

1 **WEST VIRGINIA MINE SAFETY AND HEALTH**
2 **ADMINISTRATION**

3
4
5 **IN THE MATTER OF:**

6 **THE INVESTIGATION OF THE**
7 **APRIL 5, 2010 MINE EXPLOSION**
8 **AT UPPER BIG BRANCH MINE.**

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15 The interview of **RON WOOTEN**, taken upon oral
16 **examination, before Robin M. Large, Court Reporter**
17 **and Notary Public in and for the State of West**
18 **Virginia, Tuesday, February 1, 2011, at 10:09 a.m.,**
19 **at the Comfort Inn, 903 Industrial Drive, North,**
20 **Summersville, West Virginia.**

21
22 **JOHNNY JACKSON & ASSOCIATES, INC.**
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WEST VIRGINIA GOVERNOR'S INDEPENDENT TEAM
James Beck



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(No exhibits were marked.)

1 MR. BABINGTON: My name is Matt
2 Babington. I'm an attorney with the
3 Department of Labor. Today is February
4 1st, 2011. With me is Alvin Brown, an
5 accident investigator with the Mine Safety
6 Health Administration and MSHA and the US
7 Department of Labor.

8 Also present are several people
9 from the State of West Virginia. I ask
10 that they state their appearance for the
11 record.

12 MR. TUCKER: Bill Tucker with

13 MR. KOERBER: Barry Koerber with
14 the West Virginia Attorney General's
15 Office representing the West Virginia
16 Office of Mine and Health Safety Training.

17 MR. BECK: Jim Beck with the West
18 Virginia Governor's Independent
19 Investigation Team.

20 MR. BABINGTON: Bill Tucker of
21 the state will be conducting initial
22 questioning.

23 All members of the Mine Safety
24 and Health Accident Investigation Team and

1 all members of the State of West Virginia
2 Accident Investigation Team participating
3 in the investigation of the Upper Big_
4 Branch Mine explosion shall keep
5 confidential all information that is
6 gathered from each witness who voluntarily
7 provides a statement until the witness
8 statements are officially released.

9 MSHA and the State of West
10 Virginia shall keep this information
11 confidential so that other ongoing
12 enforcement activities that are
13 prejudicial aren't jeopardized by a
14 premature release of information.

15 This confidentiality requirement
16 shall not preclude investigation team
17 members from sharing information with each
18 other or with other law enforcement
19 officials. Team member's participation in
20 this interview constitutes their agreement
21 to keep this information confidential.

22 Government investigators and
23 specialists have been assigned to
24 investigate the conditions, events and

1 circumstances surrounding the fatalities
2 that occurred at the Upper Big Branch
3 South on April 5th, 2010. The
4 investigation is being conducted by MSHA
5 under section 103a of the Federal Mine
6 Safety and Health Act and the West
7 Virginia Office of Miners' Health, Safety
8 and Training.

9 We appreciate your assistance in
10 this investigation, Mr. Wooten.

11 After the investigation is
12 complete, MSHA shall issue a public report
13 detailing the nature and causes of the
14 fatalities in hope that greater awareness
15 about the causes of accidents can reduce
16 their occurrence in the future.

17 Information obtained through
18 witness interviews is frequently included
19 in these reports. You should know that if
20 you request confidentiality,
21 confidentiality will only be granted on a
22 case-by-case basis. Your statement will
23 also be used in other proceedings.

24 You may have a personal

1 representative present during the taking
2 of this statement. You may consult with
3 the representative at any time.

4 Do you have a representative with
5 you here today?

6 THE WITNESS: No, I do not.

7 MR. BABINGTON: Thank you.

8 Your statement is completely
9 voluntary. You may refuse to answer any
10 questions and you may terminate your
11 interview at any time or request a break
12 at any time.

13 A court reporter will record your
14 interview. Please speak loudly and
15 clearly. If you do not understand a
16 question, please ask the interviewer to
17 rephrase it. Please answer each question
18 as fully as you can, including any
19 information you've learned from someone
20 else.

21 We'd like to thank you in advance
22 for your appearance here. We appreciate
23 your assistance in this investigation.
24 Your cooperation is critical in that

1 making the nation's mines safer.

2 After we finish asking questions,
3 you'll have an opportunity to make a
4 statement and provide us with any
5 information you believe to be important.
6 If at any time after the interview you
7 recall any additional information that you
8 believe might be useful, please contact
9 Norman Page at a contact number that I can
10 provide to you.

11 THE WITNESS: Okay.

12 MR. KOERBER: Mr. Wooten, the
13 court reporter is with a court reporter
14 firm known as Johnny Jackson &
15 Associates. It's located on Virginia
16 Street in Charleston, West Virginia.
17 Johnny Jackson & Associates is operating
18 under a three-day turnaround time on the
19 transcripts, which would mean since today
20 is Tuesday, the transcript would be
21 available for your review come next Monday
22 morning.

23 If you would choose to want to
24 read your transcript and make any changes

1 that might be applicable on an errata
2 sheet, you can go to Johnny Jackson &
3 Associates court reporter firm in
4 Charleston, West Virginia. I can supply
5 you with that address after the interview.
6 You would be provided a conference room at
7 Johnny Jackson & Associates where you can
8 go in and review your transcript privately
9 and make any corrections on an errata
10 sheet that you might need to make. You
11 will not be permitted to take a transcript
12 with you, at least at this time.

13 So I just want to make you aware
14 of that.

15 THE WITNESS: Thank you. I
16 understand.

17 - - -

18 Thereupon,

19 RON WOOTEN,

20 a witness having been first duly sworn, was
21 questioned and testified as follows:

22 - - -

23 BY MR. TUCKER:

24 Q. We'll go ahead and get started.

1 I would just, again, like to thank you for
2 coming today and letting us interview you. Would
3 you state your full name and spell your last name,
4 address and phone number where you can be reached.

5 A. Ronald Lee Wooten, W-O-O-T-E-N, and my
6 address is [REDACTED]

7 [REDACTED] . Two phone numbers,
8 the first is a [REDACTED] ; [REDACTED]

9 [REDACTED] .

10 Q. Thank you. Would you mind just starting
11 when you first got introduced to the mining
12 industry and just kind of go through your work
13 history, where you've been, what type of jobs that
14 you've had?

15 A. In 1972 I was hired at United States Steel
16 Corporation's Frick District, being a number one
17 mine, column and shaft. I went in as a white hat
18 in PA as a midnight shift roof bolter. I worked
19 for US Steel for about three years, part of the
20 time as a member of local 6321 in the United Mine
21 Workers of America for approximately a year, maybe
22 a little more than that, and then went to Maple
23 Creek Mine as what US Steel called a mine operating
24 engineer. I was responsible for putting the first

1 belt in at Maple Creek Mine.

2 In '75 I went to Washington DC as
3 assistant legislative counsel with the American
4 Mining Congress. In 1978, I was recruited by
5 CONSOL Energy -- it's now CONSOL Energy. At that
6 time it was Consolidation Coal Company -- to run
7 the Washington office in conjunction with Conoco,
8 which was CONSOL'S parent company.

9 In 1982, '81, I was asked to come back to
10 Pittsburgh as assistant vice president of safety.
11 In '82 I became vice president of safety for
12 CONSOL. I stayed in that position until my
13 retirement in '98, at which time I opened my own
14 business and ran my own business for a period of
15 time and consulted under the name of Mountain State
16 Mine Safety Associates.

17 In 19 -- I'm sorry. In 2005, I took a job
18 for a company that needed some help, Mountain State
19 Bit Corp. in Morgantown, West Virginia as a safety
20 director.

21 Later that summer the governor called me
22 and asked me to take the job as director. That
23 would have been in 2006. Actually -- director of
24 the West Virginia Office of Miners' Health, Safety

1 and Training, which I took until -- and stayed
2 there until my retirement in November of last year,
3 which would have been 2010.

4 Q. Thank you. Quite an extensive career
5 there.

6 A. I'm not a young guy, Bill.

7 Q. Where are you currently employed?

8 A. Western Coal Corp. here in Summersville as
9 the senior manager of health, safety and
10 environment.

11 Q. Thank you. I'd just kind of like to go
12 back now to April the 5th, the day of the
13 explosion, just kind of go through slowly as to
14 what happened at the UBB. And starting out with,
15 you know, how did you first learn that something
16 had happened?

17 A. I was at my apartment in Charleston. And
18 for some reason, I'd gotten a bug and the first
19 call I received, I believe, was around 4:20, 4:30
20 from Terry Farley. He had indicated that he had
21 gotten a call -- this is to the best of my
22 recollection. I don't have any notes to verify it
23 or confirm it. He indicated that he had gotten a
24 call from Homeland Security that they had had a --

1 if I remember correctly, an air reversal on a belt
2 line and people were missing. About that time
3 Elizabeth Chamberlain, the vice president of safety
4 for Massey beeped in. I remember telling Terry,
5 "Hold on; Elizabeth's calling."

6 I couldn't get to her before she hung up.
7 She left a message. The message -- she obviously
8 was in an area on a cell phone where the service
9 was coming and going. The only thing I heard her
10 say was, "It's serious."

11 At that point, I told Terry to meet me at
12 the office. I got in touch with Jama Jarrett. Got
13 in touch with C.A. Phillips, who was with our mine
14 rescue teams in Logan, to find out what he knew and
15 what was going on. I found out that the mine
16 rescue teams were -- our mine rescue teams, the
17 state teams, were on their way to the UBB. Terry,
18 Jama and I met in the office. Others came into the
19 office, other state employees of the agency, who
20 heard what was going on on the radio or whatever
21 that they just came in and started to work. The
22 phones were ringing off the hook. E-mail was going
23 crazy. We weren't answering any of them, but we
24 were trying to find out where the teams were and

1 what our next move was going to be. We knew we had
2 to get to the mine as quickly as possible, but we
3 also had to make sure that things were covered at
4 the office. Once we did that, we departed the
5 office and headed toward the UBB. I can't recall
6 the time. We got to the UBB -- it was dark and it
7 was raining, thunder and lightning -- I remember
8 that. We went to the Ellis Portal initially and
9 were told that the command center was at the UBB
10 portal. Traffic was with horrendous. It was very
11 difficult to move around. We got some assistance
12 from the state troopers and were able to get up to
13 the portal.

14 When I got there, Sara Payne, the
15 governor's communication specialist, was there and
16 she said that the governor needs to talk to you
17 right away; he's in Florida, if I remember
18 correctly. So I got on the phone with the
19 governor, spoke with him briefly, nothing of any
20 significance other than that he was going to get
21 back as quickly as I could. Went into the command
22 center and spent the rest of the evening in the
23 command center up until when it had been
24 predetermined that we needed to visit with the

1 families and the press and I don't recall what time
2 that was. Could have been midnight; could have
3 been one; could have been two. I know that we were
4 delayed in making that visit because we had a
5 difficult time at that point determining precisely
6 how many fatalities we had discovered, that the
7 mine rescue teams had discovered. There was some
8 confusion in the command center relative to that as
9 well as the CO reading at Bandytown fan. Once we
10 got those items squared away, then we went ahead
11 and visited with the families and then visited with
12 the press.

13 Q. Do you recall who all was in the command
14 center when you arrived?

15 A. I'm sure I won't be able to recall
16 everyone, but I know that Chris Adkins was on the
17 mine phone and the headset from Massey. I don't
18 recall who else was there from Massey. Elizabeth
19 Chamberlain was in and out. Don Blankenship, I do
20 believe, was in the command center. Bob Hardman
21 from MSHA district four, MSHA manager district
22 four. Kevin Stricklin was there. I believe Kevin
23 had been in the area to begin with and had actually
24 beaten me to the mine. I think -- for some reason,

1 I'm thinking he was in the Beckley area. There may
2 have been someone else from MSHA there -- I'm sure
3 there was -- whose names I can't recall. I know
4 that Terry Farley was there, John Cruise was there
5 and Steve Snyder and myself.

6 Q. At the time you left to -- you mentioned
7 about going to meet with the families. Where did
8 you meet with families at?

9 A. We met with the families at the training
10 center on Massey property.

11 Q. Who all was with you when you all first
12 met with the families?

13 A. Don Blankenship, Chris Adkins, Kevin,
14 myself. Jimmy Jennette may have been with us; the
15 governor's rep, the local rep, Steve Poletto, I
16 believe, is his last name. I can't recall anyone
17 -- well, the communications folks from the state.
18 That would have been Sara Payne and Jama Jarrett
19 were both there. They were not meeting with the
20 families. They were just there. Okay.

21 Q. At that first meeting you had with
22 families, was -- when you all left to go to that
23 meeting, was the team still underground?

24 A. The teams were still underground, yes.

1 Q. Okay.

2 A. That's my recollection. The -- let me
3 back up a little bit on that, Bill. At some
4 point -- and I can't recall whether it was before
5 or after -- I know that the teams were pulled out
6 because of high concentrations of methane. And it
7 may have been that we got that word either in route
8 or while we were there or possibly even before we
9 left. I can't recall.

10 Q. Okay. Can you recall if the -- if before
11 you left the family meeting if you knew or -- that
12 the teams had to be pulled out or --

13 A. I'm not going to guess. I can't
14 remember. I can't remember. That was a nasty
15 night, probably one of the worst nights of my life,
16 when we had to tell that there were 18 fatalities.
17 I mean, there was people throwing up in the floor.
18 It was almost a riot.

19 Q. After the family meeting, I mean, what did
20 you next do?

21 A. We went over to the -- I'm sorry. I
22 didn't let you finish.

23 Q. After the family meeting, what did you do
24 at that point?

1 A. At that point, the standard practice that
2 evolved is that we would meet with the families,
3 give them an update, and then we would go over to
4 the grade school which was on the other side of the
5 creek and down the road a couple of miles. We
6 would meet with the press and basically give them
7 the same information that we had given to the
8 families, and then, of course, take their
9 questions.

10 Q. Okay.

11 A. And that's what we did. And I don't have
12 a clue what time it was. I can't remember.

13 Q. So what about -- I mean, from that point
14 on do you remember what your role was or what
15 happened after that initial --

16 A. Sure. From that point, it was every two
17 hours we were doing the same thing, every two
18 hours. And we would come back. We would get
19 additional information. We'd go to the command
20 center. We'd visit with our mine rescue team
21 members, get whatever information we could. We'd
22 debrief the team captains when we were available to
23 do so.

24 It just seemed like it was just a constant

1 get information and relay information. There was
2 little else that we did at that point other than
3 gather information. Obviously, if any of our
4 people, particularly our mine rescue team people,
5 had a problem with anything, then we would address
6 it. We didn't have much of that. We pretty much
7 stayed with the mine rescue team vehicles. That's
8 where we sort of camped out. I'm talking about
9 state people.

10 The governor got -- the next day he had
11 his communication center with the Homeland Security
12 which was up at the other end of the parking lot.
13 He stayed up there. We stayed down at the mine
14 rescue with the mine rescue trucks and basically
15 did the same thing day in and day out.

16 I mean, I couldn't tell you one day from
17 the next. We were doing the same thing. Sometimes
18 it was daylight; sometimes it was dark. That's the
19 only difference. I mean, it was the same thing.
20 And we were all running on adrenaline pretty much.
21 Slept a little bit in the car.

22 Q. Just backing up a little bit, you
23 mentioned that Chamberlain tried to contact you to
24 let you know that something had happened and she

1 had bad cell coverage.

2 Once you left or you went to the
3 Charleston office, did you eventually talk to
4 someone from the company about the event?

5 A. From the Charleston office?

6 Q. Or on your way to the mines.

7 A. I don't recall that we did.

8 Q. So the next information you got was once
9 you got to the command center pretty much?

10 A. Once we got to -- we stopped at Ellis
11 Portal pretty much. We thought that there was
12 where we needed to be. I got information at that
13 point about the fatalities on the man trip, the
14 fact that they had been brought out.

15 I'm sorry. Let me back up. We knew that
16 there were fatalities before we got there. We knew
17 of the man trip fatalities before. I don't recall
18 how we knew that, but we did know that. We stopped
19 at Ellis. I remember talking to Carl Baisden. I
20 don't remember talking to C.A. I know that C.A.
21 had been at Ellis and I think he may have still
22 been there at that point and he later came up to
23 the UBB portal. But we were informed that the
24 command center was at the UBB portal, so that's

1 where we went and that's where we got the majority
2 of our information.

3 MR. TUCKER: I'll pass on to
4 someone else and follow up with some
5 additional questions here shortly, give
6 someone else an opportunity to weigh in on
7 this part.

8 EXAMINATION

9 BY MR. BROWN:

10 Q. I think it's pretty clear already. You
11 don't have any information from the command center
12 or the family meetings?

13 A. That is correct.

14 MR. BROWN: I don't know that I
15 have anything else at this time.

16 MR. TUCKER: Jim?

17 MR. BECK: Let's see here.

18 EXAMINATION

19 BY MR. BECK:

20 Q. Ron, when you went into the command
21 center, who was in charge of the command center
22 when you were there?

23 A. Chris Adkins was on the mine phone. It
24 was pretty clear that obviously he was doing the

1 majority of the communication. Bob Hardman was
2 sitting right next to him and Terry was right
3 behind him, so there was nothing -- I would not say
4 that anyone was -- if anyone were in charge, it
5 would have been Chris, but I would only say that
6 because he was on the mine phone. He didn't make a
7 move without concurrence from both the federal and
8 the state. I can tell you that.

9 Q. And how many times were you in and out of
10 the mine or the command center during the whole or
11 deal there?

12 A. During the entire week?

13 Q. Yes.

14 A. I couldn't tell you. I mean, it was
15 either we went to the command center -- whenever
16 something was going on -- now, during the period of
17 time when our teams were withdrawn, we did not go
18 to the command center until we had -- we were more
19 interested in the gas readings, chromatograph
20 readings from MSHA to see when we could get our
21 teams back in.

22 Once our teams were in, then we would go
23 to the command center, get information, visit with
24 the families, visit with the press. I mean, that

1 was just the way it went. And while we were --
2 when we were not in the command center, we were at
3 the mine rescue vehicles. And, as you recall,
4 there was a good period of time where our mine
5 rescue teams -- none of the mine rescue teams would
6 enter the mine, not only that first night but
7 thereafter as well.

8 Q. Right. To your knowledge, was mine rescue
9 protocol followed during the rescue?

10 A. When I was there, as best I could
11 determine, while I was there, it was.

12 Q. And did you ever get a chance to talk to
13 Elizabeth Chamberlain again after she left you a
14 message?

15 A. Not via phone. I did speak with her at
16 the mine.

17 MR. BECK: That's all I have for
18 right now.

19 MR. BABINGTON: Bill, we have one
20 follow-up.

21 EXAMINATION

22 BY MR. BROWN:

23 Q. You said you spoke with Elizabeth and it
24 was sketchy; you really didn't get much from the

1 conversation.

2 A. Let me correct that, Mr. Brown. I didn't
3 speak with her. She left me a message.

4 Q. She left you a voice mail?

5 A. Yes.

6 Q. At what point in time did you actually
7 learn that this was an explosion?

8 A. You know, I'd like to give you a good
9 profound answer, but I can't. It was sometime
10 either on my way to the office from my apartment or
11 at the office, and I can't recall. I think the
12 information -- I'm not going to speculate here. It
13 was either on my way to the office or once I got to
14 the office.

15 Q. Okay. Do you recall who you got that
16 information from?

17 A. No, I don't.

18 MR. BROWN: Bill, you got
19 anything else at this time?

20 EXAMINATION

21 BY MR. TUCKER:

22 Q. Is there anything you want to share with
23 us, maybe questions we haven't asked, anything that
24 comes to mind that may be helpful as far as the

1 investigation goes?

2 A. Off the top of my head, Bill, I really
3 can't think of anything.

4 As I think about the questions that we've
5 been looking at here this morning, you know, you
6 can look through the retrospectoscope [sic] on a
7 lot of things and perhaps find some things that
8 should have occurred.

9 I know that I have thought often since
10 that investigation, since that explosion, that --
11 without knowing whether it would have made any
12 difference, I sure wish that the state had had the
13 authority to look at ventilation more than it does,
14 and I have made that point several times. I made
15 it before the explosion and I continue to believe
16 that that's vitally important.

17 As you well know, the ability of the state
18 to look at ventilation plans, request changes in
19 ventilation plans, et cetera, is extremely,
20 extremely limited. And I don't know that it would
21 have made any difference, but it seems to me if
22 you've got more people looking at the ventilation,
23 then perhaps someone may have seen something.
24 Because the state -- and I don't mean any

1 disrespect to my friend at Federal Mine Safety and
2 Health Administration, but the state inspectorate
3 is comprised, for the most part, of miners who have
4 been around a good while and have a lot of
5 experience. And I think they could have weighed in
6 on ventilation more heavily than they were allowed
7 to.

8 Q. Just as far as the mine rescue, the
9 coordination of the event, you know, I mean, we all
10 hope and pray we're never involved in anything like
11 that again. You know, we had Sago, and I know that
12 was a thought then, we hope and pray we never go
13 through anything like that. Two weeks later we had
14 Aracoma and then now we've had the UBB.

15 When you have a situation like that, you
16 would hope to gain and be better at what you do and
17 how things are handled at a disaster. And there is
18 a lot of resources that come together during a
19 disaster like that.

20 Q. But just looking at the overall mine
21 rescue part of that, would you have any ideas of
22 things that could be looked at to make us better at
23 what we do?

24 A. In this situation, I felt that everything

1 went about as well as it possibly could. It went
2 -- from the time I got into the command center the
3 effort was aggressive, but it wasn't aggressive in
4 the face of dangerous conditions in my mind based
5 on the readings.

6 You know, I've been in that mine as many
7 of you have and you saw the devastation. And when
8 you recognize what the mine rescue teams had to put
9 up with and go through in order to just explore --
10 and no one got hurt. I mean, at one point I think
11 there were over a hundred mine rescue team people
12 underground and no one got hurt even. I mean,
13 that's pretty incredible.

14 The push was as aggressive as any mine
15 rescue I've ever heard of or been around until
16 there was an explosive mixture of methane and air.
17 Then everything slowed down. But until then -- and
18 I remember mentioning to the families and
19 mentioning to the press that I had never been
20 around anything that was progressing as quickly as
21 this as far as the mine rescue effort was
22 concerned.

23 I know there have been some questions
24 raised about what transpired initially. I wasn't

1 there initially. Just based on what I saw, I
2 didn't have a problem with it.

3 MR. TUCKER: Okay.

4 EXAMINATION

5 BY MR. BROWN:

6 Q. Ron, what experience did you have with the
7 UBB mine prior to April the 5th, 2009?

8 A. I really didn't have any experience with
9 them other than to visit with their people, their
10 safety people when they would come in to conference
11 special assessments. That was it. And really
12 there weren't that many of those at that time prior
13 to April 5th.

14 Q. So none of those meetings dealt with any
15 kind of ventilation issues or specific problems
16 they may be having at the mine?

17 A. Not that I recall. I remember on one
18 occasion -- and I don't recall. No. I'm not going
19 to go there because I'm not sure it was the UBB.

20 So I don't recall anything with any
21 specificity.

22 Q. Do you remember who it was that you
23 visited with on safety conferences?

24 A. Usually it would have been counsel

1 representing Massey, Dave Hardy in some instances.
2 I can't remember. I haven't thought about these
3 guys in several months and their names escape me
4 but Dave Hardy, the law firm he's with. And I
5 believe that -- well, I know that the safety
6 director, Jonah Bowles -- was that his name -- came
7 in on one conference. And the only reason I
8 remember that was because he had mentioned he had
9 just been transferred to Performance Coal. I think
10 he had been at Marfork, but he mentioned he had
11 been transferred to Performance Coal within the
12 past week.

13 Q. So there's no management person that you
14 remember having contact with from UBB?

15 A. At that time, yes. And I don't remember
16 whether -- I remember having contact in a
17 conference with Jason Whitehead, but I don't
18 believe he was at the UBB at the time. I know
19 later he was. I think he may also have been at
20 Marfork or one of those operations in that
21 vicinity, but I don't believe he was at the UBB at
22 that time.

23 EXAMINATION

24 BY MR. BECK:

1 Q. Did Elizabeth Chamberlain ever come in for
2 any meetings, whether it's the UBB --

3 A. Conferences. Jim are you asking about
4 conferences or other meetings?

5 Q. Conferences, anything relating to the law
6 pertaining to Massey?

7 A. We had -- we had meetings from time to
8 time with a number of operators, including Massey,
9 and the last recollection that I had that involved
10 Elizabeth in the office was dealing with TRYING to
11 get a handle -- they had a number of different
12 contractors, in-house contractors and they wanted
13 to find a way -- I mean, this is so far removed,
14 but they were trying to find a way to contact with
15 contractors through one assessment procedure, if I
16 remember correctly. And we were sending letters of
17 assessments out and they weren't going to the right
18 place, so they were becoming delinquent and that
19 would jeopardize their permits. So it was a matter
20 of trying to streamline that exercise.

21 Q. Did you ever get any complaints about any
22 of your inspectors from the UBB or any Massey
23 operation?

24 A. Sure. We had complaints about Massey

1 operations. We had complaints about Patriot. We
2 had complaints about CONSOL.

3 Q. How about the UBB?

4 A. I don't recall that we had anything
5 specific about the UBB with the exception of Jerry
6 Pauley one time mentioned to me that he felt that
7 the management team there was too young.

8 Q. The complaints would come from operators,
9 management from the mine?

10 A. I'm sorry. I don't understand your
11 question.

12 Q. When you would get a complaint about one
13 of your inspectors, would it be somebody from
14 management calling you from the mine or the
15 corporate office?

16 A. I'm sorry. I didn't realize that you were
17 talking about inspectors. The only person that I
18 ever remember complaining about an inspector was
19 Elizabeth Chamberlain. Okay. And she was
20 complaining about Clarence Dishman, and her
21 complaint was that he was talking to their
22 employees about the fact that they would be better
23 off working in union mines and that they should go
24 to work at Patriot or someplace like that.

1 At that point, I met with Steve Snyder,
2 Clarence, C.A. Phillips.

3 Bill, were you in that meeting?

4 MR. TUCKER: No, sir.

5 THE WITNESS: And asked Clarence
6 what was going on. He told me that wasn't
7 true. I said, "Okay. Let's get it on the
8 table. Let's get the accusers together
9 with you and Steve and C.A. and myself and
10 let's get to the bottom of it." I called
11 Elizabeth and told her that's what we
12 wanted to do. She said, "Just drop it,"
13 and that's what we did.

14 BY MR. BECK:

15 Q. In your opinion, the resources available
16 to the Office of Miners' Health, Safety and
17 Training, that being manpower, equipment, material,
18 whatever you needed to do to do the job, do you
19 think it was adequate prior to the explosion at the
20 UBB or --

21 A. No, I don't, Jim. And I think the record
22 will bear this out, that in ever appropriation
23 cycle, every single legislative session that I was
24 involved with, I asked for more people, I asked for

1 more money.

2 I know that -- I can't even tell you how
3 many years ago it was agreed that we needed to have
4 a mine rescue station in West Virginia.

5 Pennsylvania has several. Virginia has one. Ohio
6 -- West Virginia has more underground mines but not
7 a mine rescue station.

8 It was agreed -- and we had the money to
9 pay for it. Do we have a mine rescue station? The
10 answer is, no, to this day we do not have a mine
11 rescue station, although it was agreed that, yes,
12 this is a good idea and we need to move forward on
13 this.

14 This is a great way -- and the way we were
15 going to pay for it was out of the internal revenue
16 account which was the assessments, all assessments
17 that were collected by the agency. This was a way
18 to give back to the industry and the coal miners in
19 the state.

20 Secondly, I asked for people every single
21 legislative session and I asked for money for the
22 people. It's very difficult to retain an
23 inspectorate when -- and they're good. Believe me,
24 I was very impressed when I came to the state and

1 found out how good the agency people were. They're
2 good and they're hard to keep because they can go
3 right out the front door and make almost twice as
4 much. So it's very difficult to keep them.

5 I asked for more money for our
6 inspectorate. I asked for more inspectors. I was
7 told, right or wrong, when I took the job, yeah,
8 inspections were important, but we'd never really
9 held our feet to the fire. I asked the question --
10 I said, These inspections are legislative mandates;
11 how can we not take them seriously?

12 And I was told by one of the people who
13 was an inspector at large in one of our regions
14 that at one point they were told not to inspect by
15 one particular director even in the face of a
16 legislative mandate that you have to do
17 inspections.

18 It was as though -- in my opinion, if you
19 were going to get anything, you had to blow
20 something up first. That's just the way it was
21 before the legislature was going to act or react to
22 do something about resources. And I'm just being
23 brutally honest, but that's the way I feel.

24 Q. Appreciate it. Do you know if the Sidney

1 mine rescue team made it to UBB before the state
2 mine rescue teams? If I recall, you said they were
3 in Logan. Do you know if Sidney was there before
4 they were?

5 A. I've heard that, but I don't know that.
6 It was my understanding that in talking with --
7 principally with Eugene White that they were
8 underground first.

9 Q. They being?

10 A. The state.

11 Q. Okay. In your opinion -- if you care to
12 answer, do you have an opinion as to what happened,
13 what caused the explosion?

14 A. No, not at this point. I have --
15 obviously it was something terribly catastrophic.
16 You know, that goes without saying. I think it's
17 pretty obvious that there was a combination of
18 methane gas and coal dust.

19 I mean, where it started, I can't tell
20 you. I know that there have been theories put out
21 there about what may have happened. I'm not
22 convinced that that's what happened. I'm not
23 convinced that's not what happened either. I just
24 don't know.

1 And I'll be honest here. I put a lot of
2 faith in the deliberations and the work product of
3 Monte Hieb from the state, and I have discussed
4 this with him and he's not convinced, so neither am
5 I.

6 Q. Now, you had stated that the state's role
7 in ventilation plans is really limited compared
8 specially to MSHA.

9 Were you aware of any ventilation problems
10 at the UBB through any of your inspectors and the
11 number of revisions that Massey was submitting to
12 MSHA?

13 A. I remember at one time, Jim -- and this
14 may have been -- you know, I hesitate to even go
15 here, but I'm going to anyway. I know that there
16 was a problem with belt air at one point.

17 And I don't know when I became aware of
18 it. It could have been after the explosion, but
19 it's my recollection and there is a provision in
20 the statute for the state's involvement in belt
21 air, belt air issues. And my recollection was that
22 the air was going the wrong direction on the belt.

23 MR. BECK: That's all right now.

24 EXAMINATION

1 BY MR. BROWN:

2 Q. Ron, going back to the complaint that you
3 said you received from Jerry Pauley, and you
4 basically made the statement that management at the
5 UBB was too young --

6 A. Let me correct -- if I misspoke, let me
7 correct it. I wouldn't call it a complaint.

8 Q. Okay.

9 A. Rather, a statement --

10 Q. Okay.

11 A. -- that he felt that. He felt that the
12 mine was very complicated and that he wasn't sure
13 that the management at that mine had the
14 experience, the requisite experience to manage it.

15 Q. Did he give you any specific details of
16 why he felt that way?

17 A. Not that I recall.

18 Q. Do you remember when he made this
19 statement to you approximately?

20 A. Maybe -- no, I don't remember
21 specifically. I know it was before the explosion.
22 Okay. I can't tell you how far back in front of
23 the -- before the explosion. I want to say it was
24 in the fall, but I can't say for sure.

EXAMINATION

1
2 BY MR. BECK:

3 Q. Ron, if a company or a mine wants to get a
4 variance, say, for clearance along a belt or track,
5 what's the process they follow to get that
6 variance?

7 A. Well, pursuant to the statute, first they
8 have to have a citation for it. Okay. So once a
9 citation is issued, then the mine operator can
10 petition the technical review committee, which is a
11 part of the West Virginia Board of Coal Mine Health
12 and Safety.

13 That review committee is made up of two
14 individuals, Fred Tucker and Chris Hamilton, Fred
15 Tucker from the union, Chris Hamilton from the coal
16 association. If they agree to the petition, then
17 it goes to the Board of Coal Mine Health and Safety
18 for review and it's finally determined whether or
19 not the petition for variance -- I think they call
20 it site specific rule making, if I'm not mistaken.
21 That determination would then be made by the Board
22 of Coal Mine Health and Safety.

23 Q. But they're the ones that issue final
24 approval?

1 A. The board does, yes.

2 Q. Do you know of any case where Massey might
3 have got a variance without going through the
4 board?

5 A. The only -- I think there is one area in
6 the statute where the director can grant a
7 temporary -- some temporary relief and that -- I
8 don't recall specifically, but I think it has
9 something to do with ventilation of seals. I'm not
10 positive. I'd have to look it up, Jim.

11 Q. Okay.

12 A. And I recall meetings on that subject, but
13 they were always -- if I'm not mistaken, TRC was
14 there. At least Fred Tucker was and he was
15 involved. I don't recall of any other -- they
16 couldn't get one from the state unless it was
17 granted by -- I mean, I -- no.

18 Q. Okay.

19 A. No. It had to go through the TRC and the
20 board.

21 MR. BECK: That's all I have.

22 MR. TUCKER: I don't have
23 anything.

24 Can we go off the record for a

1 second?

2 MR. BABINGTON: Let's take a
3 two-minute break.

4 (Brief recess.)

5 MR. BABINGTON: Bill, do you have
6 anything else?

7 MR. TUCKER: No.

8 MR. BABINGTON: Alvin, do you
9 have anything else?

10 MR. BROWN: No.

11 MR. BABINGTON: Jim? Barry?

12 MR. BECK: No.

13 MR. BABINGTON: On behalf of MSHA
14 and the Office of Miners' Health, Safety
15 and Training, I want to thank you for
16 appearing and answering questions today.
17 Your cooperation is very important in the
18 investigation as we work to determine the
19 cause of the accident.

20 We request that you not discuss
21 your testimony with any person aside from
22 your personal representative. After
23 questioning other witnesses, we may call
24 you if we have any follow-up questions.

1 If at any time you have
2 additional information regarding the
3 accident that you'd like to provide to us,
4 please contact us at the contact
5 information previously provided.

6 If you wish, you may now go back
7 over any answers your given during this
8 interview. You may also make any
9 statement that you'd like to make at this
10 time.

11 THE WITNESS: Thank you for the
12 opportunity. And, no, I don't want to
13 make a statement.

14 MR. BABINGTON: Okay. Well,
15 thank you, Mr. Wooten. And, again, I want
16 to thank you for your cooperation in this
17 matter.

18 Off the record.

19 (The interview of RON WOOTEN
20 concluded at 11:05 a.m.)

21
22
23
24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Robin M. Large, a Notary Public within
3 and for the State aforesaid, duly commissioned and
4 qualified, do hereby certify that the interview of
5 RON WOOTEN was duly taken by me and before me at
6 the time and place specified in the caption hereof.

7 I do further certify that said proceedings
8 were correctly taken by me in stenotype notes, that
9 the same were accurately transcribed out in full
10 and true record of the testimony given by said
11 witness.

12 I further certify that I am neither
13 attorney or counsel for, nor related to or employed
14 by, any of the parties to the action in which these
15 proceedings were had, and further I am not a
16 relative or employee of any attorney or counsel
17 employed by the parties hereto or financially
18 interested in the action.

19 My commission expires the 31st day of
20 December, 2019.

21 Given under my hand and seal this 2nd day of
22 February, 2011.

23 _____
24 Robin M. Large, Notary Public