feet away from a water bottle exploding, we do not get any closer. Sure, you or I might stumble; individuals have to be aware of their own safety. But as a company, you have to assess the situation and be aware of your surroundings, and management has to take the position of setting a safe environment."

Safety guidelines have long been a standard practice in the entertainment industry. These guidelines are administered by the Contract Services Administration Trust Fund in a central online repository ([csatf.org/bulletintro.shtml](http://csatf.org/bulletintro.shtml)) utilized by all the studios and labor organizations. These bulletins cover a wide variety of topics, such as working with firearms, venomous reptiles, gimbals, and railroads, and employing children and infant actors.

"PEOPLE DON'T THINK ANYTHING IS GOING TO HAPPEN TO THEM, UNTIL SOMETHING HORRIFIC HAPPENS."

International Cinematographers Guild President Steven Poster, describing the guild's response to the *Midnight Rider* accident, says, "We had our business reps in Georgia within a couple hours after Sarah's tragic loss. We provided a grief counselor, and one of our business reps sat with our members when they were interviewed by OSHA (Occupational Safety and Health Administration)."

A personal experience impressed the importance of

safety on Poster. "I had an unfortunate incident on *The Class of '65*. I was the DP and brand-new to Hollywood. We were doing a shot on a running track at a high school. I had the camera on a western dolly and was urging the crew to go as fast as they could. An older grip fell and broke his arm. From that point on, I told myself I'd never put anybody in that position again if I could possibly help it."

"Safety is not the first thing on everyone's mind," Terri Becherer, SAG-AFTRA's National Director of Specialty Performers and Safety, says. "People don't think anything is going to happen to them, until something horrific happens."

Like Local 600 and many of the guilds, SAG-AFTRA maintains a safety hotline, available 24/7. "We encourage people to call any time of the day or night," says Becherer, "and we've been able to react and make a difference, possibly preventing a serious accident. Anybody



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who sees something involving a potentially unsafe situation on the set may call

the number—we do not ask for their membership number."

Rana Platz-Petersen is a registered nurse and former president of IATSE Local 767, which represented studio medical personnel until it merged into Local 80. She spent a considerable period at the CBS Studios Center medical department, and says that medical personnel are required, by OSHA regulations, to be ready to respond in studios and out on location. "OSHA considers the motion picture industry hazardous, so you must have someone who can administer first aid or CPR within three to five minutes of an accident. They must be certified in bloodborne pathogens and must hold current credentials in the state of California, which is EMT [emergency medical technician] or greater.

"Making a movie in a studio or on location, you have to remember: These are workplaces. I catch people all the time and have to explain to them, 'Look, you could step on a nail or drop things on your feet.'"

"Nobody should get injured or die doing what we do," director Katy Garretson (*Frasier*) says. "We're making entertainment. Certain aspects of all on-set jobs can be dangerous, and it's a shame when people sacrifice safety for a TV show or a movie."

Garretson worries about the expansion of productions outside of the studio mainstream, into realms of unregulated independence where safety may not be on anyone's mind.

"With the advent of guerrilla filmmaking," she says, "it's cool to break the rules, disregarding the decades of experience that the industry has been through. Well, rules about working conditions exist for a reason."

"There are a lot of really small productions and people will do stupid stuff," Poster adds. "The [Local 600] low-budget contract allows most of the productions under a million dollars to be covered by the unions. I just worked on a low-budget, *Amityville: the Awakening*, but we had safety meetings every morning."

Lest you dismiss safety concerns as wasted time and money, think of it this way: Ignoring rules may lead to severe economic repercussions, including penalties from OSHA. Maximum civil penalties may run up to \$25,000. Penalties for general and regulatory violations may run up to \$7,000 for each violation. The maximum penalty for a willful violation is \$70,000. Criminal penalties may also be assessed. A willful violation resulting in death or permanent, prolonged impairment of the body can include a fine of up to \$250,000, or imprisonment up to three years, or both—and if the employer is a corporation

or limited liability company, the fine may be up to \$1.5 million. Clearly, before beginning any production, young moviemakers already tight on funding should become familiar with their obligations under federal regulations.

What about sleep deprivation? The motion picture and television industry has become known as an industry that demands a grueling work schedule—especially on independent sets, where crew members often fulfill multiple positions. In addition to the tragic death of Brent Hershman, lack of sleep has been raised as a possible contributing factor for truck driver Kevin Roper colliding with a limo bus on the New Jersey Turnpike earlier this year, killing comedian James McNair and injuring actor Tracy Morgan and three others. Roper is charged with vehicular homicide and assault by auto.

Acclaimed cinematographer and director Haskell Wexler covers sleep deprivation extensively in his 2006 documentary, *Who Needs Sleep?* With the nonprofit 12on12off (12on12off.weebly.com), which he founded with cinematographer Roderick E. Stevens, Wexler has long championed shorter work hours so that crews can not only get enough sleep, but time to spend with family and loved ones. The organization promotes what they call "humane and responsible filmmaking" with three tenets: no more than 12 hours of work in a shift; no less than 12 hours of turnaround between shifts; and no more than six hours between meals.

"Many try to consign the discussion to how many hours [they can get away with working]," Wexler says. "That's not where the discussion begins. The discussion begins with what's best for the people who work." He cites a recent *Time* magazine article, "The Power of Sleep" by Alice Park, which highlights the bodily effects of sleep deprivation, including possible permanent damage to cells and premature aging of the brain.

"People know sleep deprivation's not good," he adds. "But they don't know how bad; that when you're sleep-deprived, it destroys your brain. Then there are the children who never get to see their father or mother, and we have to ask ourselves, 'Why do we do it?'"

"The guy who says, 'We've got to work 18 hours today; I know we've done three days in a row'—he's a good guy. He doesn't want to hurt you, himself, or his family. But why does he do it? Because something is more important [to our society] than human beings. We can't live in a culture where we put the bottom line ahead of human life, health, and safety. And it is not just our industry. It's going on worldwide, right now."

The first time the DGA addressed an extended workday in their contract was in 1984. While safety training was previously an option offered to assistant directors and unit production managers, it became a mandatory requirement in their 2011 negotiations. The DGA set a deadline of July 1, 2014 for members to complete the Directors



## BETTER SAFE THAN SORRY

A CHECKLIST FROM OUR RESIDENT ATTORNEY-COME-PRODUCTION SAFETY INSTRUCTOR, WHO HAS EXPERIENCE IN MANY OSHA SAFETY INVESTIGATIONS

BY DAVID ALBERT PIERCE, ESQ.

The industry is fraught with potential hazards for accidents. A select few on-set tragedies receive attention in the media, but even more are hidden from the press, known only to crews sworn to confidentiality, or by litigation that arises later on. You can cut a lot of corners making an independent film, but cutting corners with the safety of your cast and crew should never be an option.

1. Adopt a proper "safety manual" before each production, which must address matters unique to your film. Circulate the safety manual to all department heads. Make sure everyone knows where it is in case of an emergency. Besides ICG Safety, a great resource for this is the Pledge to Sarah app ([pledgetosarah.org/app](http://pledgetosarah.org/app)), created in memory of Sarah Jones, which gives users access to safety bulletins as well as hotlines.
2. Make safety concerns a part of the pre-production read-through of the script with all department heads. Someone at the meeting must analyze each scene, identifying safety concerns. If your set requires excessive work hours, discuss the following before cameras roll: Can nearby accommodations be provided to the crew? Can alternative modes of transportation be offered? Can a medic certify each person safe to drive before they leave the set? Can coffee or nap opportunities be made available?
3. Select a competent 1st AD who understands that part of his or her work duties includes overseeing safety on set. Articulate to all that while the 1st AD oversees safety, it's everyone's responsibility.
4. Have five-minute "safety talks" at the start of each crew day. Encourage interactive dialogues with crew about safety concerns.
5. Place important safety information on the daily crew sheet. Include information about safety concerns for that particular day (e.g. "fire stunt" or "extreme weather conditions") as well as information regarding the nearest hospital.
6. Have an on-set medic or, at the very least, a crew member with CPR and first aid training.
7. Obtain proper permits for dangerous activities, notify governmental authorities that may have specific protocols to follow (e.g. the fire department and police), and use trained stunt coordinators, animal wranglers, etc. Guerilla filmmaking (where shots are obtained without lawful permits) is stupid if those who issue permits can help eliminate dangers associated with a location.
8. Be fully aware of federal, state, and local rules governing all aspects of labor law, as well as relevant union requirements.
9. Thoroughly discuss unique safety concerns with production counsel and your insurance provider. They can help limit the danger and your exposure to liability if things go wrong. Putting safety first is not just ethically responsible, it's proper fiscal protocol. As repeat players skilled in identifying risks, insurance carriers can provide an itemized list of precautions to prevent accidents in unique situations.

Guild-Producer Training Plan's Safety Pass Training course, or risk becoming ineligible to work in Southern California. Poster calls this a "tremendous safety infrastructure." "Anybody working for the majors needs to pass the [industry-wide] Contract Services Administration Trust Fund's Safety Pass Training tests before they are allowed to work in the western region. DPs, camera assistants, craftspeople all have different classes, but there are some classes that are common for all. Our fellow IATSE Locals continue to hold OSHA classes throughout the country."

Yudi Bennett was the first assistant director on *Pleasantville*. "I was involved when the DGA was able to get into its contract that if you worked over 16 hours, the producer has to offer a place to stay. The real mover on that was our negotiating committee chairman, Gil Cates. We tried to get the number to 12 hours then—but there's always a compromise."

Still, increased awareness has followed the Sarah Jones accident. Poster describes a Local 600 app called ICG Safety that contains safety hotlines for studios, their own safety hotline, safety guidelines, and articles. The app can be downloaded from the iTunes and Google Play stores. "It's available to everyone, not just our members. I'm also going to universities like Southern Illinois University and Baylor to talk to students. At safety meetings I tell everyone, 'You are your own safety officer. If you think something's unsafe, speak up. Nothing is sacred.'"

"For almost any accident we hear about, we look back and see that something was preventable," SAG-AFTRA's Becherer said. "That's the saddest thing. But the other side is that out of tragedy comes a heightened awareness of safety." **MIM**

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1ST AD TERRY HAM (CENTER) CONDUCTS THE DAILY SAFETY MEETING FOR *CRIMINAL MINDS*, PREPARING FOR A SCENE FEATURING A SMOLDERING CAR

Photograph by Zack Kibbee