

# Fatal plunge by stagehand stirs questions of safety, fines



Vicente Rodriguez

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Las Vegas stagehand Vicente Rodriguez fell to his death from a rigging plank suspended over the MGM Grand's Hollywood Theater. If the planking had been equipped with guardrails, the 20-year-old -- who was incorrectly wearing his safety harness -- might be alive today.

The stagehand's death and the relatively small fines assessed for failing to maintain workplace safety -- imposed according to a penalty scale that has increased only once in 40 years -- are part of a national discussion about improving safety in the entertainment industry.

For their part in safety violations connected to the death in May 2009, both the stage company that employed Rodriguez and the hotel that owns the theater have been cited by the Nevada Occupational Health and Safety Administration.

MGM Grand paid a penalty of \$19,800, down from a proposed penalty of \$38,700, said Steve Coffield, head of Nevada OSHA.

Rhino Las Vegas, the stage company, must pay a \$4,000 penalty, according to terms of a settlement reached in late May. The original fine proposed for Rhino was \$25,000.

Coffield said both fines were reduced partly because of duplication of charges. Also, Rhino's fine was cut because of the company's small size.

Coffield said it is legally difficult to apply Nevada's safety regulations -- which are geared more to construction sites -- to the entertainment industry, which has grown more sophisticated with technologies that present new workplace hazards.

David Michaels, head of federal OSHA, recently discussed entertainment safety with reporters.

"The current penalty structure is too low to compel companies to take workplace safety as seriously as they should," a federal OSHA spokesman, Michael Wald, wrote to the Review-Journal this week after it inquired about Michaels' remarks. Despite inflation, the agency's penalties have increased only once in the past 40 years, Michaels told a congressional committee in March.

Occupations such as construction, offshore drilling, mining and logging are routinely viewed as dangerous, while risks to entertainment workers are not always well-publicized, Michaels told the media. Most of the public knows that an animal trainer died during a performance at SeaWorld Orlando in February, but fewer people realize Disney World also suffered several work-related fatalities last year.

On a telephone conference with reporters, Michaels talked about a Florida stagehand's death in late 2009 but did not seem to be aware of Rodriguez's death in Las Vegas, which was not coded in OSHA's database as entertainment-related.

Michaels wants to tighten national safety standards for entertainment, which Nevada's business chief, Donald Jayne, seconds. "By inference, we'll match" what the federal agency adopts, said Jayne, who is administrator for the state's Division of Industrial Relations.

Marychris Rodriguez, mother of the young Las Vegas stagehand, said Wednesday the family has been unable, for more than a year, to obtain a police report about the death. She also wants federal OSHA to investigate Nevada OSHA's investigation.

In the May 20, 2009, accident, Vicente Rodriguez fell almost 37 feet to the stage floor as crew members were tearing down stage fixtures after Tom Jones had finished a run at the MGM Grand.

Nevada OSHA's accident report, issued in September, said that in the stage area where Rodriguez fell, workers had to balance on a catwalk before they could clip a harness onto a horizontal life line. And then, they had to step over 33 inches of false ceiling, without any guardrails.

Rodriguez was wearing his safety harness improperly, but OSHA inspectors also found a risk that sharp edges on structures above the stage could sever lines attached to a harness worn correctly.

A similar stagehand fatality in Florida last December led to an OSHA fine of \$3,675, which was announced several weeks ago. That accident occurred at a West Palm Beach concert hall, when a lighting technician fell 25 feet from a stage catwalk, which lacked mandatory safety rails.

OSHA can levy a maximum \$70,000 civil penalty for a workplace death when willful safety violations are proved. But in 2007, the national median for OSHA fines proposed -- not necessarily the finalized amount paid -- for violations leading to a workplace death was "just \$5,900," Michaels told a congressional committee in March.

Rhino's safety violations were not found to be willful, state OSHA records showed.

State officials and Marychris Rodriguez have said they will work together to develop a campaign promoting entertainment safety in Nevada, whose casinos hold many performance venues.

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