|    |   | Page 1 |
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| 1  | * * * * * * *                           |        |
| 2  | PUBLIC HEARING                          |        |
| 3  | ON THE                                  |        |
| 4  | SAGO MINE DISASTER                      |        |
| 5  | May 2, 2006 - May 4, 2006               |        |
| 6  | * * * * * * *                           |        |
| 7  |   |        |
| 8  | May 2, 2006                             |        |
| 9  |   |        |
| 10 | * * * * * * *                           |        |
| 11 | West Virginia Wesleyan College          |        |
| 12 | Rockefeller Physical Education Center   |        |
| 13 | Buckhannon, West Virginia               |        |
| 14 | * * * * * * *                           |        |
| 15 |   |        |
| 16 |   |        |
| 17 |   |        |
| 18 | REPORTER: Miranda D. Elkins             |        |
| 19 |   |        |
| 20 |   |        |
| 21 |   |        |
| 22 |   |        |
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| 25 | certifying agency.                      |        |
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|    |                                 | Page 2 | _        |                                   | Page 4 |
|----|---------------------------------|--------|----------|-----------------------------------|--------|
| 1  | APPEARANCES                     |        | 1        | APPEARANCES                       |        |
| 2  |                                 |        | 2        |                                   |        |
| 3  | DAVITT MCATEER,                 |        | 3        | KEVIN STRICKLIN,                  |        |
| 4  | Chair                           |        | 4        | MSHA District Manager, District   |        |
| 5  | GOVERNOR JOSEPH MANCHIN,        |        | 5        | Three Office, Morgantown          |        |
| 6  | Governor State of West Virginia |        | 6        | BRIAN MILLS,                      |        |
| 7  | RAY MCKINNEY,                   |        | 7        | Inspector at Large, WVMSHT        |        |
| 8  | Administrator, MSHA             |        | 8        | JOHN COLLINS,                     |        |
| 9  | JAMES DEAN,                     |        | 9        | District Inspector, WVMSHT        |        |
| 10 | Director WV Office, MHST        |        | 10       | KEN TENNEY,                       |        |
| 11 | SENATOR JEFFREY KESSLER,        |        | 11       | •                                 |        |
| 12 | Senate Judiciary Committee      |        |          | Field Office Supervisor,          |        |
| 13 | DELEGATE WILLIAM HAMILTON,      |        | 12       | Bridgeport                        |        |
| 14 | Delegate, WV                    |        | 13       | ED CLAIR,                         |        |
| 15 | DELEGATE EUTACE FREDERICK,      |        | 14       | Associate Solicitor, MSHA         |        |
| 16 | Delegate, WV                    |        | 15       | BENNETT HATFIELD,                 |        |
| 17 | SENATOR SHIRLEY LOVE,           |        | 16       | President/CEO, ICG                |        |
| 18 | Senator, Oak Hill               |        | 17       | JEFFREY TOLER,                    |        |
| 19 | DELEGATE MIKE CAPUTO,           |        | 18       | Superintendent, Sago Mine         |        |
| 20 | Delegate, WV                    |        | 19       | SAMUEL KITTS,                     |        |
| 21 | SENATOR DON CARUTH              |        | 20       | Senior Vice President, WV&MD, ICC | ;      |
| 22 | Senator, Mercer                 |        | 21       | CHARLES SNAVELY,                  |        |
| 23 | Schator, Mercer                 |        | 22       | Vice President, ICG               |        |
| 24 |                                 |        | 23       | TYRONE COLEMAN,                   |        |
| 25 |                                 |        | 24       | Manager for Safety, WV, ICG       |        |
| 23 |                                 |        | 24       | Manager for Safety, WV, 100       |        |
|    |                                 | Page 3 |          |                                   | Page 5 |
| 1  | APPEARANCES                     | J      | 1        | APPEARANCES                       | · ·    |
| 2  | PEGGY COHEN,                    |        | 2        |                                   |        |
| 3  | Daughter, Fred Ware             |        | 3        | JOHN STEMPLE, JR.                 |        |
| 4  | VIRGINIA MOORE,                 |        | 4        | Assistant Director of Safety and  |        |
| 5  | Fiancé, Terry Helms             |        | 5        | Employee Development, ICG         |        |
| 6  | AMBER HELMS,                    |        | 6        | CARL CRUMINE,                     |        |
| 7  | Daughter, Terry Helms           |        | 7        | Mine Foreman, Sago Mine           |        |
| 8  | RUSSELL BENNETT,                |        | 8        | FRED JAMISON,                     |        |
| 9  | Son, Marty Bennett              |        | 9        | Fire Boss, Sago Mine              |        |
| 10 | PAM CAMPBELL,                   |        | 10       | THE DOSS, Sugo WILLIE             |        |
| 11 | Sister-In-Law, Marty Bennett    |        | 11       |                                   |        |
| 12 | SAMANTHA LEWIS,                 |        | 12       |                                   |        |
|    |                                 |        |          |                                   |        |
| 13 | Wife, Dave Lewis                |        | 13       |                                   |        |
| 14 | CHRISTOPHER TOLER,              |        | 14<br>15 |                                   |        |
| 15 | Son, Martin Toler               |        | 15       |                                   |        |
| 16 | SHELLY GROVES ROSE,             |        | 16       |                                   |        |
| 17 | Daughter, Jerry Groves          |        | 17       |                                   |        |
| 18 | JOHN GROVES,                    |        | 18       |                                   |        |
| 19 | Brother, Jerry Groves           |        | 19       |                                   |        |
| 20 | DEBBIE HAMNER,                  |        | 20       |                                   |        |
| 21 | Wife, George Hamner             |        | 21       |                                   |        |
| 22 | CHARLOTTE WEAVER,               |        | 22       |                                   |        |
| 23 | Wife, Jackie Weaver             |        | 23       |                                   |        |
| 24 | ANN MEREDITH,                   |        | 24       |                                   |        |
| 25 | Daughter, James Bennett         |        | 25       |                                   |        |
|    |                                 |        |          |                                   |        |

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|--|---|--|--|--------|
| 1  | Page 6  | 1  | PROCEEDINGS  | Page 8 |
| 2  | STATEMENTS  | 2  | FROCEEDINGS  |        |
| 3  | By Chair 8 - 14   | 3  | CHAIR:   |        |
| 4  | By Governor Manchin 14 - 23   | 4  | My name is Davitt  |        |
| 5  | By Mr. McKinney 24 - 28   | 5  | McAteer, and I want to welcome all of  |        |
| 6  | By Mr. Dean 28 - 34   | 6  | you here this morning. We'd like to  |        |
| 7  | By Senator Kessler 34 - 37  | 7  | open with a prayer and a pledge of   |        |
| 8  | By Delegate Hamilton 37 - 41  | 8  | allegiance, and then we'll begin the   |        |
| 9  | By Delegate Frederick 41 - 43   | 9  | process. If you could stand for  |        |
| 10   | By Senator Love 43 - 45   | 10   | prayer, please.  |        |
| 11   | By Delegate Caputo 45 - 49  | 11   | PLEDGE OF ALLEGIANCE RECITED   |        |
| 12   | By Senator Caruth 49 - 53   | 12   | CHAIR:   |        |
| 13   | STATEMENTS OF FAMILY MEMBERS  | 13   | I would like to thank the  |        |
| 14   | By Peggy Ware- Cohen 55 - 59  | 14   | staff of West Virginia Wesleyan for  |        |
| 15   | By Virginia Moore 60 - 61   | 15   | hosting this hearing, and for the  |        |
| 16   | By Amber Helms 61 - 66 By Russell Bennett 66 - 67   | 16   | support and cooperation that they have   |        |
| 17   | By Russell Bennett 66 - 67  | 17   | provided to everyone affected by the   |        |
| 18   | By Pam Campbell 67 - 69   | 18   | Sago tragedy and involved in the   |        |
| 19   | By Samantha Lewis 69 - 72   | 19   | investigation for the past four months.  |        |
| 20   | By Christopher Toler 72 - 74  | 20   | They have been marvelous.  |        |
| 21   | By Shelly Grooves Rose 74 - 77  | 21   | In a moment, I'll outline  |        |
| 22   | By John Groves 77 - 85  | 22   | the procedure we'll be following.  |        |
| 23   | By Debbie Hamner 85 - 90  | 23   | First, however, I would ask us to stand  |        |
| 24   | By Charlotte Weaver 90 - 95   | 24   | once more for a moment of silence for  |        |
| 25   | By Ann Meredith 92 - 102  | 25   | the 12 miners who perished in this mine  |        |
|  |   |  |  |        |
|  | Daga 7  |  |  | Dago O |
| 1  | Page 7  | 1  | disastor   | Page 9 |
| 1  | INDEX   | 1  | disaster.  | Page 9 |
| 2  | I N D E X<br>STATEMENTS   | 2  | MOMENT OF SILENCE  | Page 9 |
| 2 3  | I N D E X STATEMENTS By Kevin Strickland 103 - 116  | 2  | MOMENT OF SILENCE<br>CHAIR:  | Page 9 |
| 2<br>3<br>4  | I N D E X STATEMENTS By Kevin Strickland 103 - 116 By Brian Mills 116 - 124   | 2<br>3<br>4  | MOMENT OF SILENCE<br>CHAIR:<br>Thank you. This public  | Page 9 |
| 2<br>3<br>4<br>5   | I N D E X STATEMENTS By Kevin Strickland 103 - 116 By Brian Mills 116 - 124 By John Collins 124 - 128   | 2<br>3<br>4<br>5   | MOMENT OF SILENCE CHAIR: Thank you. This public hearing on the Sago Mine disaster  | Page 9 |
| 2<br>3<br>4<br>5<br>6  | I N D E X STATEMENTS By Kevin Strickland 103 - 116 By Brian Mills 116 - 124 By John Collins 124 - 128 QUESTIONS OF PANEL TWO 128 - 191  | 2<br>3<br>4<br>5<br>6  | MOMENT OF SILENCE CHAIR: Thank you. This public hearing on the Sago Mine disaster augments a joint investigation by the  | Page 9 |
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| 2<br>3<br>4<br>5<br>6  | I N D E X STATEMENTS By Kevin Strickland 103 - 116 By Brian Mills 116 - 124 By John Collins 124 - 128 QUESTIONS OF PANEL TWO 128 - 191 STATEMENTS By Bennett Hatfield 192 - 198   | 2<br>3<br>4<br>5<br>6  | MOMENT OF SILENCE CHAIR: Thank you. This public hearing on the Sago Mine disaster augments a joint investigation by the West Virginia Office of Miners' Health, Safety & Training, and the Federal Mine  | Page 9 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | I N D E X STATEMENTS By Kevin Strickland 103 - 116 By Brian Mills 116 - 124 By John Collins 124 - 128 QUESTIONS OF PANEL TWO 128 - 191 STATEMENTS By Bennett Hatfield 192 - 198 By Jeffrey Toler 198 - 207  | 2<br>3<br>4<br>5<br>6<br>7<br>8  | MOMENT OF SILENCE CHAIR: Thank you. This public hearing on the Sago Mine disaster augments a joint investigation by the West Virginia Office of Miners' Health, Safety & Training, and the Federal Mine Safety & Health Administration.  | Page 9 |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | I N D E X STATEMENTS By Kevin Strickland 103 - 116 By Brian Mills 116 - 124 By John Collins 124 - 128 QUESTIONS OF PANEL TWO 128 - 191 STATEMENTS By Bennett Hatfield 192 - 198 By Jeffrey Toler 198 - 207 By Bennett Hatfield 207 - 210                                    | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | MOMENT OF SILENCE CHAIR: Thank you. This public hearing on the Sago Mine disaster augments a joint investigation by the West Virginia Office of Miners' Health, Safety & Training, and the Federal Mine Safety & Health Administration.  | Page 9 |
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|  | F  | Page 10 |  | Page 12  |
|--|--|---------|--|--|
| 1  | they have the right to expect that   |         | 1  | circumstance of the explosion and then   |
| 2  | everything necessary will be done to   |         | 2  | to the rescue and recovery effort.   |
| 3  | improve mine safety conditions in the  |         | 3  |  |
|  |  |         |  | At each stage, we will   |
| 4  | United States, so that the Sago Mine   |         | 4  | focus on causation and what can be done  |
| 5  | disaster will be remembered as the   |         | 5  | to prevent further types of accidents  |
| 6  | turning point in this country's  |         | 6  | from happening. Clearly, they are of   |
| 7  | history.   |         | 7  | equal importance in determining what   |
| 8  | Toward that goal and in  |         | 8  | went wrong at Sago. In order to  |
| 9  | •  |         | 9  |  |
|  | that spirit, we have convened this   |         |  | attempt to establish an orderly  |
| 10   | panel, this meeting. In addition to  |         | 10   | process, we have adopted a set of  |
| 11   | the Mine Safety & Health Administration  |         | 11   | procedural rules, which you will find  |
| 12   | and the Office of Miners' Health,  |         | 12   | attached to your agenda. The   |
| 13   | Safety & Training, the legislative   |         | 13   | representatives of MSHA and the West   |
| 14   | bodies of the West Virginia Senate and   |         | 14   | Virginia Office of Miners' Health,   |
|  |  |         |  | <u> </u>   |
| 15   | House of Delegates have both   |         | 15   | Safety & Training will ask questions of  |
| 16   | established investigative panels. The  |         | 16   | the witnesses, representatives of the  |
| 17   | members are here as part of their  |         | 17   | family will also ask questions of the  |
| 18   | charge to review the tragedy in order  |         | 18   | witnesses. The legislators will ask  |
| 19   | to formulate legislative actions to  |         | 19   | questions of the company and will ask  |
| 20   | build on the legislation that Governor   |         | 20   | questions  |
|  | Manchin introduced and that the  |         |  | ·  |
| 21   |  |         | 21   | and will ask questions of the state  |
| 22   | legislature enacted earlier this year.   |         | 22   | and federal witnesses through the  |
| 23   | The West Virginia Board  |         | 23   | Chair.   |
| 24   | of Coal Mine Safety & Health, whose  |         | 24   | Other participation and  |
| 25   | members are here also today is charged   |         | 25   | members of the public may submit   |
|  |  |         |  |  |
|  |  |         |  |  |
|  | F  | Page 11 |  | Page 13  |
| 1  |  | Page 11 | 1  | Page 13  |
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|  |   | Page 14 | _  |  | Page 16 |
|--|---|---------|--|--|---------|
| 1  | Thank you, Davitt. First  |         | 1  | there was something that we could do   |         |
| 2  | of all, let me thank the West Virginia  |         | 2  | and do it better and do it differently.  |         |
| 3  | Wesleyan College, the president, Bill   |         | 3  | And that's why we are here today,  |         |
| 4  | Haden, and the entire staff for being   |         | 4  | basically for you. I know what we went   |         |
| 5  | our host, and a gracious host they have   |         | 5  | through with the loss of my Uncle John,  |         |
| 6  | been. I also want to acknowledge the  |         | 6  | my mother, who was that was her  |         |
| 7  | U.S. Department of Labor, the Mine  |         | 7  | brother, my Aunt Jenny, and my cousins   |         |
| 8  | Safety & Health Administration, and the   |         | 8  | John, and Susie and Vincent, and all of  |         |
| 9  | West Virginia Office of Miners' Health,   |         | 9  | the family. It's just it's   |         |
| 10   | Safety & Training. The West Virginia  |         | 10   | something you never ever recover from,   |         |
| 11   | Board of Coal Mine Health & Safety, the   |         | 11   | but you try to go on.  |         |
| 12   | United Mine Workers' and the Coal   |         | 12   | The Sago families need   |         |
| 13   | Association of West Virginia for all of   |         | 13   | closure, and they need to know what the  |         |
| 14   | their efforts in this investigation and   |         | 14   | facts are. It is my sincere hope that  |         |
| 15   | this process.   |         | 15   | this hearing will give the families  |         |
| 16   | The members of the West   |         | 16   | directly impacted by this tragedy, an  |         |
| 17   | Virginia legislature for their  |         | 17   | opportunity to get answers to their  |         |
| 18   | involvement in this process and for   |         | 18   | questions.   |         |
| 19   | their efforts in making changes to our  |         | 19   | It pleases me that the   |         |
| 20   | laws, with the knowledge and desire to  |         | 20   | commitment made to these families is   |         |
| 21   | make mining safer. And they truly have  |         | 21   | being honored. Providing them with an  |         |
| 22   | done an outstanding job. But most   |         | 22   | opportunity to have their voices heard   |         |
| 23   | importantly, we're here for the   |         | 23   | with regard to this tragedy.   |         |
| 24   | families, all the extended families and   |         | 23<br>24   |  |         |
| 25   |   |         |  | There were two requests  |         |
| 25   | those representing the families today.  |         | 25   | that I made at the beginning of this   |         |
|  |   |         |  |  |         |
|  |   | Page 15 |  | F  | Page 17 |
| 1  |   | Page 15 | 1  |  | Page 17 |
| 1 2  | With the opening of this  | Page 15 | 1 2  | investigative process, really while we   | Page 17 |
| 2  | With the opening of this public hearing this morning, we  | Page 15 | 2  | investigative process, really while we were still at the mine site waiting. I  | Page 17 |
| 2 3  | With the opening of this public hearing this morning, we continue the ongoing process to  | Page 15 | 2  | investigative process, really while we were still at the mine site waiting. I asked for a complete report consisting   | Page 17 |
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| 1  | Page 18  | 1  | Page 20   |
|--|--|--|---|
| 1  | aftermath.   | 1  | the legislature absolutely worked   |
| 2  | The open hearing process   | 2  | without any political involvement.  |
| 3  | is very important for everyone   | 3  | They crossed party lines. They did  |
| 4  | involved, particularly, you the family.  | 4  | something that needed to be done on   |
| 5  | I believe that if we would have had  | 5  | behalf of all the miners in West  |
| 6  | this opportunity, it might have helped   | 6  | Virginia, all of the miners in America,   |
| 7  | us. And I'm hoping that it's going to  | 7  | to make sure we took a step forward to  |
| 8  | help you. The hearing will also  | 8  | make mining safer. And that bill, on  |
| 9  | provide state and federal officials  | 9  | January 23rd, I told them at the time   |
| 10   | with additional knowledge to learn and   | 10   | that we were passing and working on   |
| 11   | improve from this tragedy to make  | 11   | that bill, we're not doing one thing to   |
| 12   | mining workplaces throughout our state   | 12   | make mining safer at this juncture.   |
| 13   | and nation safer.  | 13   | What we're doing is making sure that if   |
| 14   | I'm pleased at Davitt  | 14   | a miner is caught in a horrible tragedy   |
| 15   | McAteer, former assistant secretary for  | 15   | such as the Sago, Alma or any other   |
| 16   | the Mine Safety & Health Administration  | 16   | place in West Virginia, the chances of  |
| 17   | and the U.S. Department of Labor, and a  | 17   | us being able to rescue them safely is  |
| 18   | noted authority on mine safety, agreed   | 18   | greatly improved. Rapid response,   |
| 19   | in the days following the Sago tragedy   | 19   | electronic tracking, portable air   |
| 20   | to serve as my special advisor on this   | 20   | station, supplies in mines, all of  |
| 21   | investigation. I could not have asked  | 21   | these things make so much common sense.   |
| 22   | a person who had more skill, trust and   | 22   | And we and West Virginia now have the   |
| 23   | knowledge to support me and the people   | 23   | laws in place to do that.   |
| 24   | of West Virginia and our staff   | 24   | Working together with our   |
| 25   | throughout the course of this  | 25   | partners, we took another significant   |
|  |  |  |   |
|  | Page 19  |  | Page 21   |
| 1  | Page 19 investigation And to chair and   | 1  | Page 21   |
| 1 2  | investigation. And to chair and  | 1 2  | step in our efforts to address mine   |
| 2  | investigation. And to chair and operate this hearing with the  | 2  | step in our efforts to address mine safety with the development of amended  |
| 2 3  | investigation. And to chair and operate this hearing with the guidelines of the state and federal  | 2  | step in our efforts to address mine safety with the development of amended emergency mine safety rules. For the   |
| 2<br>3<br>4  | investigation. And to chair and operate this hearing with the guidelines of the state and federal regulations. And Davitt, I can only  | 2<br>3<br>4  | step in our efforts to address mine safety with the development of amended emergency mine safety rules. For the industry which addresses breathable air   |
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| 2<br>3<br>4<br>5<br>6  | investigation. And to chair and operate this hearing with the guidelines of the state and federal regulations. And Davitt, I can only tell you, on behalf of a grateful state, I appreciate your efforts, your   | 2<br>3<br>4<br>5<br>6  | step in our efforts to address mine safety with the development of amended emergency mine safety rules. For the industry which addresses breathable air stations, the use of rescue chambers and a development of a technology  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | investigation. And to chair and operate this hearing with the guidelines of the state and federal regulations. And Davitt, I can only tell you, on behalf of a grateful state, I appreciate your efforts, your staff efforts throughout this process in working with our office and with all of the families and all of the parties involved.  It is very important to know that these brave miners have not died in vain, as their legacy is living on through the significant safety and technology advances and regulatory changes that are being instituted to improve mine safety. As a result of the horrible tragedy at Sago, we have already strengthened our mine safety laws on a state level. And we are in the process of conducting a very thorough evaluation of our mine safety                       | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | step in our efforts to address mine safety with the development of amended emergency mine safety rules. For the industry which addresses breathable air stations, the use of rescue chambers and a development of a technology taskforce to evaluate new mine safety technology. We are now going through the process of working with the federal government and all of our mining states to assist with their ongoing efforts to improve mine safety.  Bringing together experts from the mining and technology sectors, we assembled a global group to discuss ways that we can improve mine safety at the very first International Mine Safety & Health Symposium, which was held ten days ago. It was held in Wheeling, West Virginia, Wheeling Jesuit College, Davitt chaired and put the symposium, did a great job of  |

| 1  |   |   |   |
|--|---|---|---|
| 1  | Page 2  |   | Page 24   |
| 1  | technologies and advancements of  | 1   | administrator of Coal Mine Safety &   |
| 2  | technologies they're making, that would   | 3   | Health enforcement at the Mine Safety & Health Administration, for a short  |
|  | make mining safer.  |   | ·   |
| 4<br>5   | It is imperative that we  | 4   | opening statement. MR. MCKINNEY:  |
|  | remain committed to properly seeing   | 5   |   |
| 6<br>7   | this joint and federal investigation to its conclusion. We understand the very  | 6   | Good morning. As Davitt indicated, my name is Ray McKinney, and   |
| 8  | delicate nature of this investigation,  | 8   | I represent the Mine Safety & Health  |
| 9  | taking into account the heavy emotions  | 9   | Administration at this hearing. I'm   |
| 10   | that are involved while respecting the  | 10  | the administrator for Coal Mine Safety  |
| 11   | need to adhere to the guidelines  | 11  | & Health, and in that position, I'm   |
| 12   | associated with this effort.  | 12  | MSHA's senior career official in the  |
| 13   | I am confident that if we   | 13  | Coal Mine Health & Safety division.   |
| 14   | work properly through the process and   | 14  | have over 36 years of mining  |
| 15   | it is preserved, that we can attain the   | 15  | experience. Thirty (30) years of that   |
| 16   | goals that we set and help these  | 16  | has been dedicated to mine safety &   |
| 17   | families with a true sense of closure.  | 17  | health. I personally participate in   |
| 18   | The upcoming days are going to be   | 18  | every aspect of mine rescue and   |
| 19   | difficult for the families and everyone   | 19  | recovery operations, including  |
| 20   | connected with this tragedy. In   | 20  | underground service with mine rescue  |
| 21   | honoring the memory of the Sago miners,   | 21  | teams.  |
| 22   | we must continue to take every step   | 22  | As noted earlier, this is   |
| 23   | necessary to ensure that miners in West   | 23  | a sad and solemn occasion because of  |
| 24   | Virginia and everywhere in the nation   | 24  | the tragic death of the 12 miners at  |
| 25   | are as safe as possible, and that they  | 25  | the Sago Mine on January 2nd. We at   |
|  |   |   | , ,   |
|  | Page 2  | 3   | Page 25   |
| 1  | are equipped to do their work in an   | 1   | MSHA acknowledge the loss and grief of  |
| 2  | environment that is as safe as we can   | 2   | the families affected by this terrible  |
| 3  | possibly make it.   | 3   | tragedy, and we mourn with them.  |
| 4  | There's nothing that we   | 4   | This public hearing   |
| 5  | do here today or tomorrow that's going  | 5   | should be as seen as part of the larger   |
| 6  | to bring back our loved ones, not one   | 6   | investigation process that is designed  |
| 7  | thing, or any of the loss of miners   | 7   | to find the causes of the explosion and   |
| 8  | that we've had over the years. But I  | 8   |   |
| (1   |   |   | the conditions that contribute to the   |
| 9  | truly believe I really truly  | 9   | loss of life.   |
| 10   | truly believe I really truly believe that we can change the fate of   | 9<br>10   | loss of life.<br>MSHA's investigation   |
| 10<br>11   | truly believe I really truly believe that we can change the fate of mining, not only in West Virginia, but  | 9<br>10<br>11   | loss of life. MSHA's investigation process began within hours of the  |
| 10<br>11<br>12   | truly believe I really truly believe that we can change the fate of mining, not only in West Virginia, but across this great nation of ours if we   | 9<br>10<br>11<br>12   | loss of life. MSHA's investigation process began within hours of the completion of the rescue and recovery  |
| 10<br>11<br>12<br>13   | truly believe I really truly believe that we can change the fate of mining, not only in West Virginia, but across this great nation of ours if we do it right and complete.   | 9<br>10<br>11<br>12<br>13   | loss of life. MSHA's investigation process began within hours of the completion of the rescue and recovery operation. And the investigation will  |
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|--|--|---|---|---------|
| 1  | widely available to the mining   |   |   |         |
| 2  | industry. We will discuss it with our  | 2   | 1 3   |         |
| 3  | own managers and inspection personnel,   | 3   | •   |         |
| 4  | and we will use it as a training tool.   | 4   | 1   |         |
| 5  |  | 5   | 11  |         |
| 6  | The history of   | 6   |   |         |
| 7  | improvement in mine safety & health  | 7   | •   |         |
| 8  | protection has advanced as we learn  | 8   |   |         |
| 9  | from tragic events at the Sago Mine  | 9   | 3   |         |
| 10   | explosion.   | 10  | . ,   |         |
| 11   | Second, our goal is to   | 11  |   |         |
| 12   | enforce the provisions of the Federal  | 12  | Thank you. Before I   |         |
| 13   | Mine Safety & Health Act of 1977 and   | 13  | begin my remarks this morning, I'd like   |         |
| 14   | its regulations.   | 14  | to recognize the members of the West  |         |
| 15   | If our investigation   | 15  | Virginia Board of Coal Mine Health &  |         |
| 16   | uncovers evidence that the requirements  | 16  | Safety, and ask them to stand and be  |         |
| 17   | of the Mine Act and MSHA's safety  | 17  | recognized, if possible.  |         |
| 18   | standards have been violated, we will  | 18  | This board is composed of   |         |
| 19   | take appropriate enforcement action.   | 19  | •   |         |
| 20   | The operator will be cited and a civil   | 20  |   |         |
| 21   | penalty will be assessed. If the mine  | 21  | -   |         |
| 22   | operator disagrees with our enforcement  | 22  |   |         |
| 23   | action, it may seek review of our  | 23  | 9 9   |         |
| 24   | action, have a hearing before an   | 24  | <b>3</b> ·  |         |
| 25   | administrative law judge of the  | 25  | 3   |         |
|  | , 3  |   | '   |         |
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|  | -  | e 27  |   | Page 29 |
| 1  | Pag Independent Federal Mine Safety &  | e 27 <b>1</b>   | occurrence.   | Page 29 |
| 2  | -  | 1 2   | I serve as a chairman of  | Page 29 |
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|--|---|---------|--|---|
| 1 1  |   | Page 30 |  | Page 32   |
| 1  | months, we've interviewed many  |         | 1  | personnel needs for the Office of   |
| 2  | different people and looked at a great  |         | 2  | Miners' Health, Safety & Training in  |
| 3  | deal of information from within the   |         | 3  | this area. I'm also working with  |
| 4  | mine, the company and agency records,   |         | 4  | Governor Manchin to begin to implement  |
| 5  | and through testing. We are still   |         | 5  | this plan once funding has been   |
| 6  | obtaining additional information in   |         | 6  | obtained.   |
| 7  | almost all of these areas. Some of  |         | 7  | We're also in the process   |
| 8  | this information is clear, though at  |         | 8  | of an extensive industry review of  |
| 9  | times we do have information that is  |         | 9  | storage of rescuers and moving forward  |
| 10   |   |         | 10   | ů .   |
|  | often conflicting.  |         |  | through Senate bill 247, which was  |
| 11   | It's part of our job to   |         | 11   | passed in law and mentioned earlier.  |
| 12   | sort through all this and anything else   |         | 12   | This will give us an inventory of   |
| 13   | we learn that can help us in order to   |         | 13   | what's there and what mines need to   |
| 14   | find the truth. What is the ignition  |         | 14   | take immediate steps for a better   |
| 15   | source that caused the explosion and  |         | 15   | reserve.  |
| 16   | what can be done to ensure that we're   |         | 16   | A six-member task force,  |
| 17   | better prepared in the future, should   |         | 17   | the mine operators and miners and   |
| 18   | we need to respond to such an event.  |         | 18   | representatives from the UWMA is  |
| 19   | And also, what steps can be taken to  |         | 19   | working diligently to develop   |
| 20   | prevent the event in the first place.   |         | 20   | recommendations for my consideration on   |
| 21   | I assure you that the   |         | 21   | issues surrounding emergency chambers,  |
| 22   | information we discuss in this hearing  |         | 22   | tracking and communication systems, as  |
| 23   | will become another important part of   |         | 23   | called for in Senate bill 247.  |
| 24   | our investigation review. I hope the  |         | 24   | The task force is   |
| 25   | information we gather here today will   |         | 25   | committed to meeting its May 29th   |
| 23   | information we gather here today will   |         | 23   | committed to meeting its way 27th   |
|  |   | Page 31 |  | Page 33   |
| 1  | shed additional light on the accident.  | 3       | _  | _   |
|  |   |         | 1  | deadline for reporting to me. Logav I   |
|  | <del>_</del>  |         | 1<br>2   | deadline for reporting to me. Today I want to tell you about another  |
| 2  | More importantly, I hope it will help   |         | 2  | want to tell you about another  |
| 2  | More importantly, I hope it will help the families and others gathered here   |         | 2  | want to tell you about another important step we are taking. Along  |
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| 1  | Page   |   | Page 36 to find the truth. I think we all   |
|--|--|---|---|
| 1  | not and will not be forgotten as we  |   |   |
| 2  | move forward. Thank you.<br>CHAIR:   |   | share the we may have dual tracks, but we have a common purpose, and that   |
|  |  |   | ' ' '   |
| 4  | Our next speaker from the  |   |   |
| 5  | legislative panel is Senator Jeff  |   | We have to determine the  |
| 6<br>7   | Kessler, who chairs the Senate   |   | facts and uncover the truth, however  |
|  | Judiciary Committee. Senator Kessler?  |   | harsh, painful or hard that may be. I   |
| 8  | SENATOR KESSLER:   |   | think we all know many of the things, the who, what, when and where. We know  |
| 10   | Thank you, Davitt,   |   | 1, 11,  |
|  | members of the panel, and particularly   | 1   | ''  |
| 11   | the families. We are here to find the  | 1   | , , , , , , , , , , , , , , , , , , ,   |
| 12   | truth, and that's what we expect to do   | 1   | '   |
| 13<br>14   | over the next few days. There was a  | 1   | ,   |
|  | horrible, horrible tragedy that  | 1   | '   |
| 15<br>16   | occurred in early January of this year.  | 1   | , ,   |
|  | And I just want you all to know what   | 1   | 1 1 3   |
| 17   | the legislature is doing in order to   | 1   | 1   |
| 18   | address this horrible tragedy.   | 1   | 5 5   |
| 19   | Shortly after the  | 1   | ·   |
| 20   | disaster, the president of the Senate  | 2   | 3 ' 1 ' 3   |
| 21<br>22   | and Speaker of the House got together  | 2   |   |
|  | and commissioned a legislative panel, a  | 2   | 3   |
| 23   | bipartisan panel of democrats and  | 2   |   |
| 24   | republicans from the Senate and the  | 2   | ·   |
| 25   | House to have a legislative, a West  | 2   | 5 vital to the state, are the safest and  |
|  |  |   |   |
|  | Page   | 35  | Page 37   |
| 1  | _  |   | Page 37 most productive, as well as mines in  |
| 1 2  | Virginia legislature look into and examine this horrible incident. And   | '   | most productive, as well as mines in  |
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| Page 38  | Page 40   |
| 1 city and our county. 1 I've been aske  |   |
|  | opes to achieve, my answer  |
| · · · · · · · · · · · · · · · · · · ·  | o stone unturned. Let the   |
| 4 and First Lady Gail Manchin for their 4 evidence lea   | d us to the cause of this   |
| 5 support and love in our most tragic 5 mine disaste   | r so that we can develop  |
| 6 times. Our governor did not have to be 6 mine safety   | regulations whereby these   |
| •  | s will not be repeated in   |
|  | ing community.  |
| 9 session to prepare for, but he did not. 9 Since the mine   | 3   |
|  | en with mine industry   |
| , , , , , , , , , , , , , , , , , , ,  | ves, mine safety  |
| l l  | <u> </u>  |
| J  | coal operators, coal  |
|  | union and non-union, and  |
|  | ur Sago miners to gain  |
|  | this input and other  |
| 11 3   | that has thus far surfaced  |
|  | e Sago Mine tragedy, I have   |
| 18 congresswoman, Shelley Moore Capito 18 questions to   | which I need answers.   |
| 19 could have told us that her schedule 19 My understand   | ling of our   |
| 20 did not permit her coming to Upshur 20 legislative co   | ommittee's purpose in   |
| 21 County, but she did not. 21 these proceed   | edings is that we are to ask  |
|  | that we can receive the   |
|  | t our miners' families so   |
|  | need to obtain closure on   |
|  | nate disaster.  |
| 20 this director   | iato disastor.  |
| Page 39  | Page 41   |
| 1 rescue teams. Other individuals and 1 I may not agree  | _   |
| , , ,  | procedure today, but I  |
| ,  | one here today that I am  |
| 1  | ted and determined to seek  |
|  | our Sago miners' families.  |
|  | hich I hope will lead to  |
| · · · · · · · · · · · · · · · · · · ·  | •   |
|  | ts in mine safety. We cannot  |
| 1  | ur fallen brothers, but we  |
| · · · · · · · · · · · · · · · · · · ·  | make our mines safer for  |
|  | and future miners. Thank  |
| 11 Speaker Robert Kiss and Senate 11 you.  |   |
| 12 President Earl Ray Tomblin. 12 CHAIR:   |   |
| 13 Speaker Kiss appointed me 13 Delegate Eusta   |   |
| 14 along with my two House colleagues, 14 Frederick of   | DI 6' - I - I   |
|  |   |
| 15 Delegate Caputo and Delegate Frederick. 15 DELEGATE FRE   |   |
|  | EDERICK:  |
| <ul> <li>Delegate Caputo and Delegate Frederick.</li> <li>Senate President Tomblin appointed</li> <li>Good morning.</li> </ul>   | EDERICK:  |
| 15 Delegate Caputo and Delegate Frederick. 16 Senate President Tomblin appointed 17 three Senate colleagues, Senator 18 DELEGATE FREDERICATION 15 DELEGATE FREDERICATION 16 Good morning. 19 Of a coal mire.   | EDERICK:  I come out hing family, and I bring to  |
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| 1  | forgot that. What a huge tragedy it   | 1  | the deceased miners that the State of  |
| 2  | was then, what a huge tragedy it has  | 2  | West Virginia will hold its own public   |
| 3  | been for you. And that's why we must  | 3  | hearings. And today he's fulfilling  |
| 4  | find the cause of this accident and do  | 4  | that promise.  |
|  |   |  | ·  |
| 5  | what it takes to prevent it from  | 5  | Mine safety in West  |
| 6  | happening again.  | 6  | Virginia has successfully been   |
| 7  | Now, the overall record   | 7  | accomplished through a series of   |
| 8  | of the industry shows from the time   | 8  | layered regulations. And I mean by   |
| 9  | I'm talking about in the 1930s, it  | 9  | this, considering our tragic loss at   |
| 10   | goes way back, up in 2006 there have  | 10   | the Sago Mine, there are requirements  |
| 11   | been huge improvements in coal mine   | 11   | to prevent methane accumulation. There   |
| 12   | e .   | 12   | ·  |
|  | safety throughout America. America's  |  | are requirements to control ignition   |
| 13   | known as the safest coal mines in the   | 13   | sources. There are requirements to   |
| 14   | world. But our record this year is  | 14   | examine, to assure all is safe and   |
| 15   | totally unacceptable, and we've got to  | 15   | there's requirements providing means   |
| 16   | go at it with that in mind.   | 16   | for miners to escape should the other  |
| 17   | It's been said and known  | 17   | requirements fail.   |
| 18   | that the safest mines are always the  | 18   | Why did all these rules  |
| 19   | most productive mines, and none of us   | 19   | fail the miners at Sago? Is the state  |
| 20   | can rest until we stop all of the mine  | 20   | and federal government doing enough to   |
| 21   | fatalities.   | 21   |  |
|  |   |  | protect our coal miners from future  |
| 22   | Again, I've worked in the   | 22   | tragedies? Are there enough  |
| 23   | industry for over 40 years, I've  | 23   | inspectors? Are there enough   |
| 24   | studied for 40 years, and our number  | 24   | resources, is the state and federal  |
| 25   | one goal, it's always been my goal,   | 25   | mine agency understaffed, under-funded,  |
|  |   |  |  |
|  | Page 43   |  | Page 45  |
|  |   |  | - I  |
| 1  | that there will be no mine fatalities   | 1  | under-equipped?  |
| 1 2  | that there will be no mine fatalities in America's coal mines. I believe  | 1<br>2   | - I  |
| 2  | in America's coal mines. I believe  |  | under-equipped?<br>These miners and families   |
| 2 3  | in America's coal mines. I believe that is an achievable, doable goal.  | 2  | under-equipped? These miners and families only want to determine what went wrong   |
| 2<br>3<br>4  | in America's coal mines. I believe<br>that is an achievable, doable goal.<br>Now, we must not let any   | 2<br>3<br>4  | under-equipped? These miners and families only want to determine what went wrong to cause that explosion, and what could   |
| 2 3 4 5  | in America's coal mines. I believe that is an achievable, doable goal.  Now, we must not let any stone go unturned until we find the  | 2<br>3<br>4<br>5   | under-equipped? These miners and families only want to determine what went wrong to cause that explosion, and what could have been done to save the miners who   |
| 2<br>3<br>4<br>5<br>6  | in America's coal mines. I believe that is an achievable, doable goal.  Now, we must not let any stone go unturned until we find the cause of this accident and do whatever   | 2<br>3<br>4<br>5<br>6  | under-equipped? These miners and families only want to determine what went wrong to cause that explosion, and what could have been done to save the miners who survived that initial blast. And  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | in America's coal mines. I believe that is an achievable, doable goal.  Now, we must not let any stone go unturned until we find the cause of this accident and do whatever it takes to prevent future accidents.  Again, I offer my deepest sympathy, and I believe before this is over with, that we must find the cause and do what it takes to prevent future accidents.  Thank you.  CHAIR:  Senator Shirley Love of Oak Hill.  SENATOR LOVE:  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | under-equipped? These miners and families only want to determine what went wrong to cause that explosion, and what could have been done to save the miners who survived that initial blast. And basically, the legislature wants to find out what went wrong at Sago, and what we, as a lawmaking body should do to minimize the chances of such a tragedy ever happening again. Thank you. CHAIR: Next is Delegate Mike Caputo from Fairmont. DELEGATE CAPUTO:  |
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| 25 represented representatives of some 25 a say this morning in opening this   | 14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | included in this debate, and one of those being the United Mine Workers' of America, which, for full disclosure, I am an employee of. But the reason I bring that up, it was UMWA members who were first on the scene and were members of the rescue teams that put forth those heroic efforts. And I think they should be a part of the testimony today, but for some reason                                 | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | our special message to you is that people throughout the State of West Virginia share the sympathy for the family and friends of the Sago miners, and certainly recognize and appreciate the heroism involved in so many aspects of what took place in this tragic accident.  You may wonder why we're  |
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|  | Page 50  |  | Page 52   |
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| 1  | session that we're going to have for   | 1  | addition to that, determine which of  |
| 2  | the next several days. In regard to  | 2  | those facts are relevant and material   |
| 3  | that question, if it's in your mind, I   | 3  | to what we're looking at these three  |
| 4  | think perhaps it's important for those   | 4  | days. So that we can determine as a   |
| 5  | of you who are here to know who we are   | 5  | panel, as a legislative panel, and  |
| 6  | on this legislative panel and what our   | 6  | those of you who are here in your   |
| 7  | function is. And I think it's equally  | 7  | individual capacities and in your   |
| 8  | important to know of our determination   | 8  | professional functions may determine  |
| 9  | to get the right answers to the  | 9  | what went wrong and what caused this  |
| 10   | questions.   | 10   | accident. So that we can also review  |
| 11   | All of the people who are  | 11   | the rescue procedures and determine how   |
| 12   | on the legislative panel were picked   | 12   | the rescue techniques can be improved,  |
| 13   | for some particular reason. I am an  | 13   | how rescue equipment and apparatus can  |
| 14   | attorney and I've had substantial  | 14   | be improved in the future.  |
| 15   | experience in both surface and   | 15   | All of this with the goal   |
| 16   | underground investigations and   | 16   | of improving miners' safety. So it's  |
| 17   | accidents. Other members of the panel  | 17   | our function here today as a panel, and   |
| 18   | have other experiences, either in  | 18   | I think the function of all   |
|  | •  |  |   |
| 19   | investigations or directly in coal   | 19   | certainly all of the investigation  |
| 20   | mining and coal mine related   | 20   | groups to come to some conclusions  |
| 21   | activities.  | 21   | based upon the facts, the relevant  |
| 22   | Going back to the first  | 22   | facts of what happened so that in the   |
| 23   | statement made by Senator Kessler, we  | 23   | future, we can prevent such tragic  |
| 24   | need to during the course of this  | 24   | accidents. So that we can ideally   |
| 25   | investigation, we need to get some   | 25   | prevent any serious accidents in coal   |
|  |  |  |   |
|  | Dana F1  |  | Dama F2   |
| 1  | Page 51  | 1  | Page 53   |
| 1  | answers to a lot of questions.   | 1  | mining activities. So that we can   |
| 2  | answers to a lot of questions. The first thing I'll  | 2  | mining activities. So that we can incorporate new technologies, both in   |
| 2 3  | answers to a lot of questions.  The first thing I'll remind you is, the investigation is not   | 2 3  | mining activities. So that we can incorporate new technologies, both in the coal mining function and in the   |
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| 2<br>3<br>4<br>5   | answers to a lot of questions.  The first thing I'll remind you is, the investigation is not complete, so the outcome, I suspect, of the three days we will have here is not   | 2 3 4 5  | mining activities. So that we can incorporate new technologies, both in the coal mining function and in the rescue function, if rescues and they certainly will be, unfortunately,  |
| 2<br>3<br>4<br>5<br>6  | answers to a lot of questions.  The first thing I'll remind you is, the investigation is not complete, so the outcome, I suspect, of the three days we will have here is not to answer all of the questions. I   | 2<br>3<br>4<br>5<br>6  | mining activities. So that we can incorporate new technologies, both in the coal mining function and in the rescue function, if rescues and they certainly will be, unfortunately, are necessary in the future.   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | answers to a lot of questions.  The first thing I'll remind you is, the investigation is not complete, so the outcome, I suspect, of the three days we will have here is not to answer all of the questions. I don't know that that's possible at this time. But hopefully, the process we're going through, the testimony that'll be offered and the questions that will be asked will be very helpful in resolving this process.  There is a lot of information that's been certainly that has come to the attention of MSHA and the state the Miners' Safety & Health Administration. There's been a lot of information in the newspapers. There's a lot of speculation about what happened.  What I hope that we can do while we're here is determine what                                       | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | mining activities. So that we can incorporate new technologies, both in the coal mining function and in the rescue function, if rescues and they certainly will be, unfortunately, are necessary in the future.  It's our hope that over these three days we can advance that effort. I hope that all of you here appreciate the fact that there's a lot of work to be done, and we're going to hear from a lot of separate and different people, and we're going to hear a lot of different views today.  Our function here is to do the best that we can to receive that information, make some judgment about that information, and hopefully in the future, through a legislative process or rule-making process, do all that's possible to improve coal mining safety in West Virginia. Thank you.         |

| 1 +            | Page 54                                 | 1     | Page 56  |
|----------------|---|-------|--|
|                | ake a very brief break in order to      | 1     | loved. We won't be able to go ride four-wheelers. We won't be able to see  |
|                | llow us to have the first panel this    | 2     |  |
|                | norning, and that will be the           |       | his pearly blue eyes and big smile,  |
|                | epresentatives of the family for the    | 4     | unless we're looking at pictures.  |
|                | nen who lost their lives at Sago. And   | 5     | Just seeing him smile and  |
|                | we take five minutes to allow that      | 6     | being so proud of everything, which  |
|                | anel to come up and then we can start   | 7     | made you feel so good. Our dad drove a   |
|                | . And Celeste Monforton will be up      | 8     | 1984 Chevy truck with over 400,000   |
|                | ere, right here for those family        | 9     | miles. He called it old blue. We used  |
|                | nembers who will be making statements.  | 10    | to pick on him about getting a new   |
|                | Thank you.                              | 11    | truck, and he had no intentions of   |
|                | HORT BREAK TAKEN                        | 12    | getting a new one. He would say old  |
|                | AIR:                                    | 13    | blue is broke-in just right.   |
|                | right. If we could                      | 14    | Our dad loved flea   |
|                | ssemble again. We'll try to speak       | 15    | markets and going to auctions. We used   |
|                | nto the microphone for those in the     | 16    | to go everywhere to them. One time dad   |
|                | ack who are having a little trouble     | 17    | bought a pair of skis, and while we  |
|                | earing. As we indicated to begin        | 18    | were sledding, he decided to ski. He   |
|                | vith, this is the first time for us     | 19    | used broomsticks as the ski poles. We  |
|                | loing a hearing of this nature, and     | 20    | laughed so hard that dad actually did  |
|                | herefore we'll if we have to make       | 21    | pretty good skiing, since he had never   |
|                | up as we go. So some of the family      | 22    | skied before.  |
|                | epresentatives will come to the         | 23    | Dad loved playing  |
|                | odium, and some would remain, would     | 24    | practical jokes on everyone. Since our   |
| 25 lik         | ke to remain in their chairs. And we    | 25    | dad was taken away from us, we won't be  |
|                | Page 55                                 |       | Page 57  |
| 1 ce           | ertainly will permit that and allow     | 1     | able to joke and laugh anymore. We   |
| 2 th           | nem to speak where they like. First I   | 2     | won't be able to go to dad's house and   |
| 3 w            | ould like to call Peggy Cohen, who is   | 3     | watch him tinkering with things trying   |
| 4 th           | he daughter of Fred Ware, Jr. Peggy.    | 4     | to get them to work. I miss my daily   |
| 5 MS.          | . COHEN:                                | 5     | phone calls from dad when he got home  |
|                | I stated, my name is                    | 6     | from work to tell me he was home. And  |
|                | eggy Ware-Cohen. I'm also speaking on   | 7     | then whether we got together that day  |
|                | ehalf of my brother, Darrell Ware. We   | 8     | or not, he would always call me every  |
| 9 lo           | ost our dad, Fred G. Ware, Jr. on       | 9     | evening to tell me goodnight and he  |
|                | anuary 2nd, 2006. This has been and     | 10    | loved me. I miss those calls.  |
|                | ontinues to be one of the most painful  | 11    | Any time I have a  |
|                | hings we have ever endured. It is a     | 12    | question or needed to talk, he was   |
|                | errible process to go through.          | 13    | there. Dad would always help us fix  |
|                | have difficulty                         | 14    | things that were broke. He loved   |
|                | ating, sleeping and even functioning    | 15    | hunting. Dad can't do any of those   |
|                | very day. We sit and cry daily. All     | 16    | things anymore. We used to sit on the  |
|                | ve want is our answers to our           | 17    | porch and watch humming birds and talk   |
|                | uestions. We want the honest truth      | 18    | and laugh. He would play with the  |
|                | old to us.                              | 19    | grandkids, always giving them treats.  |
|                | r dad was a wonderful                   | 20    | Dad can't do that anymore either.  |
|                | nan who loved us and his grandchildren. | 21    | We all miss him so much.   |
| 22 F           |   | 1 2 2 | VAVa assessed to see to the constitution of th |
|                | He was a miner for over 40 years. Our   | 22    | We won't get to be with our dad again  |
| 23 da          | ad loved being a coal miner, however,   | 23    | until we all meet in heaven. Dad had   |
| 23 da<br>24 no |   |       |  |

| 1 help anyone. Dad won't even be able to 2 see his five grandchildren grow up. 3 We have so many 4 questions, especially after reading the 5 transcripts. Is it coincidental that 6 Mr. Jamison's fire boss notes got lost? 7 Is it coincidental that Mr. Sam Kitts 8 would not elaborate on how the 9 conclusion was drawn it was caused by 10 lightning, or how the lightning got in 11 the sealed area? Is it coincidental 12 that the CO alarms were going off in 13 the dispatch office at 6:10 a.m.? 14 Was the Two Left section 15 properly fire bossed from Mr. Jamison? 16 What is the proof if it was 17 appropriately fire bossed? Is there 18 documentation that our dad had updated to training? Did our dad have his own 20 SCSR? Were there enough supplies 21 located in the mines for these men to 22 build an appropriate barricade? Why 23 did it take so long to rescue our dad 24 and the other miners for these men to 25 preventable explosion? Did our dad 26 the many questions I have. We can only 27 six for the many guestions I have. We can only 28 is to make changes and make these mines 29 families having to endure this pain. 29 families having to endure this pain. 20 to work. We must do something to 21 to work. We must do something to 22 to work. We must do something to 23 to make changes and make these mines 24 families having to endure this pain. 25 families having to endure this pain. 26 safe for the other miners that continue 27 to work. We must do something to 28 prevent any more miners dying and their 29 families having to endure this pain. 29 families having to endure this pain. 20 families having to endure this pain. 21 m tery Helms, da will be investigated thoroughly so we 22 can get our answers. Please do not 23 the dispatch office at 6:10 a.m.? 24 have to die? These are just a few of the many questions I have. We can only a hope that we get the answers. 25 families having to endure this pain. 26 families having to endure this pain. 27 have to die? These are just a few of the many questions I have. We can only a their the |    | 5 50   |     | 2 (2                                    |
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| did it take so long to rescue our dad and the other miners? Was this a preventable explosion? Did our dad  Page 59  have to die? These are just a few of the many questions I have. We can only hope that we get the answers. The one thing we must do is to make changes and make these mines safe for the other miners that continue to work. We must do something to prevent any more miners dying and their families having to endure this pain.  This awful pain. My heart just goes menty.  We hope that everything will be investigated thoroughly so we menty, good family men lost their lives,  he made it whole. And without with him here today, I'm sure all the family members, that there's a great piece  that will never ever be filled again in our hearts. Since he is gone, we are here to ask you all for answers and hope that we may get some closure to this.  My name is Amber Helms. My name is Amber Helms. And my father, of course, was Terry Michael Helms. He's also survived by a members, that there's a great piece  Page 59  1 that will never ever be filled again in our hearts.  Since he is gone, we are here to ask you all for answers and hope that we may get some closure to this.  My name is Amber Helms.  And my father, of course, was Terry Michael Helms. He's also survived by a members, that there's a great piece  |    |  |     | •                                       |
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| <ul> <li>is to make changes and make these mines</li> <li>safe for the other miners that continue</li> <li>to work. We must do something to</li> <li>prevent any more miners dying and their</li> <li>families having to endure this pain.</li> <li>This awful pain. My heart just goes</li> <li>empty.</li> <li>We hope that everything</li> <li>will be investigated thoroughly so we</li> <li>leave any stone unturned. Twelve (12)</li> <li>men, good family men lost their lives,</li> <li>hope that we may get some closure to</li> <li>this.</li> <li>MS. HELMS:</li> <li>My name is Amber Helms.</li> <li>Michael Helms. He's also survived by a</li> <li>couldn't make it today. Virginia</li> <li>Moore, his fiancée. His brother John</li> <li>Helms and his sister Judy Helms.</li> <li>Excuse me.</li> <li>My dad, in my eyes, was</li> </ul>   | 3  |  | 3   | Since he is gone, we are                |
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| 16 men, good family men lost their lives, 16 My dad, in my eyes, was   |    | 8  |     | <del>_</del>                            |
|  |    |  |     |   |
|  |    |  |     | 3 3                                     |
| l '  | 17 | and we deserve honest answers to our   | 17  | perfect. He was a fantastic role        |
| 18 questions. We love our dad and miss 18 model, a devoted father, a loving  |    | •  |     | <del>-</del>                            |
| 19 him very much. We have to make changes 19 companion and a reliable friend. To   |    |  |     | •                                       |
| 20 in mine safety and update the 20 me, Terry Michael Helms was not just a   |    | ·  |     | •                                       |
| 21 technology. 21 father, he was that fantastic role   |    | <b>3</b> 3   |     |   |
| 22 Our dad didn't deserve to 22 model to me. He was a man who would  |    |  |     |   |
| 23 die so young. Our prayers are with the 23 stop in the middle of a rainy day to  |    |  |     |   |
| 24 miners that continue to work in this 24 help someone change a tire, a man who   |    |  |     |   |
| 25 mine. 25 would help even if he didn't have the  | 25 | mine.  | 25  | would neip even it he didn't have the   |

| 1  | Page 62   |   | Page 64  |
|--|---|---|--|
| 1  | time because he would just simply make  | 1   | those men that anybody could just love.  |
| 2  | the time.   | 2   | I recently had dinner with a friend  |
| 3  | My father taught me that  | 3   | who I used to play basketball with and   |
| 4  | I could do anything, and I mean   | 4   | track, and she made the comment that   |
| 5  | anything. I remember one incident was   | 5   | described him as the big teddy bear in   |
| 6  | mowing leaves and they kind of caught   | 6   | the crowd. And she was definitely  |
| 7  | fire. And he ran to me, got me off and  | 7   | right. And he wasn't just a father to  |
| 8  | he stopped it. And of course, I didn't  | 8   | me, he wasn't just a father to my  |
| 9  | want to get back on, but he made me.  | 9   | brother, he was a father to many of my   |
| 10   | He made me overcome my fears and he   | 10  | friends. His nickname was Dad Helms on   |
| 11   | made me believe that I can do anything,   | 11  | my basketball team, and he definitely  |
| 12   | and even if it was scary, I could do  | 12  | was like a dad to all of them.   |
| 13   | anything, and that's why I'm here   | 13  | And he was that reliable   |
| 14   | today, because he made me believe in  | 14  | friend to me. And this could be the  |
| 15   | myself.   | 15  | most important part of our   |
| 16   | He was that devoted   | 16  | relationship, and that was our   |
| 17   | father to me. He was always there for   | 17  | friendship. We could talk about really   |
| 18   | me and my brother. He wouldn't miss   | 18  | anything. And he didn't look at me as  |
| 19   | anything, unless he had to work, of   | 19  | just his daughter, he looked at me as a  |
| 20   | course. And many times he would come  | 20  | good friend that needed some good  |
| 21   | straight from work to my track or cross   | 21  | advice. If I needed an outfit for  |
| 22   | country or basketball games, even if  | 22  | school, he would go and help me pick it  |
| 23   | all he saw was me crossing the finish   | 23  | out, and I must say he had some very   |
| 24   | line or the last couple seconds in each   | 24  | good taste.  |
| 25   | ball game, but oftentimes he made it  | 25  | And if I needed some   |
|  |   |   |  |
|  | Page 63   |   | Page 65  |
| 1  | for the beginning.  | 1   | ideas for a project, he came up with   |
| 2  | One year I said I didn't  | 2   | the best ideas. And if there was   |
| 3  | think he was going to make it to the  | 3   | anything I was unsure about with my  |
| 4  | race, and halfway through I heard him   | 4   |  |
|  |   | 4   | actions, he was the first one that I   |
| 5  | yelling. All the rush that gave me, I   | 5   | called, because he knew me the best. He  |
| 5<br>6   | yelling. All the rush that gave me, I think I came in first, at least in my   |   |  |
| ١,   |   | 5   | called, because he knew me the best. He  |
| 6<br>7<br>8  | think I came in first, at least in my   | 5<br>6  | called, because he knew me the best. He was my best friend.  |
| 6<br>7   | think I came in first, at least in my eyes, because I wanted to do good for   | 5<br>6<br>7   | called, because he knew me the best. He was my best friend. This is the man that I no  |
| 6<br>7<br>8  | think I came in first, at least in my eyes, because I wanted to do good for him. So no matter what it was, no   | 5<br>6<br>7<br>8  | called, because he knew me the best. He was my best friend.  This is the man that I no longer have. I'm not sure anybody   |
| 6<br>7<br>8<br>9   | think I came in first, at least in my eyes, because I wanted to do good for him. So no matter what it was, no matter what time of night, or morning   | 5<br>6<br>7<br>8<br>9   | called, because he knew me the best. He was my best friend.  This is the man that I no longer have. I'm not sure anybody could understand how lonely I often   |
| 6<br>7<br>8<br>9<br>10   | think I came in first, at least in my eyes, because I wanted to do good for him. So no matter what it was, no matter what time of night, or morning hour, he was always there.  | 5<br>6<br>7<br>8<br>9<br>10   | called, because he knew me the best. He was my best friend.  This is the man that I no longer have. I'm not sure anybody could understand how lonely I often feel. I'm so well at masking it. I  |
| 6<br>7<br>8<br>9<br>10<br>11   | think I came in first, at least in my eyes, because I wanted to do good for him. So no matter what it was, no matter what time of night, or morning hour, he was always there.  He was that loving  | 5<br>6<br>7<br>8<br>9<br>10<br>11   | called, because he knew me the best. He was my best friend.  This is the man that I no longer have. I'm not sure anybody could understand how lonely I often feel. I'm so well at masking it. I can't ask his opinion on anything. And   |
| 6<br>7<br>8<br>9<br>10<br>11<br>12   | think I came in first, at least in my eyes, because I wanted to do good for him. So no matter what it was, no matter what time of night, or morning hour, he was always there.  He was that loving companion to me. Through college I was   | 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12   | called, because he knew me the best. He was my best friend.  This is the man that I no longer have. I'm not sure anybody could understand how lonely I often feel. I'm so well at masking it. I can't ask his opinion on anything. And I can't even find out what his favorite   |
| 6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | think I came in first, at least in my eyes, because I wanted to do good for him. So no matter what it was, no matter what time of night, or morning hour, he was always there.  He was that loving companion to me. Through college I was single, and oftentimes I'd call him up  | 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | called, because he knew me the best. He was my best friend.  This is the man that I no longer have. I'm not sure anybody could understand how lonely I often feel. I'm so well at masking it. I can't ask his opinion on anything. And I can't even find out what his favorite singer is now, or his favorite cartoon,   |
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| _  | Page 66  | _  | Page 68   |
|--|--|--|---|
| 1  | haven't found?   | 1  | January the 2nd, 2006, most of you,   |
| 2  | And lastly, I would like   | 2  | myself, didn't even know the name Tom   |
| 3  | to thank everybody who is here today,  | 3  | Anderson, James Bennett, Marty Bennett,   |
| 4  | everybody that is here for trying to   | 4  | Jesse Jones, David Lewis, Terry Helms,  |
| 5  | help the families better understand  | 5  | Martin Toler, Jackie Weaver, Marshall   |
| 6  | what happened that terrible day of   | 6  | Winans, Fred Ware, Junior Hamner, Jerry   |
| 7  | January 2nd, 2006 that took our loved  | 7  | Groves and Randal McCloy. However, I  |
| 8  | one's life. Thank you.   | 8  | did know one of these men. I knew Marty   |
| 9  | CHAIR:   | 9  | Bennett from the time I was 15 years  |
| 10   | Next, I'd like to have   | 10   | old. He married my sister in 1973, 33   |
| 11   | Pam Campbell, sister-in-law of Marty   | 11   | years ago, and they had this wonderful  |
| 12   | Bennett and Russell Bennett, his son,  | 12   | young man, and they adored him.   |
| 13   | to come forward.   | 13   | I would like to remind  |
| 14   | MR. BENNETT:   | 14   | you that today is not about MSHA, today   |
| 15   | My name is Russell   | 15   | is not about ICG, the State of West   |
| 16   | Bennett. I was employed at Sago Mines  | 16   | Virginia. It's not about our governor,  |
| 17   | at the time of the accident. I am here   | 17   | it's not about our politicians we have  |
| 18   | today to represent my dad, Marty   | 18   | here. It's about these people and   |
| 19   | Bennett. I could spend the rest of the   | 19   | these people, and these gentlemen that  |
| 20   | day telling you how good of a dad and  | 20   | you see behind you.   |
| 21   | how good of a friend he was, but I have  | 21   | The families have lost  |
| 22   | that in my heart.  | 22   | husbands, fathers, sons, brothers,  |
| 23   | I'm also here today to   | 23   | brother-in-laws, and for my nephew, not   |
| 24   | represent my co-workers and their  | 24   | only did he lose his dad, but he lost   |
| 25   | families. I had the privilege of   | 25   | his very best friend in the whole   |
|  |  |  | ,   |
|  | Page 67  |  | Page 69   |
| 1  | working with every one of these men,   | 1  | world. And my sister lost her   |
| 2  | and they didn't have they don't  | 2  | soulmate. It's about 12 men who died  |
| 3  | make a better crew than what these men   | 3  | doing what they were trained to do.   |
| 4  | were.  | 4  | They tried to escape, and   |
| 5  | I hope the questions we  | 5  | when they couldn't escape, they went  |
| 6  | ask today not only gives us resolution   |  |   |
| 7  |  | 6  | · · · · ·   |
|  | and helps us save the lives of present   | 6<br>7   | back where they knew they had air, and  |
|  | and helps us save the lives of present and future coal miners.   | 6<br>7<br>8  | back where they knew they had air, and they barricaded themselves the way they  |
| 8  | and future coal miners.  | 8  | back where they knew they had air, and<br>they barricaded themselves the way they<br>were taught. And as they shared  |
| 8<br>9   | and future coal miners. There's many things that   | 8<br>9   | back where they knew they had air, and they barricaded themselves the way they were taught. And as they shared rescuers amongst them, they beat on the  |
| 8<br>9<br>10   | and future coal miners.  There's many things that went wrong. The rescue efforts, or   | 8<br>9<br>10   | back where they knew they had air, and they barricaded themselves the way they were taught. And as they shared rescuers amongst them, they beat on the roof bolts and nobody listened. They   |
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| 8<br>9<br>10<br>11<br>12<br>13   | and future coal miners.  There's many things that went wrong. The rescue efforts, or should I say recovery efforts. The response time was unacceptable. The decisions made to wait, not to go in   | 8<br>9<br>10<br>11<br>12<br>13   | back where they knew they had air, and they barricaded themselves the way they were taught. And as they shared rescuers amongst them, they beat on the roof bolts and nobody listened. They waited for the blast from the surface, and those blasts never came.  Today, not only do I   |
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| 8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | and future coal miners.  There's many things that went wrong. The rescue efforts, or should I say recovery efforts. The response time was unacceptable. The decisions made to wait, not to go in because of CO in the returns, you know, that's unacceptable. And we turn around at the Aracoma Mines and we go right in knowing that we have a fire, knowing the conditions we had. And that's just unacceptable, but hopefully we'll have results.  MS. CAMPBELL: My name is Pam Campbell.                                     | 8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | back where they knew they had air, and they barricaded themselves the way they were taught. And as they shared rescuers amongst them, they beat on the roof bolts and nobody listened. They waited for the blast from the surface, and those blasts never came.  Today, not only do I speak for my sister and my nephew and my entire family, I'm going to take it upon me to also speak for the rest of these families. We expect to get answers to these questions. And so far these answers have not come. Thank you.  CHAIR:  Next, I'd ask Samantha  |

|  |  | Page 70 | _  |   | Page 72 |
|--|--|---------|--|---|---------|
| 1  | Four months ago today my   |         | 1  | the cards, the prayer shawls, the   | - 1     |
| 2  | husband walked out the front door  |         | 2  | letters, the flowers and everything   | - 1     |
| 3  | expecting to come home. He kissed me   |         | 3  | that has been sent on our behalves. We  | - 1     |
| 4  | goodbye, and he said I'll see you  |         | 4  | are greatly appreciative for  | - 1     |
| 5  | tonight. It will be difficult for  |         | 5  | everything.   | - 1     |
| 6  | myself and the three children of   |         | 6  | I could tell you all  | - 1     |
| 7  | David's to continue, but we will   |         | 7  | about my husband. He has a great soul,  | - 1     |
| 8  | continue, because we are survivors.  |         | 8  | and he was a wonderful father and a   | - 1     |
| 9  | We will not let these men  |         | 9  | wonderful husband. The key term is  | - 1     |
| 10   | let their death be in vain. We've  |         | 10   | was, because he is gone. Those  | - 1     |
| 11   | often heard the same while we've been  |         | 11   | questions need to be answered on why  | - 1     |
| 12   | here today. We will leave no stone   |         | 12   | our families are gone. Thank you.   | - 1     |
| 13   | unturned, and we will find the truth.  |         | 13   | CHAIR:  | - 1     |
| 14   | Well rest assured myself, as well as my  |         | 14   | Christopher Toler, son of   | - 1     |
| 15   | family and these other families will   |         | 15   | Martin Toler, Jr.   | - 1     |
| 16   | not allow you to leave a stone unturned  |         | 16   | MR. C.TOLER:  | - 1     |
| 17   | or to let the truth go unheard.  |         | 17   | My name is Chris Toler.   | - 1     |
| 18   | We've heard the families   |         | 18   | I'm the son of Martin Toler, Jr. He   | - 1     |
| 19   |  |         | 19   | was the only one man that I truly trust   | - 1     |
| 20   | speak that they've lost their soulmate,  |         | 20   | with everything that I have in my life.   | - 1     |
|  | they've lost their best friend and   |         |  | , ,   | - 1     |
| 21   | they've lost their everything. I   |         | 21   | And if it was not for that man, I   | - 1     |
| 22   | understand those words because I, too,   |         | 22   | would have nothing in my life.  | - 1     |
| 23   | lost my everything.  |         | 23   | Our family wants to know  | - 1     |
| 24   | I have great memories of   |         | 24   | the answers to the explosion and what   | - 1     |
| 25   | my husband and of our family together.   |         | 25   | happened that day, as well as the rest  | - 1     |
|  |  |         |  |   |         |
|  |  | Page 71 |  |   | Page 73 |
| 1  | Whether it was my husband's  | Page 71 | 1  | of the families And we're all for all   | Page 73 |
| 1 2  | Whether it was my husband's  | Page 71 | 1 2  | of the families. And we're all for all  | Page 73 |
| 2  | competition with my mother on who had  | Page 71 | 2  | the different safety measures that are  | Page 73 |
| 2  | competition with my mother on who had the yard of the month and  | Page 71 | 2  | the different safety measures that are going to be made in the future because   | Page 73 |
| 2<br>3<br>4  | competition with my mother on who had<br>the yard of the month and<br>David driving by with a yard of the  | Page 71 | 2<br>3<br>4  | the different safety measures that are<br>going to be made in the future because<br>of this. But no matter what safety  | Page 73 |
| 2<br>3<br>4<br>5   | competition with my mother on who had<br>the yard of the month and<br>David driving by with a yard of the<br>month sign in the truck so my mother  | Page 71 | 2<br>3<br>4<br>5   | the different safety measures that are going to be made in the future because of this. But no matter what safety efforts that you make, we don't live in  | Page 73 |
| 2<br>3<br>4<br>5<br>6  | competition with my mother on who had<br>the yard of the month and<br>David driving by with a yard of the<br>month sign in the truck so my mother<br>couldn't steal it out of our yard.  | Page 71 | 2<br>3<br>4<br>5<br>6  | the different safety measures that are going to be made in the future because of this. But no matter what safety efforts that you make, we don't live in a perfect world and accidents will   | Page 73 |
| 2<br>3<br>4<br>5<br>6<br>7   | competition with my mother on who had<br>the yard of the month and<br>David driving by with a yard of the<br>month sign in the truck so my mother<br>couldn't steal it out of our yard.<br>Our vacations and our   | Page 71 | 2<br>3<br>4<br>5<br>6<br>7   | the different safety measures that are going to be made in the future because of this. But no matter what safety efforts that you make, we don't live in a perfect world and accidents will occur. It's a step that you make after  | Page 73 |
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| 1  | Page 74   | 4  | Page 76   |
|--|---|--|---|
| 1  | fingers at the crew of Two Left and the   | 1  | We all miss him   |
| 2  | training they have, MSHA is the one   | 2  | tremendously. And my boys talk about  |
| 3  | that needs to be doing some training on   | 3  | him all the time. For a long time   |
| 4  | their own. To know how to get inside  | 4  | after the disaster, my seven-year-old   |
| 5  | there and get the men out safely to   | 5  | son, Zachary, would take a picture of   |
| 6  | their families.   | 6  | pop-pop to bed with him and keep it by  |
| 7  | My father loved each and  | 7  | his pillow. And he still takes  |
| 8  | every one of those men that's on that   | 8  | grandpa's wrist watch to bed and lays   |
| 9  | crew. And out of all the things that  | 9  | it on his pillow every day.   |
| 10   | could have happened to my father, I'm   | 10   | Our hearts are broken.  |
| 11   | glad that he was with those men when he   | 11   | More than just broken. They've been   |
| 12   | did go. Thank you.  | 12   | ripped out of our chest and shredded to   |
| 13   | CHAIR:  | 13   | a million pieces. I know that time  |
| 14   | Next is Shelly Groves and   | 14   | will slowly heal wounds, but there's a  |
| 15   | John Groves, brother of Jerry Lee   | 15   | part of my heart that will never be   |
| 16   | Groves and daughter of Jerry Lee  | 16   | healed. That's the part of my heart   |
| 17   | Groves.   | 17   | that was with my dad in that coal mine  |
| 18   | MS. GROVES-ROSE:  | 18   | for 41 hours and the part that went on  |
| 19   | Good morning. I'm Shelly  | 19   | with him to eternity.   |
| 20   | Groves Rose. Jerry Groves was my dad.   | 20   | My hopes and prayers  |
| 21   | On January 2nd, 2006, four months ago   | 21   | today are that the testimony that we're   |
| 22   | today, my family's lives were changed   | 22   | going to hear over the next couple of   |
| 23   | forever. That day, we lost a huge part  | 23   | days will help us find some peace. I  |
| 24   | of ourselves. My mom lost her husband,  | 24   | expect that each and every person being   |
| 25   | I lost my dad, and my three boys lost   | 25   | questioned today and tomorrow show  |
| 20   | Those my dad, and my three boys lost  | 2  | questioned today and temorrow show  |
|  |   |  |   |
|  | Page 75   |  | Page 77   |
| 1  | Page 75 their grandfather. A son was lost, a  | 1  | Page 77 respect for our lost loved ones. We   |
|  | their grandfather. A son was lost, a  |  | respect for our lost loved ones. We   |
| 2  | their grandfather. A son was lost, a brother was lost, an uncle was lost.   | 1<br>2<br>3  | respect for our lost loved ones. We deserve the respect. Show respect,  |
| 2  | their grandfather. A son was lost, a brother was lost, an uncle was lost. My dad was one of the   | 2  | respect for our lost loved ones. We deserve the respect. Show respect, please, by answering our questions   |
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|  | Day: 70   |  |   | D 00    |
|--|---|--|---|---------|
| 1  | Page 78 person. He's always willing to help   | 1  | everybody as we sat there and we  | Page 80 |
| 2  | anyone.   | 2  | waited, and we waited, as we waited for   |         |
| 3  | You know, even though   | 3  | the answer to come, that they're okay,  |         |
| 4  | he's gone now, he's going to be helping   | 4  | but that answer never come.   |         |
| 5  | people, because we're going to be,  | 5  | This disaster has touched   |         |
| 6  | through him, working to make sure that  | 6  | people from all over the world, and I   |         |
| 7  | a disaster like this never happens.   | 7  | would like to thank the people for all  |         |
| 8  | And we assure you Mr.   | 8  | the cards they sent. Some of the cards  |         |
| 9  | Politicians that we're not going to let   | 9  | that we got were from little children   |         |
| 10   | this rest. We know in our hearts this   | 10   | that took the time to tell us how much  |         |
| 11   | can be corrected, and it needs to be  | 11   | that they loved us, loved all of us.  |         |
| 12   | done immediately. It needs to be done   | 12   | It was so heartfelt and touching, and   |         |
| 13   | now. And it's on you it's on you  | 13   | I'm sure we all can remember reading  |         |
| 14   | to make the changes. You have the   | 14   | those cards.  |         |
| 15   | power to do so, and it's your   | 15   | We thank you for the love   |         |
| 16   | responsibility to do it.  | 16   | that you shared with us. I'd like to  |         |
| 17   | Every day that goes by we   | 17   | thank Governor Manchin for what he's  |         |
| 18   | have maybe another chance for another   | 18   | done, by giving us the opportunity to   |         |
| 19   | disaster. And if it happens without   | 19   | be here, to be able to get some   |         |
| 20   | these changes implemented, remember you   | 20   | questions answered today.   |         |
| 21   | are the ones that are responsible,  | 21   | The governor assigned   |         |
| 22   | because you're responsible for making   | 22   | each of us families someone to help us.   |         |
| 23   | these changes. We can't do it. We have  | 23   | And I would like to thank Krista for  |         |
| 24   | to have you do it for us. That's why  | 24   | everything that she's done. She's been  |         |
| 25   | you're there, is to make sure that it   | 25   | very helpful with all of our families.  |         |
|  | <u> </u>  |  | -   |         |
|  |   |  |   |         |
|  | Page 79   | 1  |   | Page 81 |
| 1  | never happens again.  | 1  | I'd like to thank Davitt. Sir, we   | Page 81 |
| 2  | never happens again.<br>And we ask you, please,   | 2  | rely on you to get our answers for us   | Page 81 |
| 2  | never happens again.  And we ask you, please, from the bottom of our hearts to make   | 2  | rely on you to get our answers for us today. And I know this is heartfelt   | Page 81 |
| 2<br>3<br>4  | never happens again.  And we ask you, please, from the bottom of our hearts to make for sure that this is done. To make   | 2<br>3<br>4  | rely on you to get our answers for us today. And I know this is heartfelt for you, and I'm sure that you will.  | Page 81 |
| 2<br>3<br>4<br>5   | never happens again.  And we ask you, please, from the bottom of our hearts to make for sure that this is done. To make for sure that this is done. We rely on  | 2<br>3<br>4<br>5   | rely on you to get our answers for us today. And I know this is heartfelt for you, and I'm sure that you will. Celeste, I don't know  | Page 81 |
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|  |   |  | _   |
|--|---|--|---|
| 1  | Page 82   | 1  | Page 84   |
| 1  | now that what goes on behind those  | 1  | their self-contain rescue units, it   |
| 2  | seals is important.   | 2  | failed them. These men built a  |
| 3  | And I hope after what   | 3  | barricade like they were trained, and   |
| 4  | we've all went through and what we had  | 4  | it failed.  |
| 5  | to face, that we realize how important  | 5  | I had the privilege to go   |
| 6  | those seals are, and we need to make  | 6  | under the ground to see where my  |
| 7  | for sure that this doesn't ever happen  | 7  | brother was found. You could see the  |
| 8  | again now that we know how important  | 8  | roof bolts. I don't know if any of you  |
| 9  | the seals are.  | 9  | know, but I'm sure a lot of you do.   |
| 10   | Mr. Crumrine, ICG   | 10   | The roof bolt on the top of the ceiling   |
| 11   | officials, government officials, state  | 11   | where they took the sledge hammer,  |
| 12   | officials, we ask you to keep an eye on   | 12   | pounding for someone to help them, that   |
| 13   | what goes on behind them seals, because   | 13   | failed, too.  |
| 14   | if we don't, there's going to be  | 14   | With over 200 years of  |
| 15   | another one of these someday.   | 15   | training here, now they're telling us   |
| 16   | There's been disasters  | 16   | that failed them, too. No, I'm sorry.   |
| 17   | that's happened and it comes to the   | 17   | They did all they were trained to do,   |
| 18   | forefront, but I'd like to say that   | 18   | and they were the ones that were  |
| 19   | this is one time it's going to stay in  | 19   | failed. They were the ones that were  |
| 20   | the forefront. It's not going to be   | 20   | failed here.  |
| 21   | swept under the rug as years go by and  | 21   | I would like to thank you   |
| 22   | time goes by and forgotten. And you   | 22   | on behalf of myself, my mother, Mother  |
| 23   | gentlemen are responsible to make for   | 23   | Groves, my sister Sandy Neal  |
| 24   | sure of that. And if it's forgotten,  | 24   | (phonetic), Becky Rogers, Geraldine   |
| 25   | you gentlemen are responsible the next  | 25   | Grusso (phonetic), Ronnie Groves, Bobby   |
|  |   |  |   |
|  |   |  | Dago OF   |
| 1  | Page 83   | 1  | Page 85  Croves, and Paymond Croves, and the  |
| 1  | time we come to the hearings.   | 1  | Groves, and Raymond Groves, and the   |
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| 22 was caused by lightning. If that is 22 Terry Helms called his   |
|  |
|  |
| how did the lightning ignite an 24 Terry reported two small violations,  |
| 25 explosion underground? How did the 25 but he can't remember what they were.   |
| 25 Explosion underground: Now did the 25 but he can't remember what they were.   |
| Page 87 Page 89  |
| 1 electrical charge from lightning get 1 My husband's dead. So there's no small  |
| 2 behind the seals? Was the electrical 2 violation to me.  |
| 3 system properly grounded and protected 3 ICG received several  |
| 4 against lightning? 4 citations before the explosion, and   |
| 5 I also would like to 5 according to MSHA, many citations have  |
| 6 thank Randal McCloy for his letter. 6 been issued since the explosion. Why   |
| 7 Randal McCloy reported that some of the 7 did this mine have so many safety  |
| 8 self-contained self-rescuers didn't 8 problems?  |
| 9 work that morning. I'd say Randal has 9 ICG seems to believe that  |
| 10 to be the expert. MSHA says it tested 10 this explosion was an unavoided  |
| 11 those self-rescuers and they worked. 11 accident. This explosion, I believe,  |
| 12 Why would Randal report that they 12 was preventable. And I don't call this   |
| 13 didn't if they did? 13 an accident, I call this a disaster.   |
| 14 The seals were built by 14 Is it really just a coincidence that   |
| 15 inexperienced miners. That came out in 15 the explosion occurred in a mine that   |
| 16 the transcripts. Why weren't the 16 had so many problems complying with   |
| 17 miners who built the seals better 17 mine safety laws? But I want to result   |
|  |
|  |
|  |
| 20 interviews show that at least one miner 20 well as other family members of the  |
| 21 was told to certify he had training 21 fallen miners, may learn the real truth  |
| that he never had. Why did this 22 surrounding our loved one's death.  |
| happen? And was this the only case of 23 I would like to bring   |
| 24 falsified training records?  24 public attention to the issue this  |
| 25 John Boni fire bossed 25 issue in the hopes that better mine  |

| 1 safety laws can be implemented and enforced so that we do not have to a witness a tragedy of this magnitude a again, and that no other miner has to the thing and that no other miner has to give his life or her life to support to their families.  7 Maybe then, and only then will have been the will may husband's death and those of his co-workers not be in vain. Thank you of Larkie Weaver, wildow 11 CHAIR: 12 Charlotte Weaver, wildow 12 Gharlotte Weaver, wildow 13 of Jackie Weaver. 13 of Jackie Weaver. 14 MS. WEAVER: 14 Davitt McAteer, Celeste and Debbie for being so helpful and considerate and is Charlotte Weaver. My son Justin to led me today he wanted to read this. 18 And he wanted me to change a couple of things, which I did. And he said, mom, of if you get through the first paragraph, you'll be okay. And I agree with him on that. 21 years. A lot of the coal miners have 19 Justin, who's 12 years and, he wanted him as Jack, and most of my family, his brothers called him Jack. And Becky and 5 Justin called him granddad. 19 Justin, who's 12 years oid, tells me he wants and were prepared to put their lives on the line in order to save the guys that are there, and he was the answer to my prayer many years ago, and he's the love of my life and always will be. He loved his and always will be. He loved his and always will be. He loved his and and and wants family. He loved the loutdoors. He loved the love of my life and and always will be. He loved his and of the colon want of the colon was a good. 10 to hunt and lish. He was a good.   |  |   |  |  |
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| 10 you. 11 CHAIR: 11 Staff for their support that they've ware so close, yet so far away. Also, ut he wars a good man, a good Christian, a good husband, a good of Justin called him granddad. 10 Jack was a good man, a good husband, a good of And I've explained to him that being a mine rescue worker, you don't always get to save the guys that are there, and he understands that. 10 Jack was any best friend. 11 CHAIR: 12 Charlotte Weaver, widow of Jacke Weaver. 13 Jack was my best friend. 14 MS. WEAVER: 15 Stapfire the explosion. We also want to thank Davit the cxplosion. We also want to thank Davit the explosion. We also want to thank Davit the povit the sport the seding up to this point in the hearings today. We're also very grateful to Randal McCloy for the leading up to this point in the hearings today. We're also very grateful to Randal McCloy for the leading up to this point in the hear |  |   |  |  |
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| 12   Gharlotte Weaver, widow of Jackie Weaver.   13   13   15   15   15   15   15   15   | 11   | CHAIR:  | 11   | staff for their support that they've   |
| of Jackle Weaver.  13  | 12   | Charlotte Weaver, widow   | 12   | given us since January 2nd, the date of  |
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|  | Page 94  |  | Page 9  | 96  |
|--|--|--|---|-----|
| 1  | If there's some kind of book or manual   | 1  | I don't know how long we can last.  | - 1 |
| 2  | to go by for rescuers to go by, or for   | 2  | Call for 457-4412, Jim Bennett. At  | - 1 |
| 3  | rescue operations to go by, that book  | 3  | 4:22 p.m. he wrote time is running out  |     |
| 4  | needs to be put in the trash and start   | 4  | for us. We have not heard anything  | - 1 |
| 5  | over. This system does not work.   | 5  | from the outside yet. And the last  |     |
| 6  | We know that our men were  | 6  | thing that he wrote was at 4:25 p.m. I  |     |
| 7  | underground taking turns We know   | 7  | love you. And he tried to write my  |     |
| 8  | that our men were underground taking   | 8  | name but could not finish.  |     |
| 9  | turns beating on the roof bolts so   | 9  | My name is Ann  |     |
| 10   | someone on the surface would hear them   | 10   | Bennett-Meredith, and I am the daughter   |     |
| 11   | and know their location, but guess   | 11   | of the late Jim Bennett, who was one of   |     |
| 12   | what, nobody was listening. Again, the   | 12   | the 12 that perished in the Sago Mine   |     |
| 13   | powers that be failed them. Our men  | 13   | accident. My dad was going to retire  |     |
| 14   | were sent underground with one-hour's  | 14   | this past April in 2006, but he never   |     |
| 15   | worth of oxygen, or air, and they were   | 15   | got the chance to.  |     |
| 16   | in there for over 40 hours.  | 16   | He and my mom was going   |     |
| 17   | I do not believe that my   | 17   | to do some traveling and grow older   |     |
| 18   | husband gave his life in order for   | 18   | gracefully together. He was going to  |     |
| 19   | changes to be made in the mining   | 19   | get to enjoy spending time with his   |     |
| 20   | industry. I don't think he had a   | 20   | seven grandchildren and two great   |     |
| 21   | choice in that matter. Nobody asked  | 21   | grandchildren. Now the chance of that   |     |
| 22   | him. I do know that if the occasion  | 22   | ever happening is gone, not only for my   |     |
| 23   | ever arose and he was in a situation   | 23   | dad, but also for his grandchildren.  |     |
| 24   | where he would have to lay his life on   | 24   | Dad had a huge smile and  |     |
| 25   | the line for his fellow men, he would  | 25   | a handshake for all he met. He had a  |     |
|  |  |  |   |     |
|  |  |  |   | _   |
| 1  | Page 95  | 1  | Page 9  | 97  |
| 1  | do it in a heartbeat.  | 1  | great love for his wife and children  | 97  |
| 2  | do it in a heartbeat.  I do think as a result of   | 2  | great love for his wife and children and also for the Lord as well. I could   | 97  |
| 2  | do it in a heartbeat.  I do think as a result of the deaths of these 12 good men, the  | 2  | great love for his wife and children<br>and also for the Lord as well. I could<br>call upon my dad for advice or for a  | 97  |
| 2<br>3<br>4  | do it in a heartbeat.  I do think as a result of the deaths of these 12 good men, the very least we can do is to see that  | 2<br>3<br>4  | great love for his wife and children and also for the Lord as well. I could call upon my dad for advice or for a shoulder to cry on, but now my dad is  | 97  |
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| 2<br>3<br>4<br>5<br>6<br>7   | do it in a heartbeat.  I do think as a result of the deaths of these 12 good men, the very least we can do is to see that proper safety measures are taken so that no other family member has to endure what we have endured and will  | 2<br>3<br>4<br>5<br>6<br>7   | great love for his wife and children<br>and also for the Lord as well. I could<br>call upon my dad for advice or for a<br>shoulder to cry on, but now my dad is<br>gone, and who do I call?<br>Daddy was a good<br>Christian man and very active in his   | 97  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | do it in a heartbeat.  I do think as a result of the deaths of these 12 good men, the very least we can do is to see that proper safety measures are taken so that no other family member has to endure what we have endured and will continue to endure for the rest of our   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | great love for his wife and children and also for the Lord as well. I could call upon my dad for advice or for a shoulder to cry on, but now my dad is gone, and who do I call?  Daddy was a good Christian man and very active in his church. He was the assistant Sunday  | 97  |
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|  | Page 98   | _  | Page 100   |
|--|---|--|--|
| 1  | traditions, and just to mention a   | 1  | them back in his mouth and just goes on  |
| 2  | couple. We would have the annual  | 2  | like nothing ever happened.  |
| 3  | family wiener roast in August and   | 3  | Good times like that will  |
| 4  | making homemade ice cream on Christmas  | 4  | always be in my heart, but my dad  |
| 5  | Eve. But now our family traditions are  | 5  | should also still be here with us  |
| 6  | minus one last person now. That's my  | 6  | having more of those good times. When  |
| 7  | dad. And it's just not fair.  | 7  | we were told that the miners were found  |
| 8  | I never got the chance to   | 8  | alive and would be coming over to the  |
| 9  | see my dad at church on Sunday before   | 9  | church with their loved ones, I went up  |
| 10   | he died. I had the flu and wasn't able  | 10   | the road I went up that road to see  |
| 11   | to make it, so therefore I lost a   | 11   | and be as close to the opening of that   |
| 12   |   |  | , o  |
|  | chance to get to spend that last day  | 12   | mine when they brought them men out,   |
| 13   | with my father. After church he called  | 13   | because I knew my dad would be coming  |
| 14   | to see how I was doing. And the last  | 14   | out of there. And I knew the final   |
| 15   | words that I got to hear my dad say to  | 15   | words I would or the first words he  |
| 16   | me was, is Sis sick? And guess where I  | 16   | would say, would be praise the Lord,   |
| 17   | took your mom and grandma to lunch  | 17   | we're all out alive.   |
| 18   | after church. Well, let me tell you   | 18   | But I was heartbroken  |
| 19   | where I took them. He said, I took  | 19   | once again and never got to hear my dad  |
| 20   | them to Burger King. And he began to  | 20   | say those words. When my husband and I   |
| 21   | munch chili cheese fries in my ear.   | 21   | arrived at the Sago Baptist Church that  |
| 22   | And he said, oh, yeah, and by the way,  | 22   | morning of the accident, I was going   |
| 23   | you need to eat some chicken noodle   | 23   | there to face my fears, but instead got  |
| 24   | Soup.   | 24   | nothing but one big nightmare. You   |
| 25   | The very last words my  | 25   | don't realize just how hard it was to  |
| 25   | The very last words my  | 23   | don't realize just now hard it was to  |
|  |   |  |  |
|  | Oo and  |  | Paga 101   |
| 1  | Page 99   | 1  | Page 101   |
| 1  | dad said to me was, Sissy, you know   | 1  | have to go back and tell our five  |
| 2  | dad said to me was, Sissy, you know daddy loves you. I never dreamed in a   | 2  | have to go back and tell our five children that grandpa won't be coming  |
| 2  | dad said to me was, Sissy, you know daddy loves you. I never dreamed in a million years those would be the last   | 2  | have to go back and tell our five children that grandpa won't be coming home, grandpa is in heaven now.  |
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|   | Page 102   |  | Page 104  |
|---|--|--|---|
| 1   | that no other families have to   | 1  | mine fires. I've done everything from   |
| 2   | experience the pain and the heartache  | 2  | monitor the gases at the mine site, to  |
| 3   | of losing good loved ones to a mining  | 3  | be part of the investigation teams, to  |
| 4   | accident, like us 12 families have   | 4  | be part of internal reviews, as well as   |
| 5   | endured.   | 5  | being the senior MSHA official on site.   |
| 6   | And at this time, I have   | 6  | <b>3</b> · · · · · · · · · · · · · · · · · · ·  |
| 7   | something I want you guys to hear.   | 7  | I don't want to   |
| 8   | It's a song. And it means a lot to me  | 8  | disrespect any family member by saying  |
| 9   | because it captures some of the  | 9  | I know the pain you're going through,   |
| 10  | confusion, the heartache, the anger and  | 10   | because I don't. I'm still alive here.  |
| 11  | a tremendous loss that I and these   |  |   |
|   |  | 11   | I understand that. But what I can   |
| 12  | other families have had to experience.   | 12   | tell you is, it's changed my life, and  |
| 13  | SONG PLAYED  | 13   | it's changed the life of everybody that   |
| 14  | CHAIR:   | 14   | works within MSHA and my district, and  |
| 15  | Thank you. We'll take a  | 15   | I think it's changed the mining   |
| 16  | break and set up for the next panel.   | 16   | industry.   |
| 17  | Thank you.   | 17   | I think coal miners are   |
| 18  | SHORT BREAK TAKEN  | 18   | bonded, and I want to let you know that   |
| 19  | CHAIR:   | 19   | the date of the accident, when we were  |
| 20  | The panel we're going to   | 20   | at the site, there were many good   |
| 21  | hear from now is the MSHA and the West   | 21   | things said about your relatives that   |
| 22  | Virginia Miners' Health, Safety &  | 22   | died there. Not only from mine  |
| 23  | Training group, on the activities prior  | 23   | management, but from my inspectors who  |
| 24  | to January 2nd. And we're going to try   | 24   | worked with your folks, worked with   |
| 25  | to ask you to ask questions of this  | 25   | your brothers, and who had a lot of   |
| 23  | to ask you to ask questions of this  | 23   | your brothers, and who had a lot of   |
|   | Page 103   |  | Page 105  |
| 1   | panel on that topic, prior to January  | 4  | -   |
|   | parier of that topic, prior to saridary  | - 1  | annitation for what they did so what  |
| 1 2   | •  | 1  | admiration for what they did. So what   |
| 2   | 2nd. But first, let me ask Miranda   | 2  | happened here, I can't say, and I don't   |
| 3   | 2nd. But first, let me ask Miranda<br>Elkins, the court reporter, to swear   | 2  | happened here, I can't say, and I don't want to disrespect you by saying I know   |
| 3<br>4  | 2nd. But first, let me ask Miranda<br>Elkins, the court reporter, to swear<br>the panel in, please. If you all would   | 2<br>3<br>4  | happened here, I can't say, and I don't want to disrespect you by saying I know what you're going through, because I  |
| 3<br>4<br>5   | 2nd. But first, let me ask Miranda<br>Elkins, the court reporter, to swear   | 2<br>3<br>4<br>5   | happened here, I can't say, and I don't want to disrespect you by saying I know what you're going through, because I don't. But I can say that there's very   |
| 3<br>4<br>5<br>6  | 2nd. But first, let me ask Miranda Elkins, the court reporter, to swear the panel in, please. If you all would stand.  | 2<br>3<br>4<br>5<br>6  | happened here, I can't say, and I don't want to disrespect you by saying I know what you're going through, because I don't. But I can say that there's very few moments in my life that I don't   |
| 3<br>4<br>5<br>6<br>7   | 2nd. But first, let me ask Miranda Elkins, the court reporter, to swear the panel in, please. If you all would stand   | 2<br>3<br>4<br>5<br>6<br>7   | happened here, I can't say, and I don't want to disrespect you by saying I know what you're going through, because I don't. But I can say that there's very few moments in my life that I don't think back in time and think about the  |
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|  |   |  |   | 5 400    |
|--|---|--|---|----------|
| 1  | Page 106  | 1  | that in blue is the enforcement action  | Page 108 |
| 2  | meeting with not only me, but the<br>supervisors within the district to   | 2  | that MSHA, District Three took into   |          |
| 3  | discuss all of ICG properties, wanting  | 3  | effect or used at the Sago Mine. As you   |          |
| 4  | to know our honest opinion of each of   | 4  | can see, our numbers and it   |          |
| 5  | the mines, what the conditions were at  | 5  | typically is the way we do our business   |          |
| 6  | the mine and some of the things that  | _  | here in District Three, we monitor  |          |
| 7  | <del>_</del>  | 6<br>7   | trends, we look to see if accidents and   |          |
| 8  | they felt they wanted to address in the future.   | 8  |   |          |
| 9  | Our major concerns at   | 9  | injuries are occurring, and we basically use our enforcement as a tool  |          |
| 10   | that time was the accumulation of   | 10   | to try to decrease the number of  |          |
| 11   | water, and the roof conditions in the   | 11   | accidents and injuries as well as   |          |
| 12   | mine. And we expressed that pretty  | 12   | decrease the hazards that we see  |          |
| 13   | openly with the mine, the mine folks  | 13   | associated with the mines.  |          |
| 14   | that came in to meet with us on that  | 14   | You can see in the second   |          |
| 15   | day. I believe that first meeting was   | 15   | quarter of 2005, the accident   |          |
| 16   | May the 2nd of 2005.  | 16   | or the injury rate rose, as did the   |          |
| 17   | Some of the information   | 17   | number of violations that we issued.  |          |
| 18   | that we're going to talk about today  | 18   | And our violation total increased. And  |          |
| 19   | deals with this mine map, and I know  | 19   | as you can see in the last quarter of   |          |
| 20   | some of you are very intimate with the  | 20   | 2005, our numbers began to decrease.  |          |
| 21   | mine map, but I just want to show a   | 21   | And it also falls in line with the  |          |
| 22   | picture of it and show you some of the  | 22   | incident rate that also began to  |          |
| 23   | areas that we're going to talk about.   | 23   | increase.   |          |
| 24   | The mine portal or where the men would  | 24   | This shows the primary  |          |
| 25   | enter the mine. The One North sealed  | 25   | enforcement action that we took as an   |          |
|  | enter the mine. The one North Sedied  | 23   | chrorecinent action that we took as an  |          |
|  |   |  |   |          |
|  | Page 107  |  |   | Page 109 |
| 1  | Page 107 area, which is a larger sealed area  | 1  | agency at the Sago Mine. You can see  | Page 109 |
| 2  | area, which is a larger sealed area than what we have in the Two North main   | 2  | the second quarter of 2005 our  | Page 109 |
|  | area, which is a larger sealed area<br>than what we have in the Two North main<br>sealed area. The One Left section, the  |  |   | Page 109 |
| 2<br>3<br>4  | area, which is a larger sealed area than what we have in the Two North main sealed area. The One Left section, the Two Left section, and again the Two  | 2<br>3<br>4  | the second quarter of 2005 our violation totals increased, and it increased a little bit higher, about 25   | Page 109 |
| 2 3  | area, which is a larger sealed area than what we have in the Two North main sealed area. The One Left section, the Two Left section, and again the Two North main seals. You may hear some of   | 2  | the second quarter of 2005 our violation totals increased, and it increased a little bit higher, about 25 more violations were issued in the  | Page 109 |
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| 4  | Page 110   | 4  | Page 112   |
|--|--|--|--|
| 1  | think this might be a good time to   | 1  | illnesses. That was something that was   |
| 2  | address it, is why didn't you shut down  | 2  | requested at our first meeting in May.   |
| 3  | the mine for good? Well, we don't have   | 3  | To utilize tech support to come in and   |
| 4  | the authority to totally shut a mine   | 4  | look at the injuries and accidents that  |
| 5  | down. What we have the authority to do   | 5  | were occurring there, and how they   |
| 6  | is shut down the affected area of a  | 6  | could be better reduced. The technical   |
| 7  | violation that existed until the mine  | 7  | support people talked not only to mine   |
| 8  | operator would correct that condition.   | 8  | management, but they made a point of   |
| 9  | And we issued 18 orders, and that's a  | 9  | talking to all the miners that worked  |
| 10   | pretty good, strong enforcement. And   | 10   | at the mine.   |
| 11   | each time the mine operator did correct  | 11   | In addition, toward the  |
| 12   | that condition, and we terminated that   | 12   | middle of December we had a meeting  |
| 13   | order, allowing them to go back to   | 13   | with ICG, and one of our concerns was  |
| 14   | mining coal.   | 14   | the examination process that was taking  |
| 15   | Besides our enforcement  | 15   | place at the mine. And we had issued a   |
| 16   | activities at the mine, we also tried  | 16   | number of violations and orders on the   |
| 17   | to meet and use different areas of MSHA  | 17   | examination. And we offered a class on   |
| 18   | to assist the mine operator in making  | 18   | examinations so hazardous conditions   |
| 19   | the mine a safer place. We had five  | 19   | could be observed and recorded in a  |
| 20   | top level meetings. And by top level   | 20   | book. And ICG was receptive to that  |
| 21   | meetings, I mean myself and the vice   | 21   | idea, and unfortunately we didn't get  |
| 22   | president of operation of ICG attending  | 22   | to actually put that in place before   |
| 23   | together. So while we were enforcing   | 23   | the explosion occurred. But it was   |
| 24   | the law and will continue to enforce   | 24   | another tool that we were using besides  |
| 25   | the law, we also wanted to have  | 25   | enforcement to try to increase the   |
| 23   | the law, we also wanted to have  | 23   | emorecine to try to increase the   |
|  |  |  |  |
|  | Page 111   |  | Page 113   |
| 1  | <del>_</del>   | 1  | _  |
|  | meetings have an open dialogue. I  |  | Page 113<br>safety at the Sago Mine.<br>What do we think that we   |
| 2  | meetings have an open dialogue. I think we gave the mine operator an   | 1<br>2<br>3  | safety at the Sago Mine.<br>What do we think that we   |
| 2 3  | meetings have an open dialogue. I think we gave the mine operator an opportunity to tell us some of his  | 2  | safety at the Sago Mine. What do we think that we got out of working with ICG? Well, I   |
| 2<br>3<br>4  | meetings have an open dialogue. I think we gave the mine operator an opportunity to tell us some of his concerns and vice versa. We talked to  | 2<br>3<br>4  | safety at the Sago Mine. What do we think that we got out of working with ICG? Well, I do think the mine, as you can see by  |
| 2<br>3<br>4<br>5   | meetings have an open dialogue. I think we gave the mine operator an opportunity to tell us some of his concerns and vice versa. We talked to them some of our concerns.   | 2  | safety at the Sago Mine. What do we think that we got out of working with ICG? Well, I do think the mine, as you can see by our number trends did seem to be   |
| 2<br>3<br>4<br>5<br>6  | meetings have an open dialogue. I think we gave the mine operator an opportunity to tell us some of his concerns and vice versa. We talked to them some of our concerns.  We made 18 supervisory   | 2<br>3<br>4<br>5<br>6  | safety at the Sago Mine.  What do we think that we got out of working with ICG? Well, I do think the mine, as you can see by our number trends did seem to be improving in the fourth quarter of   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | think we gave the mine operator an opportunity to tell us some of his concerns and vice versa. We talked to them some of our concerns.  We made 18 supervisory visits to the mine. Two people down from me is Ken Tenney. Ken is the field office supervisor in the Bridgeport field office. We made a number of mine visits here with supervisory people, we just didn't send enforcement inspectors to the mine. I, myself, visited the mine, as did both my assisting district managers during the timeframe that ICG took over.  So the point I want to make is, we were engaged at the mine. We were looking at numbers, we were talking with mine management, and we were working to try to come up with solutions to make this a safer mine. In addition, technical                                     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | what do we think that we got out of working with ICG? Well, I do think the mine, as you can see by our number trends did seem to be improving in the fourth quarter of 2005. There were less violations that were issued. It wasn't a perfect mine, but we were working to try to make it a better mine than what it was. We saw a better system in place to remove water, which was one of our big concerns. And we had a screened route of the primary escapeway, the track and the belt. And what that did was help hold up the roof better, help kept it from sloping off into the walkways, allowing people to have a better chance of getting out of the mine if that primary escapeway was needed.  In addition, we saw better rock dusting applications. One of the things I want to mention, and it                                       |

|  | Page 114  |  | _  | e 116 |
|--|---|--|--|-------|
| 1  | done here was, 1,000 pounds of rock   | 1  | And I want to compliment   | - 1   |
| 2  | dust being put in front of each of the  | 2  | the State of West Virginia on the way  | - 1   |
| 3  | seals at the Two North main seals. We   | 3  | that we work together. With that,  | - 1   |
| 4  | think that had a large effect on  | 4  | Davitt, I'll turn it back to you.  | - 1   |
| 5  | allowing the people that was at the One   | 5  | CHAIR:   | - 1   |
| 6  | Left switch to be able to evacuate from   | 6  | All right. Thank you,  | - 1   |
| 7  | the mine.   | 7  | Kevin. Next we'll hear from Brian  | - 1   |
| 8  | I mentioned earlier, I've   | 8  | Mills, who's the inspector at large for  | - 1   |
| 9  | been associated with a number of  | 9  | the West Virginia Miners' Health,  | - 1   |
| 10   | explosions in the past. Some of them  | 10   | Safety & Training. Brian.  | - 1   |
| 11   | traveled the whole way out of the mine,   | 11   | MR. MILLS:   | - 1   |
| 12   | the whole way out of the portals and  | 12   | Mr. Chairman, panel  | - 1   |
| 13   | blow buildings off the sides of a   | 13   | members, Sago Mine families and other  | - 1   |
| 14   | hillside. We didn't have that here.   | 14   | guests. I'm Brian Mills, inspector at  | - 1   |
| 15   | We had the ability for 12 miners who  | 15   | large, Region I of the West Virginia   | - 1   |
| 16   | were at the One Left switch to come out   | 16   | Office of Miners' Health, Safety &   | - 1   |
| 17   | of the mine. That doesn't bring back  | 17   | Training. With me are John Collins,  | - 1   |
| 18   | · ·   | 18   | <del>_</del>   | - 1   |
|  | the 12 that died, but that did allow  |  | district inspector, John Scott,  | - 1   |
| 19   | the 12 miners that were there to come   | 19   | electrical inspector, and Doug Conaway,  | - 1   |
| 20   | out of the mine.  | 20   | former director.   | - 1   |
| 21   | And the other thing we  | 21   | CHAIR:   | - 1   |
| 22   | were working on were better mine  | 22   | Brian, can you speak   | - 1   |
| 23   | examinations. We really   | 23   | closer into the mic, please?   | - 1   |
| 24   | examinations are your first tool that   | 24   | MR. MILLS:   | - 1   |
| 25   | you should use to make for a safe   | 25   | Better? The Region I   | - 1   |
|  |   |  |  |       |
|  | Dago 11E  |  | Dogo   | 0 117 |
| 1  | Page 115  | 1  | _  | e 117 |
| 1  | working environment. A good   | 1  | offices, which is located in Fairmont  | e 117 |
| 2  | working environment. A good examination and a good recording of   | 2  | offices, which is located in Fairmont is responsible for mining activity and   | e 117 |
| 2  | working environment. A good examination and a good recording of those examinations allows a lot of  | 2  | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes   | e 117 |
| 2<br>3<br>4  | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners   | 2<br>3<br>4  | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is   | e 117 |
| 2<br>3<br>4<br>5   | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area.  | 2<br>3<br>4<br>5   | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  | e 117 |
| 2<br>3<br>4<br>5<br>6  | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area.  And ICG was willing to  | 2<br>3<br>4<br>5<br>6  | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region  | e 117 |
| 2<br>3<br>4<br>5<br>6<br>7   | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area. And ICG was willing to work toward better examinations. I  | 2<br>3<br>4<br>5<br>6<br>7   | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region alone consists of 45 underground mines,  | e 117 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area. And ICG was willing to work toward better examinations. I think this is an appropriate time to   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region alone consists of 45 underground mines, 56 surface mines, 19 low NOx   | e 117 |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area.  And ICG was willing to work toward better examinations. I think this is an appropriate time to mention our relationship with the State of West Virginia. We have a really   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region alone consists of 45 underground mines, 56 surface mines, 19 low NOx preparation plants and 41 underground and surface boards. Our office staff  | e 117 |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area.  And ICG was willing to work toward better examinations. I think this is an appropriate time to mention our relationship with the State of West Virginia. We have a really good working relationship with the state inspectors, and that's because I think their heart and our heart is both in the same place, and  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region alone consists of 45 underground mines, 56 surface mines, 19 low NOx preparation plants and 41 underground and surface boards. Our office staff consists of nine underground inspectors, three surface inspectors, three electrical inspectors, three safety instructors, one roof control   | e 117 |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area.  And ICG was willing to work toward better examinations. I think this is an appropriate time to mention our relationship with the State of West Virginia. We have a really good working relationship with the state inspectors, and that's because I think their heart and our heart is both in the same place, and that's to try to protect the miners. There were times when our inspectors would not be at the mine. We had other things going on, that we would make a phone call to the State of West Virginia, and they did the same thing with us, just say, hey, we're not going to be at the mines for a few days, could you have one of your state | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region alone consists of 45 underground mines, 56 surface mines, 19 low NOx preparation plants and 41 underground and surface boards. Our office staff consists of nine underground inspectors, three surface inspectors, three safety instructors, one roof control inspector, two office assistants, one assistant inspector at large and myself.  The West Virginia Office of Miners' Health, Safety & Training's purpose is supervisor of the execution and enforcement of the provisions of West Virginia code, Chapter 22(a), which deals with mining to see that the | e 117 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | working environment. A good examination and a good recording of those examinations allows a lot of mistakes to be corrected before miners would get into the area.  And ICG was willing to work toward better examinations. I think this is an appropriate time to mention our relationship with the State of West Virginia. We have a really good working relationship with the state inspectors, and that's because I think their heart and our heart is both in the same place, and that's to try to protect the miners. There were times when our inspectors would not be at the mine. We had other things going on, that we would make a phone call to the State of West Virginia, and they did the same thing with us, just say, hey, we're not going to be at the mines for a few days,                                  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | offices, which is located in Fairmont is responsible for mining activity and are assigned 32 counties, this includes Upshur County, which Sago Mine is located.  Mining in our region alone consists of 45 underground mines, 56 surface mines, 19 low NOx preparation plants and 41 underground and surface boards. Our office staff consists of nine underground inspectors, three surface inspectors, three electrical inspectors, three safety instructors, one roof control inspector, two office assistants, one assistant inspector at large and myself.  The West Virginia Office of Miners' Health, Safety & Training's purpose is supervisor of the execution and enforcement of the provisions of West Virginia code, Chapter 22(a),            | e 117 |

| 1   |  |  |   |          |
|---|--|--|---|----------|
|   | Page 118   | _  |   | Page 120 |
| 1   | prime consideration to protection of   | 1  | records show that of the 41 accident  |          |
| 2   | the safety and health of the persons   | 2  | injury reports submitted by Anker West  |          |
| 3   | employed within or at the mines of this  | 3  | Virginia for the Sago Mine, 21 were   |          |
| 4   | state and to protect and preserve  | 4  | roof falls and 20 were  |          |
| 5   | property and connecting properties.  | 5  | injury-type accidents.  |          |
| 6   | Chapter 22(a) of the West  | 6  | Our roof control  |          |
| 7   | Virginia code requires that each   | 7  | inspector submitted six inspection  |          |
| 8   | underground mine be inspected four   | 8  | reports. Three were roof  |          |
| 9   | times annually. Surface mines,   | 9  | control-type inspections and three were   |          |
| 10  | preparation, plants and quarries are to  | 10   | roof fall inspections. One inspection   |          |
| 11  | be inspected twice annually. Once a  | 11   | report is also completed as part of an  |          |
|   | •  |  | •   |          |
| 12  | year an electrical inspection is to be   | 12   | investigation into a complaint. Four  |          |
| 13  | made of each mine. Other inspections   | 13   | inspection reports were also completed  |          |
| 14  | that we conduct are those dealing with   | 14   | by safety instructors of such   |          |
| 15  | independent contractors, shackle/slope   | 15   | activities at the Sago Mine. Our  |          |
| 16  | operations, roof control and accident  | 16   | records show that from 2005, a total of   |          |
| 17  | investigations. We also devote time to   | 17   | 95 inspection shifts were dedicated to  |          |
| 18  | safety training, testing and   | 18   | the mine.   |          |
| 19  | certification.   | 19   | UNIDENTIFIED SPEAKER:   |          |
| 20  | I'll now focus my  | 20   | Davitt, I can't   |          |
| 21  | comments on our activities at the Anker  | 21   | understand him. I can't hear him.   |          |
| 22  | West Virginia Mining Company, Sago   | 22   | MR. MILLS:  |          |
| 23  | Mine, during 2005. Four regular  | 23   | Also, during 2005   |          |
| 24  | inspections were conducted in 2005.  | 24   | CHAIR:  |          |
| 25  | The first regular inspection concluded   | 25   | I'm sorry, if you could   |          |
| 20  | The hist regular hispection concluded  | 20   | Tim sorry, ir you could   |          |
|   | Page 119   |  |   | Page 121 |
| 1   | on March the 2nd, 21 notices of  | 1  | try to we're having trouble on this   |          |
| 2   | violations were issued during 11   | 2  | side hearing you. So stay right on  |          |
| 3   | inspection shifts. The second regular  | 3  | that mic.   |          |
| 4   | inspection was concluded on April 22nd,  | 4  | MR. MILLS:  |          |
| 5   | •  | 7  | MIX. MILLS.   |          |
| ٦   | 76 VINISTIANS WARA ISSUAN MURINA TAN   | 5  | Also during 2005 five   |          |
| 4   | 36 violations were issued during ten   | 5  | Also during 2005 five   |          |
| 6   | inspection shifts. The third regular   | 6  | inspection reports were completed   |          |
| 7   | inspection shifts. The third regular inspection was concluded on August 26th   | 6<br>7   | inspection reports were completed showing inspection of GMS mine repair   |          |
| 7<br>8  | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16   | 6<br>7<br>8  | inspection reports were completed showing inspection of GMS mine repair and maintenance and independent   |          |
| 7<br>8<br>9   | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16 inspection shifts. The fourth regular   | 6<br>7<br>8<br>9   | inspection reports were completed showing inspection of GMS mine repair and maintenance and independent contractor performing work at the Sago  |          |
| 7<br>8<br>9<br>10   | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16 inspection shifts. The fourth regular inspection was conducted on November  | 6<br>7<br>8<br>9<br>10   | inspection reports were completed<br>showing inspection of GMS mine repair<br>and maintenance and independent<br>contractor performing work at the Sago<br>Mine. And I would like to discuss the  |          |
| 7<br>8<br>9<br>10<br>11   | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16 inspection shifts. The fourth regular inspection was conducted on November the 2nd with 23 notices and violations   | 6<br>7<br>8<br>9<br>10<br>11   | inspection reports were completed<br>showing inspection of GMS mine repair<br>and maintenance and independent<br>contractor performing work at the Sago<br>Mine. And I would like to discuss the<br>roof control plan for the Sago Mine,  |          |
| 7<br>8<br>9<br>10<br>11<br>12   | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16 inspection shifts. The fourth regular inspection was conducted on November the 2nd with 23 notices and violations issued during ten inspection shifts.  | 6<br>7<br>8<br>9<br>10<br>11<br>12   | inspection reports were completed showing inspection of GMS mine repair and maintenance and independent contractor performing work at the Sago Mine. And I would like to discuss the roof control plan for the Sago Mine, submitted revisions and established   |          |
| 7<br>8<br>9<br>10<br>11<br>12<br>13   | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16 inspection shifts. The fourth regular inspection was conducted on November the 2nd with 23 notices and violations issued during ten inspection shifts.  A total of four   | 6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | inspection reports were completed showing inspection of GMS mine repair and maintenance and independent contractor performing work at the Sago Mine. And I would like to discuss the roof control plan for the Sago Mine, submitted revisions and established testing areas.  |          |
| 7<br>8<br>9<br>10<br>11<br>12<br>13   | inspection shifts. The third regular inspection was concluded on August 26th with 50 violations issued during 16 inspection shifts. The fourth regular inspection was conducted on November the 2nd with 23 notices and violations issued during ten inspection shifts.  A total of four inspections for the total of these  | 6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | inspection reports were completed showing inspection of GMS mine repair and maintenance and independent contractor performing work at the Sago Mine. And I would like to discuss the roof control plan for the Sago Mine, submitted revisions and established testing areas.  A review of the roof  |          |
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| 1 2   | Dogo 122   |   | Dog 124  |
|---|--|---|--|
|   | to our office in a variety of ways.  | 1   | Page 124<br>be provided by Barbour County Mine   |
| _   | Either by e-mail, mail hard copies and   | 2   | Rescue Association.  |
| 3   | delivered copies or by telefax. The  | 3   | I would like to introduce  |
| 4   | conversation or discussion with the  | 4   | John Collins, district inspector, and  |
| 5   | representatives of the operator usually  | 5   | John Scott for further comments.   |
| 6   | occurs if there are questions or   | 6   | MR. COLLINS:   |
| 7   | clarifications needed of the   | 7   | Hello. I'm John Collins.   |
| 8   | submittals. Usually a review of the  | 8   | I'm a district inspector with the West   |
| 9   | request for revision is made with the  | 9   | Virginia Office of Miners' Health,   |
| 10  | roof control inspector, the district   | 10  | Safety & Training. I've been employed  |
| 11  | inspector and MSHA roof control  | 11  | by the state for 24 years. I live in   |
| 12  | personnel before such submittals are   | 12  | Buckhannon. And I was I'm the  |
| 13  | approved.  | 13  | inspector that was assigned to inspect   |
| 14  | During 2005 approval was   | 14  | the Sago Mine.   |
| 15  | granted for ten such submittals by   | 15  | I inspected it for nine  |
| 16  | Anker West Virginia for the Sago Mine.   | 16  | months prior to the explosion, but I   |
| 17  | These ten approvals were either for  | 17  | hadn't inspected the mine prior to   |
| 18  | revisions to the plant or to establish   | 18  | that, and also Spruce Fork. Of the 12  |
| 19  | test areas for lower bench mining.   | 19  | miners, 10 of these miners I knew very   |
| 20  | Submittals for a revision to the mine  | 20  | well.  |
| 21  | ventilation plan usually followed the  | 21  | I was assigned the Sago  |
| 22  | same procedure as with the roof control  | 22  | Mine on April the 1st, 2005. Mr. Jeff  |
| 23  | plan, as far as submittal, review and  | 23  | Bennett has conducted the first regular  |
| 24  | approval. However, with the  | 24  | inspection for 2005, so my first   |
| 25  | ventilation plan revisions, the  | 25  | inspection I made there this year would  |
|   | vertilation plan revisions, the  | 20  | mspection i made there this year would   |
|   | Page 123   |   | Page 125   |
| 1   | district inspector and the MSHA mine   | 1   | have been the second regular.  |
| 2   | ventilation personnel are contacted.   |   |  |
|   | ·  | 2   | As Mr. Mills mentioned, I  |
| 3   | A revised up-to-date   | 2   | issued 36 violations during 10 days of   |
| 3<br>4  | ventilation for the Sago Mine was  | 3<br>4  | issued 36 violations during 10 days of inspection. The mine was basically a  |
| 3<br>4<br>5   | ventilation for the Sago Mine was approved on February 22nd, 2005. After   | 3   | issued 36 violations during 10 days of inspection. The mine was basically a one section coal mine then with the Two  |
| 3<br>4<br>5<br>6  | ventilation for the Sago Mine was approved on February 22nd, 2005. After this date, seven revisions to the plan  | 3<br>4<br>5<br>6  | issued 36 violations during 10 days of inspection. The mine was basically a one section coal mine then with the Two Right section just attempting to start.  |
| 3<br>4<br>5<br>6<br>7   | ventilation for the Sago Mine was approved on February 22nd, 2005. After this date, seven revisions to the plan were approved. One of these revisions,   | 3<br>4<br>5<br>6<br>7   | issued 36 violations during 10 days of inspection. The mine was basically a one section coal mine then with the Two Right section just attempting to start.  And for those of you that know the  |
| 3<br>4<br>5<br>6<br>7<br>8  | ventilation for the Sago Mine was approved on February 22nd, 2005. After this date, seven revisions to the plan were approved. One of these revisions, on October 14th, 2005, was the approval   | 3<br>4<br>5<br>6<br>7<br>8  | issued 36 violations during 10 days of inspection. The mine was basically a one section coal mine then with the Two Right section just attempting to start.  And for those of you that know the history of the mine, that section  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9   | ventilation for the Sago Mine was approved on February 22nd, 2005. After this date, seven revisions to the plan were approved. One of these revisions, on October 14th, 2005, was the approval issued to add Omega block type seals to   | 3<br>4<br>5<br>6<br>7<br>8<br>9   | issued 36 violations during 10 days of inspection. The mine was basically a one section coal mine then with the Two Right section just attempting to start.  And for those of you that know the history of the mine, that section failed to make it and was stopped.   |
| 3<br>4<br>5<br>6<br>7<br>8<br>9   | ventilation for the Sago Mine was approved on February 22nd, 2005. After this date, seven revisions to the plan were approved. One of these revisions, on October 14th, 2005, was the approval issued to add Omega block type seals to their plan. The sealing plan for the  | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | issued 36 violations during 10 days of inspection. The mine was basically a one section coal mine then with the Two Right section just attempting to start.  And for those of you that know the history of the mine, that section failed to make it and was stopped.  I conducted the third  |
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|  | Page 126   |  | Page 1:  | 28  |
|--|--|--|--|-----|
| 1  | serious accidents during 2005 at the   | 1  | had provided a battery paragraph, but I  |     |
| 2  | Sago Mine. Daniel Westfall (phonetic)  | 2  | did not abate the violation.   |     |
| 3  | on January the 18th, 2005 was struck by  | 3  | The mine finished the  |     |
| 4  | a piece of falling roof. I   | 4  | year with a state frequency rate of  | - 1 |
| 5  | investigated a serious accident of a   | 5  | 9.75, based on 200,000 man hours   |     |
| 6  | Mr. Ralph Mitchell on August the 10th,   | 6  | worked, which is higher than the state   |     |
| 7  | 2005. He was struck with a piece of  | 7  | average for 2005 of 4.21 for 2005, that  |     |
| 8  | falling roof. And I investigated an  | 8  | had reduced from 17.28 in the year   | - 1 |
| 9  | accident of Charles Bunigi (phonetic)  | 9  | 2004. So even though we were still   | - 1 |
| 10   | on November the 7th, 2005, who was   | 10   | high, the company was high, they had   | - 1 |
| 11   | struck with a rib roll.  | 11   | cut that in half over the last year.   | - 1 |
| 12   | All three of these   | 12   | Again, I've been the   |     |
| 13   | accidents were very serious, and only  | 13   | inspector there for the last three   |     |
| 14   | Daniel Westfall returned back to work.   | 14   | quarters, and thank you very much.   |     |
| 15   | I also conducted inspections of other  | 15   | CHAIR:   | - 1 |
| 16   | two less reported accidents, roof  | 16   | Thank you, John. Are   | - 1 |
| 17   | falls reported and check inspections.  | 17   | there any other statements? If not, we   | - 1 |
| 18   | A total of 144 violations was issued at  | 18   | have an opportunity now to ask   | - 1 |
| 19   |  | 19   | questions. Let me start with Ray   | - 1 |
| 20   | the mine during the year 2005, 116 of those was issued by me.  | 20   | McKinney from MSHA.  |     |
| 21   | I worked a total of 52   | 21   |  |     |
|  |  |  | QUESTIONS OF PANEL   |     |
| 22   | inspection days during 2005 at the Sago  | 22   | MR. MCKINNEY:  |     |
| 23   | Mine. The violation rate our   | 23   | Thank you, Davitt. Mr.   |     |
| 24   | inspection day of 2.12 for me. The   | 24   | Tenney, there's been some discussion   |     |
| 25   | dates of the inspections, the type of  | 25   | about a roof drilled hole that was   |     |
|  |  |  |  |     |
|  | Dogo 127   |  | Page 1   | 20  |
| 1  | Page 127   | 1  | Page 1:  | 29  |
| 1  | inspections conducted and the area   | 1  | bored into the mine roof and was   | 29  |
| 2  | inspections conducted and the area traveled are listed on an attachment  | 2  | bored into the mine roof and was liberating methane, some process that   | 29  |
| 2  | inspections conducted and the area traveled are listed on an attachment that I'll submit to the committee.   | 2  | bored into the mine roof and was liberating methane, some process that was addressed to take care of that. Is  | 29  |
| 2<br>3<br>4  | inspections conducted and the area traveled are listed on an attachment that I'll submit to the committee.  Four violations had not yet been abated  | 2<br>3<br>4  | bored into the mine roof and was liberating methane, some process that was addressed to take care of that. Is that something that's addressed in the   | 29  |
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| 15 either see or inspect the actual 16 construction of the seals? 17 MR. TENNEY: 18 Yes. The Omega block 19 seals are an alternate type of seals 20 that's approved by the district 21 manager. The company put a plan 22 together and gave it to the district 23 manager for approval, and it was 24 approved. As far as the inspection of 25 the seals go, I had an inspector, who  1 had a trainee with him, that was at the 2 seal construction area. And they had 3 four seals completed and was building 4 the fifth seal. 5 He used the opportunity 6 to do two things. Number one, to train 7 the trainee that was with him as to the 8 seal construction requirements and to 9 review the process. The seal plan is 10 incorporated in the ventilation plan,  1 sealed. 1 And after that period of 1 time, after the seals were complete, I 1 thad another journeyman/inspector, the 1 inspector's been inspecting coal mines 20 for 21 20-plus years. He looked at the 22 finished product, but there, again, 23 you're looking at just it's just a 24 wall. And he did say that those seals 25 appeared to be properly sealed to  2 separate the air currents from the two 2 sides. 3 He also commented that 4 the area around there was rock dusted 5 better than any set of seals he had 6 ever seen. The company had put bags of 7 rock dust in front of them, and you 8 know, I really believe that's the 9 reason that the explosion did not 10 propagate any further than there, was  |       |
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| 10 incorporated in the ventilation plan, 10 propagate any further than there, was  |       |
|  |       |
| 11 which he had with him. He took that 11 the efforts that was made there for the  |       |
| ventilation plan, the seal part of it,  12 ventilation plan, the seal part of it,  12 rock dusting after the fact.   |       |
| 13 and discussed with the crew that was 13 MR. MCKINNEY:   |       |
| 14 building the seals, he opened the 14 Mr. Tenney, what type of   |       |
| 15 ventilation plan up and reviewed it 15 training is required for the miners or   |       |
| 16 both with the crew that was building 16 the contractors that build or erect   |       |
| 17 the seals and with the trainee 17 seals?  |       |
|  |       |
|  |       |
| ,  |       |
| 20 testified that they were following the 20 construction of the seals, that's the   |       |
| 21 plan at a snapshot a time, what he 21 responsibility of the mine operator. He   |       |
| 22 could see. What he could see when he 22 has to develop the plan there's two   |       |
| 23 was there was a seal that was half 23 types of training. There's a plan   |       |
| 24 constructed. They had one layer 24 there's a training for the annual  |       |
| 25 exposed. He reviewed the plan with the 25 refresher-type training where they  |       |

|  |  | Page 134 | _  | Page 136  |
|--|--|----------|--|---|
| 1  | cover the ventilation plan, roof   |          | 1  | individual about an accident that I was   |
| 2  | control plan and all the numerous other  |          | 2  | investigating, and Kenny was helping  |
| 3  | plans. But in this instance there's  |          | 3  | another federal man investigate. So I   |
| 4  | also a task training that the mine   |          | 4  | had quite a bit to do that day, so we   |
| 5  | operator's required to give very   |          | 5  | got in the mine real early, and I was   |
| 6  | specific instructions as to the  |          | 6  | accompanied by Marty Conrad, who is an  |
| 7  | construction of the seals. And this  |          | 7  | employee of Anker West Virginia Mining  |
| 8  | was done by the mine operator totally.   |          | 8  | Company. He was a mine foreman, I   |
| 9  | MR. MCKINNEY:  |          | 9  | think, at Spruce Fork. And when it  |
| 10   | Thank you.   |          | 10   | shut down, he came over and was working   |
| 11   | MR. DEAN:  |          | 11   | at the Sago Mine, and had been working  |
| 12   | I had a question for   |          | 12   | on the seals.   |
| 13   | Kevin Stricklin. I know you presented  |          | 13   | So we traveled to the end   |
| 14   | a total incident rate in the second  |          | 14   | of Four track, went through a man door  |
| 15   | quarter of 2005. It was about 55.  |          | 15   | and went over up to the seals and   |
| 16   | What's your explanation for that? And  |          | 16   | started checking the front of the   |
| 17   | I guess, did you look at the number of   |          | 17   | seals, went to the Number Nine entry,   |
| 18   | man hours worked during that quarter?  |          | 18   | which is the Number Ten seal. The   |
| 19   | Was there a low man hours worked, or   |          | 19   | Number Ten seal was constructed up to   |
| 20   | was it a regular trend?  |          | 20   | about where the chest height or so.   |
| 21   | MR. STRICKLIN:   |          | 21   | I can remember, because I had to  |
| 22   | Well, in smaller mines,  |          | 22   | bounce up on it to roll across. It was  |
| 23   | sometimes one accident will cause your   |          | 23   | 40 inches thick. It was not completed,  |
| 24   | incident rate to go higher. In this  |          | 24   | because we had to look at the back  |
| 25   | case, the hours seem to be pretty  |          | 25   | side. There was a 20 feet of two-inch   |
|  |  |          |  |   |
|  |  | Page 135 |  | Page 137  |
| 1  | consistent, and there was a couple, as   | Ü        | 1  | pipe that had been installed through  |
| 2  | I heard John Collins mention earlier, a  |          | 2  | the seal, and another 20-foot section   |
| 3  | couple of group accidents, as well as  |          | 3  | was lying on the ground there to be   |
| 4  | slips, trips and falls, and that was a   |          | 4  | connected to that. The first joint was  |
| 5  | concern of ours with the amount of   |          | 5  | had been supported by cribs. What   |
| 6  | water that we saw in the mine. So we   |          | 6  | this is for is for a gas pipe, which  |
| 7  | felt that was the reason for the   |          | 7  | would be installed later on so that if  |
| 8  | increase in accidents at the mine.   |          | 8  | you were ever going to breach the   |
| 9  |  |          |  | journois stor going to broken the   |
|  | MR DEAN:   |          | 9  | seals, you would check behind that  |
| 1 (()  | MR. DEAN: One other question   |          | 9<br>10  | seals, you would check behind that before you breached the seals  |
| 10<br>11   | One other question.  |          | 10   | before you breached the seals.  |
| 11   | One other question.  John, I know you've been interviewed,   |          | 10<br>11   | before you breached the seals. Our law does not require   |
| 11<br>12   | One other question.  John, I know you've been interviewed, John Collins, and talked about your   |          | 10<br>11<br>12   | before you breached the seals. Our law does not require that that valve be opened or that you   |
| 11<br>12<br>13   | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps  |          | 10<br>11<br>12<br>13   | before you breached the seals. Our law does not require that that valve be opened or that you check or monitor behind those seals.  |
| 11<br>12<br>13<br>14   | One other question.  John, I know you've been interviewed,  John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little   |          | 10<br>11<br>12<br>13<br>14   | before you breached the seals. Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the   |
| 11<br>12<br>13<br>14<br>15   | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today?  |          | 10<br>11<br>12<br>13<br>14<br>15   | before you breached the seals. Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the  |
| 11<br>12<br>13<br>14<br>15<br>16   | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today?  MR. COLLINS:  |          | 10<br>11<br>12<br>13<br>14<br>15<br>16   | before you breached the seals. Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed  |
| 11<br>12<br>13<br>14<br>15<br>16<br>17                                     | One other question. John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today? MR. COLLINS: Okay. I was notified by  |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | before you breached the seals. Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut   |
| 11<br>12<br>13<br>14<br>15<br>16<br>17                                     | One other question. John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today? MR. COLLINS: Okay. I was notified by the office to check the seals that had   |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | before you breached the seals. Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut toward the Number Nine seal and the   |
| 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | One other question. John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today? MR. COLLINS: Okay. I was notified by the office to check the seals that had been installed across the Two Northeast   |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | before you breached the seals.  Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut toward the Number Nine seal and the Number Eight entry. I observed that  |
| 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                   | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today?  MR. COLLINS: Okay. I was notified by the office to check the seals that had been installed across the Two Northeast mains, that the operator had completed  |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                   | before you breached the seals.  Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut toward the Number Nine seal and the Number Eight entry. I observed that the roof screen had been cut away at   |
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| 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today?  MR. COLLINS: Okay. I was notified by the office to check the seals that had been installed across the Two Northeast mains, that the operator had completed those to a point where we could look at them, because we have to go behind                                     |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | before you breached the seals.  Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut toward the Number Nine seal and the Number Eight entry. I observed that the roof screen had been cut away at all ten seals. I observed that the seals to have been mortared adequately.                        |
| 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today?  MR. COLLINS: Okay. I was notified by the office to check the seals that had been installed across the Two Northeast mains, that the operator had completed those to a point where we could look at them, because we have to go behind them. So on December the 9th, I met |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | before you breached the seals.  Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut toward the Number Nine seal and the Number Eight entry. I observed that the roof screen had been cut away at all ten seals. I observed that the seals to have been mortared adequately. I came down behind the |
| 11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | One other question.  John, I know you've been interviewed, John Collins, and talked about your inspection of the seals, but perhaps you can describe that for us a little here today?  MR. COLLINS: Okay. I was notified by the office to check the seals that had been installed across the Two Northeast mains, that the operator had completed those to a point where we could look at them, because we have to go behind                                     |          | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | before you breached the seals.  Our law does not require that that valve be opened or that you check or monitor behind those seals. The two cribs that's required inby the seals by the requirements of the director were installed. We crossed over, turned left through the crosscut toward the Number Nine seal and the Number Eight entry. I observed that the roof screen had been cut away at all ten seals. I observed that the seals to have been mortared adequately.                        |

|  | D 420   |  | D 140  |
|--|---|--|--|
| 1  | Page 138 one of those prior, because the mains  | 1  | Page 140  I did ask them to perform  |
| 2  | was ventilated by inducting air on the  | 2  | some housekeeping outby the seals,   |
| 3  | left-hand side, crossing the waters   | 3  | because there was a lot of extra   |
| 4  | edge and on Two Left and coming back  | 4  | blocks, and such. Paper bags. And I  |
|  | · ·   | 5  | ,  |
| 5  | down the right-hand side return. So   | _  | mentioned to Marty that, you know,   |
| 6<br>7   | once these seals were completed, these  | 6<br>7   | someone would be coming looking at these seals forever. The ventilated   |
|  | stoppings were no longer needed. And  | -  |  |
| 8  | one of our requirements is that they remove the inby line of stoppings so   | 8  | change had not been completed yet. So  |
|  | 3 11 0  | 9  | when I got outside, I issued a check   |
| 10   | that if we ever decide to breach those  | 10   | inspection cover sheet, giving the   |
| 11   | seals, our sample will give us a true   | 11   | company permission to close the seals.   |
| 12   | sample of what's behind those seals.  | 12   | CHAIR:   |
| 13   | Some of those stoppings   | 13   | Thank you, John. And if  |
| 14   | only had a hole in them. And while I  | 14   | I might ask a follow-up question on  |
| 15   | was checking the seals, I would ask   | 15   | that. Would you say that your  |
| 16   | Marty to knock a few of those Omega   | 16   | recommendation to them was to that   |
| 17   | blocks, which wasn't a big task, and he   | 17   | all of the screening had been pulled   |
| 18   | did that. We traveled all the way   | 18   | back and that the piping, the 30-foot  |
| 19   | across. There was one seal, either in   | 19   | length pipes had been installed in the   |
| 20   | the Four or Five entry that did not   | 20   | seals, or did you suggest that?  |
| 21   | have both cribs. One of them was built  | 21   | MR. COLLINS:   |
| 22   | and one of them was partially built. I  | 22   | No, I'm sorry. One of  |
| 23   | asked Marty there was cribs in  | 23   | our requirements, requirements by the  |
| 24   | there, and I asked Marty to be sure and   | 24   | director for sealing is that 40 feet of  |
| 25   | complete that.  | 25   | pipe be installed in a seal with   |
|  |   |  |  |
|  | Page 139  |  | Page 141   |
| 1  | Page 139 We traveled on across to   | 1  | _  |
|  | _   | 1 2  | Page 141 actually a quarter inch copper pipe put on the inside. Anker used a half-inch,  |
| 1 2 3  | We traveled on across to where the seals turned inby one break,   |  | actually a quarter inch copper pipe put on the inside. Anker used a half-inch,   |
| 2  | We traveled on across to  | 2  | actually a quarter inch copper pipe put<br>on the inside. Anker used a half-inch,<br>but I felt that was adequate. There   |
| 2  | We traveled on across to where the seals turned inby one break, and we had to go up to a man door to go   | 2  | actually a quarter inch copper pipe put on the inside. Anker used a half-inch,   |
| 2<br>3<br>4  | We traveled on across to where the seals turned inby one break, and we had to go up to a man door to go through. I told Marty to be sure and  | 2<br>3<br>4  | actually a quarter inch copper pipe put on the inside. Anker used a half-inch, but I felt that was adequate. There was 20 feet of that pipe, which had   |
| 2<br>3<br>4<br>5   | We traveled on across to where the seals turned inby one break, and we had to go up to a man door to go through. I told Marty to be sure and take that stopping out once the seals  | 2<br>3<br>4<br>5   | actually a quarter inch copper pipe put<br>on the inside. Anker used a half-inch,<br>but I felt that was adequate. There<br>was 20 feet of that pipe, which had<br>already been installed through the  |
| 2<br>3<br>4<br>5<br>6  | We traveled on across to where the seals turned inby one break, and we had to go up to a man door to go through. I told Marty to be sure and take that stopping out once the seals were completed. We came back down to the Number One seal. There was a water  | 2<br>3<br>4<br>5<br>6  | actually a quarter inch copper pipe put<br>on the inside. Anker used a half-inch,<br>but I felt that was adequate. There<br>was 20 feet of that pipe, which had<br>already been installed through the<br>seal, and about a foot of it was  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8  | We traveled on across to where the seals turned inby one break, and we had to go up to a man door to go through. I told Marty to be sure and take that stopping out once the seals were completed. We came back down to the Number One seal. There was a water trap in that seal, and it was also   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | actually a quarter inch copper pipe put on the inside. Anker used a half-inch, but I felt that was adequate. There was 20 feet of that pipe, which had already been installed through the seal, and about a foot of it was extending out on the outby side.  That section of pipe was  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                         | We traveled on across to where the seals turned inby one break, and we had to go up to a man door to go through. I told Marty to be sure and take that stopping out once the seals were completed. We came back down to the Number One seal. There was a water trap in that seal, and it was also approximately not quite chest high. I stepped up I got up on it and sat down, and Marty and I sat there and actually ate a package of crackers, and we talked about the water trap, and to make sure that he would put something over the inby side so that one of the cribs that was laying on the ground would not float away.  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                         | actually a quarter inch copper pipe put on the inside. Anker used a half-inch, but I felt that was adequate. There was 20 feet of that pipe, which had already been installed through the seal, and about a foot of it was extending out on the outby side.  That section of pipe was also supported by cribs inby the seal.  The other jointed pipe, which would make it 40 feet, was lying on the mine floor inby the seals. Before the seals would have been closed, this half-inch pipe would have been installed inside this 40-inch pipe, then the seal would be closed. Forty (40) foot pipe.  During the investigation   |
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|  | Page 142  | _  |  | Page 144 |
|--|---|--|--|----------|
| 1  | joined, or were they found together or  | 1  | particular district, I think I have  |          |
| 2  | separated?  | 2  | five areas that have been sealed off   |          |
| 3  | MR. COLLINS:  | 3  | with Omega blocks that are in place  |          |
| 4  | They were found   | 4  | today.   |          |
| 5  | separated. There was testimony that   | 5  | CHAIR:   |          |
| 6  | - this is just a protective pipe. The   | 6  | Brian?   |          |
| 7  | outer pipe is just a protective pipe.   | 7  | MR. MILLS:   |          |
| 8  | And there was testimony that as they  | 8  | Davitt, I recollect three  |          |
| 9  | attempted to twist those together, they   | 9  | mines.   |          |
| 10   | didn't have a wrench or anything, and   | 10   | CHAIR:   |          |
| 11   | that just a few threads was used. That  | 11   | Three mines?   |          |
| 12   | was testimony, of course, I was not   | 12   | MR. MILLS:   |          |
| 13   | there, but it appeared they were put  | 13   | Yes. Maybe more, but   |          |
| 14   | together.   | 14   | three for sure that I know of.   |          |
| 15   | CHAIR:  | 15   | CHAIR:   |          |
| 16   | And John, as to what the  | 16   | And another question,  |          |
| 17   | wire mesh for the screen, had you made  | 17   | should mine inspectors be re-assigned  |          |
| 18   | a recommendation with regard to   | 18   | periodically to different mines to   |          |
| 19   | separating that?  | 19   | avoid a wetting system developing  |          |
| 20   | MR. COLLINS:  | 20   | between mine inspectors and mine   |          |
| 21   | No. I made an   | 21   | operators, why or why not? And I   |          |
| 22   | observation that they had. There's no   | 22   | direct that to Mr. Stricklin and to Mr.  |          |
| 23   | metal, other than our required pipe   | 23   | Mills again.   |          |
| 24   | passes through a seal. We take the  | 24   | MR. STRICKLIN:   |          |
| 25   | track out to take the belt out. We  | 25   | We do do that, Davitt. We  |          |
| 25   | track out to take the beit out. We  | 25   | we do do that, Davitt. We  |          |
|  |   |  |  |          |
|  | Page 143  |  |  | Page 145 |
| 1  | Page 143 take the roof screen. And I seen no  | 1  | typically rotate inspectors to   | Page 145 |
| 1 2  | take the roof screen. And I seen no   | 1 2  | typically rotate inspectors to   | Page 145 |
| 2  | take the roof screen. And I seen no roof screen that continued through the  | 2  | different mines. I think the rule of   | Page 145 |
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|--|---|--|--|
| 1  | Page 146  | 1  | Page 148   |
| 1  | Okay. And a question for  | 1  | believe it was December 15th was at the  |
| 2  | Mr. Stricklin. What system do you have  | 2  | Anker office in Buckhannon.  |
| 3  | in place to identify mines where  | 3  | And there were at  |
| 4  | problems or high numbers of violations  | 4  | least two of those meetings Anker had  |
| 5  | are occurring?  | 5  | each of their superintendents and their  |
| 6  | MR. STRICKLIN:  | 6  | safety directors at the mines. And at  |
| 7  | I'm not sure I know what  | 7  | each of the meetings that I had, I had   |
| 8  | you mean by what system. And I know   | 8  | my assistant district managers as well   |
| 9  | someone handed you that question, so  | 9  | as the field office supervisors out of   |
| 10   | it's going to be hard for you to answer   | 10   | Bridgeport who had authority at the  |
| 11   | that for me. But we basically monitor   | 11   | mines.   |
| 12   | violations weekly in MSHA. We see how   | 12   | MR. CLAIR:   |
| 13   | many violations we have issued in a   | 13   | Excuse me, Davitt. I   |
| 14   | mine, and we accumulate that total  | 14   | have one more question about the Omega   |
| 15   | through the quarter.  | 15   | seals.   |
| 16   | And at that time, we  | 16   | CHAIR:   |
| 17   | basically decide what type of   | 17   | We got a question on the   |
| 18   | additional manpower or additional   | 18   | seals.   |
| 19   | response we need to put to that place.  | 19   | MR. CLAIR:   |
| 20   | In other words, at Sago I mentioned   | 20   | This question is for Mr.   |
| 21   | that one of our major concerns was roof   | 21   | Stricklin and Mr. Mills. Were the ribs   |
| 22   | control. We focused some of our roof  | 22   | at the locations for the Omega block   |
| 23   | control specialists to assist in the  | 23   | where the seals were built, were those   |
| 24<br>25   | inspection at that mine. In addition,   | 24   | ribs chipped out instead of inside of  |
| 25   | when we saw our numbers increasing, or  | 25   | the rib lining?  |
|  |   |  |  |
|  | Page 147  |  | Page 149   |
| 1  | Page 147 when Ken saw his numbers increasing,   | 1  | Page 149 MR. MILLS:  |
| 1 2  | <del>_</del>  | 1 2  | =  |
|  | when Ken saw his numbers increasing,  |  | MR. MILLS:   |
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| 1  | Page 150   | 1  | Page 152  I have one other   |
| 1<br>2   | make to give us that information as far as what they found underground.  | 2  | question. And what I would propose,  |
| 3  | MR. MCKINNEY:  | 3  | since there seem to be a number of   |
| 4  | The question may go to   | 4  | questions, and in order to accommodate   |
| 5  | Mr. Collins when he observed the seals   | 5  | the cafeteria staff here, that we,   |
| 6  | being built. Could you tell us if the  | 6  | after the next two questions, adjourn  |
| 7  | blocks were being mortared?  | 7  | for lunch, but then ask the panel to   |
| 8  | MR. COLLINS:   | 8  | come back so that we can complete the  |
| 9  | I'm sorry, you   | 9  | questions after lunch. And if we could   |
| 10   | misunderstood that. But I never  | 10   | return about I'd say let's say   |
| 11   | observed them building the seals. Two  | 11   | 1:15 to 1:20, that would give us a   |
| 12   | through Nine were sealed were  | 12   | chance to get this panel back.   |
| 13   | completed and plastered the mine inby  | 13   | The question I have,   |
| 14   | roof to bottom. One and Ten were up  | 14   | though, as to the meeting that was   |
| 15   | about chest high, and they had mortar  | 15   | scheduled for 12/15/05 at Sago, with   |
| 16   | across the 40-inch part that you slid  | 16   | ICG training supervisors on how to do  |
| 17   | across, it was dry. I noticed, because   | 17   | examinations weekly and on-shift   |
| 18   | I never got it on my clothes.  | 18   | examinations. Is this an indication of   |
| 19   | You couldn't see the   | 19   | problems with supervisors' training or   |
| 20   | joints a lot, but I have been in on a  | 20   | supervisors' background? Mr.   |
| 21   | lot of testimony, and I think there's a  | 21   | Stricklin?   |
| 22   | lot of testimony that a lot of the   | 22   | MR. STRICKLIN:   |
| 23   | joints were mortared, but there's some   | 23   | Could you repeat just the  |
| 24   | testimony that some of those joints may  | 24   | last part of that? I missed the last   |
| 25   | be questionable. I can't recall who  | 25   | two words.   |
|  |  |  |  |
|  | Page 151   | 1  | Page 153   |
| 1  | did that, but I'm sure that's available  | 1  | CHAIR:   |
| 2  | on the internet. MR. DEAN:   | 2<br>3   | I'm sorry. Does this indicate a problem with supervisory   |
| 4  | I have one here. Is  | 4  | knowledge and/or training related to   |
| 5  | there any history of Omega blocks  | 5  | examinations?  |
| 6  | failing in other parts of the country?   | 6  | MR. STRICKLIN:   |
| 7  | And this particular question comes   | 7  | Well, we had issued a  |
| 8  | from the audience that there was a fire  | 8  | number of citations and orders on the  |
| 9  | at Drummond Shoal Creek Mine because of  | 9  | examinations at the mine. And we   |
| 10   | failure of Omega blocks, and a problem   | 10   | wanted to make clear what we felt  |
| 11   | with their blocks. And the question  | 11   | needed to be addressed when an   |
| 12   | •  | 12   | examination took place. We discussed   |
|  | goes, there was nothing left of them at  |  | charmination took place. We discussed  |
| 13   | Sago, shouldn't MSHA revisit this  | 13   | what hazards we expected to be recorded  |
| 14   | Sago, shouldn't MSHA revisit this issue? And I don't know who on the   | 13<br>14   | what hazards we expected to be recorded in the book and corrected. And we felt   |
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| 1  | Page 154   | 1  | Page 156   |
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| 1  | CHAIR:   | 1  | MR. DEAN:  |
| 2  | During the lunch break, I  | 2  | I had a question from a  |
| 3  | had some queries from the from   | 3  | member here in the audience, and I   |
| 4  | members of the media. We will try to   | 4  | think the best person to answer that is  |
| 5  | make people available to the media   | 5  | probably either Brian Mills or John  |
| 6  | during the breaks, because the media   | 6  | Collins. It's been stated earlier that   |
| 7  | doesn't want to be out of the room when  | 7  | the violations were cut in half after  |
| 8  | questions are being asked and so what  | 8  | International Coal Group took over the   |
| 9  | we'll try to do is to for the  | 9  | mine. Can you elaborate on the pre-ICG   |
| 10   | media, during the breaks, we'll have   | 10   | and post-ICG safety conditions at this   |
| 11   | persons up in the media room, the  | 11   | mine?  |
| 12   | Governor was there and Cecil Roberts,  | 12   | MR. COLLINS:   |
| 13   | President of the United Mine Workers,  | 13   | Yes, it does appear that   |
| 14   | will be in the media room during the   | 14   | during the third quarter regular, I  |
| 15   | next break. And as we go, we'll have   | 15   | issued 50 violations and I was there 16  |
| 16   | people made available to the media, so   | 16   | days. During the fourth quarter  |
| 17   | we can do that.  | 17   | regular, I issued 23 violations, but I   |
| 18   | Now, we're finishing the   | 18   | was only there 10 days. But the mine,  |
| 19   | questions for the Panel. I have been   | 19   | in my opinion, had improved during the   |
| 20   | asked to also ask folks to pull that   | 20   | fourth quarter. And they had purchased   |
| 21   | mic up because we're having trouble, a   | 21   | new shuttle cars, new continuous   |
| 22   | little bit of trouble, hearing.  | 22   | miners. The rock dusting had improved.   |
| 23   | The next question that I   | 23   | The relationship with this mine  |
| 24   | have is now, I'm making too much   | 24   | foreman was better as far as rock  |
| 25   | noise. Why did the annual training of  | 25   | dusting outby, getting things done. We   |
|  |  |  |  |
|  | Page 155   |  | Page 157   |
| 1  | Page 155 miners on escape and evacuation   | 1  | Page 157<br>had a new superintendent that was  |
| 1 2  | miners on escape and evacuation  | 1 2  | had a new superintendent that was  |
| 2  | miners on escape and evacuation emphasize barricading more so than   | 2  | had a new superintendent that was cooperative. The maintenance   |
| 2 3  | miners on escape and evacuation emphasize barricading more so than other methods of escape. Kevin, if you  | 2  | had a new superintendent that was cooperative. The maintenance department is very cooperative and  |
| 2<br>3<br>4  | miners on escape and evacuation emphasize barricading more so than other methods of escape. Kevin, if you could try to do that?  | 2<br>3<br>4  | had a new superintendent that was cooperative. The maintenance department is very cooperative and making an excellent attempt to reduce  |
| 2 3  | miners on escape and evacuation emphasize barricading more so than other methods of escape. Kevin, if you could try to do that?  MR. STRICKLIN:  | 2  | had a new superintendent that was cooperative. The maintenance department is very cooperative and making an excellent attempt to reduce violations. So during the fourth   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | miners on escape and evacuation emphasize barricading more so than other methods of escape. Kevin, if you could try to do that? MR. STRICKLIN: Would it be okay for Mr. Tenney to answer that question? CHAIR: Certainly. MR. TENNEY: Well, if it emphasized barricading more than escaping the coal mines, I'd be very disappointed. The first action of a coal miner, and all coal miners are trained that, is to escape. That's a reason we put the SCSR units on. It's to don the SCSR and exhaust every attempt to exit the coal mines. That's our that's the only time we are safe is when we're on the surface. That's the end. The other action is you know, that's kind of a last stand. And it is not to | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | had a new superintendent that was cooperative. The maintenance department is very cooperative and making an excellent attempt to reduce violations. So during the fourth quarter, my violations were less than the third quarter.  And also a factor that comes into that, I was inspecting at the same time with a Federal inspector, Marty Carver, who is a very good inspector. And of course when you follow him, then you don't find as many violations, particularly I don't think I issued a violation on the belt conveyors during the fourth quarter. But my opinion was that the mine had improved during that fourth quarter.  MR. DEAN: Thank you. CHAIR: Mr. Stricklin, did you ever inspect to see if the electrical |

|    | Dame 150                                |    | Dama 1/0                                |
|----|---|----|---|
| 1  | Page 158 That would be something        | 1  | Page 160 MR. MILLS:                     |
| 2  | that's something that our regular       | 2  | I'm going to refer that                 |
| 3  | inspector would do as part of his       | 3  | to John Collins                         |
| 4  | regular inspection at the mine, yes.    | 4  | CHAIR:                                  |
| 5  | CHAIR:                                  | 5  | Okay.                                   |
| 6  | Was it an inspection for                | 6  | MR. MILLS:                              |
| 7  | the electrical grounding?               | 7  | a District inspector.                   |
| 8  | MR. STRICKLIN:                          | 8  | MR. COLLINS:                            |
| 9  | I don't know if his notes               | 9  | Well, during the fourth                 |
| 10 | would specifically say anything about   | 10 | quarter inspection, the fan was         |
| 11 | it being grounded, but that's something | 11 | increased. And those amounts are        |
| 12 | that he would typically look at during  | 12 | available. I don't have them with me,   |
| 13 | his inspection.                         | 13 | but the fan was increased substantially |
| 14 | CHAIR:                                  | 14 | to increase the air on the section.     |
| 15 | Could we make inquiry of                | 15 | Normally at this mine, you did not have |
| 16 | that inspector to find out if he does   | 16 | a problem providing air to the working  |
| 17 | have notes to that effect?              | 17 | face or the last open break,            |
| 18 | MR. STRICKLIN:                          | 18 | maintaining the minimum requirements of |
| 19 | Yes. That's something                   | 19 | the ventilation plan. Methane           |
| 20 | that I'll forward to you when we get    | 20 | liberation was a minimal amount in the  |
| 21 | that information.                       | 21 | faces while mining in the upper seam.   |
| 22 | CHAIR:                                  | 22 | However, when mining the bottom seam,   |
| 23 | That's fine. Thank you.                 | 23 | retreating back, I did notice as much   |
| 24 | In the area where the explosions        | 24 | as seven-tenths methane while the       |
| 25 | occurred the explosion occurred         | 25 | continuous miner was in operation. The  |
|    | Page 159                                |    | Page 161                                |
| 1  | when active mining was done?            | 1  | mine liberated very little methane in a |
| 2  | During the time active mining was done, | 2  | 24-hour period. I believe somewhere     |
| 3  | what was the quality and the quantity   | 3  | around 100,000 cubic feet of methane in |
| 4  | of the methane, CH4, of the air in the  | 4  | 24 hours.                               |
| 5  | last open break-through? And the same   | 5  | CHAIR:                                  |
| 6  | question as to the other active         | 6  | Okay. The question is,                  |
| 7  | sessions during the past year? Mr.      | 7  | why is the Federal agency asking        |
| 8  | Stricklin first and then Mr. Mills.     | 8  | questions of Federal officials and      |
| 9  | MR. STRICKLIN:                          | 9  | visa-versa for the State agency asking  |
| 10 | Typically, the                          | 10 | questions to the State to State         |
| 11 | concentration that in a review of the   | 11 | employees to other State inspectors? I  |
| 12 | notes and in discussion with the MSHA   | 12 | think it goes to the question of how do |
| 13 | inspectors was about one-tenth in the   | 13 | we conduct these Federal investigations |
| 14 | last open crosscut. There was one time  | 14 | and State investigations. Mr.           |
| 15 | in this last quarter that we found .5   | 15 | Stricklin?                              |
| 16 | percent methane in the area, but that   | 16 | MR. STRICKLIN:                          |
| 17 | was because curtains weren't in place   | 17 | The transcripts I thought               |
| 18 | to ventilate the face from methane.     | 18 | that I reviewed indicated that both the |
| 19 | Even though .5 isn't a concern as far   | 19 | State and the Federal both asked        |
| 20 | as an explosive limit of gas, it was a  | 20 | questions. And as far as my District    |
| 21 | concern for us at this mine, because we | 21 | personnel in this interview process, I  |
| 22 | typically have only one-tenth with our  | 22 | think there were only three or four of  |
| 23 | readings.                               | 23 | our MSHA personnel that were actually   |
| 24 | CHAIR:                                  | 24 | interviewed as part of the              |
| 25 | Mr. Mills?                              | 25 | investigation. But from what I recall,  |

|  |  | Page 162 | _  |  | Page 164 |
|--|--|----------|--|--|----------|
| 1  | I believe the State and the MSHA   |          | 1  | the SCSRs in question were, in fact,   |          |
| 2  | official both asked the MSHA inspector   |          | 2  | tested in the 90-day increments that   |          |
| 3  | questions.   |          | 3  | they were required to. The exact date  |          |
| 4  | CHAIR:   |          | 4  | I do not know right off the top of my  |          |
| 5  | I think the question goes  |          | 5  | head what it was. The 90-day   |          |
| 6  | to this interview today, to this Panel   |          | 6  | examination is the actual physical test  |          |
| 7  | today, as well as the questions as to  |          | 7  | where you shake use an instrument  |          |
| 8  | the other individuals, or the witness,   |          | 8  | to shake the unit to see that it is  |          |
| 9  |  |          | 9  |  |          |
|  | I'm sorry. The transcripts indicate  |          |  | still according to manufacturer's  |          |
| 10   | the interviews. And the question here,   |          | 10   | recommendation and passes that.  |          |
| 11   | I think, goes also to the process  |          | 11   | CHAIR:   |          |
| 12   | today.   |          | 12   | The next question is what  |          |
| 13   | MR. STRICKLIN:   |          | 13   | were the volume of area ventilating the  |          |
| 14   | I guess I'm unclear on   |          | 14   | seals, first at First Left and at  |          |
| 15   | what you're asking as far as who's   |          | 15   | Second Left? Let me repeat that. What  |          |
| 16   | UNIDENTIFIED SPEAKER:  |          | 16   | were or what are the volume of area  |          |
| 17   | Okay. Mr. Chairman, if I   |          | 17   | ventilating the seals in the First Left  |          |
| 18   | may? I think that any one of us here,  |          | 18   | and Second Left?   |          |
| 19   | the people representing the State and  |          | 19   | MR. STRICKLIN:   |          |
| 20   | us, Ray and myself representing MSHA,  |          | 20   | I'll try to address it.  |          |
| 21   | feel that we can ask State or Federal  |          | 21   | There are no seals in the One Left   |          |
| 22   |  |          | 22   |  |          |
|  | employees any question. The overall  |          |  | area.  |          |
| 23   | format is a format that was agreed to  |          | 23   | CHAIR:   |          |
| 24   | between the Governor's Office and the  |          | 24   | Right.   |          |
| 25   | Department of Labor. But certainly, I  |          | 25   | MR. STRICKLIN:   |          |
|  |  |          |  |  |          |
|  |  | Page 163 |  | D  | 2ago 165 |
| 1  | norsonally and I know Mr. McKinnov   | Page 163 | 1  |  | Page 165 |
| 1  | personally and I know Mr. McKinney   | Page 163 | 1  | But in the Two Left area,  | Page 165 |
| 2  | feels no constraint about asking a   | Page 163 | 2  | But in the Two Left area, I believe the air reading taken after  | Page 165 |
| 2  | feels no constraint about asking a State employee questions, and I would   | Page 163 | 2  | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was   | Page 165 |
| 2<br>3<br>4  | feels no constraint about asking a<br>State employee questions, and I would<br>hope that you and Mr. Dean have no  | Page 163 | 2<br>3<br>4  | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  | Page 165 |
| 2<br>3<br>4<br>5   | feels no constraint about asking a<br>State employee questions, and I would<br>hope that you and Mr. Dean have no<br>restraint at all in asking any Federal  | Page 163 | 2  | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR:   | Page 165 |
| 2<br>3<br>4<br>5<br>6  | feels no constraint about asking a<br>State employee questions, and I would<br>hope that you and Mr. Dean have no<br>restraint at all in asking any Federal<br>employee a question.  | Page 163 | 2<br>3<br>4  | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin,  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR:   | Page 163 | 2<br>3<br>4<br>5<br>6<br>7   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a   | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | feels no constraint about asking a<br>State employee questions, and I would<br>hope that you and Mr. Dean have no<br>restraint at all in asking any Federal<br>employee a question.  | Page 163 | 2<br>3<br>4<br>5<br>6  | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin,  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR:   | Page 163 | 2<br>3<br>4<br>5<br>6<br>7   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a   | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR: I think I've actually   | Page 163 | 2<br>3<br>4<br>5<br>6<br>7<br>8  | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice?   | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR: I think I've actually already done so. I don't have any   | Page 163 | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN:  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR: I think I've actually already done so. I don't have any questions. UNIDENTIFIED SPEAKER:  | Page 163 | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why  | Page 163 | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR: I think I've actually already done so. I don't have any questions. UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer  | Page 163 | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR: I think I've actually already done so. I don't have any questions. UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and  |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners   |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we   | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by   |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | But in the Two Left area,  I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  CHAIR:  And for Mr. Stricklin,  why was the Sago Mine not issued a 104(c) pattern of violations' notice?  MR. STRICKLIN:  Well, we typically look  at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when w   |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question. CHAIR: I think I've actually already done so. I don't have any questions. UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at  |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | But in the Two Left area,  I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  CHAIR:  And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice?  MR. STRICKLIN:  Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase.  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr.   |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                         | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time  | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                   | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr. Stricklin?  |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                   | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time would have been considered for a POV   | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr. Stricklin?  MR. STRICKLIN:  |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | But in the Two Left area,  I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  CHAIR:  And for Mr. Stricklin,  why was the Sago Mine not issued a 104(c) pattern of violations' notice?  MR. STRICKLIN:  Well, we typically look  at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time would have been considered for a POV based on what we have in place now.                | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr. Stricklin?  MR. STRICKLIN: I'm going to defer to Mr.                      |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | But in the Two Left area,  I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  CHAIR:  And for Mr. Stricklin,  why was the Sago Mine not issued a 104(c) pattern of violations' notice?  MR. STRICKLIN:  Well, we typically look  at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time would have been considered for a POV based on what we have in place now.  CHAIR:        | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr. Stricklin?  MR. STRICKLIN: I'm going to defer to Mr. Tenney for that one? |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | But in the Two Left area,  I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  CHAIR:  And for Mr. Stricklin,  why was the Sago Mine not issued a 104(c) pattern of violations' notice?  MR. STRICKLIN:  Well, we typically look  at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time would have been considered for a POV based on what we have in place now.                | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr. Stricklin?  MR. STRICKLIN: I'm going to defer to Mr.                      |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | But in the Two Left area,  I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air.  CHAIR:  And for Mr. Stricklin,  why was the Sago Mine not issued a 104(c) pattern of violations' notice?  MR. STRICKLIN:  Well, we typically look  at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time would have been considered for a POV based on what we have in place now.  CHAIR:        | Page 165 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | feels no constraint about asking a State employee questions, and I would hope that you and Mr. Dean have no restraint at all in asking any Federal employee a question.  CHAIR: I think I've actually already done so. I don't have any questions.  UNIDENTIFIED SPEAKER: The next question is, why did the self-contained self rescuer devices fail the miners in Two Left and were the SCSRs for the Two Left miners tested and weighed every 90 days by mine management? And lastly, when we the last inspection of the SCSRs at Sago prior to January the 2nd? Mr. Stricklin?  MR. STRICKLIN: I'm going to defer to Mr. Tenney for that one? |          | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | But in the Two Left area, I believe the air reading taken after the air had passed the last seal was approximately 8 to 9,000 cfm of air. CHAIR: And for Mr. Stricklin, why was the Sago Mine not issued a 104(c) pattern of violations' notice? MR. STRICKLIN: Well, we typically look at more than a couple of quarters when we look at a POV. We review that annually. Based on the fact that we saw a decrease in the number of violations in the fourth quarter, we still would have looked at it as one of our criteria's to look at, are the violations continuing to increase. I don't think that Sago at that time would have been considered for a POV based on what we have in place now. CHAIR: Any other? Any | Page 165 |

| _  | Page 166  |   |   | Page 168 |
|--|---|---|---|----------|
| 1  | We're having difficulty   | 1   | MS. HAMNER:   |          |
| 2  | hearing down on this end of the table,  | 2   | Well, can you tell us,  |          |
| 3  | so if I ask a question you've already   | 3   | generally speaking, what that would   |          |
| 4  | answered or if you've covered that in   | 4   | mean if it's not in there?  |          |
| 5  | your speech, I do apologize. I did ask  | 5   | MR. STRICKLIN:  |          |
| 6  | to have a copy of the Brian Mills'  | 6   | I would think that that   |          |
| 7  | speech because I didn't hear any of it  | 7   | it would be needed to be included,  |          |
| 8  | at all.   | 8   | and that our inspector would typically  |          |
| 9  | This question is for  | 9   | look for that during his inspection.  |          |
| 10   | Kevin Stricklin. When was the last  | 10  | MS. HAMNER:   |          |
| 11   | inspection by MSHA of the Sago Mines?   | 11  | You feel that it would  |          |
| 12   | MR. STRICKLIN:  | 12  | need to be included?  |          |
| 13   |   | 13  | MR. STRICKLIN:  |          |
|  | And I guess I'm having  |   |   |          |
| 14   | the same problem you had, I couldn't  | 14  | I'm having a very hard  |          |
| 15   | pick up your question.  | 15  | time hearing you.   |          |
| 16   | MS. HAMNER:   | 16  | MS. HAMNER:   |          |
| 17   | Thank you. When was the   | 17  | I know. I understand  |          |
| 18   | last inspection by MSHA of the Sago   | 18  | that. But you said that that would  |          |
| 19   | Mine?   | 19  | need to be included?  |          |
| 20   | MR. STRICKLIN:  | 20  | MR. STRICKLIN:  |          |
| 21   | The last inspection prior   | 21  | Any electrical  |          |
| 22   | to the explosion, I believe was in the  | 22  | requirements in the log, and I don't  |          |
| 23   | last week of December. We had an  | 23  | know the exact distance of this   |          |
| 24   | inspector at the mine site as part of   | 24  | separation, but basically whatever's in   |          |
| 25   | the EO-1 inspection.  | 25  | the regulation would be inspected by  |          |
|  |   |   |   |          |
|  |   |   |   |          |
|  | Page 167  |   |   | Page 169 |
| 1  | Page 16. MS. HAMNER:  | 1   | our inspector during his regular visit.   | Page 169 |
|  | MS. HAMNER:   | 1   | our inspector during his regular visit.  And if it wasn't in place, it would be   | Page 169 |
| 2  | MS. HAMNER:<br>And this was what you  | 1 2   | And if it wasn't in place, it would be  | Page 169 |
| 2  | MS. HAMNER: And this was what you called a regular inspection where you   | 1<br>2<br>3   | And if it wasn't in place, it would be his responsibility to issue a violation  | Page 169 |
| 2<br>3<br>4  | MS. HAMNER: And this was what you called a regular inspection where you did inspect the electrical system?  | 1<br>2<br>3<br>4  | And if it wasn't in place, it would be his responsibility to issue a violation for that.  | Page 169 |
| 2 3 4 5  | MS. HAMNER: And this was what you called a regular inspection where you did inspect the electrical system? MR. STRICKLIN:   | 1<br>2<br>3<br>4<br>5   | And if it wasn't in place, it would be his responsibility to issue a violation for that.  MS. HAMNER:   | Page 169 |
| 2<br>3<br>4<br>5<br>6  | MS. HAMNER: And this was what you called a regular inspection where you did inspect the electrical system? MR. STRICKLIN: The electrical inspection   | 1<br>2<br>3<br>4<br>5<br>6  | And if it wasn't in place, it would be his responsibility to issue a violation for that.  MS. HAMNER: We understand that there  | Page 169 |
| 2<br>3<br>4<br>5<br>6<br>7   | MS. HAMNER: And this was what you called a regular inspection where you did inspect the electrical system? MR. STRICKLIN: The electrical inspection would be part of that regular   | 1<br>2<br>3<br>4<br>5<br>6<br>7   | And if it wasn't in place, it would be his responsibility to issue a violation for that.  MS. HAMNER: We understand that there were MSHA inspections in August that   | Page 169 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | MS. HAMNER: And this was what you called a regular inspection where you did inspect the electrical system? MR. STRICKLIN: The electrical inspection would be part of that regular inspection, yes.  | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8  | And if it wasn't in place, it would be his responsibility to issue a violation for that.  MS. HAMNER: We understand that there were MSHA inspections in August that found inadequate ventilation. Five  |          |
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| 1  |   | age 170   | 4  |   | Page 172 |
|--|---|---|--|---|----------|
| 1  | was some of our major concerns,   |   | 1  | in. And apparently their discussion is  |          |
| 2  | especially the examination part of it.  |   | 2  | that a static pressure would be the   |          |
| 3  | NAC LIANANIED   |   | 3  | same whether it's hit head-on or in a   |          |
| 4  | MS. HAMNER:   |   | 4  | crosscut. But I think that is also  |          |
| 5  | Have they corrected   |   | 5  | something that is being re-evaluated  |          |
| 6  | everything that you had asked to be   |   | 6  | now.  |          |
| 7  | corrected? I mean, we understand that   |   |  | MR. BENNETT:  |          |
| 8  | on December 20th, MSHA rejected the   |   |  | Where did the 20 psis   |          |
| 9  | ventilation plan submitted by ICG.  |   | 9  | evolve from?  |          |
| 10   | MR. STRICKLIN:  | 11  |  | MR. STRICKLIN:  |          |
| 11   | I never rejected the  | 1   |  | I think that question   |          |
| 12   | entire plan. What I rejected was two  | 1:  |  | might be better suited for there's  |          |
| 13   | submittals or addendums to the plan   | 1:  |  | another Panel where an individual that  |          |
| 14   | from the mine operator. They had  | 1   |  | was involved in that will be able to  |          |
| 15   | requested to have three open crosscuts on the return side. And we denied both   |   |  | discuss that with you.  |          |
| 16   |   | 11  |  | MR. BENNETT:  |          |
| 17   | of those requests they submitted to us,   | 1   |  | And in the plan it stated   |          |
| 18   | because we didn't think that their  | 11  |  | put the seals ten feet inby the   |          |
| 19   | request dealt with anything to do with  | 11  |  | crosscut, or inby, so you can build a   |          |
| 20   | safety for the miners at that time.   | 20  |  | permanent seal outby. Why would you   |          |
| 21   | MS. HAMNER:   | 2   |  | put that in there if you know I   |          |
| 22   | You thought ventilation   | 2:  |  | mean, you're building a permanent seal  |          |
| 23   | was adequate?<br>MR. STRICKLIN:   | 2:  |  | anyway, why put that in there? MR. STRICKLIN:   |          |
| 24<br>25   |   | 2   |  |   |          |
| 25   | The plan was adequate if  | 2   | <b>5</b>   | I'm sorry. I didn't hear  |          |
|  | P   | age 171   |  | F   | Page 173 |
| 1  | they followed it, yes. What wasn't  |   | 1  | the total question there.   |          |
| 2  | what I didn't think was adequate was  | 2   | 2 I  | MR. BENNETT:  |          |
| 3  | approving three open crosscuts instead  | (   | 3  | In the plan it states put   |          |
| 4  | of the two that they were they had  | 4   | 4  | the seal 20 feet inby a crosscut. Why   |          |
| 5  | in place.   | į   | 5  | would you build a permanent seal which  |          |
| 6  | MR. BENNETT:  |   | J  |   |          |
|  |   |   | 6  | you wouldn't have to build one outby?   |          |
| 7  | My question is, why do  |   |  | you wouldn't have to build one outby? I mean, why have that in the plan?  |          |
| 8  | My question is, why do you only require 20 psi rating on your   | -   | 6  | you wouldn't have to build one outby? I mean, why have that in the plan? Unless you think the seal is going to  |          |
| 8<br>9   | My question is, why do<br>you only require 20 psi rating on your<br>seals when there's been explosions over   | -<br>-<br>-<br>-  | 6<br>7<br>8<br>9   | you wouldn't have to build one outby? I mean, why have that in the plan? Unless you think the seal is going to fail one time or another.  |          |
| 8<br>9<br>10   | My question is, why do<br>you only require 20 psi rating on your<br>seals when there's been explosions over<br>20 psis?   | 10  | 6<br>7<br>8<br>9<br>0 I  | you wouldn't have to build one outby? I mean, why have that in the plan? Unless you think the seal is going to fail one time or another. MR. TENNEY:  |          |
| 8<br>9<br>10<br>11   | My question is, why do<br>you only require 20 psi rating on your<br>seals when there's been explosions over<br>20 psis?<br>MR. STRICKLIN:   | 11  | 6<br>7<br>8<br>9<br>0 I  | you wouldn't have to build one outby? I mean, why have that in the plan? Unless you think the seal is going to fail one time or another. MR. TENNEY: Well, that's not   |          |
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| 1  | Page 174  | 1  | MR. STRICKLIN:  | Page 176 |
|--|---|--|---|----------|
| 1 2  | prevent seal failure, it's to protect that particular seal.   | 2  |   |          |
| 2 3  | MR. STRICKLIN:  | 3  | Are you talking about the SCSRs after the explosion?  |          |
|  |   | 4  | MR. BENNETT:  |          |
| 4  | If you're referring to  | 1 -  |   |          |
| 5  | the stoppings that are outby the seals,   | 5  | Right.<br>MR. STRICKLIN:  |          |
| 6<br>7   | that's basically something that the company did to allow a separate split   | 7  |   |          |
| 8  | of air to ventilate those to direct the   | 8  | I think that might be a better question for tomorrow, because   |          |
| 9  | air into the return. That would not   | 9  | we have a presentation on that for the  |          |
| 10   | the outby set is not considered the   | 10   | investigation.  |          |
| 11   | seals, it would just be permanent   | 11   | MR. BENNETT:  |          |
| 12   | stoppings.  | 12   | Okay. And as far as   |          |
| 13   | MR. BENNETT:  | 13   | response time and all that, would there   |          |
| 14   | That is not what I'm  | 14   | be a better time to go over that  |          |
| 15   | referring to. In the plans it says to   | 15   | MS. HAMNER:   |          |
| 16   | build them so you can build a permanent   | 16   | Yeah.   |          |
| 17   | seal outby the Omega seals.   | 17   | MR. BENNETT:  |          |
| 18   | MR. STRICKLIN:  | 18   | as far as the rescuer   |          |
| 19   | I don't recall seeing   | 19   | efforts?  |          |
| 20   | that in the plan, but we'll get that  | 20   | MR. STRICKLIN:  |          |
| 21   | information after we review it. But   | 21   | I believe tomorrow when   |          |
| 22   | our understanding is there would just   | 22   | we talk about the investigation or the  |          |
| 23   | be one set of seals. There would not  | 23   | recovery, it would be more appropriate  |          |
| 24   | be two sets.  | 24   | if CHAIR, is that something   |          |
| 25   | MR. BENNETT:  | 25   | that?   |          |
|  |   |  |   |          |
|  | D 175   |  |   | D 177    |
| 1  | Page 175  | 1  | CHAIR:  | Page 177 |
| 1 2  | Well, you signed them. I  | 1 2  | CHAIR: I think that's what we're  | Page 177 |
| 2  | Well, you signed them. I mean, you should know.   | 2  | I think that's what we're   | Page 177 |
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| 1  | Page 178  | 4  | Page 180   |
|--|---|--|--|
| 1  | Mr. McKinney is the   | 1  | asked if he could broker a meeting   |
| 2  | administrator for Coal Mine Safety &  | 2  | between their top officials and myself   |
| 3  | Health in our headquarters' office in   | 3  | and my staff to look nationwide at   |
| 4  | Arlington, Virginia.  | 4  | their mines to talk about their safety   |
| 5  | MS. HAMNER:   | 5  | and health performance and what  |
| 6  | Why was a meeting   | 6  | mechanisms they had in place to address  |
| 7  | scheduled with Mr. McKinney and ICG   | 7  | some of the perception or the  |
| 8  | that first week in January?   | 8  | perceived concerns that I had. And   |
| 9  | MR. STRICKLIN:  | 9  | that was the purpose of the meeting.   |
| 10   | I wasn't involved in  | 10   | I spoke with Kevin along   |
| 11   | setting up the meeting or I wasn't to   | 11   | with the other district managers that  |
| 12   | attend the meeting, but my  | 12   | had ICG operations in their district to  |
| 13   | understanding is Mr. McKinney does the  | 13   | get feedback from them about any   |
| 14   | same thing on a national basis that I   | 14   | particular concerns they may have also   |
| 15   | do on a district basis. And he looked   | 15   | had.   |
| 16   | over the numbers and he decided to have   | 16   | MS. HAMNER:  |
| 17   | a meeting with ICG to discuss their   | 17   | I can't understand.  |
| 18   | numbers. Not Sago in particular, but  | 18   | Trouble hearing. Mr. Stricklin, you  |
| 19   | all of ICG mines as a whole.  | 19   | said MSHA inspected the mines the last   |
| 20   | MS. HAMNER:   | 20   | week of December. And we know you've   |
| 21   | So he was seeing  | 21   | had ventilation concerns. Did you do a   |
| 22   | inadequacies there with ICG, the same   | 22   | monitoring for methane at that time?   |
| 23   | as you'd seen them on the district  | 23   | MR. STRICKLIN:   |
| 24   | level?  | 24   | Any time our inspector   |
| 25   | MR. STRICKLIN:  | 25   | would go underground, they're expected   |
|  |   |  |  |
|  | Page 170  |  | Dago 101   |
| 1  | Page 179  | 1  | Page 181   |
| 1  | I can't speak of  | 1  | to take methane readings wherever they   |
| 2  | I can't speak of inadequacies, but I would think that he  | 2  | to take methane readings wherever they go. If they go to a section, we do  |
| 2  | I can't speak of inadequacies, but I would think that he saw some trends that concerned him and   | 2  | to take methane readings wherever they go. If they go to a section, we do what we call an imminent danger run  |
| 2<br>3<br>4  | I can't speak of inadequacies, but I would think that he saw some trends that concerned him and he wanted to sit down with company  | 2<br>3<br>4  | to take methane readings wherever they go. If they go to a section, we do what we call an imminent danger run across all the faces and we check each   |
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|  | Page 182   |  | Page 184   |
|--|--|--|--|
| 1  | all I saw was one-tenth. If you don't  | 1  | MS. HAMNER:  |
| 2  | mind, I would refer the question   | 2  | Do you wear these  |
| 3  | I'll let Ken Tenney respond to that as   | 3  | monitors on your body or?  |
| 4  | well, because he was a lot closer and  | 4  | MR. TENNEY:  |
| 5  | there a lot more than I was.   | 5  | Yes, we wear them on our   |
| 6  | MR. TENNEY:  | 6  | belts.   |
| 7  | The Sago Mine is a   | 7  | MS. HAMNER:  |
| 8  | methane-liberating mine, and all of our  | 8  | They're on your belts?   |
| 9  | inspectors check for methane   | 9  | MR. TENNEY:  |
| 10   | constantly. As to your ventilation   | 10   | And when we test for   |
| 11   | question and methane concerns, none of   | 11   | methane, we take them out and hold them  |
| 12   | my inspectors indicated that it was a  | 12   | up 12 inches away from the roof or in  |
| 13   | concern that we had excessive methane  | 13   | that area and test there.  |
| 14   | buildup or inadequate ventilation. The   | 14   | MS. HAMNER:  |
| 15   | citations you're talking about, we do  | 15   | Mr. Stricklin, were any  |
| 16   | cite when the curtain's not close  | 16   | of your inspectors there watching  |
| 17   | enough to the face, when the volume of   | 17   | during the construction of the sealed  |
| 18   | required air is not great enough in a  | 18   | area?  |
| 19   | place that's being mined, that's a   | 19   | MR. STRICKLIN:   |
| 20   | citation for ventilation. And like   | 20   | Yes. I believe we  |
| 21   | Kevin said earlier, some of the if   | 21   | discussed that a little earlier. We  |
| 22   | a stopping has a hole in it, that's a  | 22   | were there during the building of I  |
| 23   | ventilation citation, too. But the   | 23   | believe it was the fifth seal.   |
| 24   | ventilation system was not of great  | 24   | MS. HAMNER:  |
| 25   | concern. It was deemed to be adequate  | 25   | What percentage of time  |
|  |  |  |  |
|  | Page 183   |  | Page 185   |
| 1  | Page 183 by my guys.   | 1  | Page 185<br>do you feel that you had a inspector   |
| 1 2  | by my guys. MS. HAMNER:  | 1 2  | Page 185<br>do you feel that you had a inspector<br>there during the construction of the   |
|  | by my guys.  |  | do you feel that you had a inspector   |
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| 1  | Page 186  | 1  | Page 188   |
|--|---|--|--|
| 1  | inspector there watching the  | 1  | he's had an inspector there less than  |
| 2  | construction of the seals?  | 2  | one percent of the time.   |
| 3  | MR. COLLINS:  | 3  | Can you tell me if the   |
| 4  | There is no requirement   | 4  | seals were built into the rib cage and   |
| 5  | by State law for us to examine or check   | 5  | what did the plan require?   |
| 6  | those seals while they are being  | 6  | MR. STRICKLIN:   |
| 7  | installed. It's the responsibility of   | 7  | The seals were not   |
| 8  | the operator to install those seals in  | 8  | hitched into the rib, and the plan did   |
| 9  | accordance with an approved plan. I   | 9  | not require them to be hitched into the  |
| 10   | personally never went by the seals  | 10   | rib.   |
| 11   | while they were being constructed.  | 11   | MS. HAMNER:  |
| 12   | MS. HAMNER:   | 12   | So the plan didn't   |
| 13   | Maybe I misunderstood   | 13   | require them to be extended into the   |
| 14   | you. But you never were there while   | 14   | rib and if the mortar wasn't applied   |
| 15   | they were being constructed?  | 15   | properly, can I not go up and just push  |
| 16   | MR. COLLINS:  | 16   | that over?   |
| 17   | That's true, ma'am.   | 17   | MR. STRICKLIN:   |
| 18   | MS. HAMNER:   | 18   | No. It would be a lot  |
| 19   | So  | 19   | more substantial than you pushing it   |
| 20   | MR. COLLINS:  | 20   | over. If the seals were installed as   |
| 21   | I did inspect the seals   | 21   | the plan required, they would match the  |
| 22   | prior to them closing the last two.   | 22   | test that was done in our Lakeland   |
| 23   | MS. HAMNER:   | 23   | facility that was acted upon by the 20   |
| 24   | So if you were never  | 24   | psi pressure. It's not something that  |
| 25   | there during the construction, you  | 25   | you would just be able to push a seal  |
|  |   |  |  |
|  | Dogo 107  |  | Dogo 100   |
| 1  | Page 187  | 1  | Page 189   |
| 1  | couldn't really see if the seals were   | 1  | over with.   |
| 2  | couldn't really see if the seals were mortared correctly?   | 2  | over with. MS. HAMNER:   |
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|  | Page 190   |  | Page 192   |
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| 1  | investigation is still being conducted.  | 1  | President and Chief Executive Officer.   |
| 2  | MS. HAMNER:  | 2  | And before we start, I would ask that  |
| 3  | Russell, did you have any  | 3  | the witnesses be sworn by the court  |
| 4  | questions? We need just a few minutes  | 4  | reporter. If you would stand to let  |
| 5  | to collect our thoughts. Is that okay?   | 5  | the  |
| 6  | OFF RECORD DISCUSSION  | 6  |  |
| 7  | MS. HAMNER:  | 7  | WITNESSES SWORN EN MASSE   |
| 8  | We pass. Go ahead.   | 8  |  |
| 9  | CHAIR:   | 9  | CHAIR:   |
| 10   |  | 10   | Mr. Hatfield?  |
|  | Thank you, gentlemen.  |  |  |
| 11   | That concludes the questions for this  | 11   | MR. HATFIELD:  |
| 12   | Panel. We appreciate your answers and  | 12   | Mr. Chairman, Panel  |
| 13   | if you would give me those bits of   | 13   | members, miners and family members, I  |
| 14   | information, that would be nice of you.  | 14   | am Ben Hatfield, President and CEO of  |
| 15   | UNIDENTIFIED SPEAKER:  | 15   | International Coal Group. I've agreed  |
| 16   | Davitt?  | 16   | to appear today to address issues  |
| 17   | CHAIR:   | 17   | surrounding the tragic accident at our   |
| 18   | Yes, sir?  | 18   | Sago Mine on January 2, 2006. Many of  |
| 19   | UNIDENTIFIED SPEAKER:  | 19   | the people in this room are miners,  |
| 20   | Can we have a copy of  | 20   | their fathers were miners, their   |
| 21   | their?   | 21   | grandfathers were miners. It should be   |
| 22   | CHAIR:   | 22   | the goal of this forum, the mining   |
| 23   | Yes. Do we have the  | 23   | industry, the State and Federal  |
| 24   | Power Point a copy of the fire   | 24   | governments and International Coal   |
| 25   | · -  | 25   | •  |
| 25   | plan?  | 23   | Group to determine how the Sago  |
|  |  |  |  |
|  | Page 101   |  | Page 102   |
| 1  | Page 191   | 1  | Page 193   |
| 1  | MR. STRICKLIN:   | 1  | accident happened, learn valuable  |
| 2  | MR. STRICKLIN:<br>Yes, sir.  | 2  | accident happened, learn valuable lessons from it and implement the best   |
| 2  | MR. STRICKLIN:<br>Yes, sir.<br>CHAIR:  | 2  | accident happened, learn valuable lessons from it and implement the best available technology capable of   |
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|          | Dame 104  |          | Para 10/  |
|----------|---|----------|---|
| 1        | Page 194 Division, Tyrone Coleman, Manager of                             | 1        | Page 196 mine a better place to work.                                     |
| 2        | Safety for the West Virginia/Maryland                                     | 2        | I would like to briefly   |
| 3        | Region, John Stemple, Assistant   | 3        | summarize what we know about the events                                   |
| 4        | Director of Safety and Employee   | 4        | of January 2, 3 and 4, 2006. At   |
| 5        | Development, Carl Crumrine, mine  | 5        | approximately 6:00 a.m. on Monday   |
| 6        | foreman at Sago Mine and Fred Jamison,                                    | 6        | morning, January 2nd, after their   |
| 7        | Fire boss at the Sago Mine. We will                                       | 7        | travel route and worksites had been                                       |
| 8        | remain mindful of our time constraints                                    | 8        | reported safe by the mine's fire  |
| 9        | and will be respectful of the time  | 9        | bosses, including Terry Helms, who  |
| 10       | allotted for questions.   | 10       | would later perish, two production  |
| 11       | Even before ICG completed   | 11       | crews and mine support staff totaling                                     |
| 12       | its merger with Anker Coal Group that                                     | 12       | 27 miners entered the mine.   |
| 13       | consummated the acquisition of the Sago                                   | 13       | Each production crew  |
| 14       | Mine on November 18, 2005, we assumed                                     | 14       | needed to travel about two miles to                                       |
| 15       | management oversight through a  | 15       | reach the two working sections, First                                     |
| 16       | consulting agreement effective June 1,                                    | 16       | Left and Second Left where they were                                      |
| 17       | 2005. Since that time, our company has                                    | 17       | scheduled to work. The Second Left  |
| 18       | worked closely with Federal and State                                     | 18       | crew entered the mine on a rail manbus                                    |
| 19       | regulators in an effort to make the                                       | 19       | that departed roughly ten minutes ahead                                   |
| 20       | Sago Mine as safe as possible. One  | 20       | of a similar manbus carrying the First                                    |
| 21       | example of this cooperation was our                                       | 21       | Left crew. One of the certified safety                                    |
| 22       | June 2005 decision to invite MSHA's                                       | 22       | examiners had remained underground and                                    |
| 23       | Technical Support Group on Incident                                       | 23       | traveled to his normal workstation.                                       |
| 24       | Reduction to help implement a new   | 23<br>24 | Therefore, a total of 28 miners were                                      |
| 25       | program to improve mine safety. We  | 25       | underground.  |
| 25       | program to improve mine sarety. We  | 25       | under ground.   |
|          | Page 195  |          | Page 197  |
| 1        | were told that ICG was the first coal                                     | 1        | At 6:26 a.m. during a   |
| 2        | company to voluntarily work with MSHA                                     | 2        | violent storm with unusually strong                                       |
| 3        | under the agency's Incident Reduction                                     | 3        | lightning strikes, the audible alarm of                                   |
| 4        | Program. These efforts helped us to                                       | 4        | the mine monitoring system signaled the                                   |
| 5        | dramatically reduce the loss-time   | 5        | presence of carbon monoxide underground                                   |
| 6        | injury rate at the Sago Mine by nearly                                    | 6        | and the mine conveyor belts went down.                                    |
| 7        | 60 percent from the first half of 2005                                    | 7        | As you may recall, we initially   |
| 8        | to the second half.   | 8        | reported that the mine's alarm sounded                                    |
| 9        | Much has been reported in   | 9        | at 6:31 a.m. based upon the mine's  |
| 10       | the press about the number of citations                                   | 10       | computer clock. However, during the                                       |
| 11       | at the Sago Mine in 2005. Numbers do                                      | 11       | post-accident investigation, State  |
| 12       | not tell the whole story. ICG did not                                     | 12       | inspectors did a precision time   |
| 13       | acquire full control of the Anker   | 13       | correlation with an atomic clock and                                      |
| 14       | operations until late in the year. In                                     | 14       | found that the mine's computer was four                                   |
| 15       | the meantime, clear safety initiatives                                    | 15       | minutes and 56 seconds fast.  |
| 16       | were implemented, all citations were                                      | 16       | Shortly after the alarm   |
| 17       | promptly addressed and, most  | 17       | sounded, the supervisor of the First                                      |
| 18       | importantly, none of the citations  | 18       | Left production crew reported, via mine                                   |
| 19       | played any part whatsoever in the   | 19       | phone, that his crew had just   |
| 20       | accident.   | 20       | experienced a very strong rush of air                                     |
| 101      |   | 21       | with smoke and dust emanating from  |
| 21       | We believe that Sago's  |          |   |
| 22       | miners know that ICG immediately took                                     | 22       | deeper in the mine. Mine management                                       |
| 22<br>23 | miners know that ICG immediately took steps to ensure that safety had its | 22<br>23 | deeper in the mine. Mine management directed the First Left supervisor to |
| 22       | miners know that ICG immediately took                                     | 22       | deeper in the mine. Mine management                                       |

| 1  |   |   |   |
|--|---|---|---|
| 1 1  | Page 198  | _   | Page 200  |
|  | Repeated efforts by mine management and   | 1   | was in the process of making numerous   |
| 2  | the First Left crew to contact the  | 2   | upgrades to the mine, such as upgrading   |
| 3  | Second Left Crew via mine phone and   | 3   | the primary and secondary escape ways,  |
| 4  | underground walkie-talkie were  | 4   | investing in new mining equipment and   |
| 5  | unsuccessful.   | 5   | implementing programs that Sam and I  |
| 6  | At this time, Jeff Toler  | 6   | had seen used to good effect at Brooks  |
| 7  | will describe in more detail his  | 7   | Run, such as our performance group  |
| 8  | efforts and the efforts of others to  | 8   | initiatives, which is an employment   |
| 9  | enter the mine and find the Second Left   | 9   | employee-involvement initiative. I was  |
| 10   | crew.   | 10  | excited to be a part of that effort and   |
| 11   | MR. J.TOLER:  | 11  | to work with the miners there who were  |
| 12   | My name is Jeff Toler,  | 12  | skilled and experienced men. It also  |
| 13   | and I'm the mine superintendent at the  | 13  | gave me the opportunity to again work   |
| 14   | Sago Mine. I've been a miner all my   | 14  | with my uncle, who died in this tragic  |
| 15   | life. First at Brooks Run, where I  | 15  | accident.   |
| 16   | worked with my uncle Martin Toler, Jr.,   | 16  | Junior Toler was a  |
| 17   | for 18 years. I continued at that mine  | 17  | supervisor of the 12 miners on the Two  |
| 18   | after it was purchased by Alpha Natural   | 18  | Left Crew. That loss has been felt  |
| 19   | Resources. I came to work at the Sago   | 19  | deeply by his family, which includes  |
| 20   | Mine in August of 2005 with the   | 20  | me. To the families of the men who  |
| 21   | knowledge that ICG would be acquiring   | 21  | died with my uncle, I extend my deepest   |
| 22   | the Anker operation.  | 22  | sympathy. And I wish Randal McCloy the  |
| 23   | CHAIR:  | 23  | best in his continued recovery.   |
| 24   | Mr. Toler, if I can   | 24  | At Sago, we operate two   |
| 25   | interrupt one second?   | 25  | production shifts Monday through  |
|  |   |   |   |
|  | Page 199  |   | Page 201  |
| 1  | MR. J.TOLER:  | 1   | Thursday and conduct maintenance on the   |
| 2  | Sure.   |   |   |
|  |   | 2   | third shift. On Friday, Saturday and  |
| 3  | CHAIR:  | 2<br>3  | third shift. On Friday, Saturday and<br>Sunday, we work one 13-hour production  |
| 3 4  | CHAIR:<br>The audience has  |   |   |
|  |   | 3   | Sunday, we work one 13-hour production  |
| 4  | The audience has  | 3<br>4  | Sunday, we work one 13-hour production shift and a 13-hour maintenance shift.   |
| 4<br>5   | The audience has indicated that there's a little trouble hearing. Perhaps you could use Mr.   | 3<br>4<br>5   | Sunday, we work one 13-hour production shift and a 13-hour maintenance shift. At the time of the accident, there were 148 people employed at the mines. We  |
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| _   |   |  |   |
|---|---|--|---|
|   | Page 202  |  | Page 204  |
| 1   | ten parts per million of carbon   | 1  | So I called Johnny Stemple, our safety  |
| 2   | monoxide. Sometimes the system may  | 2  | person, and we agreed we may need to  |
| 3   | alarm when there's a defect in the  | 3  | start contacting mine rescue. Owen  |
| 4   | sensor that needs attending. At   | 4  | Jones was not with the One Left crew at   |
| 5   | exactly the same time the alarm   | 5  | this time, but rather further inby at   |
| 6   | sounded, the dispatcher told me that he   | 6  | 41 block at another mine phone, still   |
| 7   | had seen a serious lightning strike   | 7  | attempting to contact Two Left crew.  |
| 8   | through his window. My office has no  | 8  | He was directed to join us.   |
| 9   | windows, but I did hear a very loud   | 9  | Dick Wilfong and Vernon   |
| 10  | thunder clap. My first thought was  | 10   | Hofer took the One Left crew on our   |
| 11  | that fuses had blown in the alarms.   | 11   | manbus and took them outside. And Owen  |
| 12  | And I told the dispatcher to radio the  | 12   | Jones stayed with Al Schoonover and me  |
| 13  | crews that were in or out to the  | 13   | underground. I asked Owie to stay put   |
| 14  | sections and have them check the  | 14   | at the phone we were at and Al and I  |
| 15  | alarms. Only the One Left crew  | 15   | walked up to 42 block to assess damage.   |
| 16  | responded through its foreman, Owen   | 16   | We observed stopping damage that the  |
| 17  | Jones. Owie's brother was also on the   | 17   | One Left crew had told us about. I  |
| 18  | Two Left crew.  | 18   | went to the phone at 41 block and   |
| 19  | Owie explained that   | 19   | called outside to ask Dick Wilfong and  |
| 20  | something had happened because a rush   | 20   | Vernon Hofer to come back with  |
| 21  | of air had came from inby or further  | 21   | materials to repair ventilation   |
| 22  | into the mines and that there was smoke   | 22   | controls as we proceeded into the   |
| 23  | in the air. I directed Owie to take   | 23   | mines. Al and I walked back to where  |
| 24  |   |  |   |
|   | his crew immediately into the intake,   | 24<br>25   | Owie was waiting by the phone. And  |
| 25  | or fresh air, and to exit the mines.  | 25   | Dick and Vernon returned with the   |
|   | Page 203  |  | Page 205  |
| 1   | Maintenance my maintenance foreman,   | 1  | ventilation material. We installed  |
| 2   | Dick Wilfong, safety director, Al   | 2  | curtains and trammed up to 42 block   |
| 3   | Schoonover and assistance maintenance   |  | curtains and trainined up to 42 block   |
| 4   | School over and assistance maintenance  | ٠.   | where we started nicking up carbon  |
|   | chief Vernon Hefer and Letarted   | 3  | where we started picking up carbon  |
|   | chief, Vernon Hofer and I started   | 4  | monoxide with our alarms. We  |
| 5   | underground in a manbus perhaps ten   | 4<br>5   | monoxide with our alarms. We de-energized the jeep and unplugged the  |
| 5<br>6  | underground in a manbus perhaps ten minutes after we talked to Owen. We   | 4<br>5<br>6  | monoxide with our alarms. We de-energized the jeep and unplugged the batteries and we proceeded on foot in  |
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| 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | underground in a manbus perhaps ten minutes after we talked to Owen. We first met Fred Jamison walking out of the mines. He was not hurt and I told him to continue on outside. We continued into the mine where we also encountered John Boni, a mine examiner, near the old First Right panel. He was also headed out of the mines as well on foot and he also was not hurt.  As we continued down the track, we passed the mine phone somewhere around 25 or 30 block of Number Four belt. And we stopped at that phone to call to see whether anyone had made contact with the Two Left crew. As we were stopped, the One Left crew had heard us coming up the track and met up with us. We gave them | 4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | monoxide with our alarms. We de-energized the jeep and unplugged the batteries and we proceeded on foot in the intake air, keeping fresh air at our backs.  At the 49 wall, the stopping was blown down. And that is the location where the belt breaks off to the One Left section. Knowing there was a telephone in the track entry at this point, I stepped into the track entry and moved the phone into the intake and also moved the EMT supplies from our station at that location into the intake.  We proceeded up the intake to the location where the belt heads off to the Two Left section, repairing damaged ventilation controls as we went. As we installed the |

| move further into the mines.  I move further into the mines.  I this point, we started  Co levels to drop or for the fresh air  to dissipate. And we observed that the  velocity of the air behind us appeared  to be dropping. This could indicate  the ventilation controls behind us were  damaged and perhaps we had missed  something. I asked Owle and Vern Hofer  to go outby and retrieve curtain and  check to see if other ventilation  controls were damaged and needed  repaired. Dick, Al and I continued  to the mines to about 57 block and  put up a curtain.  We walked to 58 block and  sobserved that that stopping was also  dense and swirling. It appeared to me  that it was not dissipating. We  decided that if there was a fire inby,  we should not direct further air to it.  I that a adfificult decision and we  talked about it for a while before  The deciding the best course of action. I  yelled toward any noise we heard,  hoping to make contact. We gathered  information and consult with those more  experienced in mine rescue than the  other was for us to  exit the mine and try to gather more information and consult with those more  experienced in mine rescue than the  other mine and try to gather more information and consult with those more  experienced in mine rescue than the  other mine. The substitution of the mine and the substitution of the mine and try to gather more  information and consult with those more  experienced in mine rescue than the  other mine. The substitution of the mine and to early the mine and to any olive were found; indicating a significant  to exit the mines and try to gather more  information and consult with those more  experienced in mine rescue than the  other mine and to substitution of the mine.  At alout the same time.  State mine inspectors began monitoring  the air quality at the mine portal.  The substitution of the mine and try to gather more  information and consult with those more  experienced in mine rescue than the  other mine. The substitution of the mine.  At alout the same t |  |  |  | 3  |
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| 2 At this point, we started 3 to notice it was taking longer for the 4 CO levels to drop or for the fresh air 5 to dissipate. And we observed that the 5 velocity of the air behind us appeared 6 to be dropping. This could indicate 7 to be dropping. This could indicate 8 the ventilation controls behind us were 9 damaged and perhaps we had missed 9 calling MSHA and State safety officials 9 controls were damaged and needed 10 controls were damaged and needed 11 controls were damaged and needed 12 check to see if other ventilation 13 controls were damaged and needed 14 repaired. Dick, Al and I continued 15 into the mines to about 57 block and 16 put up a curtain. 16 put up a curtain. 17 We walked to 58 block and 18 observed that that stopping was also 19 damaged. At this point, the smoke was 20 dense and swirling, It appeared to me 21 that it was not dissipating. We 22 decided that if there was a fire inby, 23 we should not direct further air to it. 24 It was a difficult decision and we 25 talked about it for a while before 26 talked about it for a while before 27 deciding the best course of action. I 29 yelled toward any noise we heard, 3 hoping to make contact. We gathered 4 we decided that the safest course 5 for the Two Left crew was for us to 6 exit the mine and try to gather more 10 information and consult with those more 20 experienced in mine rescue than the 21 treget that mine conditions forced us 22 sympathies to the families. And I 23 regret that mine conditions forced us 24 them every time. Regrettably on 25 January the 2nd, we did not. Ben? 26 Meanwhile, on the mine 27 made to the Barbour County Mine Rescue 28 the entire of the stream and waited 29 the contacted numerous parties, 29 the contacted numerous parties, 20 the contacted numerous parties, 21 Tale fared on owents at the mine. 22 surface, at about 7:00 a.m., the 23 dispatcher called Johnny Stemple, who 24 the contacted numerous parties, 25 the fare and contacted numerous parties, 26 the contacted numerous parties, 27 the fare and company saf     | 1  | Page 206   | 1  | Page 208   |
| to notice it was taking longer for the Collevels to drop or for the fresh air to dissipate. And we observed that the velocity of the air behind us appeared to be dropping. This could indicate the ventillation controls behind us were damaged and perhaps we had missed controls were damaged and vernaps we had missed controls were damaged and needed repaired. Dick, All and I continued repaired. Dick, All and I continued put up a curtain.  We walked to 58 block and observed that that stopping was also dense and swirling. It appeared to me dense and swirling. It appeared to me that it was not dissipating. We decided that if there was a fire inby, we should not direct further air to it. If was a difficult decision and we talked about it for a while before  repaired or were tall the mine and try to gather more deciding the best course of action. I deciding the best course of action. I repaired or were tall at the were briefed on events at the mine. Following various communications between those safety managers and mine management onsite regarding immediate emergency procedures required, we began calling MSHA and State safety officials were reached between as affect or report the accident at about 7:40 a.m.  Both MSHA and State safety officials were reached between safety of |  |  | _  |  |
| 4 were briefed on events at the mine. 5 to dissipate. And we observed that the 6 velocity of the air behind us appeared 7 to be dropping. This could indicate 8 the ventilation controls behind us were 9 damaged and perhaps we had missed 9 controls were damaged and perhaps we had missed 10 controls were damaged and needed 11 to go outby and retrieve curtain and 12 check to see if other ventilation 13 controls were damaged and needed 14 repaired. Dick, Al and I continued 15 into the mines to about 57 block and 16 put up a curtain. 17 We walked to 58 block and 18 observed that that stopping was also 19 damaged. At this point, the smoke was 21 decided that if there was a fire inby. 22 decided that if there was a fire inby. 23 we should not direct further air to it. 24 It was not dissipating. We 25 talked about it for a while before 26 deciding the best course of action. 1 27 yelled toward any noise we heard, 28 hoping to make contact. We gathered 29 the rew was for us to 29 experienced in mine rescue than the 21 tree in the five left crew was for us to 28 experienced in mine rescue than the 29 tree of us. Time throughout this day 29 is a blur to me, but I believe we 20 is a blur to me, but I believe we 21 the mine and try to gather more 22 information and consult with those more 23 experienced in mine rescue than the 24 regret that mine conditions forced us 25 to exit that day. I relive this 26 in judy the mine sat around 10:30 a.m. 27 page 209 28 the mere every day. Only in my mind, we saved 39 the mere very time. Regrettably on 39 January the 2nd, we did not. Ben? 30 MR. HATFIELD: 30 the mine in mine 31 suprathies to the families. And I represent the mine 32 surface, at about 7:00 a.m., the 32 denied warming the mine. 33 safety officials were reached between 34 safety officials were reached between 35 safety officials were reached between 36 to the safety officials were reached between 37 safety officials were reached between 38 report the accident at about 7:40 3 a.m. 3 hoping from the creating mine closure 3 ord |  | •  |  |  |
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| 6 velocity of the air behind us appeared 7 to be dropping. This could indicate 8 the ventilation controls behind us were 9 damaged and perhaps we had missed 10 something. I asked Owle and Vern Hofer 11 to go outby and retrieve curtain and 12 check to see if other ventilation 13 controls were damaged and needed 14 repaired. Dick, Al and I continued 15 into the mines to about 57 block and 16 put up a curtain. 17 We walked to 58 block and 18 observed that that stopping was also 19 damaged. At this point, the smoke was 19 decided that if there was a fire inby, 10 decided that if there was a fire inby, 11 tays a difficult decision and we 12 talked about it for a while before 17 deciding the best course of action. I yelled toward any noise we heard. 18 velocity of the air behind us were damagement onsite regarding immediate menergency procedures required, we began calling MSHA and State safety officials were reached between 18 after yelloficials were reached between 19 3 safety officials were reached between 19 4.7.56 and 8.28 a.m., and began arriving 10 into the mines to about 57 block and 11 into mines to about 57 block and 12 other same time, 13 safety officials were reached between 14 repaired. Dick, Al and I continued 15 onsite soon thereafter. At 8.32 a.m., 16 put up a curtain. 16 observed that that stopping was also 17 damaged. At this point, the smoke was 18 order, also called the 103k order, 19 prohibiting further entry to the mine. 20 At about the same time, 21 State mine inspectors began monitoring 22 the air quality at the mine portal. 23 High concentrations of carbon monoxide 24 were found, indicating a significant 25 risk of an active underground mine fire 26 state and mine   |  | •  | -  |  |
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| something. I asked Owle and Vern Hofer to go outby and retrieve curtain and 12 check to see if other ventilation controls were damaged and needed 7 controls were faced between 8 condend 7 controls were faced between 8 condend 9 controls were faced between 8 condend 9 controls were faced between 9 controls were faced 9 controls were faced 10 con |  |  |  | 0 1 1  |
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| controls were damaged and needed repaired. Dick, Al and I continued repaired. Dick, All and I continued also both the anilot continued and repaired continued and repaired continued and repaired.  The analysia collected to and therefore prohibiting further entry to the mine.  Again, I offer my deepest repaired in mine rescue than the repret that mine contitions forced us to exit the mine and try to gather more repaired. Dick and I continued and repaired.  The analysia contentations of carbon monoxide repaired. The analysia contentations of carbon monoxide repaired. The analysia contentations of carbon monoxide repaired beat course of action. I gage 209  That could ignite an explosion. So State and mine—  |  |  |  |  |
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| 25 Including rescue personnel, State and 25 Other mine rescue teams were also  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | deciding the best course of action. I yelled toward any noise we heard, hoping to make contact. We gathered we decided that the safest course for the Two Left crew was for us to exit the mine and try to gather more information and consult with those more experienced in mine rescue than the three of us. Time throughout this day is a blur to me, but I believe we exited the mines at around 10:30 a.m.  Again, I offer my deepest sympathies to the families. And I regret that mine conditions forced us to exit that day. I relive this nightmare in my mind many times over every day. Only in my mind, we saved them every time. Regrettably on January the 2nd, we did not. Ben?  MR. HATFIELD:  Meanwhile, on the mine surface, at about 7:00 a.m., the dispatcher called Johnny Stemple, who                                  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | that could ignite an explosion. So State and mine State and Federal mine regulators onsite determined it was not safe for mine rescue teams to enter. This agonizing process of monitoring the carbon monoxide and methane levels in the mine air to confirm that it was safe to enter would continue throughout the day. Indeed, at various times in the morning and early afternoon, governmental officials seriously considered evacuating the mine office, because CO levels in the building itself were measurably high. After reaching a State official and while still trying to reach Federal authorities, at 8:04 a.m., mine management began calling for rescue teams, with the first call being made to the Barbour County Mine Rescue Team. That team arrived onsite at approximately 10:40 a.m., and waited for State and Federal authorities to                                    |
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|  | Page 210   | _  | Page 212  |
|--|--|--|---|
| 1  | contacted and continued to arrive at   | 1  | involved in rescue coordination and   |
| 2  | the mine throughout the course of the  | 2  | command center operations. Tim Martin,  |
| 3  | day, with eventual deployment of 13 to   | 3  | who's not with us today, but is the ICG   |
| 4  | 15 mine rescue teams by late afternoon   | 4  | Corporate Director of Safety, who was   |
| 5  | on January 2nd.  | 5  | involved in mine rescue team staging  |
| 6  | At this point, Sam Kitts   | 6  | and coordination. Ty Coleman, who is  |
| 7  | will provide further detail on the   | 7  | on the Panel today, is the ICG Manager  |
| 8  | rescue efforts.  | 8  | of Safety for West Virginia and   |
| 9  | MR. KITTS:   | 9  | Maryland areas, was involved in the   |
| 10   | Thank you, Ben. Can you  | 10   | command center and mine rescue team   |
| 11   | hear me?   | 11   | advancement. And also Joe Myers, ICG  |
| 12   | MR. HATFIELD:  | 12   | Buckhannon Chief Engineer, who is   |
| 13   | No.  | 13   | responsible for engineering support for   |
| 14   | MR. KITTS:   | 14   | creating the drill for the drilling   |
| 15   | Hello?   | 15   | rigs and producing mine maps for the  |
| 16   | MR. HATFIELD:  | 16   | rescue teams and the agencies. Many   |
| 17   | Try this one.  | 17   | other ICG employees worked diligently   |
| 18   | MR. KITTS:   | 18   | throughout the rescue effort along with   |
| 19   | Can you hear me? First   | 19   | the regulatory agencies.  |
| 20   | I, too, would like to offer my   | 20   | I'm going to talk about   |
| 21   | condolences to the families that were  | 21   | the effort in two phases, the mine  |
| 22   | affected by this terrible tragedy. I'm   | 22   | rescue team advancement into the mine   |
| 23   | Sam Kitts, Senior Vice-president of  | 23   | and the drilling operations. First,   |
| 24   | Operations for West Virginia and   | 23<br>24   | the mine rescue team and agency   |
| 25   | Maryland Regions of ICG. And I've held   | 25   | notifications.  |
| 23   | Maryland Regions of 166. And 1 ve field  | 23   | notineations.   |
|  |  |  |   |
|  | Page 211   |  | Page 213  |
| 1  | Page 211<br>this position for nearly a year I have   | 1  | Page 213<br>On January 2, 2006, I   |
| 1 2  | this position for nearly a year. I have  | 1  | On January 2, 2006, I   |
| 2  | this position for nearly a year. I have worked in the mining industry for 20   | 2  | On January 2, 2006, I received a call from Chuck Dunbar, ICG  |
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|  | Page 214  |  | Page 216  |
|--|---|--|---|
| 1  | morning of January 2nd. Stemple called  | 1  | County, A and B, were at the mine and   |
| 2  | for Chuck Dunbar, Raymond Coleman and   | 2  | ready to enter at about noon on January   |
| 3  | Ty Coleman from the company. He also  | 3  | <ol><li>Other teams would continue to</li></ol>   |
| 4  | attempted to call the West Virginia   | 4  | arrive throughout.  |
| 5  | State Mine Inspectors' Office in  | 5  | Air sampling at the mine  |
| 6  | Fairmont, which was closed due to the   | 6  | portal was being done to establish a  |
| 7  | holiday.  | 7  | trend in the methane and carbon   |
| 8  | He called the homes of  | 8  | monoxide content of the air exiting the   |
| 9  | State inspectors, Mark Wilfong, Brian   | 9  | mine. Mine rescue team members, under   |
| 10   | Mills and John Collins. He also called  | 10   | apparatus, were assisting. The CO   |
| 11   | Kenny Tenney of MSHA, MSHA's District   | 11   | readings at the portal continued to   |
| 12   | Office in Bridgeport and Jeff Rice, as  | 12   | rise throughout the morning and   |
| 13   | the Barbour County Mine Rescue Team   | 13   | afternoon, eventually exceeding 2,300   |
| 14   | between approximately 7:25 a.m. and   | 14   | parts per million. At about 4:15 p.m.,  |
| 15   | 8:05 a.m. Stemple then called the cell  | 15   | the CO levels began trending downward.  |
| 16   | phone numbers for MSHA representatives  | 16   | At approximately 5:10, the 103k order   |
| 17   | Carlos Mosley, Bill Ponceroff and Kevin   | 17   | was modified, and the first mine rescue   |
| 18   | Stricklin between approximately 8:09  | 18   | team entered the mine at 5:25.  |
| 19   | and 8:13 a.m.   | 19   | Okay. While this was  |
| 20   | John Collins, State   | 20   | going on, there was an effort to  |
| 21   | inspector, returned the call at about   | 21   | mobilize a drill rig in order to access   |
| 22   | 7:56 a.m. Stemple called the MSHA   | 22   | the mine from the surface. Concurrent   |
| 23   | Bridgeport office at about 8:25,  | 23   | to the mine rescue team operations,   |
| 24   | obtained Jim Satterfield's number from  | 24   | drill rigs were being mobilized to the  |
| 25   | the answering machine and called him at   | 25   | area overlying the mine beginning   |
|  |   |  |   |
|  |   |  |   |
| 1  | Page 215  | 1  | Page 217  |
| 1  | approximately 8:28. Mr. Satterfield   | 1  | Monday morning around 11:00 a.m. The  |
| 2  | approximately 8:28. Mr. Satterfield issued a verbal 103k order at 8:32  | 2  | Monday morning around 11:00 a.m. The decision to drill from the surface near  |
| 2  | approximately 8:28. Mr. Satterfield issued a verbal 103k order at 8:32 a.m., preventing anyone from entering  | 2  | Monday morning around 11:00 a.m. The decision to drill from the surface near the face of Two Left was based on  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | approximately 8:28. Mr. Satterfield issued a verbal 103k order at 8:32 a.m., preventing anyone from entering the mine.  Now staging of the mine rescue teams. Tim Martin coordinated the staging of the mine rescue teams for ICG. He developed a working rotation schedule to provide a constant supply of teams, a forward-moving team for exploration, and underground backup team positioned at the fresh air base, and also an outside backup team to support the fresh air base team that was underground, per established mine rescue procedure.  The Barbour County Mine Rescue Team A arrived at the site at approximately 10:40 a.m. Ron White from MSHA contacted Consol's Mine Rescue Teams and ICG chartered a plane to bring ICG's Viper Mine Rescue Team   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | Monday morning around 11:00 a.m. The decision to drill from the surface near the face of Two Left was based on several factors. The estimated location of the Two Left crew at the time of the explosion, the need to determine the atmosphere ahead of the mine rescue teams, and the need to determine the extent of the explosion damage, which at this point was unknown.  On the morning of January  2nd, Chuck Dunbar contacted Mike Ross regarding obtaining drilling rigs as quickly as possible. Mr. Ross was able to mobilize three drills from Hyre Water well in Buckhannon, United Drilling from Jane Lew and Phoenix Drilling in Buckhannon. The Hyre Water Well drill was ultimately used to drill the first borehole into the Two Left face area.   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | approximately 8:28. Mr. Satterfield issued a verbal 103k order at 8:32 a.m., preventing anyone from entering the mine.  Now staging of the mine rescue teams. Tim Martin coordinated the staging of the mine rescue teams for ICG. He developed a working rotation schedule to provide a constant supply of teams, a forward-moving team for exploration, and underground backup team positioned at the fresh air base, and also an outside backup team to support the fresh air base team that was underground, per established mine rescue procedure.  The Barbour County Mine  Rescue Team A arrived at the site at approximately 10:40 a.m. Ron White from MSHA contacted Consol's Mine  Rescue Teams and ICG chartered a plane to bring ICG's Viper Mine Rescue Team from Illinois. They arrived at                                    | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | Monday morning around 11:00 a.m. The decision to drill from the surface near the face of Two Left was based on several factors. The estimated location of the Two Left crew at the time of the explosion, the need to determine the atmosphere ahead of the mine rescue teams, and the need to determine the extent of the explosion damage, which at this point was unknown.  On the morning of January  2nd, Chuck Dunbar contacted Mike Ross regarding obtaining drilling rigs as quickly as possible. Mr. Ross was able to mobilize three drills from Hyre Water well in Buckhannon, United Drilling from Jane Lew and Phoenix Drilling in Buckhannon. The Hyre Water Well drill was ultimately used to drill the first borehole into the Two Left face area.  A V6 size dozer was                                      |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | approximately 8:28. Mr. Satterfield issued a verbal 103k order at 8:32 a.m., preventing anyone from entering the mine.  Now staging of the mine rescue teams. Tim Martin coordinated the staging of the mine rescue teams for ICG. He developed a working rotation schedule to provide a constant supply of teams, a forward-moving team for exploration, and underground backup team positioned at the fresh air base, and also an outside backup team to support the fresh air base team that was underground, per established mine rescue procedure.  The Barbour County Mine Rescue Team A arrived at the site at approximately 10:40 a.m. Ron White from MSHA contacted Consol's Mine Rescue Teams and ICG chartered a plane to bring ICG's Viper Mine Rescue Team from Illinois. They arrived at approximately 2:30 Monday afternoon. | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | Monday morning around 11:00 a.m. The decision to drill from the surface near the face of Two Left was based on several factors. The estimated location of the Two Left crew at the time of the explosion, the need to determine the atmosphere ahead of the mine rescue teams, and the need to determine the extent of the explosion damage, which at this point was unknown.  On the morning of January  2nd, Chuck Dunbar contacted Mike Ross regarding obtaining drilling rigs as quickly as possible. Mr. Ross was able to mobilize three drills from Hyre Water well in Buckhannon, United Drilling from Jane Lew and Phoenix Drilling in Buckhannon. The Hyre Water Well drill was ultimately used to drill the first borehole into the Two Left face area.  A V6 size dozer was delivered to the site at around 5:00 |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | approximately 8:28. Mr. Satterfield issued a verbal 103k order at 8:32 a.m., preventing anyone from entering the mine.  Now staging of the mine rescue teams. Tim Martin coordinated the staging of the mine rescue teams for ICG. He developed a working rotation schedule to provide a constant supply of teams, a forward-moving team for exploration, and underground backup team positioned at the fresh air base, and also an outside backup team to support the fresh air base team that was underground, per established mine rescue procedure.  The Barbour County Mine  Rescue Team A arrived at the site at approximately 10:40 a.m. Ron White from MSHA contacted Consol's Mine  Rescue Teams and ICG chartered a plane to bring ICG's Viper Mine Rescue Team from Illinois. They arrived at                                    | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | Monday morning around 11:00 a.m. The decision to drill from the surface near the face of Two Left was based on several factors. The estimated location of the Two Left crew at the time of the explosion, the need to determine the atmosphere ahead of the mine rescue teams, and the need to determine the extent of the explosion damage, which at this point was unknown.  On the morning of January  2nd, Chuck Dunbar contacted Mike Ross regarding obtaining drilling rigs as quickly as possible. Mr. Ross was able to mobilize three drills from Hyre Water well in Buckhannon, United Drilling from Jane Lew and Phoenix Drilling in Buckhannon. The Hyre Water Well drill was ultimately used to drill the first borehole into the Two Left face area.  A V6 size dozer was                                      |

|  | Page 218  | _  | Page 220   |
|--|---|--|--|
| 1  | of road down a hillside to reach the  | 1  | entered the mine at 5:25 and were able   |
| 2  | proposed drill site. It then excavated  | 2  | to go 9,400 feet into the mine due to  |
| 3  | a pad 200 feet long and 90 feet wide in   | 3  | the CO monitor being de-energized at   |
| 4  | order to set up the drill. While the  | 4  | 3:57 a.m.  |
| 5  | road and pad were being constructed, a  | 5  | The teams were held  |
| 6  | survey had to be run for over two miles   | 6  | outside until the borehole penetrated  |
| 7  | away. Heavy cloud cover hindered use  | 7  | the mine at 5:35 a.m. The mine rescue  |
| 8  | of GPS surveying instruments. A   | 8  | teams re-entered the mine at 6:20 a.m.,  |
| 9  | combination of conventional and GPS   | 9  | along with the V2 search robot. The  |
| 10   | surveying methods had to be improvised  | 10   | teams advanced 2,000 feet to the mouth   |
| 11   | to get the borehole locations staked on   | 11   | of Two Left section by 4:21 p.m.   |
| 12   | the ground.   | 12   | Tuesday afternoon.   |
| 13   | The surveyors arrived at  | 13   | At approximately 5:18, a   |
| 14   | approximately 2:00 p.m. and after   | 14   | body was found, but not identified,  |
| 15   | overcoming several technical obstacles,   | 15   | between 58 and 57 crosscut in the track  |
|  | •   |  |  |
| 16   | finished locating the borehole at 11:30   | 16   | entry. It was later determined to be   |
| 17   | p.m. on Monday. It took another two-  | 17   | Terry Helms.   |
| 18   | and-one-half hours to modify the drill  | 18   | Establishing the fresh   |
| 19   | pad to allow the drill to set up  | 19   | air base at the mouth of Two Left, the   |
| 20   | exactly on the coordinate that it would   | 20   | teams advanced 400 feet to examine the   |
| 21   | allow the borehole to penetrate a mine  | 21   | seals where they thought the seals   |
| 22   | opening and not a solid coal pillar.  | 22   | where they found the seals to be   |
| 23   | The drill began sinking   | 23   | destroyed, literally walking through   |
| 24   | the hole at 2:50 a.m. Tuesday morning   | 24   | the seals without knowing it. Upon   |
| 25   | and penetrated the mine at 5:35 a.m.  | 25   | closer inspection, it was determined   |
|  |   |  |  |
|  |   |  |  |
|  | Page 219  |  | Page 221   |
| 1  | The drill steel was sounded in hopes of   | 1  | the seals were blown out from the force  |
| 2  | The drill steel was sounded in hopes of a response, but none came. Air samples  | 2  | the seals were blown out from the force originating in the previously-sealed   |
|  | The drill steel was sounded in hopes of a response, but none came. Air samples indicated 1,300 parts per million CO,  | _  | the seals were blown out from the force  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | The drill steel was sounded in hopes of a response, but none came. Air samples indicated 1,300 parts per million CO, .04 percent methane and 20.7 percent oxygen. Images from a down-hole camera indicated no blast damage in the vicinity of the section feeder.  Now, going back to the mine rescue team advancement. As I last mentioned, they had been cleared to enter the mine, and did enter the mine at 5:20 5:25, excuse me, p.m. on January 2nd. By 2:45 a.m. Tuesday morning, the teams had advanced to crosscut 34 of Number Four belt, or 9,400 feet from the portal, before encountering an energized CO monitor and being ordered to evacuate the mine so the CO monitor battery backup could be de-energized. Arriving outside at 3:40 a.m.  Now, there's a lot more detail as to what the teams encountered  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | the seals were blown out from the force originating in the previously-sealed area. This was the first indication of where the explosion originated. The teams then advanced 1,900 feet between 7:12 p.m. and 11:46 p.m. up to Left heading, extending the mine rescue team communication chain well beyond normal distances in order to expedite reaching the face area where they found the barricade.  The message heard in the command center was that all 12 miners were alive. The medical personnel were immediately sent inside to assist the mine rescue teams. At about 12:18 a.m. on January 4, the mine command center received a report that the mine rescue team and survivors were leaving the face. Then at 12:30 a.m., when the team reached the fresh air base and were no longer under breathing apparatus, the command center was   |

|  | P. 000   |  |   |
|--|--|--|---|
| 1  | Page 222 showed no vital signs.  | 1  | to be only one survivor and the other   |
| 2  | Randal McCloy's identity   | 2  | 11 miners showed no vital signs and   |
| 3  | was not confirmed prior to being rushed  | 3  | appeared to be deceased. The elapsed  |
| 4  | to medical treatment from the site at  | 4  | time since the first call was roughly   |
| 5  | 1:00 a.m.  | 5  | 45 minutes. The immediate reaction in   |
| 6  | CHAIR:   | 6  | the command center was that this report   |
| 7  | Mr. Hatfield, if I might   | 7  | of only one survivor may be erroneous.  |
| 8  | interrupt for one moment. The court  | 8  | Many participants in the command center   |
| 9  | stenographer needs to change her paper.  | 9  | clung to the fervent hope that the  |
| 10   | If we could wait for her to do that,   | 10   | other 11 miners may be in some sort of  |
| 11   | please?  | 11   | comatose state. We continued to   |
| 12   | MR. HATFIELD:  | 12   | believe that there was still hope.  |
| 13   | We'll certainly do that.   | 13   | Another unfortunate   |
| 14   | BRIEF INTERRUPTION   | 14   | circumstance that prevented quicker   |
| 15   | CHAIR:   | 15   | communication with the families was the   |
| 16   | You can proceed.   | 16   | simple fact that rescue workers had not   |
| 17   | MR. HATFIELD:  | 17   | checked the identity of the survivor  |
| 18   | Thank you. As Sam Kitts  | 18   | before he was placed in the ambulance   |
| 19   | described, just before midnight on the   | 19   | and rushed to the hospital. As Sam  |
| 20   | evening of January 3, a remaining 12   | 20   | noted, we didn't learn Randal McCloy's  |
| 21   | missing miners were found. As a result   | 21   | identity until after 2:00 a.m.  |
| 22   | of the extreme difficulties in   | 22   | In short, we had learned  |
| 23   | communications hundreds of feet below  | 23   | that the information was probably not   |
| 24   | the surface, while wearing special   | 24   | as hoped, but we were uncertain. We   |
| 25   | breathing apparatus, the now well-known  | 25   | knew that one person was alive, but we  |
|  |  |  |   |
|  |  |  | D 20E   |
| 1  | Page 223   | 1  | Page 225  |
| 1  | miscommunication about the number of   | 1  | didn't know who. We frankly didn't  |
| 2  | miscommunication about the number of survivors occurred. As we all now   | 2  | didn't know who. We frankly didn't know what message to deliver to the  |
| 2  | miscommunication about the number of survivors occurred. As we all now know, at approximately 11:46 p.m., the  | 2  | didn't know who. We frankly didn't know what message to deliver to the families. We feared the pain and hurt  |
| 2<br>3<br>4  | miscommunication about the number of survivors occurred. As we all now know, at approximately 11:46 p.m., the command center received a message over   | 2<br>3<br>4  | didn't know who. We frankly didn't know what message to deliver to the families. We feared the pain and hurt that incomplete or incorrect   |
| 2<br>3<br>4<br>5   | miscommunication about the number of survivors occurred. As we all now know, at approximately 11:46 p.m., the command center received a message over the mine phone that 12 are alive.   | 2<br>3<br>4<br>5   | didn't know who. We frankly didn't know what message to deliver to the families. We feared the pain and hurt that incomplete or incorrect information would have caused, and we   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8  | miscommunication about the number of survivors occurred. As we all now know, at approximately 11:46 p.m., the command center received a message over the mine phone that 12 are alive. Cheers and joyful pandemonium erupted throughout the mine office. Rescue workers and company officials who had heretofore begun to lose hope sprang   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | didn't know who. We frankly didn't know what message to deliver to the families. We feared the pain and hurt that incomplete or incorrect information would have caused, and we searched for the right means to settle and communicate with the exuberant crowd.  Somewhere around 1:45   |
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|   | D 00/  |  | B 200   |
|---|--|--|---|
| 1   | Page 226 deceased, we immediately prepared a   | 1  | Page 228 teams could advance more quickly.  |
| 2   | brief statement and headed to the  | 2  | There were 14 plans submitted by the  |
| 3   | church to deliver the terrible news to   | 3  | ·   |
|   |  |  | company and approved over this 40-hour  |
| 4   | the families. That message was   | 4  | period for the rescue advancement. Any  |
| 5<br>6  | delivered around 2:30 a.m. on January 4th.   | 5  | change in the plans required the  |
| 7   | Those of us involved in  | 6<br>7   | approval of the company, MSHA and the   |
|   | the rescue effort suffered from the  |  | State. And all the changes in the   |
| 8<br>9  |  | 8<br>9   | plans had to be requested in writing.  All efforts were focused   |
| 10  | same fatigue and range of emotions that  | 10   |   |
| 11  | everyone in the church did. Everyone   |  | on the most important thing on Tuesday  |
| 12  | in the mine office was fully committed   | 11   | and that was getting the teams to Two   |
| 13  | physically and emotional physically  | 12   | Left section and rescuing the crew,   |
|   | and emotionally to the rescue effort.  | 13   | while at the same time not endangering  |
| 14  | Throughout this plus-40 hour ordeal, we  | 14   | the rescue workers. The company, the  |
| 15  | sought to provide meaningful   | 15   | State and MSHA had to balance these   |
| 16  | information on a timely basis to the   | 16   | concerns because there have been  |
| 17  | families. Unfortunately, during the  | 17   | situations in which the rescue teams  |
| 18<br>19  | final stages, the combination of cell  | 18   | have perished in the process of rescue  |
|   | phone communications and lack of   | 19   | when they encountered methane which   |
| 20  | verified information to pass on to the   | 20   | ignited. We all knew that time was of   |
| 21  | families, converged to make the tragedy  | 21   | the essence, but also recognized that   |
| 22  | even worse.  | 22   | the progress of the teams had to be   |
| 23  | At this point, Charles   | 23   | methodical.   |
| 24  | Snavely will provide further detail  | 24<br>25   | The confusion over  |
| 25  | regarding the events in the command  | 25   | whether the men in the barricade were   |
|   | Page 227   |  | Page 229  |
| 1   | center.  | 1  | alive started underground. The persons  |
| 2   | MR. SNAVELY:   | 2  | who got to the barricade were relaying  |
| 3   | Can you hear this all  | 3  | the information via walkie-talkie and   |
| 4   | right?   | 4  | orally to the fresh air base. As the  |
| 5   | MD HATEIELD.   |  | =   |
|   | MR. HATFIELD:  | 5  | word passed from person to person to be   |
| 6   | That's okay.   | 6  | relayed to the command center, the  |
| 7   | That's okay.<br>MR. SNAVELY:   | 6<br>7   | relayed to the command center, the message apparently was not understood.   |
| 7<br>8  | That's okay.<br>MR. SNAVELY:<br>My name's Charles  | 6<br>7<br>8  | relayed to the command center, the message apparently was not understood. As has been mentioned, it was first   |
| 7<br>8<br>9   | That's okay. MR. SNAVELY: My name's Charles Snavely. I'm the Vice-president of   | 6<br>7<br>8<br>9   | relayed to the command center, the message apparently was not understood. As has been mentioned, it was first believed that all were alive because  |
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|  | Page 230  |  | Page 232  |
|--|---|--|---|
| 1  | that's simply what happened. It was   | 1  | CHAIR:  |
| 2  | not an intentional act of dispensing  | 2  | What I propose to do is   |
| 3  | misinformation. No one would do that  | 3  | ask a few questions now, then take a  |
| 4  | to these people who had waited and  | 4  | break and then come back, accept  |
| 5  | prayed for 41 hours. However, once the  | 5  | questions after a break, if that's all  |
| 6  | word was out, emotions ran high as one  | 6  | right.  |
| 7  | might expect.   | 7  | Mr. Toler, my question  |
| 8  | I spoke later with a  | 8  | for you is, after you exited the mine,  |
| 9  | rescue team member who had been to the  | 9  | after the rescue effort, who did you  |
| 10   | fresh air base when Randal McCloy was   | 10   | speak to in the command center and what   |
| 11   | brought out. He also was expecting the  | 11   | did you do to convey the information  |
| 12   | other 11 men to come out with the   | 12   | that you had with regard to the   |
| 13   | rescue team at that time. And he was  | 13   | situation underground?  |
| 14   | surprised to learn that they were not   | 14   | MR. J.TOLER:  |
| 15   | alive.  | 15   | As I said earlier,  |
| 16   | But as has been   | 16   | everything is kind of a blur to me  |
| 17   | mentioned, we did not know Mr. McCloy's   | 17   | throughout that day, specifically once  |
| 18   | identity at the time; we just knew  | 18   | I reached the surface. I don't recall   |
| 19   | there was one survivor. I was also  | 19   | exactly who was in the command center   |
| 20   | present when the rescue team captain  | 20   | when I was debriefed. All the men that  |
| 21<br>22   | was debriefed after Randal McCloy was   | 21   | were with me, we all went in the  |
| 23   | brought outside. At the time, we still didn't know Randal's identity because  | 22<br>23   | command center, we were all debriefed together. And we just conveyed the  |
| 24   | he was rushed to the hospital when he   | 23<br>24   | what information we had on to the I   |
| 25   | was brought out.  | 25   | can't tell you who was actually in  |
| 25   | was brought out.  | 23   | carritell you who was actually in   |
|  |   |  |   |
|  | Page 231  | 4  | Page 233  |
| 1  | There was still   | 1  | there at that time.   |
| 2  | There was still uncertainty among the command center  | 2  | there at that time. CHAIR:  |
| 2  | There was still uncertainty among the command center personnel as to whether the remaining  | 2  | there at that time. CHAIR: If you could tell and  |
| 2<br>3<br>4  | There was still uncertainty among the command center personnel as to whether the remaining men may yet be alive. The team captain   | 2<br>3<br>4  | there at that time. CHAIR: If you could tell and I do appreciate the difficulty you're  |
| 2<br>3<br>4<br>5   | There was still uncertainty among the command center personnel as to whether the remaining men may yet be alive. The team captain who reached the barricaded area in Two  | 2<br>3<br>4<br>5   | there at that time. CHAIR: If you could tell and I do appreciate the difficulty you're having. But did you talk to the other  |
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|--|--|--|---|
| 1  | Page 234   | 1  | Page 236  |
| 1 2  | explosion.<br>CHAIR:   | 2  | work that day; were you, sir? MR. MCKINNEY:   |
| 3  |  |  |   |
|  | Since we are having a little trouble with the mic, if we   | 3  | Would you be able to  |
| 4  | ·  | 4  | furnish us that information?  |
| 5  | could take a break now, perhaps we'll  | 5  | MR. J.TOLER:  |
| 6  | try to fix those mics and we'll get  | 6  | Yes, sir.   |
| 7  | better answers. We'll take a short   | 7  | MR. MCKINNEY:   |
| 8  | recess.  | 8  | As I understood your  |
| 9  | SHORT BREAK TAKEN  | 9  | testimony   |
| 10   | CHAIR:   | 10   | MR. J.TOLER:  |
| 11   | All right. If we can   | 11   | If you could  |
| 12   | begin. What I'd like to do, is I'd   | 12   | MR. MCKINNEY:   |
| 13   | like to get ten minutes of questions   | 13   | As I understood your  |
| 14   | from the State and from MSHA and then  | 14   | testimony, you got some information   |
| 15   | turn it over to the Legislative body   | 15   | again to go underground. Who did  |
| 16   | and to the families for questions, so  | 16   | you speak with underground before you   |
| 17   | that we can do it in that orderly kind   | 17   | entered the coal mine?  |
| 18   | of way. Ray?   | 18   | MR. J.TOLER:  |
| 19   | MR. MCKINNEY:  | 19   | Owen Jones.   |
| 20   | Mr. Toler, can you hear  | 20   | MR. MCKINNEY:   |
| 21   | me?  | 21   | And could you tell me   |
| 22   | MR. J.TOLER:   | 22   | what that conversation was?   |
| 23   | Yes, sir.  | 23   | MR. J.TOLER:  |
| 24   | MR. MCKINNEY:  | 24   | It was just basically   |
| 25   | Was a pre-shift  | 25   | we were trying to notify the crews, you   |
|  |  |  |   |
|  | Page 235   |  | Page 237  |
| 1  |  | 1  | Page 237<br>know, we heard we can tell the CO   |
| 1 2  | examination called out from underground  | 1 2  | Page 237<br>know, we heard we can tell the CO<br>alarms was going off. And we were  |
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|          | Dama 220   |          | David 240                               |
|----------|--|----------|---|
| 1        | Page 238   | 1        | Page 240 MR. STEMPLE:                   |
| 1 2      | going to say he didn't. I just don't recall.           | 2        | When the mine rescue team               |
| 3        | MR. MCKINNEY:  | 3        | went to the Number Ten seal and saw no  |
| 4        | If he did say the word                                 | 4        | evidence of the seal, that's when I     |
| 5        | smoke and you had CO sensors going on                  | 5        | knew that we had an explosion.          |
| 6        | at that point in time, was it a                        | 6        | MR. MCKINNEY:                           |
| 7        | concern to try to get assistance to the                | 7        | So when you called the                  |
| 8        | mine?  | 8        | authorities, the State and Federal      |
| 9        | MR. J.TOLER:   | 9        | agencies, what information were you     |
| 10       | The first thought in my                                | 10       | sharing with them?                      |
| 11       | mind was to get inside, ascertain what                 | 11       | MR. STEMPLE:                            |
| 12       | had happened, and to try to ascertain                  | 12       | I told them the exact                   |
| 13       | the condition of all of my men. I had                  | 13       | same thing that Bill Chisolm told me    |
| 14       | 28 men in harm's way at this point.                    | 14       | when he phoned me. That we've had an    |
| 15       | That was the only thought I had.                       | 15       | incident underground, I don't know what |
| 16       | MR. MCKINNEY:  | 16       | has happened. The One Left crew called  |
| 17       | Did you leave directions                               | 17       | out and said that they've noticed some  |
| 18       | for anyone on the surface to make phone                | 18       | stopping damage and smoke and dust in   |
| 19       | calls to particular individuals?                       | 19       | the air. There was a tremendous         |
| 20       | MR. J.TOLER:   | 20       | lightning storm at the same time. We    |
| 21       | Not that I recall. I'm                                 | 21       | had lost power in certain areas of the  |
| 22       | not sure.  | 22       | mine. He didn't know what was going on  |
| 23       | MR. MCKINNEY:  | 23       | for sure. I asked where was Jeff        |
| 24       | Do you know if phone                                   | 24       | Toler? He said, underground. I asked    |
| 25       | calls were made to other company                       | 25       | where was Al Schoonover, the safety     |
|          |  |          |   |
|          | Page 239   |          | Page 241                                |
| 1        | officials while you were underground to                | 1        | director. He said underground. I said   |
| 2        | make them aware?                                       | 2        | where was the maintenance foreman?      |
| 3        | MR. J.TOLER:   | 3        | They all went underground.              |
| 4        | I'm not aware of any of                                | 4        | MR. MCKINNEY:                           |
| 5        | that. My first conversation with any                   | 5        | Mr. Toler, as you                       |
| 6        | company official was while I was                       | 6        | traveled through the mine, at what      |
| 7        | underground, I didn't speak to Johnny                  | 7        | point in time did you think a           |
| 8        | Stemple.   | 8        | significant event had occurred          |
| 9        | MR. HATFIELD:  | 9        | underground, such as an explosion or a  |
| 10       | I believe Johnny Stemple                               | 10       | mine fire?                              |
| 11       | may be able to help you with respect to                | 11       | MR. J.TOLER:                            |
| 12       | call sequence if you're interested in                  | 12       | I would say the first                   |
| 13       | that. MR. MCKINNEY:                                    | 13       | indication that I had was when I first  |
| 14       | Can Mr. Stemple answer                                 | 14       | when I saw the first damage to          |
| 15       | the question; please.                                  | 15       | ventilation controls, which I think was |
| 16       | MR. STEMPLE:   | 16       | roughly at Number 32 wall of Number     |
| 17       | Yes, I made several phone                              | 17       | Four belt.                              |
| 18       | calls that morning in a matter of                      | 18       | MR. MCKINNEY:                           |
| 19       | three-and-a-half hours, I either made                  | 19       | Did you have any contact                |
| 20       | or received 47 phone calls in a three-                 | 20       | with people on the surface by the mine  |
| 21       | and-a-half hour period. MR. MCKINNEY:                  | 21       | telephone after you made that           |
| 22<br>23 |  | 22<br>23 | determination?<br>MR. J.TOLER:          |
|          | At what point in time, Mr. Stemple, did you believe an | 23<br>24 | Yes, sir.                               |
| 121      |  |          | 1 - 3 311                               |
| 24<br>25 | explosion had occurred underground?                    | 25       | MR. MCKINNEY:                           |

|  | Page 242  | 4  | Page 244   |
|--|---|--|--|
| 1  | What did you relay to the   | 1  | that we may have since we had a  |
| 2  | people on the surface?  | 2  | large lightning strike outside that we   |
| 3  | MR. J.TOLER:  | 3  | may have had the high-voltage cable or   |
| 4  | I don't recall. That may  | 4  | a high-voltage cable plug or a power   |
| 5  | have even been around the time that I   | 5  | center that may have blew up or  |
| 6  | talked to Johnny, I'm not sure.   | 6  | exploded. That was my opinion at the   |
| 7  | MR. STEMPLE:  | 7  | time with the information that I had.  |
| 8  | Yes. At that time, Bill   | 8  | MR. MCKINNEY:  |
| 9  | Chisolm patched the mine phone in to  | 9<br>10  | Mr. Toler, I understand  |
|  | the land-line phone. I was currently  | 11   | from your conversation with Mr. Stemple  |
| 11 12  | at home. It was a holiday and I was on  | 12   | at that time, you felt like there may  |
| 13   | a day off. And he patched the land-line phone together with the mine  | 13   | have been an explosion underground? MR. J.TOLER:   |
| 14   | phone. And I asked Jeff, I said, what   | 14   |  |
| 15   | do you have? He said I really don't   | 15   | No, sir. At that point in time when I talked to Mr. Stemple, I   |
| 16   | know. He said, I talked to the One  | 16   | did not have a detector with me, so I  |
| 17   | Left crew and there is some ventilation   | 17   | couldn't I can't say that we were  |
| 18   | control damage, some stoppings that   | 18   | detecting carbon monoxide at that  |
| 19   | have been damaged. I said, have you   | 19   | point. All I can tell you, at that   |
| 20   | been able to contact the Two Left crew  | 20   | point when I talked to Johnny, all I   |
| 21   | yet? He said, no, I have not, but we  | 21   | can tell you is we had damage to   |
| 22   | have been trying to contact the Two   | 22   | ventilation controls.  |
| 23   | Left crew. I said, is all of the One  | 23   | MR. MCKINNEY:  |
| 24   | Left crew accounted for? He said, yes,  | 24   | Did you get any type of  |
| 25   | and I've sent them toward the outside.  | 25   | carbon monoxide or methane readings as   |
|  |   |  |  |
|  |   |  |  |
|  | Page 243  |  | Page 245   |
| 1  | I said, well, until we  | 1  | you entered the coal mine?   |
| 2  | I said, well, until we get ahold of the Two Left crew, you  | 2  | you entered the coal mine?<br>MR. J.TOLER:   |
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| 1  | Page 246 MR. J.TOLER:   | 1  |   | Page 248 |
|--|---|--|---|----------|
| 1 2  | I don't know that I ever  | 1<br>2   | that at that point right there. MR. MCKINNEY:   |          |
| 3  | held a detector to take a reading. I  | 3  | At what time point in   |          |
| 4  | was more concerned about hanging the  | 4  | time during your exploration, did you   |          |
| 5  | curtains, Ray.  | 5  | feel there had been an explosion  |          |
| 6  | MR. MCKINNEY:   | 6  | underground?  |          |
| 7  | Were the detectors going  | 7  | MR. J.TOLER:  |          |
| 8  | off, sounding alarm?  | 8  | Probably after we   |          |
| 9  | MR. J.TOLER:  | 9  | advanced inby, that point right there.  |          |
| 10   | We repaired the first   | 10   | I think we started noticing some soot   |          |
| 11   | damaged control that we found was at  | 11   | on the ribs, a lot of soot and that was   |          |
| 12   | I think at 32 wall. And we  | 12   | probably our first indication that it   |          |
| 13   | repaired it and we advanced on in on  | 13   | was an explosion.   |          |
| 14   | the track, which is in the neutral  | 14   | MR. MCKINNEY:   |          |
| 15   | split. And on a blowing system, the   | 15   | Can you recall what time  |          |
| 16   | airflow on a neutral split will course  | 16   | that would have been?   |          |
| 17   | toward the outside. When we got to 42   | 17   | MR. J.TOLER:  |          |
| 18   | wall, was the next stopping that was  | 18   | I was not keeping any   |          |
| 19   | damaged. And when we repaired it, I   | 19   | kind of timeline at all at this point.  |          |
| 20   | think that's when we initially started  | 20   | MR. MCKINNEY:   |          |
| 21   | getting some CO started getting   | 21   | A range?  |          |
| 22   | some alarms on our CO detectors. At   | 22   | MR. J.TOLER:  |          |
| 23   | that point, we de-energized the machine   | 23   | A range? Probably   |          |
| 24   | and unplugged the batteries and put our   | 24   | somewhere between eight and nine  |          |
| 25   | ventilation our supplies in the   | 25   | o'clock, probably closer to the nine  |          |
|  | Page 247  |  |   | Page 249 |
| 1  | intake and started to advance on foot   | 1  | o'clock area.   | rage 247 |
| 2  | in the intake, keeping fresh air to our   | 2  | MR. MCKINNEY:   |          |
| 3  | backs.  | 3  | And did you communicate   |          |
| 4  | MR. MCKINNEY:   | 4  | that to the surface once?   |          |
| 5  | I think you indicated   | 5  | MR. J.TOLER:  |          |
| 6  | that at some point in time, maybe 48 or   | 6  | No. We had already  |          |
| 7  | 49 block, you stopped the exploration.  | 7  | advanced inby where we put that phone   |          |
| 8  | MR. J.TOLER:  | 8  | in fresh air.   |          |
| 9  | At 49 block, I knew there   | 9  | MR. MCKINNEY:   |          |
| 10   | was a functioning telephone at that   | 10   | Did you communicate with  |          |
| 11   | point, because when Owen Jones called   | 11   | the surface at all before you returned  |          |
| 12   | outside immediately after the event,  | 12   | to the outside?   |          |
| 13   | that was the above be ween with a Call  | 13   | MR. J.TOLER:  |          |
|  | that was the phone he was using. So I   |  |   |          |
| 14   | was aware there was a functioning   | 14   | I think as we started   |          |
| 14<br>15   | was aware there was a functioning telephone there. And so I stopped   | 15   | outside, I stopped and called and told  |          |
| 14<br>15<br>16   | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air  | 15<br>16   | outside, I stopped and called and told them that we were exiting the mines.   |          |
| 14<br>15<br>16<br>17                                     | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the   | 15<br>16<br>17                                     | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:   |          |
| 14<br>15<br>16<br>17<br>18                               | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the intake, so that we would have some form   | 15<br>16<br>17<br>18                               | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:<br>Did you share any other  |          |
| 14<br>15<br>16<br>17<br>18<br>19                         | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the intake, so that we would have some form of communication in fresh air with us.  | 15<br>16<br>17<br>18<br>19                         | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:<br>Did you share any other<br>information with them about what you  |          |
| 14<br>15<br>16<br>17<br>18<br>19<br>20                   | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the intake, so that we would have some form of communication in fresh air with us.  As I was doing that, it   | 15<br>16<br>17<br>18<br>19<br>20                   | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:<br>Did you share any other<br>information with them about what you<br>saw or thought had happened?  |          |
| 14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the intake, so that we would have some form of communication in fresh air with us.  As I was doing that, it dawned on me that our EMT station was   | 15<br>16<br>17<br>18<br>19<br>20<br>21             | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:<br>Did you share any other<br>information with them about what you<br>saw or thought had happened?<br>MR. J.TOLER:  |          |
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| 14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the intake, so that we would have some form of communication in fresh air with us.  As I was doing that, it dawned on me that our EMT station was right at that location as well, so I went ahead and put it in the intake as | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:<br>Did you share any other<br>information with them about what you<br>saw or thought had happened?<br>MR. J.TOLER:<br>I don't recall. I don't<br>recall. I'm not sure exactly who I |          |
| 14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | was aware there was a functioning telephone there. And so I stopped there and I stepped over into that air course to move that phone into the intake, so that we would have some form of communication in fresh air with us.  As I was doing that, it dawned on me that our EMT station was right at that location as well, so I  | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | outside, I stopped and called and told<br>them that we were exiting the mines.<br>MR. MCKINNEY:<br>Did you share any other<br>information with them about what you<br>saw or thought had happened?<br>MR. J.TOLER:<br>I don't recall. I don't                                       |          |

| _  | Page 250  | 1  | CHAID  | Page 252 |
|--|---|--|--|----------|
| 1  | I just have one follow-up   | 1  | CHAIR:   |          |
| 2  | question for Mr. Stemple. And that is, you made, I believe you said, 27 phone   | 2  | Now, if we might, the families give the opportunity for  |          |
| 4  | calls. Were other people in the   | 3<br>4   | the families to ask questions and then   |          |
| 5  | company making phone calls as well to   | 5  | the Legislators.   |          |
| 6  | either the State authorities or the   | 6  | MS. COHEN:   |          |
| 7  | Federal authorities? Had any of that  | 7  | Mr. Jamison, what time   |          |
| 8  | been delegated?   | 8  | did you arrive at work at the mine on  |          |
| 9  | MR. STEMPLE:  | 9  | January 2nd?   |          |
| 10   | I stated that I made or   | 10   | MR. JAMISON:   |          |
| 11   | received 47 phone calls. Number four.   | 11   | What was that?   |          |
| 12   | And to my knowledge, I wasn't aware of  | 12   | MS. COHEN:   |          |
| 13   | anybody else making any phone calls.  | 13   | What time did you arrive   |          |
| 14   | Some of my phone calls, I asked others  | 14   | at work on January 2nd?  |          |
| 15   | to make phone calls for me in an effort   | 15   | MR. JAMISON:   |          |
| 16   | to help me. Many of my phone calls  | 16   | 2:30 a.m.  |          |
| 17   | were made to answering machines and   | 17   | MS. COHEN:   |          |
| 18   | there was nobody on the other end to  | 18   | Was Mr. Chisolm already  |          |
| 19   | talk to.  | 19   | there?   |          |
| 20   | MR. CLAIR:  | 20   | MR. JAMISON:   |          |
| 21   | And you were receiving  | 21   | Was what?  |          |
| 22   | updated information from the mine from  | 22   | MS. COHEN:   |          |
| 23   | the period from seven o'clock, when you   | 23   | Was the dispatcher, Mr.  |          |
| 24   | were notified, until the time you left  | 24   | Chisolm, already present?  |          |
| 25   | for the mine?   | 25   | MR. JAMISON:   |          |
|  | D 054   |  |  |          |
|  | Page 251  |  |  | Page 253 |
| 1  | Page 251 MR. STEMPLE:   | 1  | Yes.   | Page 253 |
| 1 2  | <del>-</del>  | 1 2  | Yes.<br>MS. COHEN:   | Page 253 |
|  | MR. STEMPLE:  | _  |  | Page 253 |
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|  | Page 254   | _  |  | Page 256 |
|--|--|--|--|----------|
| 1  | and went down there underground. So it   | 1  | found?   |          |
| 2  | was probably around it was close to  | 2  | MR. JAMISON:   |          |
| 3  | three o'clock.   | 3  | No. They're probably in  |          |
| 4  | MS. COHEN:   | 4  | the laundry.   |          |
| 5  | What was considered your   | 5  | MS. COHEN:   |          |
| 6  | regular run, because in your transcript  | 6  | Did you call your fire   |          |
| 7  | you said this was the only the   | 7  | boss report out to anybody or give it  |          |
| 8  | second time you had done the fire boss?  | 8  | to anybody?  |          |
| 9  | MR. JAMISON:   | 9  | MR. JAMISON:   |          |
| 10   | His regular run was from   | 10   | I carried it out.  |          |
| 11   | Four head in.  | 11   | MS. COHEN:   |          |
| 12   | MS. COHEN:   | 12   | So no one received your  |          |
| 13   | What was your regular  | 13   | fire boss report from the Two Left   |          |
| 14   | run?   | 14   | section?   |          |
| 15   | MR. JAMISON:   | 15   | MR. COHEN:   |          |
| 16   | From the outside into  | 16   | Yeah, I carried it out,  |          |
| 17   | Three or Four head.  | 17   | because I had to bring the mantrip out   |          |
| 18   | MS. COHEN:   | 18   | so dayshift would have a ride in.  |          |
| 19   | And how long does it   | 19   | MS. COHEN:   |          |
| 20   | typically take to fire boss the  | 20   | But you're saying your   |          |
| 21   | section?   | 21   | notes were lost?   |          |
| 22   | MR. JAMISON:   | 22   | MR. JAMISON:   |          |
| 23   | What, Two Left?  | 23   | Yeah. Where I keep notes   |          |
| 24   | MS. COHEN:   | 24   | in a book. I keep notes in a book in   |          |
| 25   | Uh-huh (yes).  | 25   | my shirt pocket.   |          |
|  | D 055  |  |  |          |
|  |  |  |  | D 0E7    |
| 1  | Page 255   | 1  | MS COHEN:  | Page 257 |
| 1  | MR. JAMISON:   | 1  | MS. COHEN:   | Page 257 |
| 2  | MR. JAMISON:<br>It took about 25 minutes.  | 2  | On page 27 of your   | Page 257 |
| 2  | MR. JAMISON:<br>It took about 25 minutes.<br>MS. COHEN:  | 2  | On page 27 of your transcript Mr. Jamison, on page 27  | Page 257 |
| 2<br>3<br>4  | MR. JAMISON: It took about 25 minutes. MS. COHEN: Is that normal time to do  | 2<br>3<br>4  | On page 27 of your<br>transcript Mr. Jamison, on page 27<br>of your transcript, you said you were  | Page 257 |
| 2<br>3<br>4<br>5   | MR. JAMISON: It took about 25 minutes. MS. COHEN: Is that normal time to do a fire boss of the whole section?  | 2<br>3<br>4<br>5   | On page 27 of your<br>transcript Mr. Jamison, on page 27<br>of your transcript, you said you were<br>afraid of getting off the track by  | Page 257 |
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| 1  |  | 5 050    |  |   | 5 0/0      |
|--|--|----------|--|---|------------|
|  | did in a common all its accordant in a second  | Page 258 | 4  | Lock on the control   | Page 260   |
|  | did in your pre-shift examination, and   |          | 1  | Just on the section.  |            |
| 2  | what you reported out to the surface   |          | 2  | MS. COHEN:  |            |
| 3  | from Two Left?   |          | 3  | Can you describe to me  |            |
| 4  | MR. JAMISON:   |          | 4  | what you mean by it looked good?  |            |
| 5  | Well, I didn't write   |          | 5  | MR. JAMISON:  |            |
| 6  | anything down because the section  |          | 6  | Well, if it's scooped and   |            |
| 7  | looked good, but I checked the pocks,  |          | 7  | dusted and all the curtains were hung.  |            |
| 8  | depth, and make sure all the curtains  |          | 8  | MS. COHEN:  |            |
| 9  | were up and the air was good.  |          | 9  | And at one point in your  |            |
| 10   | MS. COHEN:   |          | 10   | transcript, you stated that we came   |            |
| 11   | So did you initial the   |          | 11   | out. Who were you referring to? Did   |            |
| 12   | things you're supposed to initial?   |          | 12   | Terry come out with you?  |            |
| 13   | MR. JAMISON:   |          | 13   | MR. JAMISON:  |            |
| 14   | Do what?   |          | 14   | No. I didn't say we came  |            |
| 15   | MS. COHEN:   |          | 15   | out. I came out.  |            |
| 16   | Did you initial things?  |          | 16   | MS. COHEN:  |            |
| 17   | And I understand there is things   |          | 17   | In the transcript it says   |            |
| 18   | throughout the section that?   |          | 18   | we came out.  |            |
| 19   | MR. JAMISON:   |          | 19   | MR. JAMISON:  |            |
| 20   | Oh, yeah, I initialed  |          | 20   | Well, I was the only one  |            |
| 21   | them. My name is all over that   |          | 21   | that came out.  |            |
| 22   | section.   |          | 22   | MS. COHEN:  |            |
| 23   | MS. COHEN:   |          | 23   | Why didn't you keep your  |            |
| 24   | Where is your report? Is   |          | 24   | notes on you? You said you had to   |            |
| 25   | that something you guys turned over?   |          | 25   | you changed clothes. But why didn't   |            |
|  |  | Page 259 |  |   | Page 261   |
|  |  |          |  |   |            |
| 1 1  | MR HATFIFID:   | 3        | 1  | you just keep your notes with you?  | rugo 201   |
| 1  | MR. HATFIELD:<br>There is a lot of   | 3        | 1  | you just keep your notes with you?  | 1 ago 201  |
| 2  | There is a lot of  | 3        | 2  | MR. JAMISON:  | 1 ago 201  |
| 2  | There is a lot of reverberation on your mic. He's having   | ŭ        | 2  | MR. JAMISON:<br>I always leave them in my   | 1 490 201  |
| 2<br>3<br>4  | There is a lot of reverberation on your mic. He's having a little trouble understanding your   | 3        | 2<br>3<br>4  | MR. JAMISON: I always leave them in my shirt. I couldn't get in my locker,  | 1 ugo 201  |
| 2<br>3<br>4<br>5   | There is a lot of reverberation on your mic. He's having a little trouble understanding your words. Where was your report?   | 3        | 2<br>3<br>4<br>5   | MR. JAMISON: I always leave them in my shirt. I couldn't get in my locker, because they had tables set up there   | . ugo 201  |
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|  | D 2/2   |  | P 2/4  |
|--|---|--|--|
| 1  | Page 262 MS. CAMPBELL:  | 1  | Page 264 green blocks. They were heavier and   |
| 2  | I have a question for Mr.   | 2  | they were easier to cut.   |
| 3  | Kitts. Why were some of the blocks,   | 3  | MR. J.TOLER:   |
| 4  | the Omega blocks that were used in the  | 4  | Again, as I say, when  |
| 5  | seal, according to James Scott's  | 5  | he's referring to green, he's they   |
| 6  | testimony, why were they green? Why   | 6  | are relatively new. Why they're easier   |
| 7  | were they?  | 7  | why he says they're easier to cut,   |
| 8  | MR. KITTS:  | 8  | I don't know.  |
| 9  | I'm sorry? Why were they  | 9  | MS. CAMPBELL:  |
| 10   | what?   | 10   | This is another question   |
| 11   | MS. CAMPBELL:   | 11   | for Mr. Toler. You and Dick Wilfong  |
| 12   | Why were the blocks, the  | 12   | and Vern Hofer and Al Schoonover made  |
| 13   | Omega blocks, that were used in the   | 13   | it to the Two Left switch?   |
| 14   | seals according to the testimony of   | 14   | MR. J.TOLER:   |
| 15   | James Scott, he reported that he had  | 15   | We made it to at that  |
| 16   | placed green blocks in the seal?  | 16   | point in time, it was me, Dick Wilfong   |
| 17   | MR. KITTS:  | 17   | and Al Schoonover. Vernon and Owen had   |
| 18   | I don't know the answer   | 18   | headed outby to assess if we had any   |
| 19   | to that. I had no firsthand   | 19   | damage up there, but the three of us   |
| 20   | involvement in the construction of  | 20   | made it to 57, between 57 and 58 block.  |
| 21   | those seals. But if Jeff Toler has any  | 21   | MS. CAMPBELL:  |
| 22   | knowledge, I could pass it to him. I  | 22   | And how far is that from   |
| 23   | don't know.   | 23   | the Two Left switch?   |
| 24   | MR. J.TOLER:  | 24   | MR. J.TOLER:   |
| 25   | I can only assume that  | 25   | That is parallel to the  |
|  |   |  | ·  |
|  |   |  |  |
|  | Page 263  | 4  | Page 265   |
| 1  | what Mr. Scott is saying when he uses   | 1  | Two Left switch,   |
| 2  | what Mr. Scott is saying when he uses the term green at this point, is they   | 2  | Two Left switch,<br>MS. CAMPBELL:  |
| 2  | what Mr. Scott is saying when he uses the term green at this point, is they are new.  | 2  | Two Left switch,<br>MS. CAMPBELL:<br>Okay.   |
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| 2<br>3<br>4<br>5<br>6  | what Mr. Scott is saying when he uses the term green at this point, is they are new. MS. CAMPBELL: Are the Omega blocks anything like concrete? You know how  | 2<br>3<br>4<br>5<br>6  | Two Left switch, MS. CAMPBELL: Okay. MR. J.TOLER: 60 feet away. MS. CAMPBELL:  |
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|  | Page 244  |  | Page 268   |
|--|---|--|--|
| 1  | Page 266 rescue effort, so I don't know.  | 1  | What were the violations   |
| 2  | MS. CAMPBELL:   | 2  | that Mr. Helms reported on his fire  |
| 3  | Is it possible that you   | 3  | boss?  |
| 4  | can show me where you got to up there?  | 4  | MR. J.TOLER:   |
| 5  | I mean, is that possible or not?  | 5  | I'm sorry, ma'am. I'm  |
| 6  | MR. J.TOLER:  | 6  | not aware of what they were. They are  |
| 7  | I think they're putting a   | 7  | those records have been turned over  |
| 8  | pointer right there now. If you can   | 8  | though.  |
| 9  | see the mouth?  | 9  | MS. CAMPBELL:  |
| 10   | MS. CAMPBELL:   | 10   | Does anyone on the Panel   |
| 11   | Uh-huh (yes). Right here  | 11   | know what Mr. Helms called out on his  |
| 12   | on the map?   | 12   | fire boss report?  |
| 13   | MR. J.TOLER:  | 13   | MR. HATFIELD:  |
| 14   | Yeah.   | 14   | It's my understanding  |
| 15   | MS. CAMPBELL:   | 15   | that the fire boss books are in the  |
| 16   | Okay.   | 16   | possession of Mine Safety & Health   |
| 17   | MR. J.TOLER:  | 17   | Administration, so I don't think we  |
| 18   | Right there, yeah.  | 18   | have them to use as a reference.   |
| 19   | MS. CAMPBELL:   | 19   | MS. COHEN:   |
| 20   | All of you got right  | 20   | But you didn't review  |
| 21   | there, you still had pretty good air?   | 21   | them before you turned them over?  |
| 22   | MR. J.TOLER:  | 22   | MR. HATFIELD:  |
| 23   | Yes, ma'am.   | 23   | Pardon?  |
| 24   | MS. CAMPBELL:   | 24   | MS. COHEN:   |
| 25   | And you were not under  | 25   | You guys didn't review   |
|  |   |  |  |
|  | Page 267  |  | Page 269   |
| 1  | Page 267 apparatus?   | 1  | Page 269<br>your fire boss reports before turning  |
| 1 2  | apparatus?<br>MR. J.TOLER:  | 1 2  |  |
| 2 3  | apparatus?  | _  | your fire boss reports before turning  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | apparatus? MR. J.TOLER: Yes, ma'am. MS. CAMPBELL: And that is approximately how many feet from where the miners were found? MR. J.TOLER: Roughly about 2,000 feet. MS. CAMPBELL: 2,000 feet? Mr. Toler, when you found out found that there were stoppings out, why did you decide not to call MSHA once you found those stoppings were out? MR. J.TOLER: When I found the stoppings were out, I had had my conversation with Johnny Stemple. Johnny's more than capable of notifying the authorities. I felt my efforts would be better served doing what I was                                      | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | your fire boss reports before turning the books over?  MR. HATFIELD: Again, I don't perhaps the MSHA people could speak to that. I don't know.  MR. MCKINNEY: I would think that you have a copy. Normally when we take those books, there's copies made and you keep a copy on hand.  MR. HATFIELD: Sam, do we have a copy? I don't know anything about that.  MR. KITTS: Yes, I do think we have a copy, but we don't have it up here with us. We can get you an answer to that question.  MR. HATFIELD: Apparently, we do have a copy and we'll get you a response on                                     |

|          | Page 270   | _        |                                       | ige 272 |
|----------|--|----------|---------------------------------------|---------|
| 1        | Mr. Toler, I guess this  | 1        | MS. COHEN:                            |         |
| 2        | is your day for me, so I'm still with                            | 2        | Mr. Jamison, I have a                 |         |
| 3        | you. Since you had the responsibility                            | 3        | question for you. On page 90 of your  |         |
| 4        | of the seal plan, of showing the men                             | 4        | transcript, you said you refer to     |         |
| 5        | how to build the seals, why were the                             | 5        | the seal as a bomb. What did you mean |         |
| 6        | First, Second and Third seals recessed? Why not straight across? | 6<br>7   | by that?<br>MR. JAMISON:              |         |
| 8        | Why not straight across? MR. J.TOLER:                            | 8        | What did you say?                     |         |
| 9        | It was a ventilation   | 9        | MS. COHEN:                            |         |
| 10       | issue. The One, Two and Three seals                              | 10       | On page 90 of your                    |         |
| 11       | were constructed in the places they                              | 11       | transcript,                           |         |
| 12       | were to allow us to sweep a separate                             | 12       | MR. JAMISON:                          |         |
| 13       | split of air around the seals and thus                           | 13       | Uh-huh (yes).                         |         |
| 14       | take them off of what is our intake or                           | 14       | MS. COHEN:                            |         |
| 15       | fresh air split going into the mines.                            | 15       | you guys were having                  |         |
| 16       | MS. CAMPBELL:  | 16       | a discussion about the seals. You     |         |
| 17       | So would that recessed   | 17       | referred to the seals as a bomb. What |         |
| 18       | area have been an area for gas to                                | 18       | did you mean by that? I'd be glad to  |         |
| 19       | accumulate?  | 19       | bring a transcript tomorrow.          |         |
| 20       | MR. J.TOLER:   | 20       | MR. JAMISON:                          |         |
| 21       | No, ma'am. All the seals   | 21       | The seals?                            |         |
| 22       | were properly ventilated on the outby                            | 22       | MS. COHEN:                            |         |
| 23       | side.  | 23       | Uh-huh (yes).                         |         |
| 24       | MS. COHEN:   | 24       | MR. JAMISON:                          |         |
| 25       | I have a question then.  | 25       | They are like a bomb.                 |         |
|          | Page 271   |          | Pa                                    | ige 273 |
| 1        | You sent the miners in there and no one                          | 1        | MS. COHEN:                            | ige 273 |
| 2        | reviewed the fire boss reports before                            | 2        | Can you elaborate on that             |         |
| 3        | you sent my dad in that mine, to make                            | 3        | for me, please?                       |         |
| 4        | sure it was safe? Is that what you                               | 4        | MR. JAMISON:                          |         |
| 5        | guys are telling me?   | 5        | Well, I mean, that's what             |         |
| 6        | MR. J.TOLER:   | 6        | they built the way they're built.     |         |
| 7        | Both foremen, Martin   | 7        | They hold gas, but that don't mean    |         |
| 8        | Toler and Owen Jones, reviewed the fire                          | 8        | they're going to explode.             |         |
| 9        | boss reports before they went                                    | 9        | MS. CAMPBELL:                         |         |
| 10       | underground.   | 10       | Mr. Hatfield, could you               |         |
| 11       | MS. COHEN:   | 11       | bring those documents or those copies |         |
| 12       | But you didn't? You were   | 12       | tomorrow with you that we             |         |
| 13       | there?   | 13       | MR. HATFIELD:                         |         |
| 14       | MR. J.TOLER:   | 14       | Copies of the?                        |         |
| 15       | No, ma'am, I did not.  | 15       | MS. CAMPBELL:                         |         |
| 16<br>17 | No, ma'am.<br>MS. COHEN:   | 16<br>17 | previously talked about before?       |         |
| 18       | As the superintendent,   | 18       | MR. HATFIELD:                         |         |
| 19       | that's not part of your job to make                              | 19       | You're talking about the              |         |
| 20       | sure your mines are safe before you                              | 20       | fire boss?                            |         |
| 21       | send workers in?   | 21       | MS. CAMPBELL:                         |         |
| 22       | MR. J.TOLER:   | 22       | The fire boss, yes.                   |         |
| 23       | I have people that   | 23       | MR. HATFIELD:                         |         |
| 24       | examine the mines and tell us that it                            | 24       | If we have a copy, I                  |         |
| 1        |  | 25       | don't have a problem sharing that. I  |         |
| 25       | is safe.   | 25       | don't have a problem sharing that.    |         |

|   |   |  | _  |
|---|---|--|--|
| 1 4   | Page 274  | _  | Page 276   |
|   | didn't know we had a copy, but if we  | 1  | methane in an area of the seals the  |
|   | do, I will bring it tomorrow.   | 2  | following day, the Thursday before the   |
|   | S. CAMPBELL:  | 3  | explosion?   |
|   | r. Toler, how far were  | 4  | MR. J.TOLER:   |
|   | you from Mr. Helms when you stopped?  | 5  | Yes, ma'am. Since he had   |
|   | R. J.TOLER:   | 6  | reported this and it was the first time  |
|   | obably about 50 to 60   | 7  | we had received any report of any  |
|   | feet away.  | 8  | methane around the seals at all, I   |
|   | S. CAMPBELL:  | 9  | walked the intake escapeway all the way  |
|   | fty (50) feet?  | 10   | into the Two Left section. And on my   |
|   | R. J.TOLER:   | 11   | way in, I went by the seals and checked  |
|   | xty (60), 60 feet away.   | 12   | the seals. And I also had two-tenths,  |
|   | I had no idea he was there.   | 13   | but it was not you know, it was  |
|   | S. CAMPBELL:  | 14   | well within acceptable levels and  |
|   | nis question's for Mr.<br>Crumrine. John Boni testified that he   | 15   | it was within acceptable levels. MS. CAMPBELL:   |
|   |   | 16   |  |
|   | detected methane in the area of the   | 17<br>18   | Did you check you checked all the seals?   |
|   | seals on Wednesday before the   |  |  |
|   | explosion, and that he reported that  | 19   | MR. J.TOLER:   |
|   | finding to you. Was that the first time methane had been detected in the  | 20<br>21   | Yes, I did.<br>MS. CAMPBELL:   |
|   |   | 22   |  |
|   | area after the seals had been   | 23   | Did you report that to   |
|   | completed?<br>R. CRUMRINE:  | 24   | anyone?<br>MR. J.TOLER:  |
|   | es, it was. And the   | 25   | Well, I told Jeff, I   |
| 25 16   | es, it was. And the   | 23   | Well, I tolu Jell, I   |
|   | Page 275  |  | Page 277   |
| 1 ı   | methane content was two-tenths of one   | 1  | believe, when I come out that I just   |
| 2   | percent, which is well within the   | 2  | had two-tenths there. You're required  |
| 3 8   | allowable range.  | 3  | to you're required by the State to   |
| 4 MS  | S. CAMPBELL:  | 4  | check those weekly.  |
| 5 Wh  | hen did John Boni make  | 5  | MS. COHEN:   |
| 6 t   | that report to you?   | 6  | Why, when you all found  |
| 7 MF  | R. J.TOLER:   | 7  |  |
| _   | e called me and told me   |  | out that the miners were really  |
|   | o daned me and told me  | 8  | deceased, why did you wait so long to  |
| 9 \   | Wednesday evening.  | 8<br>9   | deceased, why did you wait so long to tell us and why was the rescue workers   |
| 9 \<br>10 MS  | Wednesday evening.<br>S. CAMPBELL:  | 8  | deceased, why did you wait so long to tell us and why was the rescue workers debriefed before the families?  |
| 9 N<br>10 MS<br>11 We   | Wednesday evening.<br>S. CAMPBELL:<br>ere there any records   | 8<br>9<br>10<br>11   | deceased, why did you wait so long to tell us and why was the rescue workers debriefed before the families?  MR. HATFIELD:   |
| 9 N<br>10 MS<br>11 We<br>12 r   | Wednesday evening. S. CAMPBELL: ere there any records made of his findings? Is there?   | 8<br>9<br>10<br>11<br>12   | deceased, why did you wait so long to<br>tell us and why was the rescue workers<br>debriefed before the families?<br>MR. HATFIELD:<br>As I noted in my written   |
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|  | 5 000  |  |   |
|--|--|--|---|
| 1  | Page 278 MR. J.TOLER:  | 1  | Page 280 of over 48 inches. So I could not get  |
| 1 2  | There were we  | 2  | a storage plan so I didn't waste my   |
| 3  | produced coal on the Friday. We did  | 3  | time typing it up after the meeting.  |
| 4  | not produce coal on Saturday or Sunday.  | 4  | And then that was in 1997. And  |
| 5  | But my recollection is, I had men  | 5  | then in the year 2002, I had a  |
| 6  | working I think I had men working  | 6  | discussion again with an MSHA   |
| 7  | both days, Saturday and Sunday.  | 7  | representative and asked again to store   |
| 8  | MS. COHEN:   | 8  | person wearable self-contained  |
| 9  | Okay. Because in your  | 9  | self-rescuers underground and was told  |
| 10   | testimony, Mr. Toler, you said that you  | 10   | that I was wasting my time.   |
| 11   | usually started your shift outby   | 11   | MS. CAMPBELL:   |
| 12   | reviewing timesheets and you think you   | 12   | Mr. Toler, when the CO  |
| 13   | had men working over the weekend. Were   | 13   | monitor showed 26 parts per million at  |
| 14   | their timesheets on your desk from the   | 14   | 6:10 a.m. on January 2nd, what was ICG  |
| 15   | weekend crew?  | 15   | required to do pursuant to the Mine Act   |
| 16   | MR. J.TOLER:   | 16   | and regulations? Or whoever's in  |
| 17   | Yes, ma'am.  | 17   | charge of that.   |
| 18   | MS. CAMPBELL   | 18   | MR. COLEMAN:  |
| 19   | Mr. Stemple, I have a  | 19   | Ty Coleman. I'm the   |
| 20   | question for you. Did you ever submit  | 20   | Manager of Safety.  |
| 21   | a plan to store any rescuers   | 21   | MS. CAMPBELL:   |
| 22   | underground?   | 22   | I'm sorry, I can't hear   |
| 23   | MR. STEMPLE:   | 23   | I can't hear you.   |
| 24   | I did not submit   | 24   | MR. COLEMAN:  |
| 25   | MS. CAMPBELL:  | 25   | Ty Coleman, Manager of  |
|  |  |  |   |
|  | Page 279   |  | Page 281  |
| 1  | Page 279 At Spruce. I'm sorry.   | 1  | Page 281 Safety, ICG West Virginia and Maryland.  |
| 1 2  | At Spruce. I'm sorry.  | 1 2  | Safety, ICG West Virginia and Maryland.   |
| 1 2 3  | At Spruce. I'm sorry. MR. STEMPLE:   | 1<br>2<br>3  | Safety, ICG West Virginia and Maryland. Pursuant to our program of instruction,   |
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|  | Page 292  |  | Page 2   | 204  |
|--|---|--|--|------|
| 1  | Yes, it was Thursday I  | 1  | Just the ones they've  | 284  |
| 2  | checked those seals.  | 2  | asked for, not all of them?  |      |
| 3  | MS. CAMPBELL:   | 3  | MR. STEMPLE:   | - 1  |
| 4  | You checked them on   | 4  | That is correct. The   |      |
| 5  | Thursday?   | 5  | ones they've asked for have been   | - 1  |
| 6  | MR. CRUMRINE:   | 6  | produced.  | - 1  |
| 7  | Yes.  | 7  | MS. CAMPBELL:  | - 1  |
| 8  | MS. CAMPBELL:   | 8  | We're back on the CO   | - 1  |
| 9  | Okay. And did you check   | 9  | monitoring, so it's probably going to  | - 1  |
| 10   | them on Friday?   | 10   | be you, Mr. Toler. Was it appropriate  | - 1  |
| 11   | MR. CRUMRINE:   | 11   | for the company to use the CO monitor  | - 1  |
| 12   | No, ma'am. I'm only   | 12   | system as a paging system for the  | - 1  |
| 13   | I don't I wouldn't even had to have   | 13   | miners? Do you know what I'm talking   | - 1  |
| 14   | checked them on Thursday. We're   | 14   | about?   | - 1  |
| 15   | required to check the seals once a  | 15   | MR. J.TOLER:   | - 1  |
| 16   | week. That is a weekly check made by  | 16   | I think I know what  | - 1  |
| 17   | John Boni. However, I did go in and I   | 17   | you're talking about, but personally   | - 1  |
| 18   | checked the seals on Thursday, because  | 18   | I'm not aware that it was being done.  | - 1  |
| 19   | I wanted to make sure, number one, that   | 19   | It's possible that it was being done,  | - 1  |
| 20   | John's meter wasn't off. And number   | 20   | but I'm not aware of it.   | - 1  |
| 21   | two, that there wasn't anything   | 21   | MR. KITTS:   | - 1  |
| 22   | breached around the seal. And I, you  | 22   | Let me follow-up to that.  | - 1  |
| 23   | know, examined the seals and didn't   | 23   | There was reporting in the testimony   | - 1  |
| 24<br>25   | find anything, you know, a crack in the   | 24<br>25   | that that was a past practice. And,  | - 1  |
| 23   | the roof or anything like that.   | 23   | no, we do not feel that is an  | _    |
|  |   |  |  | _    |
|  | Page 283  |  | Page 2   | 285  |
| 1  | MS. CAMPBELL:   | 1  | appropriate use of the CO monitor  | 285  |
| 2  | MS. CAMPBELL:<br>So the last time the   | 2  | appropriate use of the CO monitor system. And subsequently ICG performed   | 285  |
| 2  | MS. CAMPBELL: So the last time the seals were checked would have been on  | 2  | appropriate use of the CO monitor system. And subsequently ICG performed a daylong dispatcher training session   | 285  |
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| 1   | D 00/   |  | D 000  |
|---|---|--|--|
|   | Page 286 So we think we have it corrected now.  | 1  | Page 288 MS. CAMPBELL:   |
| 2   | MS. CAMPBELL:   | 2  | Where were those CO  |
| 3   | What was happening at   | 3  | sensors located?   |
| 4   | 6:10 a.m. when the CO alarm went off at   | 4  | MR. KITTS:   |
| 5   | 26 parts per million, Mr?   | 5  | The particular one that  |
| 6   | MR. KITTS:  | 6  | faulted Chuck, if you'll point it  |
| 7   | Let me speak to that,   | 7  | out, was at the tailpiece of Number One  |
| 8   | Jeff.   | 8  | Left. So it was all the way up in the  |
| 9   | MR. J.TOLER:  | 9  | face. There would have been, I   |
| 10  | Go ahead, Sam.  | 10   | believe, three additional sensors  |
| 11  | MR. KITTS:  | 11   | between that point and the mouth of  |
| 12  | You're referring to the   | 12   | that section. So that was completely   |
| 13  | article in the paper and the testimony.   | 13   | removed from the area of the seals.  |
| 14  | The mine let me be clear, first of  | 14   | Back to that detail.   |
| 15  | all, that when a CO monitor alarms, it  | 15   | MS. CAMPBELL:  |
| 16  | is not required to evacuate the mine.   | 16   | Who would have been inby   |
| 17  | The procedure is that someone goes to   | 17   | the sensor at 6:10 a.m.?   |
| 18  | the next outby location of a CO sensor  | 18   | MR. KITTS:   |
| 19  | and checks it. Then they advance up to  | 19   | No one.  |
| 20  | where the faulty alarm is with a gas  | 20   | MR. J.TOLER:   |
| 21  | tester and they do a gas check. If  | 21   | No one at that time.   |
| 22  | there's no problem, in other words, if  | 22   | MS. CAMPBELL:  |
| 23  | there's no fire or anything any   | 23   | No one? So if I  |
| 24  | other problem, they are required by   | 24   | understood you correctly, when a CO  |
| 25  | procedure to stay there and monitor the   | 25   | monitor goes off, a miner has to go  |
|   | ,   |  |  |
|   | Page 287  |  | Page 289   |
| 1   | situation until an electrician can come   | 1  | check to make sure that it is working  |
| 2   | repair the sensor.  | 2  | properly, that there's not a fire or   |
| 3   | Contrary to what was  | 3  | not did I understand that  |
| 4   | reported in the press, what happened  | 4  | correctly?   |
| 5   | Monday morning was the dispatcher saw   | 5  | MR. KITTS:   |
|   |   |  |  |
| 6   | an error flag on the computer, a  | 6  | Yes.   |
| 7   | malfunction flag, that then went to CO  | 6<br>7   | Yes.<br>MS. CAMPBELL:  |
| 7<br>8  | malfunction flag, that then went to CO alarm. He did what he was supposed to  | 6<br>7<br>8  | Yes.<br>MS. CAMPBELL:<br>Okay. So when a mother  |
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| 1  | The explosion hadn't  | Page 290 | 1  | second, which is considered a  | Page 292 |
|--|---|----------|--|--|----------|
| 2  | occurred at this time.  |          | 2  | continuous check for carbon monoxide.  |          |
| 3  | MS. CAMPBELL:   |          | 3  | This system is the best  |          |
| 4  | Well, it was about to   |          | 4  | on the market. It's like your cell   |          |
| 5  | occur because it was telling you that   |          | 5  | phone. At times you gain signal, at  |          |
| 6  | something was wrong in the mine;  |          | 6  | times you lose signal. This particular   |          |
| 7  | correct?  |          | 7  | sensor lost signal. He silenced the  |          |
| 8  | MR. KITTS:  |          | 8  | alarm so he didn't have to listen to   |          |
| 9  | The other sensors were  |          | 9  | the alarm. It showed malfunction and   |          |
| 10   | not showing any kind of an alarm at   |          | 10   | then it cleared itself. He still went  |          |
| 11   | this point. This is 6:10. In rough  |          | 11   | ahead and notified the crew, when you  |          |
| 12   | time, we're talking 20 minutes until  |          | 12   | get up there, check that sensor just to  |          |
| 13   | the explosion occurred. So as he was  |          | 13   | make sure that everything is okay.   |          |
| 14   | going through his checks, he had one  |          | 14   | The belt line for that   |          |
| 15   | sensor malfunctioning. All the other  |          | 15   | section had not been operating, I'm  |          |
| 16   | ones were good.   |          | 16   | going to say, for probably two days.   |          |
| 17   | MS. CAMPBELL:   |          | 17   | So there was no there was nothing  |          |
| 18   | Well, how did he know   |          | 18   | there that could have caused a fire,   |          |
| 19   | that it was a malfunction?  |          | 19   | nothing there that could have caused   |          |
| 20   | MR. KITTS:  |          | 20   | any heat. That was the section belt,   |          |
| 21   | He testified that the   |          | 21   | which was turned off at the section  |          |
| 22   | sensor on his computer screen would   |          | 22   | tailpiece. So there was nothing there  |          |
| 23   | flash malfunction and then go to alarm.   |          | 23   | to show or signal any type of an alarm   |          |
| 24   | Just for a second, it would flash   |          | 24   | or anything that would make you want t   | to       |
| 25   | malfunction and then it would show an   |          | 25   | investigate really any further.  |          |
|  |   |          |  |  |          |
|  |   |          |  |  |          |
|  |   | Page 291 |  |  | Page 293 |
| 1  | alarm, which is the typical response  | Page 291 | 1  | However, he did go ahead   | Page 293 |
| 2  | alarm, which is the typical response that you get through the computer  | Page 291 | 2  | and notify the crew, when they got up  | Page 293 |
| 2 3  | alarm, which is the typical response<br>that you get through the computer<br>system when you have a sensor that's   | Page 291 |  | and notify the crew, when they got up there, to go ahead and check that  | Page 293 |
| 2<br>3<br>4  | alarm, which is the typical response that you get through the computer system when you have a sensor that's gone bad.   | Page 291 | 2<br>3<br>4  | and notify the crew, when they got up<br>there, to go ahead and check that<br>sensor to make sure everything was   | Page 293 |
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| 1              |   | Page 294 | 1        | Page 296                                 |
|----------------|---|----------|----------|--|
| 1              | we're at the One Left tailpiece, we're  |          | 1        | their lives?                             |
| 2              | going to cut some flights out of the    |          | 2        | MR. STEMPLE:                             |
| 3              | feeder. That way when it goes off,      |          | 3        | Yes, ma'am.                              |
| 4              | when the alarm I'm saying goes off,     |          | 4        | MS. CAMPBELL:                            |
| 5              | it doesn't turn off. When the alarm     |          | 5        | So you haven't upgraded                  |
| 6              | alarms and signals, he knows what's     |          | 6        | to maybe a three-hour or a four-hour     |
| 7              | going on in that area, because they've  |          | 7        | supply? It's still the same one that     |
| 8              | alerted him. And then you can           |          | 8        | malfunctioned, according to Randal       |
| 9              | physically watch the CO levels on the   |          | 9        | McCloy? Four of them did not work.       |
| 10             | other sensors outby raised. And when    |          | 10       | MR. STEMPLE:                             |
| 11             | they call out that they're done, you    |          | 11       | If there's a three-hour                  |
| 12             | can watch them fall. So that he         |          | 12       | or a four-hour that's available, I'm     |
| 13             | doesn't have to sit there and listen to |          | 13       | not aware of it, ma'am.                  |
| 14             | that system alarm and that siren alarm  |          | 14       | MS. CAMPBELL:                            |
| 15             | in his ear, he goes ahead and pushes    |          | 15       | Well, I mean, this is the                |
| 16             | the silencer button.                    |          | 16       | 21st Century, I'm sure somebody can      |
| 17             | MS. CAMPBELL:                           |          | 17       | make one. Randal McCloy, in the family   |
| 18             | So do you guys have a lot               |          | 18       | letter, stated that one-third of the     |
| 19             | of faulty CO alarms?                    |          | 19       | rescuers did not work.                   |
| 20             | MR. STEMPLE:                            |          | 20       | MR. STEMPLE:                             |
| 21             | It happens, yes.                        |          | 21       | Yes, I read that also.                   |
| 22             | MS. CAMPBELL:                           |          | 22       | MS. CAMPBELL:                            |
| 23             | A lot?                                  |          | 23       | And how do you what                      |
| 24             | MR. STEMPLE:                            |          | 24       | do you feel about that? Would you want   |
| 25             | It happens.                             |          | 25       | to rely on one of those rescuers if you  |
|                | 1                                       | Page 295 |          | Page 297                                 |
| 1              | MS. CAMPBELL:                           |          | 1        | were underground?                        |
| 2              | A lot?                                  |          | 2        | MR. STEMPLE:                             |
| 3              | MR. STEMPLE:                            |          | 3        | The rescuers will provide                |
| 4              | I don't know what a lot                 |          | 4        | oxygen at a certain rate. And you can    |
| 5              | is, but it happens.                     |          | 5        | overbreathe those rescuers. You can      |
| 6              | MS. CAMPBELL:                           |          | 6        | breathe faster than they can provide     |
| 7              | Maybe you should look                   |          | 7        | oxygen. If you're in a mode where        |
| 8              | into your CO alarm system and maybe it  |          | 8        | you're moving very fastly, very          |
| 9              | needs replaced or something. And Mr.    |          | 9        | quickly, you can overbreathe those       |
| 10             | Stemple, what kind of rescuers did you  |          | 10       | units. You have to slow your breathing   |
| 11             | say that you were storing underground   |          | 11       | rate down or slow your pace down to      |
| 12             | now?                                    |          | 12       | allow those units to produce oxygen at   |
| 13             | MR. STEMPLE:                            |          | 13       | or to allow your body to take in         |
| 14             | We wear a person-wearable               |          | 14       | the oxygen as fast as a unit is          |
| 15             | self-contained self-rescuer. Right now  |          | 15       | producing the oxygen. It's not a unit    |
| 16             | we're storing those rescuers            |          | 16       | that provides pressure, so when you      |
| 17             | underground.                            |          | 17       | activate the unit, there's not oxygen    |
| 18             | MS. CAMPBELL:                           |          | 18       | coming out of it. You have to breathe    |
| 19             | The same ones that                      |          | 19       | into it and breathe out of it, or suck   |
| 20             | MR. STEMPLE:                            |          | 20       | out of it, to get oxygen. And you can    |
|                |   |          |          |  |
| 21             | Yes.                                    |          | 21       | outbreathe those units.                  |
| 21<br>22       | Yes.<br>MS. CAMPBELL:                   |          | 22       | MS. CAMPBELL:                            |
| 21<br>22<br>23 | Yes. MS. CAMPBELL: these men            |          | 22<br>23 | MS. CAMPBELL:<br>So in your opinion, are |
| 21<br>22       | Yes.<br>MS. CAMPBELL:                   |          | 22       | MS. CAMPBELL:                            |

|  | Page 298  |  | Page 30  |
|--|---|--|--|
| 1  | experience amongst these miners, that   | 1  | decade, and I fully believe that as a  |
| 2  | they didn't know how to use those   | 2  | result of what we've learned in this   |
| 3  | rescuers?   | 3  | tragic accident that it will improve.  |
| 4  | MR. STEMPLE:  | 4  | MS. COHEN:   |
| 5  | They knew how to use  | 5  | Some of the SCSRs have   |
| 6  | those rescuers, ma'am. Yes, they did.   | 6  | been recalled for defects. Are you   |
| 7  | MS. CAMPBELL:   | 7  | guys aware of that?  |
| 8  | So Randal McCloy has  | 8  | MR. HATFIELD:  |
| 9  | nothing to gain by telling us that  | 9  | I don't think we have any  |
| 10   | one-third of those rescuers didn't work   | 10   | information on that that pertains to   |
| 11   |   | 11   | the units we've received.  |
| 12   | underground and that they had to share  |  |  |
|  | while they were beating their brains  | 12   | MS. COHEN:   |
| 13   | out on the bolts and trying to get  | 13   | Mr. Kitts, I read your   |
| 14   | somebody on the surface to listen   | 14   | testimony, or your transcript, I should  |
| 15   | to hear them, to put up flags, so that  | 15   | say. Do you think the seals failed?  |
| 16   | they would know that somebody was   | 16   | MR. KITTS:   |
| 17   | looking for them. I mean, does anybody  | 17   | Do I think the seals   |
| 18   | have an opinion on that, other than   | 18   | what?  |
| 19   | myself? Because I think that's not  | 19   | MS. COHEN:   |
| 20   | very  | 20   | Failed.  |
| 21   | MR. HATFIELD:   | 21   | MR. KITTS:   |
| 22   | I can share an opinion.   | 22   | Failed?  |
| 23   | Again, the truth is we don't know the   | 23   | MS. COHEN:   |
| 24   | answer. I think all of us at this   | 24   | Uh-huh (yes).  |
| 25   | table believe that Randy McCloy has   | 25   | MR. KITTS:   |
|  |   |  |  |
|  |   |  |  |
|  | Page 299  |  | Page 30  |
| 1  | Page 299<br>described accurately what he believes   | 1  | Page 30 Well clearly, the seals  |
| 1 2  |   | 1 2  | -  |
|  | described accurately what he believes to have happened. We don't know the   |  | Well clearly, the seals failed in the sense that they're   |
| 2 3  | described accurately what he believes to have happened. We don't know the rest of the story. But Johnny was   | 2  | Well clearly, the seals failed in the sense that they're demolished. The question is, for this   |
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| 1   |  |  |  |
|---|--|--|--|
|   | Page 302   | 1  | Page 304   |
|   | I think Johnny could   | 1  | you came out, it was chaotic and you   |
| 2   | describe the model number. I don't   | 2  | came in contact with rescue workers.   |
| 3   | think we have the serial number  | 3  | The accident hadn't happened yet.  |
| 4   | information. Could you describe it,  | 4  | MR. JAMISON:   |
| 5   | Johnny?  | 5  | No.  |
| 6   | MR. STEMPLE:   | 6  | MR. HATFIELD:  |
| 7   | The model is the CSCSR   | 7  | I think he's describing  |
| 8   | 100. And each individual unit has its  | 8  | that he went out and then went back in.  |
| 9   | own serial number, and we have over 300  | 9  | Do you want to explain that better?  |
| 10  | of them at the mine.   | 10   | MR. JAMISON:   |
| 11  | MS. COHEN:   | 11   | I really couldn't hardly   |
| 12  | Okay. Mr. Toler, in your   | 12   | understand. What did she say?  |
| 13  | transcript, you were talking about   | 13   | MR. HATFIELD:  |
| 14  | walkie-talkies that the miner operators  | 14   | She was asking what time   |
| 15  | carry. Well, my dad was the miner  | 15   | you came out?  |
| 16  | operator for Two Left. Did he have a   | 16   | MR. JAMISON:   |
| 17  | walkie-talkie and did you guys ever try  | 17   | Oh, it was around 5:30,  |
| 18  | to contact them on that walkie-talkie?   | 18   | and then I went back in.   |
| 19  | MR. J.TOLER:   | 19   | MR. HATFIELD:  |
| 20  | To the best of my  | 20   | That's the point that she  |
| 21  | knowledge, there would have been five  | 21   | was missing.   |
| 22  | of those units with that crew. The   | 22   | MR. JAMISON:   |
| 23  | range is probably limited to 300 to 500  | 23   | Yeah, I went back in at  |
| 24  | feet. Sadly, I did not even I  | 24   | six o'clock.   |
| 25  | didn't even think to take a radio with   | 25   | MS. COHEN:   |
|   | Page 303   |  | Page 305   |
| 1   | me. I'm not sure that I have no  | 1  | Okay. And then you came  |
| 2   | reason to believe that given the   | 2  | back out when? After six o'clock when  |
| 3   | distance we were apart, that we would  | 3  | you re-entered I mean, when you  |
| 4   | have communicated. But it's another  | 4  | re-entered, what time did you come back  |
| 5   | part of my nightmare that I didn't have  | 5  | out for the second time?   |
| 6   | it to try. I apologize to you for  | 6  |  |
| _   |  | I O  | MR. JAMISON:   |
|   | that.  | 7  | MR. JAMISON:<br>Well, it was probably  |
| 7   | that.<br>MS. COHEN:  | 7  | Well, it was probably  |
| 7<br>8  | MS. COHEN:   | 8  | Well, it was probably about 7:30. It was after it blowed.  |
| 7<br>8<br>9   | MS. COHEN:<br>But you  | 8<br>9   | Well, it was probably about 7:30. It was after it blowed. MS. COHEN:   |
| 7<br>8<br>9<br>10   | MS. COHEN:<br>But you<br>MR. HATFIELD:   | 8<br>9<br>10   | Well, it was probably about 7:30. It was after it blowed. MS. COHEN: Where did you meet Mr.  |
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|  | Dama 20/   |  | Dama 200   |
|--|--|--|--|
| 1  | Page 306 after we started underground that I   | 1  | You said you had   |
| 2  | passed Fred. So Fred's probably  | 2  | experience at another mine with the  |
| 3  | looking between 7:40 6:45 and  | 3  | Omega block seals?   |
| 4  | excuse me, 6:50, in that range that I  | 4  | MR. J.TOLER:   |
| 5  | passed Fred.   | 5  | Yes, ma'am.  |
| 6  | MS. COHEN:   | 6  | MS. CAMPBELL:  |
| 7  | What were you doing when   | 7  | And the plan that Joe  |
| 8  | you were in there prior to   | 8  | Myers submitted, I know I kind of hit  |
| 9  | obviously you weren't on Two Left. So  | 9  | on this before, but I wanted to bring  |
| 10   | where were you during this time between  | 10   | it up because I didn't have my notes in  |
| 11   | when you re-entered at six o'clock and   | 11   | front of me. Joe Myers submitted a   |
| 12   | the explosion?   | 12   | plan. Basically, it's a plan you and   |
| 13   | MR. JAMISON:   | 13   | he had used at another mine; is that   |
| 14   | I was at Two head waiting  | 14   | correct? Is that?  |
| 15   | on them to run coal.   | 15   | MR. J.TOLER:   |
| 16   | MR. KITTS:   | 16   | Yes, ma'am.  |
| 17   | Just a minute, I'll see  | 17   | MS. CAMPBELL:  |
| 18   | if I can get you a location.   | 18   | How does the mine that   |
| 19   | MS. COHEN:   | 19   | you and Joe worked at before compare to  |
| 20   | So how did you make it   | 20   | Sago Mine conditions? Not all mines  |
| 21   | out?   | 21   | are alike. How do you know that the  |
| 22   | MR. JAMISON:   | 22   | Omega blocks could withstand the Sago  |
| 23   | Do what?   | 23   | conditions?  |
| 24   | MS. COHEN:   | 24   | MR. J.TOLER:   |
| 25   | If you were how close  | 25   | Any seal that is approved  |
|  | 5  |  |  |
|  | Page 307   |  | Page 309   |
| 1  | -  | 1  | Page 309 is approved to withstand it's   |
| 1 2  | so you're saying you were on Two Left waiting for them to run coal or  | 1 2  | <del>-</del>   |
|  | so you're saying you were on Two   |  | is approved to withstand it's  |
| 2  | so you're saying you were on Two<br>Left waiting for them to run coal or   | 2  | is approved to withstand it's approved by MSHA and it's just a matter  |
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|  | Page 310   | _  |   | Page 312 |
|--|--|--|---|----------|
| 1  | they hadn't set up. That's my opinion  | 1  | So how did you guys   |          |
| 2  | of a green block. What is your opinion   | 2  | choose the men who constructed these  |          |
| 3  | of a green block?  | 3  | seals and why were there so many  |          |
| 4  | MR. J.TOLER:   | 4  | different people involved in the  |          |
| 5  | My opinion wouldn't be   | 5  | construction of these seals?  |          |
| 6  | that it's wet to the effect that it  | 6  | MR. J.TOLER:  |          |
| 7  | wouldn't that it wasn't set up.  | 7  | At that time, we had  |          |
| 8  | They couldn't deliver this block to us   | 8  | several projects going on outby in the  |          |
| 9  | if it wasn't if it hadn't been   | 9  | mines. And it was just these the  |          |
| 10   | cured enough to if it hadn't been  | 10   | men that were available to do this  |          |
| 11   | cured to use.  | 11   | construction were the men that were   |          |
| 12   | MS. CAMPBELL:  | 12   | doing it. That's the best answer I can  |          |
| 13   |  | 13   | · ·   |          |
|  | So if you got a load of  |  | give you on that, I'm sorry.  |          |
| 14   | block that you felt were green blocks,   | 14   | MS. COHEN:  |          |
| 15   | would you construct them in a seal, or   | 15   | Did all the men that were   |          |
| 16   | would you reject those?  | 16   | constructing the seals were they  |          |
| 17   | MR. J.TOLER:   | 17   | all trained properly on how to do it?   |          |
| 18   | I have no reason not to  | 18   | And who did that training? I think at   |          |
| 19   | use them.  | 19   | one point in your transcript, you   |          |
| 20   | MR. STEMPLE:   | 20   | weren't sure who did it. Then later   |          |
| 21   | Can I interject here?  | 21   | on, I think I read that you said you  |          |
| 22   | Green what James Scott's referring   | 22   | thought you did it.   |          |
| 23   | to as a green block is a new block, as   | 23   | MR. J.TOLER:  |          |
| 24   | opposed to a used block. A lot of  | 24   | I'm sure I reviewed the   |          |
| 25   | times stoppings will be knocked down   | 25   | construction process to all the   |          |
|  |  |  | <u> </u>  |          |
|  |  |  |   |          |
|  | Page 311   |  |   | Page 313 |
| 1  | Page 311 and hand-carried or use a wheelbarrow   | 1  | supervisors that were working on that.  | Page 313 |
| 1 2  | and hand-carried or use a wheelbarrow  | 1 2  | supervisors that were working on that. All the supervisors that were working  | Page 313 |
|  | and hand-carried or use a wheelbarrow to carry them up to move them to a   |  | All the supervisors that were working   | Page 313 |
| 2  | and hand-carried or use a wheelbarrow to carry them up to move them to a different location, and they're   | 2  | All the supervisors that were working in that area were provided with a copy  | Page 313 |
| 2<br>3<br>4  | and hand-carried or use a wheelbarrow to carry them up to move them to a different location, and they're re-used. That would not be a green  | 2<br>3<br>4  | All the supervisors that were working in that area were provided with a copy of the seal construction plan as well.   |          |
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|  | Page 31   |   |   | Page 316 |
|--|---|---|---|----------|
| 1  | every one of them to see if the mesh  | 1   | MS. COHEN:  |          |
| 2  | was removed, but I did instruct them to   | 2   | Okay. Also in your  |          |
| 3  | remove the mesh.  | 3   | transcript, you said you weren't  |          |
| 4  | MS. COHEN:  | 4   | familiar with the evacuation procedure  |          |
| 5  | So did anybody check  | 5   | and that you hadn't reviewed the fire   |          |
| 6  | that? Is it documented that the wire  | 6   | and evacuation plan. Is there a reason  |          |
| 7  | mesh was removed from the seal area?  | 7   | why you hadn't?   |          |
| 8  | MR. J.TOLER:  | 8   | MR. J.TOLER:  |          |
| 9  | I think John Collins  | 9   | I had reviewed the plan.  |          |
| 10   | testified to that a little earlier,   | 10  | I don't recall I just was drawing a   |          |
|  |   |   |   |          |
| 11   | that the mesh had been removed.   | 11  | blank recalling details on it. Yes,   |          |
| 12   | MS. COHEN:  | 12  | ma'am, I  |          |
| 13   | On page 131 of your   | 13  | MS. CAMPBELL:   |          |
| 14   | transcript, you were talking about the  | 14  | Do you recall them now?   |          |
| 15   | BlocBond,   | 15  | MR. J.TOLER:  |          |
| 16   | MR. J.TOLER:  | 16  | Looking right at you, no,   |          |
| 17   | Yes, ma'am.   | 17  | I don't. But  |          |
| 18   | MS. COHEN:  | 18  | MS. CAMPBELL:   |          |
| 19   | BBond. Do you check   | 19  | So you're the   |          |
| 20   | each bag or do you just go by the color   | 20  | superintendent of the mine; correct?  |          |
| 21   | of the bag? I understand there are  | 21  | MR. J.TOLER:  |          |
| 22   | some in two different color bags.   | 22  | Yes, ma'am.   |          |
| 23   | MR. J.TOLER:  | 23  | MS. CAMPBELL:   |          |
| 24   | Yes, ma'am. There's a   | 24  | I would think you should  |          |
| 25   |   | 25  | know those, and I suggest that you  |          |
| 25   | green bag that is labeled as BBond, and   | 25  | know those, and I suggest that you  |          |
|  |   |   |   |          |
|  | Page 31   |   |   | Page 317 |
| 1  | Page 31!  | _   | learn them  | Page 317 |
| 1  | a blue bag labeled as BlocBond. The   | 1   | learn them.   | Page 317 |
| 2  | a blue bag labeled as BlocBond. The seal plan is specific to use the blue   | 1 2   | MR. J.TOLER:  | Page 317 |
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|  | Page 318   |   | Page 320  |
|--|--|---|---|
| 1  | State mine inspectors and Federal mine   | 1   | talking about the section in Sago that  |
| 2  | inspectors carry on their belt when  | 2   | he made there? Me, personally, when I   |
| 3  | they come to the mine. That is the   | 3   | used to fire boss coal mines, to fire   |
| 4  | most commonly used self-rescuer in the   | 4   | boss a section was about 40, 45   |
| 5  | industry. But I continue to believe  | 5   | minutes. That's to make a six-entry   |
| 6  | that it can and should be significantly  | 6   | section, to make all the faces, to  |
| 7  | improved.  | 7   | check my ventilation and get my last  |
| 8  | MS. COHEN:   | 8   | open crosscut, area.  |
| 9  | Mr. Toler, how often do  | 9   | MS. CAMPBELL:   |
| 10   | you go underground to check things out?  | 10  | So would that 45  |
| 11   | Do you make routine trips underground  | 11  | minutes, would that have been an area   |
| 12   | · · · · · · · · · · · · · · · · · · ·  | 12  | of about how much Mr. Jamison would   |
| 13   | every day?<br>MR. J.TOLER:   | 13  |   |
|  |  |   | have been fire bossing that day or more   |
| 14   | Not every day, no.   | 14  | or less or?   |
| 15   | MS. COHEN:   | 15  | MR. MCKINNEY:   |
| 16   | So how often do you do   | 16  | I don't really know what  |
| 17   | it?  | 17  | Mr. Jamison did that day. I'm trying  |
| 18   | MR. J.TOLER:   | 18  | to give you a   |
| 19   | It can vary week by week.  | 19  | MS. CAMPBELL:   |
| 20   | Yeah. On a good week, I'll go under  | 20  | We don't either. Sorry.   |
| 21   | three or four times in the week.   | 21  | MR. MCKINNEY:   |
| 22   | Obviously this week, I won't.  | 22  | I'm trying to give you an   |
| 23   | MS. COHEN:   | 23  | answer of personal experience that I  |
| 24   | And Mr. Jamison, did   | 24  | had when I fire bossed and that's about   |
| 25   | anyone inform you of the gas, the  | 25  | what it was for an average section for  |
| -  |  |   |   |
|  | Page 319   |   | Page 321  |
| 1  | methane gas, that had been leaking   | 1   | me.   |
| 2  | around the seal before you went to do  |   |   |
| 2  |  | 2   | CHAIR:  |
| 3  | your fire boss? Were you aware that  | 2   | CHAIR:<br>If I could ask for a  |
| 4  | your fire boss? Were you aware that they were finding levels of methane  |   |   |
|  |  | 3   | If I could ask for a  |
| 4  | they were finding levels of methane  | 3<br>4  | If I could ask for a break just a moment? We'll take a five-minute break, and then come back  |
| 4<br>5   | they were finding levels of methane around the seal?   | 3<br>4  | If I could ask for a break just a moment? We'll take a  |
| 4<br>5<br>6<br>7   | they were finding levels of methane around the seal? MR. JAMISON:  | 3<br>4<br>5<br>6  | If I could ask for a break just a moment? We'll take a five-minute break, and then come back to ask more questions. Thank you.  |
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|  | D 200   |  | D 224  |
|--|---|--|--|
| 1  | Page 322  | 1  | Page 324   |
| 1  | I have in front of me are copies of the   | 1<br>2   | That what? MS. CAMPBELL:   |
| 2  | pre-shift mine examiner's report from both One Left and Two Left on the   | 3  | The pump that you were   |
|  |   |  | ' '  |
| 4  | morning of January 2nd, as well as the  | 4  | working with, you said that there was a  |
| 5  | outby or belt report and the weekly   | 5  | pump down and that you couldn't get it   |
| 6  | examination for the prior week. So  | 6  | to kick on.  |
| 7  | we'll make those available, all four of   | 7  | MR. JAMISON:   |
| 8  | them, to the family. These are from   | 8  | Oh, that wasn't at the   |
| 9  | our copies.   | 9  | face. That was out by the face.  |
| 10   | CHAIR:  | 10   | MS. CAMPBELL:  |
| 11   | Thank you very much, sir.   | 11   | So you were already on   |
| 12   | Now I'd like to ask the legislators   | 12   | your way out by then?  |
| 13   | for questions. We have about one  | 13   | MR. JAMISON:   |
| 14   | microphone, which we'll have to ask   | 14   | Yes.   |
| 15   | them to pass around. But let me turn  | 15   | MS. CAMPBELL:  |
| 16   | to Senator Kessler to open with the   | 16   | So that wasn't included  |
| 17   | questions. And since I can't see you  | 17   | in the 25 minutes?   |
| 18   | from here, maybe you fellows can handle   | 18   | MR. JAMISON:   |
| 19   | it.   | 19   | No. No.  |
| 20   | SENATOR KESSLER:  | 20   | MS. CAMPBELL:  |
| 21   | Mr. Chairman, we spent a  | 21   | Thank you.   |
| 22   | lot of time talking about the amount of   | 22   | SENATOR KESSLER:   |
| 23   | time required for a fire boss run.  | 23   | Mr. Stemple, what was the  |
| 24   | Could I ask that Fred Jamison be given  | 24   | time span between the explosion and the  |
| 25   | the opportunity to explain what his   | 25   | initial call to the Upshur County  |
|  |   |  |  |
|  | Page 323  |  | Page 325   |
| 1  | Page 323 view of how long it should take? It  | 1  | Page 325<br>Communication Center?  |
| 1 2  | view of how long it should take? It   | 1 2  | Communication Center?  |
| 2  | view of how long it should take? It will just take a moment to clarify that   | 2  | Communication Center? MR. STEMPLE:   |
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|  | Page 326  |  |  | Page 328 |
|--|---|--|--|----------|
| 1  | coal, but you did have some people in   | 1  | a series of boreholes that were drilled  |          |
| 2  | there working, doing repairs. Is that   | 2  | down from the surface to points of   |          |
| 3  | I don't know who wants to take  | 3  | deepest penetration in that panel, and   |          |
| 4  | that, but   | 4  | it's returning out those holes.  |          |
| 5  | MR. J.TOLER:  | 5  | SENATOR KESSLER:   |          |
| 6  | That is not entirely  | 6  | How many boreholes were  |          |
| 7  | correct. We produced coal on Friday.  | 7  | installed after the explosion in the   |          |
| 8  | We did not produce coal on Saturday and   | 8  | sealed area?   |          |
| 9  | Sunday. But there were individuals  | 9  | MR. STEMPLE:   |          |
| 10   | working on Saturday and Sunday.   | 10   | Three.   |          |
| 11   | SENATOR KESSLER:  | 11   | DELEGATE HAMILTON:   |          |
| 12   | On Saturday and Sunday  | 12   | Excuse me. It's five.  |          |
| 13   | you did have men people in the  | 13   | There are three boreholes up on the  |          |
| 14   | mine?   | 14   | head end.  |          |
| 15   | MR. STEMPLE:  | 15   | SENATOR KESSLER:   |          |
| 16   | Yes, sir.   | 16   | Could you point with   |          |
| 17   | SENATOR KESSLER:  | 17   | the please?  |          |
| 18   | On days of inactivity, no   | 18   | DELEGATE HAMILTON:   |          |
| 19   | production, who fire bosses the mine?   | 19   | I'll try. There are  |          |
| 20   | Is it a fire boss or a pump man?  | 20   | three boreholes in that area. One of   |          |
| 21   | MR. J.TOLER:  | 21   | them is 24 inches. We were concerned,  |          |
| 22   |   | 22   |  | '        |
| 23   | The guys that are working   | 23   | along with the regulatory agencies,  |          |
|  | there, there would be a certified   | 23<br>24   | that you could have a methane buildup  |          |
| 24   | foreman there that would be required to   |  | in the face of these old mains here  |          |
| 25   | examine the mines. On Saturday, I   | 25   | that wouldn't get flushed out, so two  |          |
|  |   |  |  |          |
|  | Page 327  |  |  | Page 329 |
| 1  | Page 327  | 1  | additional holes were drilled in the   | Page 329 |
| 1 2  | think I did have fire bosses that   | 1  | additional holes were drilled in the   | Page 329 |
| 2  | think I did have fire bosses that worked Saturday, and they should have   | 2  | face of the old mains. So there's a  | Page 329 |
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|  |   | Page 330 | _  |  | Page 332 |
|--|---|----------|--|--|----------|
| 1  | before we could ventilate the area, we  |          | 1  | pounding on a roof bolt to signal where  |          |
| 2  | first had to pump it down. And we'll  |          | 2  | they were?   |          |
| 3  | get into that in detail tomorrow during   |          | 3  | DELEGATE HAMILTON:   |          |
| 4  | the investigation panel.  |          | 4  | I'll let Ty Coleman  |          |
| 5  | SENATOR KESSLER:  |          | 5  | answer that question.  |          |
| 6  | So there was no   |          | 6  | MR. COLEMAN:   |          |
| 7  | discussion that you would after the   |          | 7  | During the mine emergency  |          |
| 8  | explosion, that you would reseal that   |          | 8  | operations, we did ask for the what  |          |
| 9  | area? That was out of the question?   |          | 9  | we call the seismograph truck, the   |          |
| 10   | DELEGATE HAMILTON:  |          | 10   | truck, on two different occasions.   |          |
| 11   | Well, it just wasn't  |          | 11   | MR. STEMPLE:   |          |
| 12   | practical in order to complete the  |          | 12   | You have to talk into the  |          |
| 13   | investigation. So the decision was to   |          | 13   | mic.   |          |
| 14   | ventilate it.   |          | 14   | MR. COLEMAN:   |          |
| 15   | MR. HATFIELD:   |          | 15   | We had asked for the   |          |
| 16   | More to the point,  |          | 16   | seismograph truck from MSHA on two   |          |
| 17   | frankly, our comfort level with sealed  |          | 17   | different occasions, and not only  |          |
| 18   | areas at Sago simply wasn't such that   |          | 18   | myself but other panel members, who  |          |
| 19   | we were comfortable sealing that area.  |          | 19   | I'll let interject as they wish.   |          |
| 20   | We made the determination we would  |          | 20   | SENATOR KESSLER:   |          |
| 21   | permanently ventilate it until we knew  |          | 21   | And where was that truck?  |          |
| 22   | exactly what had happened.  |          | 22   | MR. COLEMAN:   |          |
| 23   | SENATOR KESSLER:  |          | 23   | I do not know, sir.  |          |
| 24   | Can you all show me on  |          | 24   | SENATOR KESSLER:   |          |
| 25   | the map where the where all the   |          | 25   | Who would have that  |          |
|  |   |          |  |  |          |
|  |   | D 224    |  |  | D 222    |
| 1  | hattary charging stations are in the  | Page 331 | 1  | anguar?  | Page 333 |
| 1  | battery charging stations are in the  | Page 331 | 1  | answer?  | Page 333 |
| 2  | mine?   | Page 331 | 2  | MR. COLEMAN:   | Page 333 |
| 2  | mine?<br>MR. KITTS:   | Page 331 | 2  | MR. COLEMAN:<br>That would be an MSHA  | Page 333 |
| 2<br>3<br>4  | mine? MR. KITTS: I don't have that level  | Page 331 | 2<br>3<br>4  | MR. COLEMAN:<br>That would be an MSHA<br>question.   | Page 333 |
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|  | Page 334   |  | Page 33  | 36  |
|--|--|--|--|-----|
| 1  | I'll direct this question  | 1  | the lightning strike?  |     |
| 2  | to Mr. Jamison, the fire boss, or any  | 2  | MR. J.TOLER:   |     |
| 3  | of you. It's long been   | 3  | No. It would be unlikely   |     |
| 4  | a principle of investigations to sort  | 4  | that Terry would have been starting  |     |
| 5  | of look where the people activity is   | 5  |  |     |
| 6  | taking place. Ninety-nine (99) percent   | 6  | SENATOR LOVE:  |     |
| 7  | of the time the activity will either   | 7  | I understand in the  |     |
| 8  | directly or indirectly lead to the   | 8  | previous closed interview statements,  |     |
| 9  | cause of the accident. And the closest   | 9  | in the mine, if I read that mine map   | - 1 |
| 10   | or the closest activity to that  | 10   | properly, the electrical source now  |     |
| 11   | sealed area was the belt attendant, the  | 11   | known to be closest to the seals was a   |     |
| 12   | fire boss, Jerry Helms. That's where   | 12   | portable welder in the shop area under   |     |
| 13   | his body was located. And his body was   | 13   | construction. Did state or federal   |     |
| 14   | found at the beginning of the mouth of   | 14   | investigators examine the portable   |     |
| 15   | Two Left. I understand he went into  | 15   | welder? And where is the welder now?   |     |
| 16   | the mines early; fire bossed One Left,   | 16   | MR. J.TOLER:   |     |
| 17   | then went to the coal belt transfer  | 17   | That's as far as   |     |
| 18   | point at Two Left. And this is where   | 18   | whether they examined that, you would  |     |
| 19   | the coal belt from Two Left dumps the  | 19   | have to direct that question to them.  |     |
| 20   | coal into the main belt. I think his   | 20   | CHAIR:   |     |
| 21   | regular job was attendant at Two Left.   | 21   | Did you examine it as  |     |
| 22   | But this would have this would   | 22   | part of your investigation?  |     |
| 23   | have he would have checked probably  | 23   | MR. J.TOLER:   |     |
| 24   | and cleaned up the area, then started  | 24   | Me, personally, no.  |     |
| 25   | the belts and maybe some other   | 25   | CHAIR:   |     |
|  |  |  |  | _   |
|  |  |  |  |     |
| 1  | Page 335   | 1  | Page 33  | 37  |
| 1  | equipment. There was a shop under  | 1  | But ICG examined it?   | 37  |
| 2  | equipment. There was a shop under construction in this area, in the old  | 2  | But ICG examined it? UNIDENTIFIED SPEAKER:   | 37  |
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|  | D 220   |  | D 04   |    |
|--|---|--|--|----|
| 1  | Page 338 welder. It's known the welder was  | 1  | Page 34 SENATOR LOVE:  | .0 |
| 2  | there.  | 2  | In May of 2001, the  |    |
| 3  | MR. KITTS:  | 3  | National Institute of Safety and   |    |
| 4  | If it was there after the   | 4  | Health, I guess it's called NIOSH,   |    |
| 5  | explosion, it would have been   | 5  | issued a technology news bulletin  |    |
| 6  | documented on the mapping, the mapping  | 6  | entitled, Reducing the Danger of   |    |
| 7  | effort. The mapping effort documented   | 7  | Explosions in Sealed Areas. Now, this  |    |
| 8  | everything in the mine from the portal  | 8  | bulletin was the result of a study of a  |    |
| 9  | all the way to the  | 9  | sealed area in a coal mine in Alabama  |    |
| 10   | all the faces. So if there would  | 10   | where the seals were blown out or  |    |
|  |   | 11   |  |    |
| 11   | have been some object there, it should  |  | damaged on three different occasions,  |    |
| 12<br>13   | be in the document. SENATOR LOVE:   | 12   | once in 1994, once in 1996 and again in  |    |
|  |   | 13   | 1997. These explosions were all  |    |
| 14   | Let me ask you another  | 14   | believed to have been methane  |    |
| 15   | question then. Why did the mine, the  | 15   | explosions ignited by lightning. Now,  |    |
| 16   | state and the federal personnel miss  | 16   | for these explosions to occur, the   |    |
| 17   | the absence of lightning arresters? I   | 17   | methane had to be in the explosive   |    |
| 18   | understand there were no lightning  | 18   | range of 5 to 15 percent. Methane will   |    |
| 19   | arresters.  | 19   | not explode above 15 percent.  |    |
| 20   | MR. HATFIELD:   | 20   | NIOSH found that if the  |    |
| 21   | Your question is why did  | 21   | ventilation pressures were balanced at   |    |
| 22   | they miss the absence? I didn't   | 22   | the seal location, the methane levels  |    |
| 23   | understand that question. Could you   | 23   | would rise to above 15 percent and be  |    |
| 24   | repeat it? I did not hear your  | 24   | maintained above the explosive range.  |    |
| 25   | question.   | 25   | And in 1997, after building new seals,   |    |
|  |   |  |  | _  |
|  | Page 339  |  | Page 34  | 1  |
| 1  | Page 339 SENATOR LOVE:  | 1  |  | 1  |
|  | SENATOR LOVE:   |  | the ventilation was balanced,  | 1  |
| 1 2 3  | SENATOR LOVE:<br>Why did the mine company,  | 1<br>2<br>3  | the ventilation was balanced, minimizing the pressure differential   | 1  |
| 2  | SENATOR LOVE: Why did the mine company, the state and the federal personnel,  | 2  | the ventilation was balanced,<br>minimizing the pressure differential<br>across seals in that Alabama mine,  | 1  |
| 2  | SENATOR LOVE:<br>Why did the mine company,  | 2  | the ventilation was balanced, minimizing the pressure differential   | ·1 |
| 2<br>3<br>4  | SENATOR LOVE: Why did the mine company, the state and the federal personnel, miss the absence of lightning  | 2<br>3<br>4  | the ventilation was balanced,<br>minimizing the pressure differential<br>across seals in that Alabama mine,<br>which is similar to Sago. At the time<br>of the issuance of May 2001, no further  | 1  |
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|  | Page 2/12  |  | Page 244  |
|--|--|--|---|
| 1  | Page 342 transmitted into the sealed area. So  | 1  | Page 344<br>And do you know   |
| 2  | on occasions where we didn't have a  | 2  | approximately when that occurred then?  |
| 3  | clear conduit from the surface into the  | 3  | MR. KITTS:  |
| 4  | sealed area, we didn't think it was a  | 4  | My recollection is in the   |
| 5  | risk. I think that's generally true of   | 5  | fall. Jeff might have a more specific   |
| 6  | the industry in general.   | 6  | date.   |
| 7  | SENATOR LOVE:  | 7  | MR. J.TOLER:  |
| 8  | Can I ask you one final  | 8  | It was late September or  |
| 9  | question? Why was the methane allowed  | 9  | early October, I think, is when we  |
| 10   | to accumulate in that mine to the 5 to   | 10   | pulled off that section.  |
| 11   | 15 percent level, unmonitored? It  | 11   | SENATOR KESSLER:  |
| 12   | seems that it wasn't it was  | 12   | Okay. And when then were  |
| 13   | unmonitored.   | 13   | the seals in place?   |
| 14   | MR. HATFIELD:  | 14   | MR. J.TOLER:  |
| 15   | With respect to why the  | 15   | Well, construction began  |
| 16   | methane was allowed to accumulate in a   | 16   | the end of October and continued  |
| 17   | sealed area, indeed, by design that's  | 17   | through the middle of December.   |
| 18   | what's supposed to happen. That is the   | 18   | SENATOR KESSLER:  |
| 19   | means by which a sealed area becomes   | 19   | And what I'm trying to  |
| 20   | safe. The methane increases from the   | 20   | get at is the condition of the sealed   |
| 21   | day that you close off the seal, the   | 21   | area prior to the time it being   |
| 22   | oxygen decreases, and you achieve an   | 22   | completely sealed. Were there any type  |
| 23   | inert and stable environment. And  | 23   | of photos, testing or other   |
| 24   | that's what has been very successful in  | 24   | documentations on any type of gas   |
| 25   | this industry for many years. So the   | 25   | levels or anything else concerning the  |
|  |  |  |   |
|  | Page 343   |  |   |
| 1  | -  | 4  | Page 34   |
| 1  | fact that methane was rising behind the  | 1  | condition of that area?   |
| 2  | fact that methane was rising behind the seals is not only expected, it's indeed  | 2  | condition of that area?<br>MR. KITTS:   |
| 2  | fact that methane was rising behind the seals is not only expected, it's indeed the plan, if you will, and that's how  | 2  | condition of that area? MR. KITTS: That area would have been  |
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| 1  | Page 346 All of those records have   | 1  | no cortification requirement, either by   | Page 348 |
|--|--|--|---|----------|
| 1 2  | been turned over.  | 1<br>2   | no certification requirement, either by<br>the State of West Virginia, 22 Code, or  |          |
| 3  | SENATOR KESSLER:   | 3  | the CFR 30, pursuant to seal  |          |
| 4  | And there's a question   | 4  | construction.   |          |
| 5  | made earlier by some of the family   | 5  | SENATOR KESSLER:  |          |
| 6  | members when the seal was installed and  | 6  | Or properly trained.  |          |
| 7  | the Omega blocks used. You contracted  | 7  | Were the individuals were they  |          |
| 8  | that out; is that correct?   | 8  | properly trained? Had individuals who   | - 1      |
| 9  | MR. KITTS:   | 9  | put who constructed these seals,  | - 1      |
| 10   | The question was, was the  | 10   | had they been experienced in laying   |          |
| 11   | construction of the seals contracted   | 11   | Omega block?  | - 1      |
| 12   | out?   | 12   | MR. COLEMAN:  |          |
| 13   | SENATOR KESSLER:   | 13   | That would come under the   |          |
| 14   | Was that done?   | 14   | gamut of task training.   |          |
| 15   | MR. KITTS:   | 15   | SENATOR KESSLER:  |          |
| 16   | No. It was all ICG   | 16   | Pardon?   | - 1      |
| 17   | employees that constructed the seals,  | 17   | MR. COLEMAN:  |          |
| 18   | plus I'll let Jeff Toler answer the  | 18   | That would come under the   |          |
| 19   | question.  | 19   | gamut of task training.   |          |
| 20   | MR. J.TOLER:   | 20   | SENATOR KESSLER:  |          |
| 21   | The construction was done  | 21   | I just got another  |          |
| 22   | primarily by ICG employees. But I also   | 22   | question. I think it probably goes to   |          |
| 23   | had a few employees there that were  | 23   | Mr. Jamison. Mr. Jamison, you've  |          |
| 24   | employees of Garrett Mine Service that   | 24   | talked and advised that you arrived at  |          |
| 25   | worked on it as well.  | 25   | about 2:30, is that correct, in the   |          |
|  |  |  |   |          |
|  | Page 347   |  |   | Page 349 |
| 1  | Page 347 SENATOR KESSLER:  | 1  | morning?  | Page 349 |
| 1 2  | _  | 1 2  | morning?<br>MR. JAMISON:  | Page 349 |
|  | SENATOR KESSLER:   |  | •   | Page 349 |
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|  | Page 350  |  | Page 352  |
|--|---|--|---|
| 1  | in to 22 block. I had a pump sitting  | 1  | Yeah. I carry a Nine  |
| 2  | in the return. So I went in and it  | 2  | Central book. It's a little tablet.   |
| 3  | wasn't running. So I made a note of it  | 3  | SENATOR KESSLER:  |
| 4  | and come back and went to Four head,  | 4  | And did you take any  |
| 5  | picked up the mantrip, went up to the   | 5  | notes?  |
| 6  | mouth of One Left or Two Left.  | 6  | MR. JAMISON:  |
| 7  | Walked up and done the face and come  | 7  | I did write in there that   |
| 8  | back. And when I got back to the jeep,  | 8  | that pump was down. And then when I   |
| 9  | I seen he'd left his bucket and thermos   | 9  | got outside, I looked at it and told  |
| 10   | on the jeep. I told the dispatcher  | 10   | John Boni that that pump was down. He   |
| 11   | that I'd leave it at One Left so he   | 11   | was to go check it.   |
| 12   | could get it. So I proceeded to come  | 12   | SENATOR KESSLER:  |
| 13   | back outside. And I come back to Three  | 13   | And then you put it back  |
| 14   | head, checked Three head out, see if it   | 14   | in your shirt and?  |
| 15   | had any rock, there are any posts in  | 15   | MR. JAMISON:  |
| 16   | it, went down the belt line, come back  | 16   | Right.  |
| 17   | up and got on the Jeep, went down to  | 17   | SENATOR KESSLER:  |
| 18   | Two head and done the same thing. And   | 18   | And was that the only   |
| 19   | then I proceeded to come on outside.  | 19   | thing that you remember writing in your   |
| 20   | SENATOR KESSLER:  | 20   | notes that day?   |
| 21   | And you indicated that  | 21   | MR. JAMISON:  |
| 22   | you then went back in; is that right?   | 22   | I didn't have any   |
| 23   | MR. JAMISON:  | 23   | violation or nothing to write.  |
| 24   | At six o'clock I went   | 24   | SENATOR KESSLER:  |
| 25   | back in to Two head, and I was going to   | 25   | Because I thought I heard   |
|  | Page 351  |  | Page 353  |
| 1  |   |  |   |
|  | wait until they started running coal.   | 1  | you say, and I could be wrong, that the   |
| 2  | wait until they started running coal.  Because sometimes they run a lot of  | 1<br>2   | you say, and I could be wrong, that the section looked good and that you did  |
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| 2  | Because sometimes they run a lot of rock, posts and cribs and you got to clean them out of the head.  | 2  | section looked good and that you did not write anything down in your MR. JAMISON:   |
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|  |   |          |  |  | _        |
|--|---|----------|--|--|----------|
|  |   | Page 354 | _  | CENIATOR VECCIER   | Page 356 |
| 1  | to try to locate it after you knew that   |          | 1  | SENATOR KESSLER:   |          |
| 2  | an explosion had occurred?  |          | 2  | And that would have been   |          |
| 3  | MR. JAMISON:  |          | 3  | turned on by the dispatcher, not by  |          |
| 4  | No. I never been back to  |          | 4  | Terry?   |          |
| 5  | that mine.  |          | 5  | MR. JAMISON:   |          |
| 6  | SENATOR KESSLER:  |          | 6  | No, the dispatcher   |          |
| 7  | When was the first time   |          | 7  | outside. They start them up and let  |          |
| 8  | that you notified anybody that your   |          | 8  | them run so they get wet.  |          |
| 9  | notes and field notes as a fire boss  |          | 9  | SENATOR KESSLER:   |          |
| 10   | may have been left in the laundry   |          | 10   | Had you worked how   |          |
| 11   | before today? I mean, when was the  |          | 11   | long had you been a fire boss prior to   |          |
| 12   | first time that?  |          | 12   | January 2nd?   |          |
| 13   | MR. JAMISON:  |          | 13   | MR. JAMISON:   |          |
| 14   | I think Greg Nestor   |          | 14   | '81.   |          |
| 15   | called me, and I I think I  |          | 15   | SENATOR KESSLER:   |          |
| 16   |   |          | 16   | Since 1981?  |          |
| 17   | mentioned it to him that my clothes were there.   |          | 17   |  |          |
|  |   |          |  | MR. JAMISON:   |          |
| 18   | SENATOR KESSLER:  |          | 18   | Right.   |          |
| 19   | And when was that?  |          | 19   | SENATOR KESSLER:   |          |
| 20   | MR. JAMISON:  |          | 20   | And had you worked   |          |
| 21   | That was I believe it   |          | 21   | continuously at the Sago Mine or at  |          |
| 22   | was that evening.   |          | 22   | predecessors or?   |          |
| 23   | SENATOR KESSLER:  |          | 23   | MR. JAMISON:   |          |
| 24   | You never made an attempt   |          | 24   | I've worked I've   |          |
| 25   | to go back to try to find your notes?   |          | 25   | worked Sago and Spruce and I've  |          |
|  |   |          |  |  |          |
|  |   | Page 355 |  |  | Page 357 |
| 1  | MP IAMISON:   | Page 355 | 1  | worked all of them   | Page 357 |
| 1  | MR. JAMISON:  | Page 355 | 1  | worked all of them.  | Page 357 |
| 2  | Usually they send your  | Page 355 | 2  | SENATOR KESSLER:   | Page 357 |
| 2 3  | Usually they send your send our clothes on over to the other  | Page 355 | 2  | SENATOR KESSLER:<br>How about at the Sago  | Page 357 |
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| 1  |   |  |   |
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|  | Page 358  | 1  | Page 360  |
| 2  | to pre-shift, to check the conditions of the mine?  | 1<br>2   | I just have just a couple   |
| 3  | MR. JAMISON:  | 3  | more. And it probably deals with a map I was provided early on in the   |
|  |   |  | ·   |
| 4  | Yeah, that's my job. I  | 4  | investigation behind the sealed area.   |
| 5  | mean, I that's what I do. SENATOR KESSLER:  | 5  | And I'm not sure who maybe you may  |
| 6  |   | 6<br>7   | know, but there appears to be a at  |
| 7  | Did you do any type of  | 8  | least on the map I'm looking at, a well that's behind a sealed area. Is that a  |
| 8<br>9   | checking for any type of methane as a fire boss on the morning of January   | 9  | methane well; do you know? Would  |
| 10   | 2nd?  | 10   | anybody?  |
| 11   | MR. JAMISON:  | 11   | MR. KITTS:  |
| 12   | Yes.  | 12   |   |
| 13   | SENATOR KESSLER:  | 13   | You're referring to this one?   |
| 14   |   | 14   | SENATOR KESSLER:  |
| 15   | And would you just  | 15   |   |
| 16   | describe what you did for the? MR. JAMISON:   | 16   | Yes, it appears to be. Was that in operation?   |
| 17   | Well, I carry a spotter,  | 17   | MR. KITTS:  |
| 18   | and it checked all the time for you.  | 18   | Yes. That's a natural   |
| 19   | All you got to do is just look at it.   | 19   | gas well.   |
| 20   | And if you don't look at it and you run   | 20   | SENATOR KESSLER:  |
| 21   | into gas, it sets an alarm off.   | 21   | Methane gas?  |
| 22   | SENATOR KESSLER:  | 22   | MR. KITTS:  |
| 23   | And did you make any  | 23   | Yes.  |
| 24   | and I take it you made no notations   | 24   | SENATOR KESSLER:  |
| 25   | that there were did you get any   | 25   | Natural gas. And how far  |
|  |   |  |   |
|  | Page 359  |  | Page 361  |
| 1  | type of reading?  |  |   |
|  | type of reading?  | 1  | was that from your operation? Is that   |
| 2  | MR. JAMISON:  | 2  | a I'm trying to look at the scale.  |
| 2  | MR. JAMISON:<br>.1 usually.   | _  | a I'm trying to look at the scale. MR. KITTS:   |
| 2<br>3<br>4  | MR. JAMISON:<br>.1 usually.<br>SENATOR KESSLER:   | 2<br>3<br>4  | <ul><li>a I'm trying to look at the scale.</li><li>MR. KITTS:</li><li>It was 108 feet from the</li></ul>  |
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|  | Page 362   |  | Page 364  |
|--|--|--|---|
| 1  | abandoned mine section area?   | 1  | corrects, and correct me if I'm wrong,  |
| 2  | MR. KITTS:   | 2  | Jeff, but I think it doubled to 40,000  |
| 3  | No, sir.   | 3  | to 50,000 CFM.  |
| 4  | SENATOR KESSLER:   | 4  | MR. J.TOLER:  |
| 5  | I was just trying to   | 5  | Yes, sir, that's correct.   |
| 6  | determine if there was any type of   | 6  | DELEGATE CAPUTO:  |
| 7  | thing that may have served as a  | 7  | I was wondering, could  |
| 8  | conductor over into that area. Are you   | 8  | you find or maybe you've already  |
| 9  | folks satisfied that there was nothing   | 9  | done it, quantities at the fan, how   |
| 10   | in that well that could have been a  | 10   | much they went up also, before and  |
| 11   | conduit for the alleged lightning  | 11   | after?  |
| 12   | strike in that area?   | 12   | MR. J.TOLER:  |
| 13   | MR. KITTS:   | 13   | The fan itself Carl,  |
| 14   | There have been numerous   | 14   |   |
|  |  |  | correct me if I'm wrong. It went from   |
| 15   | parties that have inspected that entire  | 15   | probably around 100,000 up to 160,000   |
| 16   | area adjacent to that well. And to   | 16   | on this air change.   |
| 17   | date, we have not been able to find any  | 17   | DELEGATE CAPUTO:  |
| 18   | indication that it was related.  | 18   | I'm sorry?  |
| 19   | SENATOR KESSLER:   | 19   | MR. J.TOLER:  |
| 20   | That's all I have.   | 20   | The fan itself  |
| 21   | DELEGATE CAPUTO:   | 21   | immediately in by the fan the air   |
| 22   | Thank you. This morning,   | 22   | quantity probably jumped from around  |
| 23   | one of the panels was talking about  | 23   | 90,000 to 100,000 CFMs up to 160,000,   |
| 24   | that you all, I didn't pick it up  | 24   | so an increase of 60,000 to 70,000 CFM  |
| 25   | exactly, had either changed the fan,   | 25   | at the fan.   |
|  |  |  |   |
|  |  |  |   |
|  | Page 363   |  | Page 365  |
| 1  | Page 363 changed the speed, changed the blades   | 1  | Page 365 DELEGATE CAPUTO:   |
| 1 2  | -  | 1 2  |   |
|  | changed the speed, changed the blades  |  | DELEGATE CAPUTO:  |
| 2  | changed the speed, changed the blades or did something that improved the   | 2  | DELEGATE CAPUTO:<br>How did you do that? Was  |
| 2  | changed the speed, changed the blades or did something that improved the overall quantity of air and   | 2<br>3   | DELEGATE CAPUTO: How did you do that? Was it a blade speed or a new fan? How did  |
| 2<br>3<br>4  | changed the speed, changed the blades or did something that improved the overall quantity of air and ventilation. Could you talk about that  | 2<br>3<br>4  | DELEGATE CAPUTO: How did you do that? Was it a blade speed or a new fan? How did you do that? MR. J.TOLER:  |
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| 25 you're blowing through that section, 25 up here. What area of the mine were   |
|  |
| Page 367 Page 3  |
|  |
| 1 now blowing to the outside? What's the 1 you responsible for on the fire boss  |
| 2 total quantity out of those five holes? 2 run that January 2nd? The Two Left   |
| 3 MR. J.TOLER: 3 section; is that correct?   |
| 4 Do you have that answer? 4 MR. JAMISON:  |
| 5 MR. CRUMRINE: 5 Yes.   |
| 6 I believe it's been 8,000 6 SENATOR CARUTH:  |
| 7 and 9,000 going into the intake. 7 How about the seal areas?   |
| 8 DELEGATE CAPUTO: 8 MR. JAMISON:  |
| 9 What's the methane 9 No.   |
| 10 content going out now? 10 SENATOR CARUTH:   |
| 11 MR. CRUMRINE: 11 You didn't do any spot   |
| 12 All of our holes are 12 checks  |
| 13 reading zero, with the exception of one 13 MR. JAMISON:   |
| 14 jumped up to eight-tenths for some 14 I don't   |
| 15 reason. I went up and checked it the 15 SENATOR CARUTH:   |
| 16 very next day. And that was the same 16 at the intakes of the   |
| 17 hole when we were drilling and drilled 17 seals or anything like that?  |
| 18 into it that it had methane in the hole 18 MR. JAMISON:   |
| 19 itself, not in the mines, but the 19 No.  |
| 20 methane was coming out of the hole. 20 MR. KITTS:   |
| 21 DELEGATE CAPUTO: 21 Excuse me. Mr. Chairman,  |
| 22 Eight-tenths is the 22 it might be helpful if we can help Fred  |
| 23 highest reading that you've had? Is 23 point out what areas he did fire boss  |
| 24 that what you said? 24 on the map, right here on the computer.  |
| 25 MR. CRUMRINE: 25 CHAIR:   |

| 1   | D 270   |   |  | D 070    |
|---|---|---|--|----------|
|   | Page 370  If you could do that, Mr.   | 1   | Did you just carry it in   | Page 372 |
| 2   | Jamison, with Mr. Kitts. Point out on   | 2   | your hand or in your pouch and walk  | - 1      |
| 3   | the map with the cursor what areas you  | 3   | those faces to determine if CH4 was  | - 1      |
| 4   | did fire boss that day. If you would  | 4   | present?   |          |
| 5   | step up, Mr. Jamison, to go over there.   | 5   | MR. JAMISON:   |          |
| 6   | MR. JAMISON:  | 6   | I carry it and sometimes   |          |
| 7   | All right. I done One,  | 7   | I put it in my pouch.  |          |
| 8   | Two and Three belts. Right there is   | 8   | SENATOR CARUTH:  |          |
| 9   | One, there's Two and there's Three up   | 9   | You don't do the?  |          |
| 10  | at the Four head. All right. I come   | 10  | MR. JAMISON:   |          |
| 11  | out of Four head, got on the mantrip  | 11  | When you're at the face,   |          |
| 12  | and went up to the mouth of Two Left.   | 12  | yes, 12 inch   |          |
| 13  | Went up the belt line to the face,  | 13  | SENATOR CARUTH:  |          |
| 14  | across the face, back down the track,   | 14  | Did you conduct tests  |          |
| 15  | got on my mantrip, came back outside.   | 15  | like that at the face areas? You did?  |          |
| 16  | Up the road out there on the yeah,  | 16  | MR. JAMISON:   |          |
| 17  | right about there on Three track. And   | 17  | Yes, I did. And I'll   |          |
| 18  | then I came down to Three head, checked   | 18  | tell you what it does if you're in any   |          |
| 19  | it out. Come down to Two head, checked  | 19  | kind of gas.   |          |
| 20  | it out. And then I came back down the   | 20  | SENATOR CARUTH:  |          |
| 21  | track to the outside and put the jeep   | 21  | Did you detect any   |          |
| 22  | on charge.  | 22  | abnormal conditions in your fire boss  |          |
| 23  | SENATOR CARUTH:   | 23  | run that morning?  |          |
| 24  | Thank you, Mr. Jamison.   | 24  | MR. JAMISON:   |          |
| 25  | You said that you carried a spotter to  | 25  | No. No, I didn't.  | - 1      |
|   | Page 371  |   |  | Page 373 |
| 1   | check for methane; is that correct?   | 1   | SENATOR CARUTH:  |          |
| 2   | MR. JAMISON:  | 2   | Is there any areas that  |          |
| 3   | Right here.   | 3   | you fire bossed that has potted-out  |          |
| 4   | SENATOR CARUTH:   |   | •  |          |
| 1 7   | SENATOR CAROTTI.  | 4   | areas where the top had fell   | - 1      |
| 5   | And could you show us how   | 4<br>5  | areas where the top had fell previously?   |          |
|   |   |   | •  |          |
| 5   | And could you show us how   | 5   | previously?  |          |
| 5<br>6  | And could you show us how you checked for the methane at the face   | 5<br>6  | previously?<br>MR. JAMISON:  |          |
| 5<br>6<br>7<br>8<br>9   | And could you show us how you checked for the methane at the face areas?  | 5<br>6<br>7   | previously? MR. JAMISON: No. Mine I can usually reach. I don't need a probe. SENATOR CARUTH:   |          |
| 5<br>6<br>7<br>8<br>9<br>10   | And could you show us how you checked for the methane at the face areas? MR. JAMISON: (Indicating). All right. This is the part that tells you your   | 5<br>6<br>7<br>8  | previously? MR. JAMISON: No. Mine I can usually reach. I don't need a probe. SENATOR CARUTH: You can reach everything  |          |
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| 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | And could you show us how you checked for the methane at the face areas?  MR. JAMISON: (Indicating). All right.  This is the part that tells you your oxygen, your CH4 and your toxic. You put it on your hand, carry it just like that, and you look at it. You keep glancing at it. I mean, you just don't stare.  SENATOR CARUTH: You just carry it in your hand through the whole fire boss run?  MR. JAMISON: Yeah, you can carry it. Or if you're doing something, you can put it in your pouch and it will still                                       | 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | previously? MR. JAMISON: No. Mine I can usually reach. I don't need a probe. SENATOR CARUTH: You can reach everything without a probe. Did you call your fire boss report out or did you carry it outside? MR. JAMISON: I carried it out. SENATOR CARUTH: You said the belts were running when you left that area of the mine; is that correct? MR. JAMISON: No. Them belts wasn't running until after I okayed it and   |          |

| 1 So you're saying you 2 carried your fire boss report outside 3 and give them the green light, so to 4 speak, and then the dispatcher started 5 the belts? Them belts were not running 6 before you got out of that mine, is 7 that what you're telling me? 8 MR. JAMISON: 9 No. The belt wasn't 10 running when we got there, and it 11 wasn't running until after the fire 12 boss was done. 13 SENATOR CARUTH: 14 Okay. Who did you turn 15 in your fire boss report to, Mr. 16 Jamison? 17 MR. JAMISON: 18 I filled the Two Left 19 section book out, and Junior Toler, 20 that's the boss coming on, then he 21 looked at it and then he co-signed it. 22 SENATOR CARUTH: 23 Thank you. I just have 24 some questions and I just want to 25 ask management, in general. Mr.  Page 375  Page 375  Page 375  Page 375  I Hatfield, you might want to take some 2 of these. You talked about earlier the 3 intent of sealing an area is basically 4 to let the area you're sealing build 5 the CHR level above the explosive  Page 375  SENATOR CARUTH: 2 Thank you. I just have 3 if there was any indication that it was 4 I think he summed it up 5 the belts? Then belts were not running 6 before you got out of that mine, is 6 two-tenths of a percent. And again, 7 that is well within the legal limits of 8 what can be there. 9 SENATOR CARUTH: 10 I understand that it's 11 well within the legal limits of 12 what is well within the legal limits of 13 what can be there. 14 Understand that it's 15 well within the legal limits of 16 two-tenths of a percent. And again, 17 that is well within the legal limits of 18 what can be there. 19 SENATOR CARUTH: 10 I understand that it's 11 well within the legal limits, Mr. 12 Toler. But did that it's 13 indication that those seals may have 14 been leaking was the question. 15 I can't answer that. I 16 I can't answer that. I 17 mean, it's 18 I filled the Two Left 18 SENATOR CARUTH: 29 William the legal limits of 10 I can't answer that. I 11 well within the legal limits of 11 well within the legal limits of 12 the volution t | 3/6 |
|---|-----|
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| ·   |     |
|   |     |
| 6 range, I think is what I heard you say 6 MR. CRUMRINE:  |     |
| 7 earlier. 7 Two-tenths.  |     |
| 8 MR. HATFIELD: 8 SENATOR CARUTH:   |     |
| 9 The intent is to 9 So at that point, did you  |     |
| 10 establish an inert environment, a 10?  |     |
| 11 nonexplosive environment, which usually 11 MR. CRUMRINE:   |     |
| 12 happens by the methane increasing and 12 I had the same as John  |     |
| 13 oxygen decreasing. 13 had.   |     |
| 14 SENATOR CARUTH: 14 SENATOR CARUTH:   |     |
| 15 But it's been brought out 15 I'm sorry?  |     |
| 16 in testimony that some methane was 16 MR. CRUMRINE:  |     |
| found around the seals. Did that lead 17 I had the same as John   |     |
| 18 you guys to believe that the seals were 18 Boni had 24 hours before.   |     |
| 19 leaking, or did you just kind of write 19 SENATOR CARUTH:  |     |
| 20 it off as? 20 I'm sorry, I still didn't  | ,   |
| 21 MR. HATFIELD: 21   |     |
| 22 I'll let Mr. Toler speak 22 MR. CRUMRINE:  |     |
| 23 to that. I think the quantity found 23 I had the same reading as   |     |
| 24 was two-tenths, and I believe 24 John Boni 24 hours before.  |     |
| 25 well, I'll let him respond to that. 25 SENATOR CARUTH:   |     |

|  | D 070   |  | D 000   |
|--|---|--|---|
| 1  | Page 378  I understand that. Did  | 1  | Page 380  |
| 1 2  |   | 1<br>2   | legal range and they were to be checked   |
| 3  | you assume at that point in time that the seals were leaking?   | 3  | the very next week. And that's and we would check it on a weekly.   |
|  | MR. CRUMRINE:   |  | SENATOR CARUTH:   |
| 4  |   | 4  |   |
| 5  | No. As far as I'm   | 5  | So you wasn't concerned   |
| 6  | concerned, you cannot build a complete  | 6  | too much about the two-tenths and one   |
| 7  | seal that won't gas will not push   | 7  | percent that you found outside the  |
| 8  | out of. That's what they do. They   | 8  | seals?  |
| 9  | push some gas pushes out of seals   | 9  | MR. CRUMRINE:   |
| 10   | and stuff. And I look for any big   | 10   | No, sir. No, sir, I   |
| 11   | cracks or anything, wondering if  | 11   | wasn't concerned about the two-tenths   |
| 12   | something had happened there. And no,   | 12   | of one percent. I went now, had I   |
| 13   | I did not find anything.  | 13   | gotten four or five-tenths, then I  |
| 14   | SENATOR CARUTH:   | 14   | would have been alarmed that it was   |
| 15   | Did you do much testing   | 15   | that maybe I had a breach in a seal   |
| 16   | through the sampling height that went   | 16   | someplace.  |
| 17   | into the old area?  | 17   | SENATOR CARUTH:   |
| 18   | MR. CRUMRINE:   | 18   | Were you involved with  |
| 19   | No, sir. My knowledge of  | 19   | the construction of the seals? Which  |
| 20<br>21   | that sampling height is as if you are   | 20   | one of you folks maybe would have been  |
|  | going to go breach the seal and go  | 21<br>22   | closely involved to the construction of   |
| 22   | behind there for some reason. That is   |  | the seals?  |
| 23<br>24   | why you use the sampling pipe. If I   | 23<br>24   | MR. CRUMRINE:   |
| 25   | open that sampling pipe, then I let pressure out into the area that I want  | 25   | Probably both of us to an extent.   |
| 23   | pressure out into the area that I want  | 23   | exterit.  |
|  |   |  |   |
|  | Page 379  |  | Page 381  |
| 1  | to keep clear.  | 1  | SENATOR CARUTH:   |
| 2  | to keep clear.<br>SENATOR CARUTH:   | 2  | SENATOR CARUTH:<br>The question was asked   |
| 2  | to keep clear. SENATOR CARUTH: So you didn't think it   | _  | SENATOR CARUTH: The question was asked and I never did get a clear answer on  |
| 2<br>3<br>4  | to keep clear. SENATOR CARUTH: So you didn't think it was worth testing that area to see if   | 2 3 4  | SENATOR CARUTH: The question was asked and I never did get a clear answer on it, was the Omega blocks mortared  |
| 2  | to keep clear. SENATOR CARUTH: So you didn't think it was worth testing that area to see if the atmosphere was getting inundated to   | 2<br>3<br>4<br>5   | SENATOR CARUTH: The question was asked and I never did get a clear answer on it, was the Omega blocks mortared between blocks or were they laid up and  |
| 2<br>3<br>4<br>5<br>6  | to keep clear. SENATOR CARUTH: So you didn't think it was worth testing that area to see if the atmosphere was getting inundated to above the explosive range once you  | 2<br>3<br>4<br>5<br>6  | SENATOR CARUTH: The question was asked and I never did get a clear answer on it, was the Omega blocks mortared between blocks or were they laid up and then plastered?  |
| 2<br>3<br>4<br>5<br>6<br>7   | to keep clear.  SENATOR CARUTH: So you didn't think it was worth testing that area to see if the atmosphere was getting inundated to above the explosive range once you found the two-tenths outside the seals?   | 2<br>3<br>4<br>5<br>6<br>7   | SENATOR CARUTH: The question was asked and I never did get a clear answer on it, was the Omega blocks mortared between blocks or were they laid up and then plastered? MR. J.TOLER:   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | to keep clear.  SENATOR CARUTH: So you didn't think it was worth testing that area to see if the atmosphere was getting inundated to above the explosive range once you found the two-tenths outside the seals?  MR. CRUMRINE: What I thought was that sampling tube is not for me to be correct, unless I'm going to breach that seal. And John had told me that he had opened that and had gotten 1.2. To my recollection, that's what he told me. Which, you know, indicated to me that what was happening behind the seals, what we expected to happen behind the seals was happening behind the seals, that it was gaining methane.  SENATOR CARUTH: Did you instruct anyone to continue to monitor the methane                        | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | SENATOR CARUTH: The question was asked and I never did get a clear answer on it, was the Omega blocks mortared between blocks or were they laid up and then plastered? MR. J.TOLER: The plan requires that there be mortar between SENATOR CARUTH: I know what the plan said. I know exactly what the plan said. MR. J.TOLER: To the best of my knowledge, they were mortared they were built, constructed according to the plan. SENATOR CARUTH: Did you actually see the mortar between the seals MR. J.TOLER:            |

|  | D 000   |  | D 004   |
|--|---|--|---|
| 1  | Page 382  | 1  | Page 384 There were certified   |
| 1  | blocks? I'm sorry.<br>MR. J.TOLER:  | 1 1  |   |
| 2  |   | 2  | foremen in a manager capacity present   |
| 3  | The times that I was at   | 3  | during the construction of the seal. My   |
| 4  | the seals, and I was watching very  | 4  | foremen would be part of my management  |
| 5  | little of the construction while I was  | 5  | structure. And they were present  |
| 6  | there, but they appeared to be  | 6  | during the after the construction   |
| 7  | constructing them the way they were   | 7  | was completed, I think Mr. Crumrine   |
| 8  | supposed to.  | 8  | made a run by those seals and looked at   |
| 9  | SENATOR CARUTH:   | 9  | them.   |
| 10   | And you mentioned that  | 10   | MR. CRUMRINE:   |
| 11   | Garrett Mine Service was also involved  | 11   | Yes. I went by there  |
| 12   | in the construction of these seals.   | 12   | with the federal inspector, and he  |
| 13   | Did I hear you say that?  | 13   | complimented me on the appearance of  |
| 14   | MR. J.TOLER:  | 14   | the seals, of the roof control around   |
| 15   | Yes, sir.   | 15   | the seals, the ventilation of the seals   |
| 16   | SENATOR CARUTH:   | 16   | themselves, the rock dusting around the   |
| 17   | Was there a contract with   | 17   | seals and just the general appearance   |
| 18   | Garrett Mine Service on this or was   | 18   | and clean-up of them.   |
| 19   | this done basically in house?   | 19   | SENATOR CARUTH:   |
| 20   | MR. J.TOLER:  | 20   | Was it determined I   |
| 21   | Garrett Mine Service, we  | 21   | know there was some talk earlier when   |
| 22   | routinely used them to do some work at  | 22   | regulatory agencies were testifying.  |
| 23   | our mines. And I think of all the   | 23   | Was it determined if the rib was  |
| 24   | individuals that worked on the  | 24   | chipped out for the seals to go back  |
| 25   | construction of the seals, three of   | 25   | into the rib, or was it just kind of  |
|  |   |  |   |
|  | Page 383  |  | Page 385  |
| 1  | Page 383 them were with Garrett Mine Supply.  | 1  | Page 385 cut and mortared around the edges?   |
| 1 2  | them were with Garrett Mine Supply. SENATOR CARUTH:   | 1 2  | Page 385 cut and mortared around the edges? MR. J.TOLER:  |
|  | them were with Garrett Mine Supply. SENATOR CARUTH:   |  | cut and mortared around the edges? MR. J.TOLER:   |
| 2  | them were with Garrett Mine Supply. SENATOR CARUTH: So you had a contract   | 2  | cut and mortared around the edges? MR. J.TOLER: It's not required that  |
| 2  | them were with Garrett Mine Supply. SENATOR CARUTH:   | 2  | cut and mortared around the edges? MR. J.TOLER:   |
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| 1  | Page 386   | 1  | Page 388  |
|--|--|--|---|
| 1  | first.   | 1  | curtain, as we typically call it.   |
| 2  | MR. J.TOLER:   | 2  | SENATOR CARUTH:   |
| 3  | Was I aware that the   | 3  | Did you load up supplies  |
| 4  | alarm went off at 6:10? No, sir, I was   | 4  | that you would need? Would you take   |
| 5  | not.   | 5  | them in on a mantrip, or how did you?   |
| 6  | SENATOR CARUTH:  | 6  |   |
| 7  | Okay. So you were first  | 7  | MR. J.TOLER: On the when we went  |
| 8  | made aware that there was a problem at what time?  | 8<br>9   | inside the mines, no, sir, I wasn't   |
| 10   | MR. J.TOLER:   | 10   | aware of what I would need or anything.   |
| 11   | At 6:31, when the event  | 11   | I was wanting to get in there and   |
| 12   |  | 12   | 5 5   |
| 13   | happened.<br>SENATOR CARUTH:   | 13   | assess what had happened. When Dick Wilfong and Vernon Hofer exited the   |
| 14   | And you entered the mine   | 14   | mines with the One Left crew, Mr.   |
| 15   | at about 6:45?   | 15   | Schoonover and myself were able to get  |
| 16   | MR. J.TOLER:   | 16   | to a point that we could we were  |
| 17   | Yes, sir.  | 17   | - we saw that we had some damage to   |
| 18   | SENATOR CARUTH:  | 18   | ventilation controls. At that point, I  |
| 19   | Now, you said you were   | 19   | called back out and I told Mr. Wilfong  |
| 20   | trying to establish some ventilation as  | 20   | and Mr. Hofer to get the necessary  |
| 21   | you went into the mine. I assume that  | 21   | supplies to make those repairs and get  |
| 22   | seals were blown out; is that correct?   | 22   | it back in to us as quick as they   |
| 23   | MR. J.TOLER:   | 23   | could.  |
| 24   | We know now that the   | 24   | SENATOR CARUTH:   |
| 25   | seals were blown out.  | 25   | And what were the   |
|  |  |  |   |
|  |  |  |   |
|  | Page 387   |  | Page 389  |
| 1  | SENATOR CARUTH:  | 1  | necessary supplies? What did he bring   |
| 2  | SENATOR CARUTH: Well, when you was   | 2  | necessary supplies? What did he bring in?   |
| 2 3  | SENATOR CARUTH: Well, when you was what was you repairing as you went in?  |  | necessary supplies? What did he bring in? MR. J.TOLER:  |
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|  |  | Dog = 200 |  | 5 0   |
|--|--|-----------|--|---|
| 1  | that point we're required to go and  | Page 390  | 1  | Page 39   |
| 1  |  |           | 1<br>2   | you finally determine that it was more than an incident, it was an explosion?   |
| 2  | check that sensor. And at 15 parts per million, we are to I believe we are   |           | 3  | MR. J.TOLER:  |
| 4  | to evacuate to that point to a   |           | 3<br>4   | As I said earlier, I  |
| 5  | point outby that and then check that.  |           | 5  |   |
| 6  | SENATOR CARUTH:  |           | 6  | can't say I couldn't determine that it was an explosion until we got to the   |
| 7  | So the alarm at 6:10   |           | 7  | area that we were actually that I   |
| 8  | indicated 26 parts per million; is that  |           | 8  | saw the soot accumulate on a rib, which   |
| 9  | correct?   |           | 9  | would have placed me probably 8:45 to   |
| 10   | MR. J.TOLER:   |           | 10   | 9:15, something like that.  |
| 11   | The alarm at 6:10 I think  |           | 11   | SENATOR CARUTH:   |
| 12   | indicated that there was it also   |           | 12   | But you obviously knew it   |
| 13   | indicated a malfunction.   |           | 13   | was a pretty serious incident prior to  |
| 14   | SENATOR CARUTH:  |           | 14   | that, I would assume?   |
| 15   | Was anybody close by the   |           | 15   | MR. J.TOLER:  |
| 16   | alarm when it went off at 6:10?  |           | 16   | Yes, sir.   |
| 17   | MR. J.TOLER:   |           | 17   | SENATOR CARUTH:   |
| 18   | The alarm in the mine  |           | 18   | And at what point did you   |
| 19   | itself?  |           | 19   | feel that or what time was the  |
| 20   | SENATOR CARUTH:  |           | 20   | I know you said this, but for   |
| 21   | Yes.   |           | 21   | clarification, what time was the mine   |
| 22   | MR. J.TOLER:   |           | 22   | rescue teams called?  |
| 23   | No, sir. That alarm that   |           | 23   | MR. J.TOLER:  |
| 24   | signaled, I believe, was at the section  |           | 24   | I did not place a call to   |
| 25   | loading point on the One Left section.   |           | 25   | the mine rescue team. I had a   |
|  |  | D 004     |  |   |
|  |  | Page 391  |  | Page 39   |
| 1  | SENATOR CARUTH:  | Page 391  | 1  | Page 39 conversation with Johnny Stemple when   |
| 1 2  | SENATOR CARUTH:<br>Okay. Mr. Crumrine, you   | Page 391  | 1 2  | Page 39<br>conversation with Johnny Stemple when<br>the One Left crew when we were  |
|  |  | Page 391  |  | conversation with Johnny Stemple when   |
| 2  | Okay. Mr. Crumrine, you  | Page 391  | 2  | conversation with Johnny Stemple when the One Left crew when we were  |
| 2  | Okay. Mr. Crumrine, you were not working that day; is that   | Page 391  | 2  | conversation with Johnny Stemple when the One Left crew when we were getting them to exit the mines. I was  |
| 2<br>3<br>4  | Okay. Mr. Crumrine, you were not working that day; is that correct?  | Page 391  | 2<br>3<br>4  | conversation with Johnny Stemple when the One Left crew when we were getting them to exit the mines. I was able to talk to Johnny Stemple at that   |
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|  | Page 39  |   |   | Page 396 |
|--|--|---|---|----------|
| 1  | MR. JAMISON:   | 1   | DELEGATE HAMILTON:  |          |
| 2  | Yes.   | 2   | Yes.  |          |
| 3  | DELEGATE HAMILTON:   | 3   | MR. KITTS:  |          |
| 4  | And that was only the  | 4   | question, let me  |          |
| 5  | second time that you had fire bossed   | 5   | clarify that the mine had been idle, so   |          |
| 6  | that section; is that correct?   | 6   | there was no third shift or midnight  |          |
| 7  | MR. JAMISON:   | 7   | shift. So it wasn't like Fred was   |          |
| 8  | Yes. Yes. I had done it  | 8   | covering for somebody or changing out   |          |
| 9  | after Christmas vacation.  | 9   | with someone. The mine was idle, and  |          |
|  |  |   |   |          |
| 10   | DELEGATE HAMILTON:   | 10  | his ordinary routine was interrupted to   |          |
| 11   | The first time after   | 11  | go up and fire boss that production   |          |
| 12   | Christmas and then the second time,  | 12  | section because the mine had been idle.   |          |
| 13   | January 2nd. Why the change in where   | 13  | And that's the reason, right after  |          |
| 14   | you fire bossed? Who where did you   | 14  | Christmas, after a Christmas vacation,  |          |
| 15   | fire boss at what sections of the  | 15  | the mine had been idle. That's the  |          |
| 16   | mine had you fire bossed prior to  | 16  | reason for the interruption in his  |          |
| 17   | December 26th?   | 17  | normal routine.   |          |
| 18   | MR. JAMISON:   | 18  | DELEGATE HAMILTON:  |          |
| 19   | I'd just do the belts and  | 19  | Thank you, Mr. Kitts.   |          |
| 20   | the track. And we have section bosses  | 20  | Mr. Stemple, you had told me earlier  |          |
| 21   | on One Left and Two Left that does   | 21  | when I asked the question about that  |          |
| 22   | that.  | 22  | time element between the explosion and  |          |
| 23   | DELEGATE HAMILTON:   | 23  |   |          |
| 24   |  |   | the call that went into the Upshur  |          |
|  | So why would you be fire   | 24  | County Com Center that you had no   |          |
| 25   | bossing Two Left on those two  | 25  | knowledge that there had been an  |          |
|  |  |   |   |          |
|  | Page 30  |   | р   | Pane 307 |
| 1  | Page 39  | _   |   | Page 397 |
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|  | Page 398  |  |   | Page 400 |
|--|---|--|---|----------|
| 1  | wanted to make sure he was okay and I   | 1  | occurred inby the seals, in the   |          |
| 2  | wanted him to exit the mines. He did  | 2  | previously-sealed area.   |          |
| 3  | comment that he felt that it could have   | 3  | DELEGATE HAMILTON:  |          |
| 4  | been an explosion that we had   | 4  | Is there any possibility  |          |
| 5  | experienced. An explosion is not  | 5  | that it could have came from directly   |          |
| 6  | necessarily the only thing that would   | 6  | outside the seals or that there was   |          |
| 7  | cause a rush of air.  | 7  | more than one explosion?  |          |
| 8  | DELEGATE HAMILTON:  | 8  | MR. KITTS:  |          |
| 9  | And was Mr. Boni on his   | 9  | Well, anything is likely.   |          |
| 10   | way out of the mine when you passed   | 10   | The investigation is ongoing. But the   |          |
| 11   | ?   | 11   | documentation up to this point  |          |
| 12   | MR. J.TOLER:  | 12   | overwhelmingly indicates that one event   |          |
| 13   | Yes, sir. Yes, sir. He  | 13   | occurred and that the not only the  |          |
| 14   | continued to exit the mine.   | 14   | seals but other pieces of material,   |          |
| 15   | DELEGATE HAMILTON:  | 15   | including a battery charger, were   |          |
| 16   | Do you know about what  | 16   | picked up and pushed outby by a force.  |          |
| 17   | time that was?  | 17   | So at this point, I firmly believe  |          |
| 18   | MR. J.TOLER:  | 18   | that the explosion originated inby the  |          |
| 19   | It's after I started into   | 19   | seals.  |          |
| 20   | the mines and before I got to the One   | 20   | DELEGATE HAMILTON:  |          |
| 21   | Left crew.  | 21   | Thank you.  |          |
| 22   | DELEGATE HAMILTON:  | 22   | MS. CAMPBELL:   |          |
| 23   | Could somebody explain to   | 23   | Are you ready for me,   |          |
| 24   | me what kind of an effect a barometer   | 24   | Davitt? Mr. Jamison, did you fire boss  |          |
| 25   | would have on the seals? I mean, would  | 25   | every heading from the feeder to the  |          |
|  |   |  |   |          |
|  | Page 200  |  |   | Page 401 |
| 1  | Page 399  | 1  |   | Page 401 |
| 1  | anybody like to take?   | 1  | face? Did you fire boss every header -  | Page 401 |
| 2  | anybody like to take?<br>MR. COLEMAN:   | 2  | face? Did you fire boss every header every heading from the feeder to the   | Page 401 |
| 2  | anybody like to take? MR. COLEMAN: During the times of a low  | 2  | face? Did you fire boss every header every heading from the feeder to the face?   | Page 401 |
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|  | _   |          |  | 5  |
|--|---|----------|--|--|
| 1  |   | Page 402 | 1  | Page 404   |
| 1 2  | I have tested many, as we   |          | 1<br>2   | Not that I'm aware of, no.   |
| 3  | do that every 90 days. And normally,  |          | 3  | MS. CAMPBELL:  |
|  | in a 90-day period, I would remove six  |          |  |  |
| 4  | from service that tested bad. And in  |          | 4  | Okay. In your testimony  |
| 5  | the course of training, I usually open  |          | 5  | you said that when you called mine   |
| 6  | one of those up. And 99 percent of  |          | 6  | rescue, that the answering machine had   |
| 7  | those that I opened up worked, although   |          | 7  | been turned off. Is that normal  |
| 8  | they tested bad. Ninety-nine (99) out   |          | 8  | procedure for an emergency mine rescue   |
| 9  | of a possible hundred worked for me.  |          | 9  | team to turn off their answering   |
| 10   | MS. CAMPBELL:   |          | 10   | machine?   |
| 11   | Did you actually test the   |          | 11   | MR. STEMPLE:   |
| 12   | rescuers prior to the explosion?  |          | 12   | That's the first time  |
| 13   | MR. STEMPLE:  |          | 13   | I've ever called mine rescue.  |
| 14   | I did not test the  |          | 14   | MS. CAMPBELL:  |
| 15   | rescuers, no. I was not located at the  |          | 15   | But I'm asking anyone  |
| 16   | mine.   |          | 16   | on the panel, mine rescue teams should   |
| 17   | MS. CAMPBELL:   |          | 17   | know that they are of the utmost   |
| 18   | Were you working for ICG  |          | 18   | importance when they join that team.   |
| 19   | at that time?   |          | 19   | Is that does anybody want to   |
| 20   | MR. STEMPLE:  |          | 20   | comment on that?   |
| 21   | At that time, I was   |          | 21   | MR. HATFIELD:  |
| 22   | working for ICG out of a division   |          | 22   | I don't think anybody  |
| 23   | office, not at the mine site.   |          | 23   | would suggest that it's perfectly  |
| 24   | MS. CAMPBELL:   |          | 24   | normal for an answering machine to be  |
| 25   | Do you know who did the   |          | 25   | turned off for a rescue service.   |
|  |   |          |  |  |
|  | F   | Page 403 |  | Page 405   |
| 1  |   | Page 403 | 1  | Page 405<br>Something clearly had malfunctioned or   |
| 1 2  | testing of the rescuers 90 days prior   | Page 403 | 1  | Something clearly had malfunctioned or   |
| 2  | testing of the rescuers 90 days prior to the explosion?   | Page 403 | 2  | Something clearly had malfunctioned or gone wrong on that day. We're just not  |
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| 1  | Page 406   | 4  | Page 408  |
|--|--|--|---|
| 1  | minutes ago that we're now in the  | 1  | beating theirselves out of air, beating   |
| 2  | position of where we're putting our own  | 2  | on those roof bolts? MR. HATFIELD:  |
| 3  | teams in. We don't have them in place  | 3  |   |
| 4  | today, but we will have our own team at  | 4  | As I believe has been   |
| 5  | Sago and the other major mines.  | 5  | explained before, the seismic equipment   |
| 6  | MS. CAMPBELL:  | 6  | isn't owned by us. It's owned by MSHA   |
| 7  | It's a little too late   | 7  | and it's under their control as to  |
| 8  | for us now, Mr. Hatfield.  | 8  | where it goes. And I don't know where   |
| 9  | MR. HATFIELD:  | 9  | it was that day. But we weren't   |
| 10   | I don't disagree.  | 10   | waiting on a location to get the  |
| 11   | MS. CAMPBELL:  | 11   | seismic truck in. We were actually  |
| 12   | Are there maps of the  | 12   | doing precision surveying to get a  |
| 13   | mine on site every day?  | 13   | drill hole down. That was the priority  |
| 14   | MR. J.TOLER:   | 14   | that we were referencing in the   |
| 15   | Yes, ma'am.  | 15   | statement. And it is a complicated  |
| 16   | MS. CAMPBELL:  | 16   | process. They had to bring the  |
| 17   | Like when the explosion  | 17   | controlled survey in from about two   |
| 18   | occurred, did you have maps on site of   | 18   | miles away.   |
| 19   | the underground tunnels from the   | 19   | MS. CAMPBELL:   |
| 20   | surface that you knew where your   | 20   | Mr. Stemple, what   |
| 21   | tunnels were underground? Did you have   | 21   | happened to the notes that you were   |
| 22   | those maps?  | 22   | taking you said you were standing   |
| 23   | MR. J.TOLER:   | 23   | around, just like everyone else was   |
| 24<br>25   | Yes, ma'am.<br>MS. CAMPBELL:   | 24<br>25   | doing. Do you recall saying that in   |
| 25   | IVIS. CAIVIFDELL.  | 25   | your testimony?   |
|  |  |  |   |
|  | Page 407   |  | Page 409  |
| 1  | Page 407 And they were on site?  | 1  | Page 409 MR. STEMPLE:   |
| 1 2  | _  | 1 2  |   |
|  | And they were on site?   | _  | MR. STEMPLE:  |
| 2  | And they were on site? MR. J.TOLER:  | 2  | MR. STEMPLE:<br>Yes, I recall saying  |
| 2  | And they were on site? MR. J.TOLER: Yes, ma'am.  | 2  | MR. STEMPLE:<br>Yes, I recall saying<br>that.   |
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|---|---|---|--|
|   | Page 410  | 4   | Page 412   |
|   | MS. CAMPBELL:   | 1   | making the notifications. Early on the   |
| 2   | Who was in charge before  | 2   | process, the K Order was issued. So the  |
| 3   | MSHA or the state got there?  | 3   | K Order specifically states that no one  |
| 4   | MR. KITTS:  | 4   | goes into the mine. It basically   |
| 5   | It would have been local  | 5   | freezes the activities there. And I  |
| 6   | mine management.  | 6   | think the MSHA and the state people  |
| 7   | MS. CAMPBELL:   | 7   | were coming on site, and at that point   |
| 8   | Pardon me?  | 8   | there was a collection of people there   |
| 9   | MR. KITTS:  | 9   | on the surface. And I think that's   |
| 10  | It would have been Jeff   | 10  | what Johnny is referring to, was it  |
| 11  | Toler. Jeff was in charge of the mine.  | 11  | probably took some time to get   |
| 12  | And then Raymond Coleman and Chuck  | 12  | organized as to who is doing what. But   |
| 13  | Dunbar and other folks were arriving to   | 13  | all during this time the K Order is in   |
| 14  | address the problem. Eventually, on   | 14  | place.   |
| 15  | the ICG side, it was me. And then   | 15  | MS. CAMPBELL:  |
| 16  | eventually Ben Hatfield came on site.   | 16  | So once Mr. Toler and  |
| 17  | MS. CAMPBELL:   | 17  | those other gentlemen were already   |
| 18  | Mr. Toler, Mr. Wilfong,   | 18  | underground, then they had no  |
| 19  | Mr. Schoonover and Mr. Hofer were   | 19  | communication, good communication, to  |
| 20  | underground trying to rescue these  | 20  | the outside because they were trying to  |
| 21  | miners. So who would have been in   | 21  | do this rescue, they were trying to  |
| 22  | charge, since these men were busy   | 22  | hang curtains to give these men air.   |
| 23  | trying to save their lives?   | 23  | Who would have been would Mr.  |
| 24  | MR. KITTS:  | 24  | Stemple have been the man that should  |
| 25  | Who would have been in  | 25  | have come in instead of staying home   |
|   | Dawa 411  |   | Dama 412   |
| 1   | Page 411 charge on the surface?   | 1   | Page 413 and making all those phone calls or   |
|   | MS. CAMPBELL:   |   | and making all those phone cans of   |
| 1 2   |   | 2   | · · · · · · · · · · · · · · · · · · ·  |
| 2   |   | 2   | who? That's all I'm asking.  |
| 3   | That's correct. Who   | 3   | who? That's all I'm asking.<br>MR. KITTS:  |
| 3<br>4  | That's correct. Who would have been in charge had Mr.   | 3<br>4  | who? That's all I'm asking.<br>MR. KITTS:<br>Mr. Crumrine. He was the  |
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|  | Page 414  | _  | Page 416   |
|--|---|--|--|
| 1  | Then he started calling people.   | 1  | Do you have any idea what  |
| 2  | MS. CAMPBELL:   | 2  | readings they got out of that methane  |
| 3  | Mr. Coleman, I never did  | 3  | pocket?  |
| 4  | get understand what your duties   | 4  | MR. J.TOLER:   |
| 5  | were that day. Could you explain that   | 5  | Excuse me?   |
| 6  | to me?  | 6  | MS. CAMPBELL:  |
| 7  | MR. COLEMAN:  | 7  | Do you have any idea how   |
| 8  | I was the ICG   | 8  | much methane that was that registered?   |
| 9  | representative in the command center  | 9  | MR. J.TOLER:   |
| 10   | concerning mine emergency operations.   | 10   | I think they reported  |
| 11   | MS. CAMPBELL:   | 11   | right at the hole, coming out of   |
| 12   | So you were there that  | 12   | the hole I think they reported five  |
| 13   | morning, too?   | 13   | percent.   |
| 14   | MR. COLEMAN:  | 14   | MS. CAMPBELL:  |
| 15   | Yes, ma'am. I arrived on  | 15   | And I'm not sure which   |
| 16   | site approximately 8:15, 8:30.  | 16   | one of them said that if they had  |
| 17   | MS. CAMPBELL:   | 17   | gotten a four-percent reading, they  |
| 18   | This one is a little  | 18   | would have been alarmed. And you had a   |
| 19   | difficult for me, so this comes   | 19   | five-percent reading there. Was that   |
| 20   | from Mr. McCloy's letter; okay? Mr.   | 20   | not cause for alarm?   |
| 21   | McCloy reported that he and Martin  | 21   | MR. COLEMAN:   |
| 22   | Toler hit a methane pocket while they   | 22   |  |
| 23   | •   | 23   | If I may?  |
|  | were in drilling in the roof. Who   |  | MR. J.TOLER:   |
| 24   | was that reported to and where was it   | 24   | Go ahead.  |
| 25   | at?   | 25   | MR. COLEMAN:   |
|  |   |  |  |
|  | Page 415  |  | Page 417   |
| 1  | Page 415<br>MR I TOI FR:  | 1  | Page 417 That was a liberation   |
| 1 2  | MR. J.TOLER:  | 1  | That was a liberation.   |
| 2  | MR. J.TOLER:<br>That would have been on   | 2  | That was a liberation.  And his answer was that the test was   |
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| 1  | was daing what it was supposed to do   | Page 418 | 1  | Page 420                                |
|----|--|----------|----|---|
| 1  | was doing what it was supposed to do.  |          | 1  | reason we decided to seal the area was  |
| 2  | It was dissipating the gas.            |          | 2  | the condition of the area deeper into   |
| 3  | MR. CRUMRINE:                          |          | 3  | the sealed area.                        |
| 4  | That 12 inches is                      |          | 4  | MS. COHEN:                              |
| 5  | considered a diffusion area, so that   |          | 5  | And that was the roof,                  |
| 6  | will allow the methane to be diluted   |          | 6  | from my understanding?                  |
| 7  | and rendered harmless.                 |          | 7  | MR. J.TOLER:                            |
| 8  | MS. CAMPBELL:                          |          | 8  | Roof and water.                         |
| 9  | Well, is that normal                   |          | 9  | MS. COHEN:                              |
| 10 | practice to plug the hole with glue or |          | 10 | Okay. Prior to the                      |
| 11 | resin or whatever you?                 |          | 11 | explosion, were the fans operated       |
| 12 | MR. J.TOLER:                           |          | 12 | continuously, without interruption?     |
| 13 | Yes, ma'am, it is.                     |          | 13 | MR. J.TOLER:                            |
| 14 | MS. CAMPBELL:                          |          | 14 | Yes, ma'am.                             |
| 15 | Could the bolter have                  |          | 15 | MS. COHEN:                              |
| 16 | ignited that pocket and slowly gotten  |          | 16 | The walkie-talkies that                 |
| 17 | into the seal through a crack or       |          | 17 | the Two Left crew have, where are they? |
| 18 | something?                             |          | 18 | MR. J.TOLER:                            |
| 19 | MR. J.TOLER:                           |          | 19 | They'd be in possession                 |
| 20 | No.                                    |          | 20 | of MSHA right now.                      |
| 21 | MS. CAMPBELL:                          |          | 21 | MS. COHEN:                              |
| 22 | And how do you know that?              |          | 22 | And Mr. Hatfield, the                   |
| 23 | MR. J.TOLER:                           |          | 23 | rescue team workers got debriefed       |
| 24 | There wouldn't have been               |          | 24 | before the families. You were           |
| 25 | enough oxygen.                         |          | 25 | comfortable with that. Why did that     |
|    |  | Page 419 |    | Page 421                                |
| 1  | MS. CAMPBELL:                          |          | 1  | happen?                                 |
| 2  | Not enough oxygen?                     |          | 2  | MR. HATFIELD:                           |
| 3  | MR. J.TOLER:                           |          | 3  | I didn't feel like we had               |
| 4  | Not in the hole, no.                   |          | 4  | a choice. It wasn't a matter of being   |
| 5  | MS. CAMPBELL:                          |          | 5  | comfortable with it. I didn't feel      |
| 6  | Thank you.                             |          | 6  | like we had information that we could   |
| 7  | MS. COHEN:                             |          | 7  | feel was valid to carry to the          |
| 8  | Can one of you describe                |          | 8  | families.                               |
| 9  | the areas of the mine where the seals  |          | 9  | MS. COHEN:                              |
| 10 | were built? Was it a wet area, a dry   |          | 10 | Do you think that by                    |
| 11 | area? I understand that the roof was   |          | 11 | putting up the curtains to re-establish |
| 12 | bad. That's why you determined to sea  | I        | 12 | the air, that it pushed the bad air     |
| 13 | that area; is that correct?            |          | 13 | back to the Two Left section?           |
| 14 | MR. J.TOLER:                           |          | 14 | MR. J.TOLER:                            |
| 15 | I'm sorry. I only heard                |          | 15 | No, ma'am. I have no                    |
| 16 | about half of what you're saying.      |          | 16 | reason to believe that would have       |
| 17 | MS. COHEN:                             |          | 17 | caused that.                            |
| 18 | I said can you describe                |          | 18 | MS. COHEN:                              |
| 19 | the conditions around the sealed area  |          | 19 | And when were the belts                 |
| 20 | before you sealed it?                  |          | 20 | started, Mr. Jamison? Could you answer  |
| 21 | MR. J.TOLER:                           |          | 21 | that, please?                           |
| 22 | Where the seals were                   |          | 22 | MR. JAMISON:                            |
| 23 | constructed themselves, it was         |          | 23 | I don't know exactly what               |
| 24 | there was some very little wet         |          | 24 | time he started them. But he didn't     |
| 25 | conditions there, mostly dry. But the  |          | 25 | start them until we come out. MR.       |

|  | Page 422   |  |  | Page 424 |
|--|--|--|--|----------|
| 1  | HATFIELD:  | 1  | to that?   | rage 424 |
| 2  | I believe we reported to   | 2  | MR. STEMPLE:   |          |
| 3  | you earlier in a previous written  | 3  | Yes, ma'am. It's posted.   |          |
| 4  | correspondence that they started around  | 4  | MS. COHEN:   |          |
| 5  | 6:00 a.m. sequentially from outside  | 5  | Is there any way we can  |          |
| 6  | moving in, and all the main line belts   | 6  | get a copy of that manual to review?   |          |
| 7  | were running by approximately 6:10.  | 7  | MR. STEMPLE:   |          |
| 8  | MS. COHEN:   | 8  | Yes, ma'am.  |          |
| 9  | Is there a written   | 9  | MS. COHEN:   |          |
| 10   | emergency manual or procedure manual   | 10   | Are all the fire bosses  |          |
| 11   | that describes everybody's   | 11   | certified in that they have taken their  |          |
| 12   | responsibilities at the mine? Like   | 12   | gas test?  |          |
| 13   | when you have a disaster like this, do   | 13   | MŘ. STEMPLE:   |          |
| 14   | you guys have a manual that you can  | 14   | Yes, ma'am.  |          |
| 15   | pull out and look and see who's  | 15   | MS. COHEN:   |          |
| 16   | responsible for what?  | 16   | Mr. Kitts, did you say   |          |
| 17   | MR. J.TOLER:   | 17   | the first rescue teams entered the mine  |          |
| 18   | Yes.   | 18   | at 5:25 on 1/2, p.m.?  |          |
| 19   | MS. COHEN:   | 19   | MR. KITTS:   |          |
| 20   | Did you guys pull that   | 20   | Did the first rescue   |          |
| 21   | manual on January 2nd?   | 21   | teams enter the mine at 5:25 p.m.?   |          |
| 22   | MR. STEMPLE:   | 22   | Yes.   |          |
| 23   | I can answer that. Yes,  | 23   | MS. COHEN:   |          |
| 24   | I did. We call it our crisis   | 24   | Because the time line  |          |
| 25   | management plan. It's not a required   | 25   | indicates that it was 5:51 p.m. that   |          |
|  |  |  |  |          |
|  | Page 423   |  | 1  | Page 425 |
| 1  | Page 423 plan. It's something that we developed  | 1  | we've seen.  | Page 425 |
| 1 2  |  | 1 2  |  | Page 425 |
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| 1 as long as it did to drill the one to 1 turned over to MSHA, the t  |                  |
|---|------------------|
|   | Page 428         |
|   | esting, these    |
| 2 try to save my dad and the other 2 90-day checks.   |                  |
| 3 miners? 3 MS. COHEN:  |                  |
| 4 MR. KITTS: 4 And can someone I  |                  |
| 5 No. It took much longer. 5 have copies of the citations   |                  |
| 6 MS. COHEN: 6 March. Can someone expla   |                  |
| 7 Because they go 7 the number four and numb  | er eight         |
| 8 ahead. I'm sorry. 8 charger are?  |                  |
| 9 MR. KITTS: 9 MR. KITTS:   |                  |
| 10 Well, the effort that 10 I'm sorry. Number four  |                  |
| 11 those people made to get the hole down 11 and number eight charger?  | )                |
| 12 in the time that they did, despite the 12 MS. COHEN:   |                  |
| delays and the unfortunate outcome, was 13 Uh-huh (yes).  |                  |
| 14 exceptional. And I know that doesn't 14 MR. KITTS:   |                  |
| 15 make you all feel any better. But 15 Carl, can you speak to  |                  |
| 16 compared to how long it normally takes 16 that?  |                  |
| 17 to set a drill and hit a place that's 17 MR. CRUMRINE:   |                  |
| 18 only 20 feet wide and do it 18 I am not familiar with  |                  |
| 19 successfully on the first try was a 19 the numbers, just the locat   | ion.             |
| 20 remarkable effort. But ordinarily you 20 MR. KITTS:  |                  |
| 21 can take four to five days to drill a 21 Is that a particular  |                  |
| 22 hole in that manner. And the holes 22 citation?  |                  |
| 23 that we drilled were different 23 MS. COHEN:   |                  |
| 24 diameters. One hole was a 24-inch 24 Uh-huh (yes). Right   |                  |
| 25 diameter, so it took considerably 25 here.   |                  |
|   | _                |
| Page 427  | Page 429         |
| 1 longer than the hole we put down into 1 MR. KITTS:  |                  |
| 2 the Two Left face. 2 If you'll give me the  |                  |
| 3 MS. COHEN:  3 citation numbers, we can  | · <del>-</del> . |
| 4 Do you guys know when the 4 MS. COHEN:  |                  |
| 5 SCSRs that you have were manufactured? 5 They were given to Dick  |                  |
| 6 MR. STEMPLE: 6 Wilfong on March 31st.   |                  |
| 7 Yes. 7 MR. KITTS:   |                  |
| 8 MS. COHEN: 8 If we could just get a   | can follow       |
| 9 And what year is that? 9 copy of those citations, we  |                  |
|   |                  |
| 10 MR. STEMPLE: 10 up with you. Or we can loo   |                  |
| 11 They were manufactured in 11 right now. Both these char  | ·                |
| 11 They were manufactured in 11 right now. Both these char 12 different months and different years. 11 the surface outside the mir  | ·                |
| 11 They were manufactured in 12 different months and different years. 13 Each one has that stamped on the side 11 right now. Both these char 12 the surface outside the mir 13 MS. COHEN:   | ·                |
| 11 They were manufactured in 12 different months and different years. 13 Each one has that stamped on the side 14 of it, and MSHA has those in their 11 right now. Both these char 12 the surface outside the mir 13 MS. COHEN: 14 They're on the surface?  | ·                |
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|  | D 400  |  | D 400   |
|--|--|--|---|
| 1  | Page 430   | 1  | Page 432 MS. COHEN:   |
| 1 2  | obviously mantrip chargers. MR. KITTS:   | 2  |   |
| 3  | It would have been done  |  | Okay. And that still  |
|  |  | 3  | doesn't explain why none of us were   |
| 4  | in the pit.  | 4  | called. I had to find out from a  |
| 5  | MR. J.TOLER:   | 5  | friend that works on EMS that my dad  |
| 6  | Down in the pit, yes.  | 6  | was there was an explosion at his   |
| 7  | MS. COHEN:   | 7  | mine. Do you consider that good   |
| 8  | Mr. Jamison, if you  | 8  | protocol?   |
| 9  | didn't take any notes at some point  | 9  | MR. HATFIELD:   |
| 10   | you said you did document some notes.  | 10   | There's nothing good  |
| 11   | And when I originally asked you the  | 11   | about failing to call the families in a   |
| 12   | question you said you didn't document  | 12   | crisis of that situation, so we don't   |
| 13   | anything because everything looked   | 13   | suggest that it's good. But all the   |
| 14   | good. Then how does anyone know what   | 14   | information I've received confirms that   |
| 15   | the velocity of the air was in that  | 15   | our people made a   |
| 16   | section, in Two Left?  | 16   | good-faith effort to reach the  |
| 17   | MR. JAMISON:   | 17   | families. In some cases, they did not   |
| 18   | It's in the book.  | 18   | have phone numbers. But we can follow   |
| 19   | MS. COHEN:   | 19   | up with specifics. You've asked a   |
| 20   | And can I ask why the  | 20   | reasonable question. I'll get you a   |
| 21   | families were not contacted and  | 21   | written explanation as to who was   |
| 22   | informed be informed about the   | 22   | called and what numbers they were   |
| 23   | explosion? I know we've heard over and   | 23   | relying on.   |
| 24   | over that we were. But I personally  | 24   | MS. COHEN:  |
| 25   | know that there was nothing on my  | 25   | Well, Mr. Heims   |
|  | Page 431   |  | Page 433  |
| 1  | =  |  |   |
|  | caller ID and several families   | 1  |   |
| 1 2  | caller ID and several families MS. CAMPBELL:   | 1 2  | (phonetic), when I had to go into the   |
| 2  | MS. CAMPBELL:  | 2  | (phonetic), when I had to go into the classroom to find out if my dad truly   |
| 2 3  | MS. CAMPBELL:<br>Mike told us that he  |  | (phonetic), when I had to go into the classroom to find out if my dad truly was one of the miners trapped, said   |
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| 1  | Page 434  | 1  |   | Page 436 |
|--|---|--|---|----------|
| 1  | company undermined the sealed area to   | 1  | Hatfield, why this mine was closed for  | - 1      |
| 2  | produce additional coal before they   | 2  | a year or two before re-opening in  | - 1      |
| 3  | sealed it?  | 3  | 2004?   | - 1      |
| 4  | MR. J.TOLER:  | 4  | MR. HATFIELD:   | - 1      |
| 5  | I'm sorry, could you  | 5  | That predates my  | - 1      |
| 6  | repeat that?  | 6  | knowledge of anything at this point.  | - 1      |
| 7  | MS. COHEN:  | 7  | One can only assume that if the mine  | - 1      |
| 8  | Is it true that the   | 8  | wasn't cost effective, they couldn't  | - 1      |
| 9  | company undermined the sealed area to   | 9  | make any money there, and they closed   | - 1      |
| 10   | produce additional coal before sealing  | 10   | it. But I didn't have any involvement   | - 1      |
| 11   | that area?  | 11   | with the mine at that time.   | - 1      |
| 12<br>13   | MR. J.TOLER:  | 12   | MS. COHEN:  | - 1      |
| 14   | Yes, ma'am, we did.<br>MS. COHEN:   | 13<br>14   | Does any of you know why it was closed? And is it a   | - 1      |
| 15   |   | 14<br>15   |   | - 1      |
| 16   | And there were several metal objects, such as roof bolts, pipe  | 16   | cost-effective mine now? MR. HATFIELD:  | - 1      |
| 17   |   |  |   | - 1      |
| 18   | hands and even a pump left in the sealed area?  | 17   | Actually, no, it  | - 1      |
| 19   | MR. HATFIELD:   | 18<br>19   | continues to lose money. But we believe that it can be made a   | - 1      |
| 20   | Let's back up and clarify   | 20   | profitable mine and a safe mine.  | - 1      |
| 21   | that point. You're asking about the   | 21   | MS. CAMPBELL:   | - 1      |
| 22   | second mining that was done within the  | 22   |   | - 1      |
| 23   | sealed area?  | 23   | What was your reasoning for drilling the holes, you know, to  | - 1      |
| 24   | MS. COHEN:  | 23<br>24   | begin with? What reason did you drill   | - 1      |
| 25   | Yes.  | 25   | the holes for? Because that took a lot  | - 1      |
| 23   | 103.  | 25   | the holes for a because that took a lot   |          |
|  |   |  |   |          |
|  | Page 435  |  | 1   | Page 437 |
| 1  | Page 435 MR. HATFIELD:  | 1  | of time.  | Page 437 |
| 2  | MR. HATFIELD:<br>Yes, there was retreat   | 1 2  | of time.<br>MR. KITTS:  | Page 437 |
|  | MR. HATFIELD: Yes, there was retreat mining done in the sealed area where   |  | of time.<br>MR. KITTS:<br>We knew from Jeff Toler's   | Page 437 |
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|  |   | Page 438 |  |  | Page 440 |
|--|---|----------|--|--|----------|
| 1  | So you drilled the holes  |          | 1  | hole and you didn't hear anything from   |          |
| 2  | in order to drop a camera, is that what   |          | 2  | underground, did you just assume that  |          |
| 3  | you just said? Because maybe I just   |          | 3  | they were dead?  |          |
| 4  | spaced out on that. I'm sorry.  |          | 4  | MR. KITTS:   |          |
| 5  | MR. KITTS:  |          | 5  | No, ma'am. We assumed  |          |
| 6  | Well, there were three  |          | 6  | they weren't there.  |          |
|  |   |          |  | MS. CAMPBELL:  |          |
| 7  | reasons. One was the camera, so that  |          | 7  |  |          |
| 8  | you can get an image of what's there.   |          | 8  | You assumed they were not  |          |
| 9  | Is it covered in soot? Is there   |          | 9  | at the face? Is that where you drilled   |          |
| 10   | explosion damage all over? Maybe the  |          | 10   | the hole? You drilled  |          |
| 11   | explosion originated in those spaces.   |          | 11   | MR. KITTS:   |          |
| 12   | At that time, we didn't know. So  |          | 12   | They were not in an area   |          |
| 13   | that's one reason. The other reason   |          | 13   | they were not able to get to that  |          |
| 14   | was to check the atmosphere. Do you   |          | 14   | borehole when it penetrated the mine.  |          |
| 15   | have a lot of methane there? Do you   |          | 15   | MS. CAMPBELL:  |          |
| 16   | have a lot of CO? Are you dealing with  |          | 16   | What was your methane  |          |
| 17   | , and a   |          | 17   | •  |          |
|  | a mine fire? Do you have a methane  |          |  | reading that came out of that hole?  |          |
| 18   | issue, some sort of methane buildup   |          | 18   | MR. KITTS:   |          |
| 19   | that could be explosive? Again, at  |          | 19   | It was low. It was less  |          |
| 20   | this point, we are trying to assess the   |          | 20   | than one   |          |
| 21   | safety of the mine rescue teams, along  |          | 21   | MS. CAMPBELL:  |          |
| 22   | with the rescue effort. So we're  |          | 22   | It was very low, which   |          |
| 23   | struggling with the decision to send  |          | 23   | means it wasn't explosive; right?  |          |
| 24   | the team in. And if we could know if  |          | 24   | MR. KITTS:   |          |
| 25   | there was an explosive range there or   |          | 25   | That's correct.  |          |
|  | <u> </u>  |          |  |  |          |
|  |   |          |  |  |          |
|  |   | Page 439 |  | P  | Page 441 |
| 1  | not, then that would have a direct  | Page 439 | 1  | MS. CAMPBELL:  | Page 441 |
|  | not, then that would have a direct bearing on the rate of advance of the  | Page 439 | -  | MS. CAMPBELL:  | Page 441 |
| 2  | bearing on the rate of advance of the   | Page 439 | 2  | MS. CAMPBELL:<br>So since you didn't get   | Page 441 |
| 2  | bearing on the rate of advance of the mine rescue teams. But  | Page 439 | 2  | MS. CAMPBELL: So since you didn't get an explosive reading on methane, why   | Page 441 |
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|--|--|--|---|
| 1  | Page 442   | 1  | Page 444  |
| 1  | MR. KITTS:   | 1  | information. The earlier reports may  |
| 2  | About that, yes.   | 2  | have been too optimistic. That's all we   |
| 3  | MS. CAMPBELL:  | 3  | know at this point. We tried to do  |
| 4  | Then why couldn't they go  | 4  | that and it did not work well. I don't  |
| 5  | in?  | 5  | disagree with you.  |
| 6  | MR. KITTS:   | 6  | MS. COHEN:  |
| 7  | Well, that gets back to  | 7  | And you talked about the  |
| 8  | the K Order. That gets back to the   | 8  | crowd. You guys made it through the   |
| 9  | heart of this issue in that  | 9  | crowd. Every briefing that you gave us  |
| 10   | MS. CAMPBELL:  | 10   | for the 41 hours, we sat in the church.   |
| 11   | You have human life  | 11   | MR. HATFIELD:   |
| 12   | underground and you have a K Order, and  | 12   | At that hour of the   |
| 13   | Mr. Toler tells us that he was 2,000   | 13   | evening, as you'll recall, the crowd  |
| 14   | feet from where they found those men   | 14   | probably doubled from what we were  |
| 15   | and they were never under apparatus,   | 15   | dealing with most of the day.   |
| 16   | and yet you let a K Order keep somebody  | 16   | MS. COHEN:  |
| 17   | from going in and rescuing 12 men.   | 17   | Yeah, I'm quite aware of  |
| 18   | That is just unacceptable in my book.  | 18   | the crowd. But you had troopers.  |
| 19   | MD WITTC   | 19   | People move for troopers. There was no  |
| 20   | MR. KITTS:   | 20   | reason you couldn't have got through  |
| 21   | I don't blame you.   | 21   | the crowd or someone. If people were  |
| 22   | MS. COHEN:   | 22   | standing around, there is no reason   |
| 23   | Mr. Hatfield, is there a   | 23   | someone could not have come over there  |
| 24   | reason why you tried to call the State   | 24   | to tell us the truth.   |
| 25   | Police and the clergy, to have them  | 25   | MR. HATFIELD:   |
|  |  |  |   |
|  | Page 443   |  | Page 445  |
| 1  | Page 443 communicate? Was that the reason?   | 1  | Page 445<br>As I have said many   |
| 1 2  | communicate? Was that the reason?  | 1 2  | As I have said many   |
| 2  | _  | 1<br>2<br>3  | As I have said many times, if I had it to do over again, I  |
| 2  | communicate? Was that the reason? Were you going to have them do your job to tell us that there was a  | 2  | As I have said many times, if I had it to do over again, I would do exactly that. But at the time   |
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|  | Page 446  |  | Page 440   |
|--|---|--|--|
| 1  | MS. COHEN:  | 1  | Page 448<br>Mr. Toler, when you were   |
| 2  | Speaking of the   | 2  | in your testimony you said that you  |
| 3  | explosion, all the briefings that we  | 3  | guys heard something. Can you describe   |
| 4  | have we hear minor damage. I have sat   | 4  | what you heard?  |
| 5  | and cried over these transcripts and  | 5  | MR. J.TOLER:   |
| 6  | read the transcripts, including some of   | 6  | It could have been a   |
| 7  | the One Left crew saying how they lost  | 7  | noise like a piece of rock that maybe  |
| 8  | their hats, how they were blown off   | 8  | just fell from the roof to the floor   |
| 9  | their manbus. Can you explain to me   | 9  | and, you know, it I might have   |
| 10   | why we were told there was minor  | 10   | heard something off in one direction   |
| 11   | damage? Reading these transcripts, it   | 11   | and, you know, holding onto hope that  |
| 12   | sounds like there was a whole lot of  | 12   | that's what that it might have been  |
| 13   | damage, because the One Left crew   | 13   | them, I would go as far as I could in  |
| 14   | couldn't even take their manbus back  | 14   | that direction and just yell for them.   |
| 15   | out because it was blocked from debris,   | 15   | And then we may have sat there for a   |
| 16   | according to the transcripts.   | 16   | few more minutes and hear another piece  |
| 17   | MR. J.TOLER:  | 17   | of debris fall in another direction,   |
| 18   | I can't answer why that   | 18   | and I would again go in that direction   |
| 19   | is in their transcripts. What I can,  | 19   | and yell for them.   |
| 20   | from my perspective, I only talked to   | 20   | MS. COHEN:   |
| 21   | one man that morning. I'm sorry I   | 21   | Mr. Hatfield, when the   |
| 22   | didn't talk to all of them. But once I  | 22   | rescue well, I guess this could go   |
| 23   | was aware that there was a situation,   | 23   | to any of you. When the rescue process   |
| 24   | my focus was getting in there and   | 24   | started, did you guys think that the   |
| 25   | trying to assess what had happened.   | 25   | men were already dead? Is that why you   |
|  |   |  |  |
|  | Page 447  |  | Page 449   |
| 1  | Page 447 MR. HATFIFI D:   | 1  | Page 449<br>took so long to get the rescue workers   |
| 1 2  | MR. HATFIELD:   | 1  | took so long to get the rescue workers   |
| 2  | MR. HATFIELD:<br>Your reference to minor  | 2  | took so long to get the rescue workers in there to find our men?   |
| 2  | MR. HATFIELD: Your reference to minor damage probably comes from some of my   | 2  | took so long to get the rescue workers in there to find our men? MR. KITTS:  |
| 2  | MR. HATFIELD: Your reference to minor damage probably comes from some of my comments to the family during our   | 2  | took so long to get the rescue workers in there to find our men?   |
| 2<br>3<br>4<br>5   | MR. HATFIELD: Your reference to minor damage probably comes from some of my comments to the family during our briefings. I think it's all a matter  | 2<br>3<br>4  | took so long to get the rescue workers in there to find our men? MR. KITTS: Absolutely not.  |
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|  | Page 450   |  | Page 45  | 52  |
|--|--|--|--|-----|
| 1  | MR. MCKINNEY:  | 1  | trying to get to that point as a basis   |     |
| 2  | I'd just like to clarify   | 2  | before I move on to the next step. I   |     |
| 3  | the notification process and exactly   | 3  | guess, Mr. Toler, you indicated you  |     |
| 4  | when people determined there was an  | 4  | came out at 10:30 a.m.?  |     |
| 5  | explosion underground, because I'm   | 5  | MR. J.TOLER:   |     |
| 6  | struggling a little bit with that right  | 6  | That's correct.  |     |
| 7  | now. Mr. Coleman, at what point in   | 7  | MR. MCKINNEY:  |     |
| 8  | time did you know that there was an  | 8  | Mr. Kitts, you indicated   |     |
| 9  | explosion underground?   | 9  | that there was a K Order issued at   |     |
| 10   | MR. COLEMAN:   | 10   | 8:30, and everything froze at the mine?  |     |
| 11   | After Mr. Toler came   | 11   | MR. KITTS:   |     |
| 12   | outside.   | 12   | Yes.   |     |
| 13   | MR. MCKINNEY:  | 13   | MR. MCKINNEY:  |     |
| 14   | And approximately what   | 14   | What froze?  |     |
| 15   | time was that?   | 15   | MR. KITTS:   |     |
| 16   | MR. J.TOLER:   |  |  |     |
|  |  | 16   | Any additional activity.   |     |
| 17   | I think I exited the   | 17   | The K Order was not Jeff Toler and   |     |
| 18   | mines at approximately 10:30 a.m.  | 18   | his men were not aware of the K, but   |     |
| 19   | MR. MCKINNEY:  | 19   | any additional entry into the mine was   |     |
| 20   | Mr. Stemple indicated he   | 20   | what I meant, that no one else was   |     |
| 21   | did not know it until the mine rescue  | 21   | allowed inside after that point.   |     |
| 22   | team went into the sealed area. So was   | 22   | MR. MCKINNEY:  |     |
| 23   | there a briefing, a communication  | 23   | But there was work   |     |
| 24   | between company personnel to share   | 24   | ongoing underground during that period   |     |
| 25   | information and have an understanding  | 25   | of time? I wanted to clarify that.   |     |
|  |  |  |  |     |
|  | D 454  |  | 5 45   | - 0 |
| 1  | Page 451   | 1  | Page 45  | 53  |
| 1  | of what occurred underground by the  | 1  | MR. KITTS:   | 53  |
| 2  | of what occurred underground by the people that were on the property?  | 2  | MR. KITTS:<br>Yes. The efforts of Jeff   | 53  |
| 2 3  | of what occurred underground by the people that were on the property? MR. COLEMAN:   | 2  | MR. KITTS: Yes. The efforts of Jeff Toler were ongoing after the 8:30 and  | 53  |
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|--|--|-----------|--|---|---------|
| 1  | MR. MCKINNEY:  | Page 454  | 1  | remember who it was, but they basically   | age 456 |
| 2  | Did you have the same  |           | 1<br>2   | said, you know, we've got stuff coming  |         |
| 3  | concerns about moving smoke through  |           | 3  | towards you. We've got the package  |         |
| 4  | areas you had not been in?   |           | 4  | coming to you.  |         |
| 5  | MR. J.TOLER:   |           | 5  | MR. MCKINNEY:   |         |
| 6  | Initially, I would have  |           | 6  | Did you do that by  |         |
| 7  | to say I would have to answer no   |           | 7  | telephone or did you do that in person?   |         |
| 8  | because we continued to push in. But   |           | 8  | MR. COLEMAN:  |         |
| 9  | as I said, you know, when we reached   |           | 9  | In person.  |         |
| 10   | this when we reached this point,   |           | 10   | MR. MCKINNEY:   |         |
| 11   | that's when we really got into a   |           | 11   | So you spoke to Jeff  |         |
| 12   | significant amount of smoke. And   |           | 12   | Kravitz at about 10:30 that morning?  |         |
| 13   | that's when we started running the   |           | 13   | MR. COLEMAN:  |         |
| 14   | what-ifs through our mind.   |           | 14   | That may have been Tim  |         |
| 15   | MR. MCKINNEY:  |           | 15   | Satter. But I did speak to Mr. Kravitz  |         |
| 16   | I think you also   |           | 16   | later on, when he arrived, as well as   |         |
| 17   | indicated that you were in fresh air.  |           | 17   | with spoke to Mr. Virgil Brown.   |         |
| 18   | Did anybody that was on your initial   |           | 18   | MR. MCKINNEY:   |         |
| 19   | rescue team have to seek medical   |           | 19   | What time did you speak   |         |
| 20   | attention?   |           | 20   | with Virgil Brown?  |         |
| 21   | MR. J.TOLER:   |           | 21   | MR. COLEMAN:  |         |
| 22   | No one that entered the  |           | 22   | I don't remember  |         |
| 23   | mine with me that morning had to seek  |           | 23   | specifically, sir.  |         |
| 24   | medical attention, to my knowledge.  |           | 24   | MR. MCKINNEY:   |         |
| 25   | MR. MCKINNEY:  |           | 25   | Would it have been the  |         |
|  |  |           |  |   |         |
|  |  | Page 455  |  | Pa  | age 457 |
| 1  | I was thinking I read in   | Page 455  | 1  | Pa<br>afternoon, in the morning?  | age 457 |
| 1 2  | a transcript where there was a person  | Page 455  | 1<br>2   |   | age 457 |
|  |  | Page 455  |  | afternoon, in the morning?  | age 457 |
| 2<br>3<br>4  | a transcript where there was a person<br>that went to the doctor due to high CO<br>concentrations.   | Page 455  | 2<br>3<br>4  | afternoon, in the morning? MR. COLEMAN: I believe it would be the afternoon, sir.   | age 457 |
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| 1 but at a particular mine you had 1 That would be fine. If 2 checked some SCSRs that had expired. 2 you can demonstrate that for u  |  |
|--|--|
| J  | Page 460   |
| 2 checked some SCSRs that had expired. 2 you can demonstrate that for u  |  |
|  | s, Mr.   |
| 3 MR. STEMPLE: 3 Stemple, that would be fine. If   | you  |
| 4 Yes, sir. 4 can stand out here so that you   | could  |
| 5 MR. MCKINNEY: 5 get it for the audience, please.   |  |
| 6 Or maybe they failed the 6 MR. STEMPLE:  |  |
| 7 shake test. Which one did you say? 7 This is the unit that the   |  |
| 8 MR. STEMPLE: 8 men carry with them. It has to  | , he   |
| 9 They tested bad. Either 9 within arm's reach at all times.   |  |
|  |  |
|  | -  |
| 11 pink or they failed the shake test, 11 their belt so that it is within arm  |  |
| 12 yes, sir. 12 reach at all times. This is a training training to the state of the | ~  |
| 13 MR. MCKINNEY: 13 unit, so you can see the similar   | ities  |
| 14 As you understand that 14 in them.  |  |
| 15 particular type of SCSR, what does it 15 Each day, before the men   |  |
| 16 mean when the shake test when it 16 enter the mine, they're trained   | to do a  |
| 17 fails the shake test? What part of the 17 visual check on the unit. On the  | ie top   |
| 18 SCSR doesn't work? 18 of the unit is an indicator, as the   | iey  |
| 19 MR. STEMPLE: 19 were talking about earlier, whe   | ther   |
| 20 I'm not I don't know. 20 that indicator is blue or pink. S  | So you   |
| 21 I've never opened one up. 21 check the top indicator. There'  | •  |
| 22 MR. MCKINNEY: 22 one on the front, on the bottom  |  |
| 23 What are you basing your 23 And with this unit in your pouch  |  |
| 24 opinion on then that you opened that 24 can just physically do that chec  | ,  |
| 25 SCSR up and it was a functional SCSR? 25 easy, every day to make sure the   |  |
| 25 casy, every day to make sure to   | 11030  |
| Page 459   | Page 461   |
| 1 MR. STEMPLE: 1 indicators are blue. When I tra   | -  |
| 2 That I activated it. I 2 everyone, I train them to check   |  |
| 3 didn't physically open the unit to see 3 indicators and to also check the  |  |
| 4 the internal components, but I did 4 physical condition of the unit. A   |  |
| · · · · · · · · · · · · · · · · · · ·  |  |
|  |  |
| 6 the mouthpiece in my mouth and breathe 6 good or the indicators are pink,  |  |
| 7 through it. 7 don't go underground. We kee   |  |
| 8 MR. MCKINNEY: 8 the mine site, and they're to ch   | ange   |
| 9 For what period of time? 9 them out.   |  |
| 10 MR. STEMPLE: 10 Every 90 days, I will put   |  |
| 11 As I said, I put on a 11 up a notice on the bulletin boar   |  |
| 12 hundred of them. Each of them were 12 these to be turned in. When the   | ,  |
|  | al check,  |
| 13 different amounts of time. The longest 13 turned in, we do the same visual  | eck that   |
| different amounts of time. The longest 13 turned in, we do the same visual one, I believe, was 45 minutes. 14 plus we also do an indicator che   | vhere we   |
| · · · · · · · · · · · · · · · · · · ·  |  |
| 14 one, I believe, was 45 minutes. 14 plus we also do an indicator che   | . We   |
| <ul> <li>one, I believe, was 45 minutes.</li> <li>MR. MCKINNEY:</li> <li>Mr. McKinney was discussing, was discussing.</li> </ul>   |  |
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| 1  | Page 462                                | 1  | Page 464                                |
|----|---|----|---|
| 1  | functioned, which gave me a little      | 1  | down on the bit lugs. You put your      |
| 2  | better feeling about the unit.          | 2  | nose clips on to isolate your lungs     |
| 3  | To operate the unit, when               | 3  | from the atmosphere so that you're only |
| 4  | do you use this unit? In cases of fire  | 4  | breathing through the mouthpiece.       |
| 5  | and explosion in the mine or you've     | 5  | There's a waist strap in here that you  |
| 6  | been notified there's a fire and        | 6  | wrap around your body. There, I         |
| 7  | explosion in the mine, that's when you  | 7  | dropped my goggles in the mud. You      |
| 8  | operate the unit. It's not a rescue     | 8  | would snap the waist strap in. It can   |
| 9  | unit. You don't use it to rescue        | 9  | be detached very easily or reattached.  |
| 10 | people. You use it to evacuate the      | 10 | If you've got a lot of strain on your   |
| 11 | mine.                                   | 11 | hose, you can adjust the neck strap by  |
| 12 | The unit is on your                     | 12 | pulling up on the silver ring. There's  |
| 13 | pouch. You're to remove the pouch       | 13 | a black faceted clip to hold it in      |
| 14 | remove the Velcro cover, take it        | 14 | place. If you're bent over or crawling  |
| 15 | out of the pouch, you get on the mine   | 15 | and the unit is swaying, there's a      |
| 16 | floor, on your knees, remove your hard  | 16 | strap or a ring on here you can         |
| 17 | hat, put your hard hat on the floor by  | 17 | pull to tighten up the unit to your     |
| 18 | you to shine your light on the unit and | 18 | chest. And you have basically 60        |
| 19 | onto yourself so you can see what       | 19 | minutes of oxygen to use. And at rest,  |
| 20 | you're doing. On the top is a release   | 20 | this unit will provide up to four hours |
| 21 | tab. You pull up the release tab. The   | 21 | of oxygen. You can outbreathe the       |
| 22 | bands will spring free. You remove the  | 22 | unit, though. When I've worn this unit, |
| 23 | top and discard it, because you don't   | 23 | I've tested it by pushing myself and    |
| 24 | need the top. I train everyone that     | 24 | pushing my limits by walking fast and   |
| 25 | there's a set of goggles in here, to    | 25 | running, and it feels like you're       |
|    | Page 463                                |    | Page 465                                |
| 1  | put the goggles on your wrist so you    | 1  | breathing through a straw as opposed to |
| 2  | don't drop them in the mud and the      | 2  | breathing through a hose. When I        |
| 3  | water that's on the mine floor. You     | 3  | slowed myself down and went to a normal |
| 4  | remove the bottom cannister. You don't  | 4  | pace or a slower pace, it just feels    |
| 5  | need it. Take the neck strap out and    | 5  | like the hose is opening back up and    |
| 6  | put it over your neck. And I've put     | 6  | I'm getting good oxygen.                |
| 7  | the unit on backwards, so I train       | 7  | CHAIR:                                  |
| 8  | everyone to be aware that the actuator  | 8  | Thank you.                              |
| 9  | tab goes on your right, not your left.  | 9  | MR. MCKINNEY:                           |
| 10 | So I would need to remove the unit and  | 10 | Thank you, Mr. Stemple.                 |
| 11 | turn it around. If I don't turn it      | 11 | Who does the SCSR training at the mine? |
| 12 | around, I'm going to have to take my    | 12 | MR. STEMPLE:                            |
| 13 | nose clips up around my mouthpiece.     | 13 | When an individual is                   |
| 14 | That's the only function of having it   | 14 | hired at the mine, prior to going in,   |
| 15 | forward or backward, is the nose clips  | 15 | it's part of their newly-employed       |
| 16 | would have to be stretched to bring     | 16 | training that they receive hands-on     |
| 17 | them up to your nose. And you would     | 17 | training with the SCSR. It's done by    |
| 18 | realize that once you went to put your  | 18 | the safety director.                    |
| 19 | nose clips on. At that point, you       | 19 | MR. MCKINNEY:                           |
| 20 | activate the oxygen by pulling down on  | 20 | So would you be doing                   |
| 21 | the tab. The bag will start to fill up  | 21 | that training at certain times?         |
| 22 | with oxygen. While it's filling up      | 22 | MR. STEMPLE:                            |
| 23 | with oxygen, you remove the plug from   | 23 | Yes. When I was at the                  |
| 24 | the mouthpiece. You insert the          | 24 | mine in June and July I would say that  |
| 25 | mouthpiece, wrap your lips around, bit  | 25 | I probably did some of that training,   |

|  | Page 444   |  | Page 449   |
|--|--|--|--|
| 1  | Page 466<br>Yes.   | 1                                      | Page 468 Coleman to help him.  |
| 2  | MR. MCKINNEY:  | 2                                      | MR. J.TOLER:   |
| 3  | How about Mr. Coleman?   | 3                                      | Typically, the training,   |
| 4  | MR. COLEMAN:   | 4                                      | Ray, is going to be I would  |
| 5  | No. I've only I come   | 5                                      | verbally go over the seal construction   |
| 6  | out with ICG July the 27th. And within   | 6                                      | process. And then beyond that, it  |
| 7  | my capacity, I oversee the safety  | 7                                      | would be a hands-on type.  |
| 8  | program and the safety directors.  | 8                                      | MR. MCKINNEY:  |
| 9  | MR. MCKINNEY:  | 9                                      | What would you use as a  |
| 10   | Mr. Stemple, you   | 10                                     | reference document for the training  |
| 11   | indicated that you had donned the SCSR.  | 11                                     | that you were going to do?   |
| 12   | Begin that process when you're   | 12                                     | MR. J.TOLER:   |
| 13   | notified of a fire or an explosion.  | 13                                     | A copy of the approved   |
| 14   | During the interview process and   | 14                                     | seal construction plan.  |
| 15   | looking at some of the transcripts,  | 15                                     | MR. MCKINNEY:  |
| 16   | it's apparent that some of the miners  | 16                                     | And how is that  |
| 17   | were in smoke or went into smoke and   | 17                                     | transferred to the contractors that  |
| 18   | didn't done the SCSRs. Would there be  | 18                                     | came on your property and did contract   |
| 19   | a time during your training process  | 19                                     | work on the seals?   |
| 20   | you'd make them aware that they should   | 20                                     | MR. J.TOLER:   |
| 21   | wear an SCSR?  | 21                                     | Those gentlemen were   |
| 22   | MR. STEMPLE:   | 22                                     | already on the property, working with  |
| 23   | Yes, sir.  | 23                                     | our men on some of the other various   |
| 24   | MR. MCKINNEY:  | 24                                     | outby improvements we were making. And   |
| 25   | Do you have any idea why   | 25                                     | they all just kind of filtered into the  |
| <u> </u>                                     |  |  | and an just tand or interest into the  |
|  | Page 467   |  | Page 469   |
| 1  | that process would not have been   | 1                                      | process as the construction went along.  |
| 2  | followed?  | 2                                      | MR. MCKINNEY:  |
| 3  | MR. STEMPLE:   | 3                                      | So did you do that   |
| 4  | No, I do not. That was   | 4                                      | training for those individuals?  |
| 5  | their individual decision.   | 5                                      | MR. J.TOLER:   |
| 6  | MR. MCKINNEY:  | 6                                      | No, sir, I did not.  |
| 7  | Do you believe that most   | 7                                      | MR. MCKINNEY:  |
| 8  | people respond to the training they  | 8                                      | Would someone in the   |
| 9  | received?  | 9                                      | company have done that?  |
| 10   | MR. STEMPLE:   | 10                                     | MR. J.TOLER:   |
| 11   | Yes, sir.  | 11                                     | Somebody at the seal site  |
| 12   | MR. MCKINNEY:  | 12                                     | would have done that.  |
| 13   | Mr. Hatfield, I pose this  | 13                                     | MR. MCKINNEY:  |
| 14   | question to you, and you can delegate  | 14                                     | Would that have been a   |
| 15   | H TO MINOR VOLL MART TO MAY TAILAGE  | 15                                     | company person?  |
|  | it to whom you want to. We talked a  | 1/                                     | MD ITOIFD.   |
| 16   | little bit about building the seals and  | 16                                     | MR. J.TOLER:   |
| 16<br>17                                     | little bit about building the seals and the process of training people to build  | 17                                     | Yes, sir.  |
| 16<br>17<br>18                               | little bit about building the seals and the process of training people to build those seals. And I would wonder who on   | 17<br>18                               | Yes, sir.<br>MR. MCKINNEY:   |
| 16<br>17<br>18<br>19                         | little bit about building the seals and the process of training people to build those seals. And I would wonder who on your team could answer the question   | 17<br>18<br>19                         | Yes, sir.<br>MR. MCKINNEY:<br>You indicated earlier  |
| 16<br>17<br>18<br>19<br>20                   | little bit about building the seals and the process of training people to build those seals. And I would wonder who on your team could answer the question what type of training those people  | 17<br>18<br>19<br>20                   | Yes, sir. MR. MCKINNEY: You indicated earlier that you felt like the seals were  |
| 16<br>17<br>18<br>19<br>20<br>21             | little bit about building the seals and the process of training people to build those seals. And I would wonder who on your team could answer the question what type of training those people would have.  | 17<br>18<br>19<br>20<br>21             | Yes, sir. MR. MCKINNEY: You indicated earlier that you felt like the seals were properly constructed.                        |
| 16<br>17<br>18<br>19<br>20<br>21<br>22       | little bit about building the seals and the process of training people to build those seals. And I would wonder who on your team could answer the question what type of training those people would have.  MR. HATFIELD:                         | 17<br>18<br>19<br>20<br>21<br>22       | Yes, sir. MR. MCKINNEY: You indicated earlier that you felt like the seals were properly constructed. MR. J.TOLER:           |
| 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | little bit about building the seals and the process of training people to build those seals. And I would wonder who on your team could answer the question what type of training those people would have.  MR. HATFIELD: I believe Jeff Toler is | 17<br>18<br>19<br>20<br>21<br>22<br>23 | Yes, sir. MR. MCKINNEY: You indicated earlier that you felt like the seals were properly constructed. MR. J.TOLER: Yes, sir. |
| 16<br>17<br>18<br>19<br>20<br>21<br>22       | little bit about building the seals and the process of training people to build those seals. And I would wonder who on your team could answer the question what type of training those people would have.  MR. HATFIELD:                         | 17<br>18<br>19<br>20<br>21<br>22       | Yes, sir. MR. MCKINNEY: You indicated earlier that you felt like the seals were properly constructed. MR. J.TOLER:           |

| person being responsible for the building of the seals and the construction process to provide construction process to provide constructed property?  MR. J.TOLER:  MR. J.TOLER:  The BBond on top of that?  MR. MCKINNEY:  The Sand was not mixed.  MR. J.TOLER:  It was not mixed?  MR. MCKINNEY:  The Sand was not mixed.  MR. J.TOLER:  It was not mixed?  MR. MCKINNEY:  MR. J.TOLER:  It was not mixed?  MR. MCKINNEY:  It was not mixed?  MR. MCKINNEY:  It was not mixed?  MR. J.TOLER:  It was not mixed?  MR. MCKINNEY:  It was not mixed?  MR. MCKINNEY:  It was not mixed?  MR. MCKINNEY:  It was not mixed?  MR. J.TOLER:  It was not mixed?  MR. MCKINNEY:  It was not mixed?  MR. J.TOLER:  It was not mixed?  MR. MCKINNEY: |    | Page 470                                |    | Page 472                                |
|--|----|---|----|---|
| 2 building of the seals and the 3 construction process to provide 4 oversight to see that they were 5 constructed properly? 5 MR. JTOLER: 6 MR. JTOLER: 7 As I said, when I was in 8 the mines during the construction of 9 the seals, I would — I made a few 10 stops by, checked on their 11 construction, see how it was going. 12 They appeared to be following the plan 13 as it was approved. 14 MR. COLEMAN: 15 Jeff, if I may interject. 16 You had earlier stated that you had 17 reviewed the plan with supervisors that 18 was going to oversee the seals 19 installation; is that correct? 19 Yes, sir. And I also 10 MR. JTOLER: 11 We had an interview 12 MR. MCKINNEY: 12 We had an interview 13 man with them. 14 We had an interview 15 mry sir and a copy of that seal construction 16 proper way to construct the seal? 17 MR. MCKINNEY: 18 No, sir. I don't think 19 that — that's not the way they would 10 have done that, I don't think. 11 MR. MCKINNEY: 12 You don't think they would 13 sare? 14 MR. JTOLER: 15 I don't think they would 16 have done on that tway they would 17 I may interpret the first 18 And what would you base 19 that joinion on? 10 the seals and the 10 the seals. Are you 23 indicating that they just laid a little 24 crow of blocks were placed on and dumped — 25 the seals that were being built, the 26 of how they built the seals. Are you 27 indicating that they just laid a little 28 or how they built the seals. Are you 29 indicating that they just laid a little 20 row of blocks down and dumped — 20 MR. JTOLER: 21 Just verbal descriptions 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped — 25 the seals that were being built, the 26 or how they built the seals. Are you 27 indicating that they just laid a little 28 or how of blocks down and dumped — 29 the plane? 20 MR. JTOLER: 20 the plane and the plane and the plane? 21 three flyboards would   | 1  | <del>-</del>                            | 1  | - I                                     |
| 3 construction process to provide 4 oversight to see that they were 5 constructed property? 5 MR J.TOLER: 6 MR J.TOLER: 7 As I said, when I was in 8 the mines during the construction of 9 the seals, I would — I made a few 10 stops by, checked on their 11 construction, see how it was going. 12 They appeared to be following the plan 13 as it was approved. 14 MR COLEMAN: 15 Jeff, if I may interject. 16 You had earlier stated that you had 17 reviewed the plan with supervisors that 18 was going to oversee the seals 18 installation; is that correct? 19 MR J.TOLER: 10 MR J.TOLER: 11 was dumped on the 11 floor. 12 MR. J.TOLER: 13 No, sir. I think the 14 only instance that they would use a dry 15 mix is if the bottom conditions were 16 damp, wet, they would maybe pour dry 17 mix down. Or if there was a big, 18 uneven area there, they may put it down 19 in there for a leveling purpose. But it 18 would have been on the footer below the 19 if you did what you just 20 described, you used dry BBond and 21 plan with them. 22 process, a statement where the first 23 row of blocks were placed down and then 24 there was a bag of BBond poured over 25 that as a footer. Would that be the 26 proper way to construct the seal? 27 MR J.TOLER: 28 No, sir. I don't think 29 MR MCKINNEY: 29 Voundon't think or you're 20 MR MCKINNEY: 21 (I first row of blocks were placed down and then 21 that was a port of the seal? 22 AMR J.TOLER: 23 If you did what you just 24 described, you used dry BBond and 25 poured it out of the bag and set the 26 proper way to construct the seal? 29 MR J.TOLER: 20 (amp.) I would   |    |   |    |   |
| 4 oversight to see that they were 5 constructed properly? 6 MR. JTOLER: 7 As I said, when I was in 8 the mines during the construction of 9 the seals, I would I made a few 10 stops by, checked on their 11 construction, see how it was going. 12 They appeared to be following the plan 13 as it was approved. 14 MR. COLEMAN: 15 Jeff, if I may interject. 16 You had earlier stated that you had 17 reviewed the plan with supervisors that 18 was going to oversee the seals 19 installation: is that correct? 19 Yes, sir. And I also 19 uneven area there, they may put it down 19 installation: is that correct? 11 yes, sir. And I also 12 think that each of these supervisors 13 had a copy of that seal construction 15 plan with them. 16 yes, sir. And I also 17 mix down. Or if there was a big of Bond poured over 18 had a sopy of that seal construction 19 plan with them. 25 MR. MCKINNEY: 26 process, a statement where the first 27 row of blocks were placed down and then 28 there was a bag of BBond poured over 29 that as a footer. Would that be the 29 proper way to construct the seal? 3 MR. JTOLER: 4 If the conditions were 4 described, you used dry BBond and 25 poured it out of the bag and set the 4 there was a bag of BBond poured over 5 that as a footer. Would that be the 6 proper way to construct the seal? 7 MR. JTOLER: 8 No, sir. I don't think. 10 have done that, I don't think. 11 MR. MCKINNEY: 11 MR. MCKINNEY: 12 You don't think or you're 13 sure? 14 MR. JTOLER: 15 I don't think they would 16 have done that, I don't think. 17 MR. MCKINNEY: 18 Ad what would you base 19 that opinion on? 10 the plan with the plan and the     |    | <u> </u>                                |    |   |
| 5 Constructed properly? 6 MR. J.TOLER: 7 As I said, when I was in 8 the mines during the construction of 9 the seals, I would I made a few 10 stops by, checked on their 11 construction, see how it was going. 12 They appeared to be following the plan 13 as it was approved. 14 MR. COLEMAN: 15 Jeff, if I may interject. 16 You had earlier stated that you had 17 reviewed the plan with supervisors that 18 was going to oversee the seals 19 installation; is that correct? 20 MR. J.TOLER: 21 Hink that each of these supervisors 22 think that each of these supervisors 23 had a copy of that seal construction 25 plan with them. 26 MR. MCKINNEY: 27 mix is if the bottom conditions were 28 was going to oversee the seals 29 think that each of these supervisors 20 MR. J.TOLER: 21 first row of blocks 22 think that each of these supervisors 23 had a copy of that seal construction 24 plan with them. 25 MR. MCKINNEY: 26 process, a statement where the first 27 orw of blocks were placed down and then 28 there was a bag of BBond pounce over 29 that as a footer. Would that be the 29 process, a statement where the first 30 row of blocks were placed down and then 41 there was a bag of BBond pounce over 42 that as a footer. Would that be the 43 proper way to construct the seal? 44 MR. J.TOLER: 45 proper way to construct the seal? 46 proper way to construct the seal? 47 MR. J.TOLER: 48 No, sir. I don't think 49 plan with them. 40 plan with them. 41 plan with them. 42 process, a statement where the first 40 plan with them. 41 plan with them. 42 process, a statement where the first 41 product with the seal plan? 42 with the seal plan? 43 plan with them. 44 plan with them. 45 proper way to construct the seal? 46 proper way to construct the seal? 47 plan with them. 48 product was plan with them. 49 proper way to construct the seal? 40 plan with them. 40 plan with them. 51 plan J.TOLER: 52 product was plan with them. 53 product was plan with them. 54 proper was planed down in them. 55 plan with them. 56 proper was planed was pounced. 57 produ     |    | ·                                       | 4  | •                                       |
| 6 MR. J.TOLER:  7 As I said, when I was in  8 the mines during the construction of the seals, I would I made a few so stops by, checked on their construction, see how it was going.  11 They appeared to be following the plan as it was approved.  12 They appeared to be following the plan as it was approved.  13 as it was approved.  14 MR. COLEMAN:  15 Jeff, if I may interject.  16 You had earlier stated that you had reviewed the plan with supervisors that was going to oversee the seals installation; is that correct?  19 mix down. Or if there was a big, uneven area there, they may put it down interfered installation; is that correct?  19 mix down. Or if there was a big, uneven area there, they may put it down in there for a leveling purpose. But it would have been on the footer below the first row of blocks.  10 mR. J.TOLER:  11 was not mixed?  12 MR. J.TOLER:  13 No, sir. I think the only instance that they would use a dry mix down. Or if there was a big, uneven area there, they may put it down in there for a leveling purpose. But it would have been on the footer below the first own of blocks.  12 If you did what you just described, you used dry BBond and poured it out of the bag and set the process, a statement where the first row of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal?  10 MR. J.TOLER:  11 block on top of it, does that comply with the seal plan?  12 MR. J.TOLER:  13 MR. J.TOLER:  14 MR. J.TOLER:  15 I don't think  16 have done it hat, I don't think.  17 MR. MCKINNEY:  18 Jeff, if may interject.  19 mix down. Or if there was a big, uneven area there, they may put it down in the proven area there, they may be pour dry mix down. Or if there was a big, uneven area there, they may but it down in there for a leveling purpose. But it would have been on the footer below the first own of blocks, would that be the proven way to construct the seal?  13 If you did what you just described, you used dry BBond and poured     |    |   | 5  |   |
| the mines during the construction of the seals, I would I made a few stops by, checked on their construction, see how it was going. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was approved. They appeared to be following the plan as it was a popored for mix to five they would have been on the footer below the first row of blocks. They appeared to was a bag of based and poured it out of the bag and set the port of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the procer way to construct the seal? They appeared to the way they would have done that, I don't think. They appeared to the first row of blocks were placed down and then the have done that, I don't think. They appeared to the first row of block in the fore the first row of block in the footer way to construct the seal? They appeared to the first row of block in the footer way to conditions were damp, with the seal plan? They appeared to the footer would have done that, I don't think. They appeared to the footer w     |    | , , ,                                   | 6  |   |
| 9 the seals, I would I made a few stops by, checked on their construction, see how it was going.  12 They appeared to be following the plan as a fix was approved.  13 as it was approved.  14 MR. COLEMAN:  15 Jeff, If I may interject.  16 You had earlier stated that you had reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals in the reviewed the plan with supervisors that was going to oversee the seals a footer. When was going to oversee the seals in the reviewed the plan with supervisors that was a footer. When was going to oversee the seals a footer when there was a big.  17 If it is for work of blocks on the footer below the first row of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal?  18 No, sir. I don't think  19 If you did what you just with the seal plan?  20 MR J.TOLER:  21 If it conditions were would for the bead and the proper way to construct the seal?  22 If you don't think they would for the work of the w     | 7  | As I said, when I was in                | 7  | MR. J.TOLER:                            |
| 10 stops by, checked on their construction, see how it was going. 11 They appeared to be following the plan as it was approved. 13 as it was approved. 14 MR. COLEMAN: 15 Jeff, if I may interject. 16 You had earlier stated that you had 16 damp, wet, they would maybe pour dry mix down. Or if there was a big. uneven area there, they may put it down in there for a leveling purpose. But it was going to oversee the seals 18 uneven area there, they may put it down in there for a leveling purpose. But it would have been on the footer below the first row of blocks. 17 Yes, sir. And I also 19 in there for a leveling purpose. But it would have been on the footer below the first row of blocks. 18 MR. MCKINNEY: 19 in there for a leveling purpose. But it would have been on the footer below the first row of blocks. 20 MR. JTOLER: 20 would have been on the footer below the first row of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal? 21 MR. JTOLER: 4 block on top of it, does that comply with the seal plan? 22 MR. JTOLER: 5 would. 7 MR. JTOLER: 6 would. 7 MR. MCKINNEY: 1 MR. JTOLER: 1 MR. JTOLER: 1 MR. MCKINNEY: 1 MR. MCKINNEY: 1 MR. JTOLER:  | 8  | the mines during the construction of    | 8  | It was not mixed?                       |
| They appeared to be following the plan as it was approved.  They appeared to be following the plan as it was approved.  MR. COLEMAN:  MR. COLEMAN:  To unad earlier stated that you had reviewed the plan with supervisors that miss if the bottom conditions were damp, wet, they would maybe pour dry mix down. Or if there was a big, mixallation; is that correct?  MR. J.TOLER:  MR. MCKINNEY:  MR. MCKINNEY:  MR. J.TOLER:  MR. J.TOLER:  MR. J.TOLER:  MR. J.TOLER:  MR. J.TOLER:  MR. J.TOLER:  MR. MCKINNEY:  MR. J.TOLER:  MR. MCKINNEY:  MR. J.TOLER:  MR. J.TO | 9  | the seals, I would I made a few         | 9  | MR. MCKINNEY:                           |
| 12 They appeared to be following the plan as it was approved.  13 MR. COLEMAN:  14 MR. COLEMAN:  15 Jeff, if I may interject.  16 You had earlier stated that you had  17 reviewed the plan with supervisors that  18 was going to oversee the seals  19 installation; is that correct?  20 MR. J.TOLER:  21 Yes, sir. And I also  22 think that each of these supervisors  23 had a copy of that seal construction 24 plan with them.  25 MR. MCKINNEY:  26 We had an interview  27 We had an interview  28 process, a statement where the first  29 row of blocks were placed down and then  40 there was a bag of BBond poured over  41 there was a bag of BBond poured over  42 that as a footer. Would that be the  43 pour way to construct the seal?  44 MR. MCKINNEY:  45 block on top of it, does that comply  46 would.  47 with the seal plan?  48 MR. MCKINNEY:  49 that that's not the way they would  40 have done that, I don't think.  41 MR. MCKINNEY:  41 MR. MCKINNEY:  42 voudon't think or you're  43 sure?  44 If the conditions were  45 damp, I would rev. yes, I think they  46 would.  47 MR. J.TOLER:  48 No, sir. I don't think.  49 opinion, be mixing a mortar to lay that  40 block in?  41 MR. J.TOLER:  42 You don't think or you're  43 sure?  44 If it's drawing if it  45 can draw its moisture from the ground,  46 no, sir.  47 MR. MCKINNEY:  48 No, Sir. JoleR:  49 MR. J.TOLER:  40 MR. J.TOLER:  41 MR. MCKINNEY:  41 MR. MCKINNEY:  42 MR. MCKINNEY:  43 Can draw its moisture from the ground,  44 no, sir.  45 There was also some  46 statements about the number of  47 there was also some  48 And what would you base  49 that opinion on?  40 MR. J.TOLER:  41 MR. J.TOLER:  42 MR. J.TOLER:  43 And what would you base  44 If the conditions were  45 damp, I would yes, I think they  46 damp, wet, they would  47 block on top of it, does that comply  48 with the seal plan?  49 MR. J.TOLER:  40 MR. J.TOLER:  41 MR. MCKINNEY:  41 MR. MCKINNEY:  42 MR. J.TOLER:  43 draw it we be in the would  44 If the conditions were  45 damp, wet, they would on             | 10 | stops by, checked on their              | 10 | It was dumped on the                    |
| as it was approved.  MR. COLEMAN:  Jeff, if I may interject.  You had earlier stated that you had reviewed the plan with supervisors that was going to oversee the seals installation; is that correct?  MR. JTOLER:  Think that each of these supervisors had a copy of that seal construction had process a statement where the first row of blocks.  MR. MCKINNEY:  Page 471  We had an interview process, a statement where the first row of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal?  MR. JTOLER:  MR. JTOLER:  MR. MCKINNEY:  Page 471  We had an interview process, a statement where the first row of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal?  MR. JTOLER:  No, sir. I think the bottom conditions were damp, wet, they would maybe pour dry mix down. Or if there was a bag of blocks were placed down and then there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal?  MR. JTOLER:  No, sir. I think the bottom conditions were damp, wet, they would have been on the footer blow the in there for a leveling purpose. But it would have done that, in the seal plan?  MR. MCKINNEY:  MR. MCKINNEY:  MR. MCKINNEY:  MR. JTOLER:  You don't think or you're  Sure?  MR. JTOLER:  MR. JTOLER:  MR. JTOLER:  MR. JTOLER:  MR. MCKINNEY:  MR. JTOLER:  MR. MCKINNEY:  MR. MCKINNE |    | construction, see how it was going.     | 11 | floor.                                  |
| 14 MR. COLEMAN: 15 Jeff, if I may interject. 16 You had earlier stated that you had 17 reviewed the plan with supervisors that 18 was going to oversee the seals 19 installaition; is that correct? 20 MR. J.TOLER: 21 Yes, sir. And I also 22 think that each of these supervisors 23 had a copy of that seal construction 25 MR. MCKINNEY: 26 MR. MCKINNEY: 27 We had an interview 28 process, a statement where the first 29 there was a bag, uneven area there, they may put it down in the for a leveling purpose. But it would have been on the footer below the first row of blocks. 29 WR. MCKINNEY: 20 MR. MCKINNEY: 21 If you did what you just described, you used dry BBond and poured it out of the bag and set the process, a statement where the first are there, was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal? 20 MR. J.TOLER: 31 No, sir. I don't think. 42 If revold have been on the footer below the first described, you used dry BBond and poured it out of the bag and set the with the seal plan? 31 We had an interview 42 process, a statement where the first are there, was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal? 4 MR. J.TOLER: 4 MR. J.TOLER: 5 MR. J.TOLER: 5 MR. J.TOLER: 6 Would. 7 MR. MCKINNEY: 8 No, sir. I don't think. 9 Conditions were damp, I would yes, I think they would have done that, I don't think. 10 have done that, I don't think. 11 MR. MCKINNEY: 11 MR. J.TOLER: 12 You don't think or you're 13 Sure? 14 MR. J.TOLER: 15 I don't think they would 16 have done it that way. 16 There was also some 17 MR. MCKINNEY: 17 MR. MCKINNEY: 18 No, MCKINNEY: 19 In there flyboards, would that comply with the plan? 29 MR. J.TOLER: 20 MR. J.TOLER: 21 Just verbal descriptions 21 indicating that they just laid a little 21 indicating that they just laid a little 22 indicating that they just laid a little 23 indicating that they just laid a little 24 row of blocks down and dumped  |    | They appeared to be following the plan  |    | MR. J.TOLER:                            |
| 15 Jeff, if I may interject. 16 You had earlier stated that you had 17 reviewed the plan with supervisors that 18 was going to oversee the seals 19 installation: is that correct? 19 in there for a leveling purpose. But it 20 MR. J.TOLER: 21 We had an interview 22 there was a bag of BBond poured over 23 there was a bag of BBond poured over 24 there was a bag of BBond poured over 25 that as a footer. Would that be the 26 proper way to construct the seal? 27 MR. J.TOLER: 28 No, sir. I don't think 29 that that's not the way they would 20 have done that, I don't think 21 MR. J.TOLER: 22 MR. MCKINNEY: 23 had a copy of that way they would 24 plan with them. 25 MR MCKINNEY: 26 proper way to construct the seal? 27 MR. J.TOLER: 28 No, sir. I don't think 39 that that's not the way they would 40 have done that, I don't think 41 MR. MCKINNEY: 42 you don't think tor you're 43 sure? 44 MR. J.TOLER: 45 MR. J.TOLER: 46 MR. J.TOLER: 47 MR. J.TOLER: 48 No, sir. I don't think 49 that that's not the way they would 40 have done it that way. 40 MR. J.TOLER: 41 MR. J.TOLER: 42 MR. MCKINNEY: 43 MR. MCKINNEY: 44 If the conditions were 45 damp, ret, they would not in your 46 opinion, be mixing a mortar to lay that 47 block in? 48 MCKINNEY: 49 MR. J.TOLER: 40 MR. J.TOLER: 41 MR. J.TOLER: 42 MR. MCKINNEY: 43 MR. MCKINNEY: 44 If the conditions were 45 damp, ret, they would not in your 46 opinion, be mixing a mortar to lay that 47 block in? 48 MR. J.TOLER: 49 MR. J.TOLER: 40 MR. J.TOLER: 41 MR. J.TOLER: 42 MR. J.TOLER: 43 Cardian was also some 44 there was also some 45 MR. J.TOLER: 46 MR. J.TOLER: 47 MR. MCKINNEY: 48 So you would not, in your 49 opinion, be mixing a mortar to lay that 40 block in? 51 MR. MCKINNEY: 52 MR. MCKINNEY: 53 MR. J.TOLER: 54 MR. J.TOLER: 55 MR. MCKINNEY: 56 MR. J.TOLER: 57 MR. J.TOLER: 58 MR. J.TOLER: 59 MR. J.TOLER: 50 MR. J.TOLER: 50 MR. J.TOLER: 51 MR. J.TOLER:             |    | • •                                     |    | · ·                                     |
| 16 You had earlier stated that you had reviewed the plan with supervisors that 17 mix down. Or if there was a big, 18 was going to oversee the seals 18 uneven area there, they may put it down installation; is that correct? 19 in there for a leveling purpose. But it 20 would have been on the footer below the 21 first row of blocks. 22 think that each of these supervisors 22 had a copy of that seal construction 23 had a copy of that seal construction 24 plan with them. 25 MR. MCKINNEY: 26 MR. MCKINNEY: 27 If you did what you just described, you used dry BBond and 27 poured it out of the bag and set the 28 poured it out of the bag and set the 29 with the seal plan? 29 would. 29 would. 29 would. 29 plan with they 29 opinion, be mixing a mortar to lay that 29 opinion opini |    |   |    |   |
| 17 reviewed the plan with supervisors that 18 was going to oversee the seals 18 uneven area there, they may put it down 19 installation; is that correct? 20 MR. J.TOLER: 21 Yes, sir. And I also 22 think that each of these supervisors 23 had a copy of that seal construction 24 plan with them. 25 MR. MCKINNEY: 26 MR. MCKINNEY: 27 MR. MCKINNEY: 28 process, a statement where the first 29 rove of blocks were placed down and then 29 that that's not the way they would 20 have done that, I don't think 21 MR. MCKINNEY: 22 MR. MCKINNEY: 23 If you did what you just 24 described, you used dry BBond and 25 poured it out of the bag and set the 26 proper way to construct the seal? 27 MR. J.TOLER: 28 No, sir. I don't think 39 that that's not the way they would 40 have done that, I don't think. 41 MR. MCKINNEY: 42 MR. J.TOLER: 43 So you would not, in your 44 opinion on? 45 MR. MCKINNEY: 46 And what would you base 47 MR. J.TOLER: 48 And what would you base 49 that that's not the way. 40 MR. MCKINNEY: 41 MR. J.TOLER: 41 MR. J.TOLER: 42 If it's drawing if it 43 sure? 44 MR. J.TOLER: 45 MR. MCKINNEY: 46 And what would you base 47 MR. MCKINNEY: 48 And what would you base 49 There was also some 40 MR. MCKINNEY: 40 MR. MCKINNEY: 41 MR. J.TOLER: 41 MR. J.TOLER: 42 And what would you base 43 If you did what you just 44 described, you used dry BBond and 45 poured it out of the bag and set the 46 poured it out of the bag and set the 47 MR. MCKINNEY: 48 So you would not, in your 49 opinion, be mixing a mortar to lay that 49 block in? 50 MR. MCKINNEY: 51 MR. J.TOLER: 52 If it's drawing if it 53 can draw its moisture from the ground, 64 no, sir. 65 MR. MCKINNEY: 66 would. 77 MR. MCKINNEY: 78 MR. MCKINNEY: 79 MR. MCKINNEY: 70 MR. MCKINNEY: 70 MR. MCKINNEY: 71 There was also some 71 the seals that were placed on top of 71 the seals that were placed on top of 72 the seals that were being built, the 73 MR. J.TOLER: 74 There flyboards would that comply with 75 There flyboards would   |    | •                                       |    |   |
| 18 was going to oversee the seals 19 installation; is that correct? 19 MR. J.TOLER: 20 Would have been on the footer below the 21 Yes, sir. And I also 22 think that each of these supervisors 23 had a copy of that seal construction 24 plan with them. 25 MR. MCKINNEY: 26 MR. MCKINNEY: 27 MR. MCKINNEY: 28 MR. MCKINNEY: 29 MR. MCKINNEY: 20 MR. MCKINNEY: 21 If you did what you just 29 described, you used dry BBond and 29 poured it out of the bag and set the 20 with the seal plan? 21 block on top of it, does that comply 22 with the seal plan? 23 MR. J.TOLER: 24 damp, I would yes, I think they 25 would yes, I think they 26 would. 27 MR. J.TOLER: 28 No, sir. I don't think 29 that that's not the way they would 29 have done that, I don't think. 20 MR. MCKINNEY: 21 MR. MCKINNEY: 22 MR. MCKINNEY: 33 row of blocks were placed down and then 44 there was a bag of BBond poured over 45 that as a footer. Would that be the 46 proper way to construct the seal? 46 MR. J.TOLER: 47 MR. MCKINNEY: 48 So you would not, in your 49 opinion, be mixing a mortar to lay that 40 block in? 41 MR. J.TOLER: 41 MR. J.TOLER: 42 If it's drawing if it 43 can draw its moisture from the ground, 44 no, sir. 45 If hore was also some 46 that would you base 47 MR. MCKINNEY: 48 MR. J.TOLER: 49 And what would you base 40 And what would you base 41 MR. MCKINNEY: 41 MR. MCKINNEY: 41 MR. MCKINNEY: 41 Hore was also some 41 MR. MCKINNEY: 42 There was also. If there were 43 MR. J.TOLER: 44 Hore ware being built, the 45 MR. J.TOLER: 46 And what would you base alignment about the number of 47 the seals. If there were 48 there were 49 In the footen on the footen the footen on the footen below the 40 In the beals. If there were 41 Just verbal descriptions 40 of how they built the seals. Are you 41 incleased. There if yboards would   |    |   |    |   |
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| 22 think that each of these supervisors 23 had a copy of that seal construction 25 MR. MCKINNEY:  26 Page 471  27 Page 472  28 We had an interview 29 process, a statement where the first 30 row of blocks were placed down and then 40 there was a bag of BBond poured over 51 that as a footer. Would that be the 61 proper way to construct the seal? 62 Process, a statement where the first 63 row of blocks were placed down and then 64 there was a bag of BBond poured over 65 that as a footer. Would that be the 66 proper way to construct the seal? 77 MR. J.TOLER: 8 No, sir. I don't think 90 that that's not the way they would 100 have done that, I don't think. 110 MR. MCKINNEY: 111 MR. MCKINNEY: 112 You don't think or you're 113 sure? 114 MR. J.TOLER: 115 I don't think they would 116 have done it that way. 117 MR. MCKINNEY: 118 MR. MCKINNEY: 119 MR. J.TOLER: 119 MR. MCKINNEY: 110 MR. MCKINNEY: 111 MR. J.TOLER: 112 If it's drawing if it 113 can draw its moisture from the ground, 114 no, sir. 115 I don't think they would 116 have done it that way. 117 MR. MCKINNEY: 118 MR. MCKINNEY: 119 MR. MCKINNEY: 119 MR. MCKINNEY: 110 MR. MCKINNEY: 111 MR. J.TOLER: 111 MR. J.TOLER: 112 If it's drawing if it 113 can draw its moisture from the ground, 115 MR. MCKINNEY: 116 There was also some 117 MR. MCKINNEY: 118 MR. MCKINNEY: 119 MR. MCKINNEY: 119 MR. J.TOLER: 120 MR. J.TOLER: 131 Can draw its moisture from the ground, 140 no, sir. 151 MR. MCKINNEY: 162 There was also some 173 MR. J.TOLER: 174 MR. J.TOLER: 175 MR. J.TOLER: 186 damp, I would would that the number of the seals. If there were the plane? 286 damp, I would yes, I think they 29 with the seals and it will the seals. Are you 29 indicating that they just laid a little 29 MR. J.TOLER: 20 Three flyboards would  |    |   |    |   |
| 23 If you did what you just 24 plan with them. 25 MR. MCKINNEY:  26 Page 471  1 We had an interview 27 process, a statement where the first 3 row of blocks were placed down and then 4 there was a bag of BBond poured over 5 that as a footer. Would that be the 6 proper way to construct the seal? 7 MR. J.TOLER: 8 No, sir. I don't think 9 that that's not the way they would 1 have done that, I don't think. 10 have done it that way. 11 MR. MCKINNEY: 12 You don't think or you're 13 sure? 14 MR. J.TOLER: 15 I don't think they would 16 have done it that way. 17 MR. J.TOLER: 18 No, Sir. I don't think or you're 19 Undon't think or you're 19 There was also some 10 have done it that way. 11 MR. MCKINNEY: 12 If it's drawing if it 13 can draw its moisture from the ground, 14 no, sir. 15 I don't think they would 16 have done it that way. 17 MR. MCKINNEY: 18 And what would you base 19 There was also some 19 The seals that were being built, the 20 MR. J.TOLER: 21 Just verbal descriptions 22 indicating that they just laid a little 24 row of blocks down and dumped  23 If you did what you is described, you used dry BBond and 24 described, you used dry BBond and 25 poured it out of the bag and set the  24 The backinney.  25 described, you used dry BBond and 26 poured it out of the bag and set the  24 Three flyboards would  |    |   |    |   |
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| there was a bag of BBond poured over that as a footer. Would that be the proper way to construct the seal?  MR. J.TOLER: No, sir. I don't think they would have done that, I don't think.  MR. MCKINNEY: You don't think or you're  Sure?  I don't think they would MR. J.TOLER: I don't think they would MR. J.TOLER:  I don't think they would And what would you base MR. MCKINNEY:  MR. MCKINNEY:  I don't think they would MR. J.TOLER:  I don't think they would MR. MCKINNEY:  I don't think they would MR. MCKINNEY:  MR. MCKINNEY:  I don't think they would There was also some  I statements about the number of I statements about the number of I statements about the number of I the conditions were  damp, I would yes, I think they would.  MR. MCKINNEY:  MR. MCKINNEY:  MR. J.TOLER:  MR. J.TOLER:  MR. J.TOLER:  Just verbal descriptions of how they built the seals. Are you indicating that they just laid a little row of blocks down and dumped  Three flyboards would  |    | •                                       |    | •                                       |
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| 11 MR. MCKINNEY: 12 You don't think or you're 13 sure? 14 MR. J.TOLER: 15 I don't think they would 16 have done it that way. 17 MR. MCKINNEY: 18 And what would you base 19 that opinion on? 19 Under the seals that were being built, the 20 MR. J.TOLER: 21 Just verbal descriptions 22 indicating that they just laid a little 24 row of blocks down and dumped 21 Just verbal descriptions 22 Three flyboards would 23 If it's drawing if it 24 If it's drawing if it 25 If it's drawing if it 26 If it's drawing if it 27 It it's drawing if it 28 If it's drawing if it 29 If it's drawing if it 20 And waw its moisture from the ground, 20 MR. MCKINNEY: 21 There was also some 25 If there was also some 26 If yboards that were placed on top of 27 the seals that were being built, the 28 40-inch thick seals. If there were 29 three flyboards, would that comply with 20 MR. J.TOLER: 21 Three flyboards would   |    |   |    | · · · · · · · · · · · · · · · · · · ·   |
| 12 You don't think or you're 13 sure? 14 MR. J.TOLER: 15 I don't think they would 16 have done it that way. 17 MR. MCKINNEY: 18 And what would you base 19 that opinion on? 19 Ust verbal descriptions 20 MR. J.TOLER: 21 Just verbal descriptions 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped 21 Just verbal descriptions 22 If it's drawing if it 23 can draw its moisture from the ground, 14 no, sir. 15 MR. MCKINNEY: 16 There was also some 17 If it's drawing if it 24 dean draw its moisture from the ground, 16 no, sir. 17 MR. MCKINNEY: 18 And what weep laced on top of 19 the seals that were placed on top of 19 the seals that were being built, the 20 40-inch thick seals. If there were 21 three flyboards, would that comply with 22 the plan? 23 MR. J.TOLER: 24 Three flyboards would   |    |   |    |   |
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| have done it that way.  MR. MCKINNEY:  And what would you base  that opinion on?  MR. J.TOLER:  Just verbal descriptions  of how they built the seals. Are you  indicating that they just laid a little  row of blocks down and dumped  There was also some  16 There was also some  17 statements about the number of  18 flyboards that were placed on top of  19 the seals that were being built, the  20 40-inch thick seals. If there were  21 three flyboards, would that comply with  22 the plan?  23 MR. J.TOLER:  24 Three flyboards would   |    |   |    |   |
| 17 Statements about the number of 18 And what would you base 19 that opinion on? 19 the seals that were being built, the 20 MR. J.TOLER: 21 Just verbal descriptions 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped 27 statements about the number of 18 flyboards that were placed on top of 19 the seals that were being built, the 20 40-inch thick seals. If there were 21 three flyboards, would that comply with 22 the plan? 23 MR. J.TOLER: 24 Three flyboards would  |    | ,                                       |    |   |
| 18 And what would you base 19 that opinion on? 19 the seals that were placed on top of 19 the seals that were being built, the 20 MR. J.TOLER: 20 40-inch thick seals. If there were 21 Just verbal descriptions 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped 25 If yboards, would that comply with 26 the plan? 27 MR. J.TOLER: 28 MR. J.TOLER: 29 Three flyboards would   |    |   | 17 |   |
| that opinion on?  19 the seals that were being built, the 20 MR. J.TOLER: 21 Just verbal descriptions 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped 25 three flyboards, would that comply with 26 the plan? 27 MR. J.TOLER: 28 MR. J.TOLER: 29 Three flyboards would   | 18 | And what would you base                 | 18 | flyboards that were placed on top of    |
| 21 Just verbal descriptions 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped 25 26 27 28 29 20 21 three flyboards, would that comply with 26 22 22 22 22 23 MR. J.TOLER: 27 24 28 29 29 20 20 20 20 20 20 20 20 20 20 20 20 20  | 19 |   | 19 | the seals that were being built, the    |
| 22 of how they built the seals. Are you 23 indicating that they just laid a little 24 row of blocks down and dumped 25 26 27 28 29 29 29 20 20 20 20 20 20 20 20 20 20 20 20 20  |    | MR. J.TOLER:                            | 20 |   |
| 23 indicating that they just laid a little 23 MR. J.TOLER: 24 row of blocks down and dumped 24 Three flyboards would   |    | ·                                       | 21 | three flyboards, would that comply with |
| 24 row of blocks down and dumped 24 Three flyboards would  |    |   |    |   |
| '  |    | • |    |   |
| 25 MR. MCKINNEY: 25 comply with the plan.  |    | •                                       |    |   |
| <b>!</b>   | 25 | MR. MCKINNEY:                           | 25 | comply with the plan.                   |

|  | Page 474  |  | Page 476   |
|--|---|--|--|
| 1                                      | MR. MCKINNEY:   | 1  | and two in November, I would bring the   |
| 2                                      | Would or would not?   | 2  | two in November into October.  |
| 3                                      | MR. J.TOLER:  | 3  | MR. MCKINNEY:  |
| 4                                      | It would.   | 4  | But to your knowledge,   |
| 5                                      | MR. MCKINNEY:   | 5  | there would never be a one-on-one  |
| 6                                      | Would anything less than  | 6  | training session?  |
| 7                                      | three comply with the plan?   | 7  | MR. STEMPLE:   |
| 8                                      | MR. J.TOLER:  | 8  | To my knowledge, I have  |
| 9                                      | No, sir, it would not.  | 9  | done several of those in the past.   |
| 10                                     | MR. MCKINNEY:   | 10   | It's not very convenient to do a   |
| 11                                     | Who is responsible for  | 11   | one-on-one.  |
| 12                                     | the annual refresher training and the   | 12   | MR. MCKINNEY:  |
| 13                                     | newly-employed and experienced mining   | 13   | Who tracks the expiration  |
| 14                                     | training at the mine, for conducting  | 14   | dates on your SCSRs?   |
| 15                                     | that training?  | 15   | MR. STEMPLE:   |
| 16                                     | MR. COLEMAN:  | 16   | Those are tracked mostly   |
| 17                                     | The safety director at  | 17   | through the department.  |
| 18                                     | that site and/or a certified  | 18   | MR. MCKINNEY:  |
| 19                                     | instructor.   | 19   | Is that logged in  |
| 20                                     | MR. MCKINNEY:   | 20   | electronically or how do you track   |
| 21                                     | Can you tell me how that  | 21   | that?  |
| 22                                     | is handled administratively or how  | 22   | MR. STEMPLE:   |
| 23                                     | was it handled administratively at the  | 23   | Well, initially it's done  |
| 24                                     | Sago Mine? Did you bring all your   | 24   | by hand and then logged in   |
| 25                                     | miners into a training class once a   | 25   | electronically.  |
|  | Page 475  |  | Page 477   |
| 1                                      | year?   | 1  | CHAIR:   |
| 2                                      | MR. COLEMAN:  | 2  | Mr. Stemple, if I may  |
| 3                                      | I can't comment prior to.   | 3  | follow up on that question. Earlier a  |
| 4                                      | Subsequent to the event, we have  | 4  | question was asked as to the logs or as  |
| 5                                      | brought all miners in to conduct the  | 5  | to the dates of these SCSRs. Could you   |
| 6                                      | annual retraining.  | 6  | provide us with a copy of those dates,   |
| 7                                      | MR. MCKINNEY:   | 7  | when they were purchased?  |
| 8                                      | Who can comment prior to?   | 8  | MR. STEMPLE:   |
| 9                                      | MR. STEMPLE:  | 9  | I don't know when they   |
| 10                                     | Based on the anniversary  | 10   | were purchased. They do have the   |
| 11                                     | date of their hire date was how we were   | 11   | manufacturer's date stamped on them  |
| 12                                     | doing the training previously. And if   | 12   | when they were made, but I don't know  |
| 13                                     | there were eight men in the month of  | 13   | when they were purchased.  |
| 14                                     | August that were due for annual   | 14   | CHAIR:   |
| 15                                     |   | . 4 -  | And it was asked if we   |
| 1                                      | refresher training, those eight men   | 15   |  |
| 16                                     | would be posted on the mine door to   | 16   | could get copies of those manufacturer   |
| 17                                     | would be posted on the mine door to report for annual refresher training.   | 16<br>17                                     | could get copies of those manufacturer dates.  |
| 17<br>18                               | would be posted on the mine door to report for annual refresher training. MR. MCKINNEY:   | 16<br>17<br>18                               | could get copies of those manufacturer dates. MR. STEMPLE:   |
| 17<br>18<br>19                         | would be posted on the mine door to report for annual refresher training.  MR. MCKINNEY: So that it could be if   | 16<br>17<br>18<br>19                         | could get copies of those manufacturer dates. MR. STEMPLE: Yes. MSHA has those.  |
| 17<br>18<br>19<br>20                   | would be posted on the mine door to report for annual refresher training.  MR. MCKINNEY:  So that it could be if one person was due, it would be a one-   | 16<br>17<br>18<br>19<br>20                   | could get copies of those manufacturer dates. MR. STEMPLE: Yes. MSHA has those. CHAIR:   |
| 17<br>18<br>19<br>20<br>21             | would be posted on the mine door to report for annual refresher training.  MR. MCKINNEY:  So that it could be if one person was due, it would be a one-on-one training session?                                   | 16<br>17<br>18<br>19<br>20<br>21             | could get copies of those manufacturer dates. MR. STEMPLE: Yes. MSHA has those. CHAIR: Okay.   |
| 17<br>18<br>19<br>20<br>21<br>22       | would be posted on the mine door to report for annual refresher training.  MR. MCKINNEY: So that it could be if one person was due, it would be a one-on-one training session?  MR. STEMPLE:                      | 16<br>17<br>18<br>19<br>20<br>21<br>22       | could get copies of those manufacturer dates. MR. STEMPLE: Yes. MSHA has those. CHAIR: Okay. MR. MCKINNEY:                           |
| 17<br>18<br>19<br>20<br>21<br>22<br>23 | would be posted on the mine door to report for annual refresher training.  MR. MCKINNEY: So that it could be if one person was due, it would be a one-on-one training session?  MR. STEMPLE: What I would do is I | 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | could get copies of those manufacturer dates.  MR. STEMPLE: Yes. MSHA has those. CHAIR: Okay. MR. MCKINNEY: Mr. Coleman, I think you |
| 17<br>18<br>19<br>20<br>21<br>22       | would be posted on the mine door to report for annual refresher training.  MR. MCKINNEY: So that it could be if one person was due, it would be a one-on-one training session?  MR. STEMPLE:                      | 16<br>17<br>18<br>19<br>20<br>21<br>22       | could get copies of those manufacturer dates. MR. STEMPLE: Yes. MSHA has those. CHAIR: Okay. MR. MCKINNEY:                           |

|  | Page 478   | _  | Page 480  |
|--|--|--|---|
| 1  | and also that you were working in the  | 1  | the conditions, he felt there had been  |
| 2  | command center. Can you tell me how  | 2  | an explosion. You still had not   |
| 3  | - the functionality of that operation,   | 3  | decided that after debriefing him?  |
| 4  | what your input was as you represented   | 4  | MR. COLEMAN:  |
| 5  | the company in this process?   | 5  | After debriefing him,   |
| 6  | MR. COLEMAN:   | 6  | yes. But pursuant to we got bits  |
| 7  | Yes, sir. We took and  | 7  | and pieces of information. I mean, the  |
| 8  | used the incident command structure so   | 8  | firsthand information come from Mr.   |
| 9  | that we set a place for  | 9  | Toler and the others that went  |
| 10   | engineering, surface critical support,   | 10   | underground to assist, what the   |
| 11   | along with, you know, securing access  | 11   | conditions were and what was going on.  |
| 12   | to the gate, and started working with  | 12   | MR. MCKINNEY:   |
| 13   | logistics as far as taking into account  | 13   | Can you tell me a little  |
| 14   | what resources we had at the mines.  | 14   | bit about the operation as far as what  |
| 15   | And in conjunction with this, MSHA and   | 15   | the plan was? As Mr. Kitts indicated,   |
| 16   | the state was also assisting with  | 16   | a K Order was issued, which now the   |
| 17   | resources as well.   | 17   | company puts forth a plan of what you   |
| 18   | MR. MCKINNEY:  | 18   | want to do. What was the first plan   |
| 19   | You debriefed, as you  | 19   | that you brought forth as your plan of  |
| 20   | understood, Mr. Toler when he came   | 20   | action?   |
| 21   | outside?   | 21   | MR. COLEMAN:  |
| 22   | MR. COLEMAN:   | 22   | The first plan that was   |
| 23   | Yes, sir.  | 23   | approved is that once that we was   |
| 24   | MR. MCKINNEY:  | 23<br>24   | assured that we didn't have a mine fire   |
| 25   |  | 2 <del>4</del><br>25   |   |
| 25   | Based on that debriefing,  | 25   | or excessive levels of methane, the   |
|  |  |  |   |
|  | Page 479   |  | Page 481  |
| 1  | Page 479 what did you gain from that as far as   | 1  | Page 481  |
| 1 2  | what did you gain from that as far as  | 1  | plan was submitted and signed off on by   |
| 2  | what did you gain from that as far as the conditions underground?  | 2  | plan was submitted and signed off on by state and the federal and ICG to  |
| 2  | what did you gain from that as far as the conditions underground? MR. COLEMAN:   | 2  | plan was submitted and signed off on by state and the federal and ICG to systematically explore the mines once  |
| 2<br>3<br>4  | what did you gain from that as far as the conditions underground? MR. COLEMAN: I felt that we had had a  | 2<br>3<br>4  | plan was submitted and signed off on by state and the federal and ICG to systematically explore the mines once we did the portals and to advance up   |
| 2  | what did you gain from that as far as the conditions underground? MR. COLEMAN: I felt that we had had a significant event.   | 2<br>3<br>4<br>5   | plan was submitted and signed off on by state and the federal and ICG to systematically explore the mines once we did the portals and to advance up the track with the secondary back-up  |
| 2<br>3<br>4<br>5<br>6  | what did you gain from that as far as the conditions underground? MR. COLEMAN: I felt that we had had a significant event. MR. MCKINNEY:   | 2<br>3<br>4<br>5<br>6  | plan was submitted and signed off on by state and the federal and ICG to systematically explore the mines once we did the portals and to advance up the track with the secondary back-up team following at approximately 500  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | what did you gain from that as far as the conditions underground?  MR. COLEMAN: I felt that we had had a significant event.  MR. MCKINNEY: Could you tell me what significant event you felt you had?  MR. COLEMAN: Some type of maybe an explosion or mine fire or I mean, there was even talk that, you know, possibly even a major roof fall.  MR. MCKINNEY: I think we've all been in the mining industry quite sometime. As you debriefed Mr. Toler, who's already told us that I think when he saw soot deposits on the mine roof,  MR. COLEMAN: Yes.  MR. MCKINNEY: he saw stoppings                                      | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | plan was submitted and signed off on by state and the federal and ICG to systematically explore the mines once we did the portals and to advance up the track with the secondary back-up team following at approximately 500 feet and advancing that way. And we was tied into the returns I believe every 500 feet.  MR. MCKINNEY: You're pretty well into the operation now. I guess I'm talking about the first window when you debriefed Mr. Toler and you thought you had an explosion underground. A decision has to be made about whether you're going to send people underground at this point in time, once the teams were mobilized. What was your position, as the company official at that time? Did you want to send teams underground?  MR. COLEMAN:                        |

| 1  | Page 482   | 4  | Page 484  |
|--|--|--|---|
| 1  | because they wanted to get a trending  | 1  | really need to get home to their  |
| 2  | analysis to ensure the safety of the   | 2  | children. Can I make a motion that we   |
| 3  | team, that we didn't have a mine fire.   | 3  | adjourn and have this panel come back   |
| 4  | MR. MCKINNEY:  | 4  | tomorrow? I'm sorry. If that's all  |
| 5  | You indicated this was a   | 5  | right with you guys.  |
| 6  | joint discussion process. So when you  | 6  | CHAIR:  |
| 7  | say approached MSHA, did you have  | 7  | I think the questioning   |
| 8  | meetings between yourself, MSHA and the  | 8  | is finished. We would ask the panel,  |
| 9  | state to make decisions on this?   | 9  | and we want to thank you for answering  |
| 10   | MR. COLEMAN:   | 10   | these questions, but we would ask for   |
| 11   | Yes, sir.  | 11   | you to return tomorrow. And I know most   |
| 12   | MR. MCKINNEY:  | 12   | of you are, but we would request that   |
| 13   | Did you have any concerns  | 13   | Mr. Crumrine, Mr. Toler and Mr. Jamison   |
| 14   | as the person in charge of the mine  | 14   | join you tomorrow. We will look   |
| 15   | that there might be a second explosion?  | 15   | tomorrow morning to see if we have to   |
| 16   | MR. COLEMAN:   | 16   | finish any questions here. But I think  |
| 17   | Yes, sir.  | 17   | we're done with this panel, and we can  |
| 18   | MR. MCKINNEY:  | 18   | begin with the additional, the next   |
| 19   | And you still wanted to  | 19   | panel, which would be panel number  |
| 20   | send people underground?   | 20   | four. And then if we had questions for  |
| 21   | MR. COLEMAN:   | 21   | you, follow-up questions, we might ask  |
| 22   | We was speaking of   | 22   | them at the latter panel.   |
| 23   | several different aspects. You have to   | 23   | MR. MCKINNEY:   |
| 24   | realize we was acquiring information.  | 24   | With the Chair's  |
| 25   | We were monitoring the returns. We was   | 25   | indulgence, we have one question for  |
|  |  |  | -   |
|  |  |  |   |
|  | Page 483   |  | Page 485  |
| 1  | Page 483 getting additional information from the   | 1  | Page 485 Mr. Jamison since he is not coming   |
| 2  | getting additional information from the people we was  | 1 2  |   |
|  | getting additional information from the  |  | Mr. Jamison since he is not coming  |
| 2  | getting additional information from the people we was we had a lot of different information that we was we, as the   | 2  | Mr. Jamison since he is not coming back.  |
| 2  | getting additional information from the people we was we had a lot of different  | 2  | Mr. Jamison since he is not coming back. CHAIR:   |
| 2<br>3<br>4  | getting additional information from the people we was we had a lot of different information that we was we, as the   | 2<br>3<br>4  | Mr. Jamison since he is not coming back. CHAIR: Is Mr. Jamison coming   |
| 2<br>3<br>4<br>5   | getting additional information from the people we was we had a lot of different information that we was we, as the command center, was trying to   | 2<br>3<br>4  | Mr. Jamison since he is not coming back. CHAIR: Is Mr. Jamison coming back tomorrow?  |
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| 2  | CHAIR:   |  |
| 3  | Thank you very much. And   |  |
| 4  | thank you to the families for being  |  |
| 5  | here today and for to all of you,  |  |
| 6  | this panel and the other panels, we  |  |
| 7  | will convene again tomorrow morning at   |  |
| 8  | nine o'clock. Thank you.   |  |
| 9  | * ******** CONTINUED * *   |  |
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