

01 STATEMENT UNDER OATH
02 OF
03 GARY B. CARPENTER
04
05 Taken pursuant to Notice by Miranda
06 D. Elkins, a Court Reporter and
07 Notary Public in and for the State of
08 West Virginia, at the U.S. Bankruptcy
09 Court, 324 West Main Street,
10 Clarksburg, West Virginia, on
11 Wednesday, January 19th, 2006, at
12 12:24 p.m.

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01 P R O C E E D I N G S

02 -----

03 MR. O'DONNELL:

04 My name is Joe
05 O'Donnell and I'm an accident
06 investigator with the Mine
07 Safety and Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is Tim
11 Williams from the Solicitor's
12 Office, Doug Conaway with the
13 West Virginia Office of
14 Miners' Health, Safety and
15 Training.

16 And I've been assigned

17 to conduct an investigation
18 into the accident that
19 occurred at the Sago Mine on
20 January the 2nd, 2006 in which
21 12 miners died and one was
22 injured. The investigation is
23 being conducted by MSHA and
24 West Virginia Office of
25 Miners' Health, Safety and

9

01 Training to gather information
02 to determine the cause of the
03 accident. And these
04 interviews are an important
05 part of that investigation.

06 At this time, the
07 accident investigation team
08 intends to interview a number
09 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 that investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that a
19 greater awareness about the

20 causes of accidents can reduce
21 their occurrence in the
22 future. Information obtained
23 through witness interviews is
24 frequently included in these
25 reports. Your statement may

10

01 also be used in other
02 enforcement proceedings.

03 I'd like to thank you
04 in advance for your appearance
05 here today. We appreciate
06 your assistance in this
07 investigation. The
08 willingness of miners and mine
09 operators to work with us is
10 critical to our goal of making
11 the nation's mines safer. We
12 understand the difficulty for
13 you in discussing the events
14 that took place and we greatly
15 appreciate your efforts to
16 help us understand what
17 happened.

18 This interview with Mr.
19 Gary Carpenter is being
20 conducted under Section 103(a)
21 of the Federal Mine Safety and

22 Health Act of 1977, as part of
23 an investigation by the Mine
24 Safety and Health
25 Administration and the West

11

01 Virginia Office of Miners'
02 Health, Safety and Training
03 into the conditions, events
04 and circumstances surrounding
05 the fatalities that occurred
06 at the Sago Mine, owned by
07 International Coal Group, in
08 Buckhannon, West Virginia on
09 January 2nd, 2006.

10 This interview is being
11 conducted at the U.S.
12 Bankruptcy Courthouse in
13 Clarksburg, West Virginia on
14 January 19th, 2006.

15 Questioning will be conducted
16 by representatives of MSHA and
17 the Office of Miners' Health,
18 Safety and Training. After
19 MSHA and state officials have
20 finished asking questions, the
21 representative of the mining
22 --- well, anyway we're just
23 going to ask clarifying
24 questions.

25 This is not an

12

01 adversarial proceeding,
02 therefore, cross examination
03 will not be permitted.

04 Mr. Carpenter, the
05 interview will begin by asking
06 you a series of questions. If
07 you do not understand a
08 question, please ask me to
09 rephrase it. Feel free at any
10 time to clarify any statements
11 that you make in response to
12 the questions. After we've
13 finished asking questions, you
14 will also have an opportunity
15 to make a statement of and
16 provide us with any other
17 information that you believe
18 may be important.

19 If at any time after
20 the interview, you recall any
21 additional information that
22 you believe may be useful in
23 the investigation, please
24 contact Richard Gates at the
25 phone number and e-mail

13

01 address provided to you.
02 That's on this card here and
03 he is the lead accident
04 investigator.

05 MR. CARPENTER:

06 All right.

07 MR. O'DONNELL:

08 This is West Virginia.
09 This is Doug's, Mr. Conaway's
10 card. Your statement is
11 completely voluntary. You may
12 refuse to answer any question
13 and you may terminate your
14 interview at any time. If you
15 need a break for any reason,
16 please let me know.

17 A court reporter will
18 review your interview and will
19 later produce a written
20 transcript of the interview.
21 Please try and respond to all
22 questions verbally, since the
23 court reporter cannot record
24 non-verbal responses. Also
25 please try to keep your voice

14

01 up. Copies of the written
02 transcripts will be available
03 at a later time.

04 If any part of your
05 statement is not based on your
06 own firsthand knowledge but on
07 information that you learned
08 from someone else, please let
09 us know.

10 Please answer each
11 question as fully as you can,
12 including any information that
13 you have learned from someone
14 else. We may not ask the
15 right questions to learn the
16 information that you have, so
17 don't feel limited by the
18 precise question that's asked.

19 If you have information
20 about the subject area of a
21 question, please provide us
22 with that information.

23 At this time, Mr.
24 Conaway, do you have anything
25 that you'd like to add on

15

01 behalf of the State of West
02 Virginia?

03 MR. CONAWAY:

04 Gary, we appreciate you
05 taking the time appearing here

06 today and answering questions.
07 I've just got a brief
08 statement I'm going to read
09 and then we'll go back to Joe
10 and what we're going to do is,
11 Joe will just ask some
12 questions and you'll primarily
13 handle the questioning and
14 then I'll have a few. We'll
15 just go back and forth, but
16 we'll be the only ones asking
17 you questions. So that's the
18 format.

19 But West Virginia
20 Office of Miners' Health,
21 Safety and Training is
22 conducting this interview
23 session jointly with the Mine
24 Safety and Health
25 Administration. And we are in

16

01 agreement with the procedures
02 outlined by Mr. O'Donnell for
03 these interviews that will be
04 conducted here today. But the
05 Director reserves his right if
06 necessary to call or subpoena
07 witnesses and require the
08 production of any record,

09 document, photograph or other
10 relevant materials necessary
11 to conduct this investigation.
12 Joe?

13 MR. O'DONNELL:

14 Mr. Carpenter, you're
15 permitted to have a
16 representative with you during
17 this interview and you may
18 consult with your
19 representative at any time.
20 You may designate any person
21 to be your representative. Do
22 you have a representative with
23 you today?

24 MR. CARPENTER:

25 No.

17

01 MR. O'DONNELL:

02 Okay. Do you have any
03 questions regarding the
04 manner in which this
05 interview will be
06 conducted?

07 MR. CARPENTER:

08 No.

09 MR. O'DONNELL:

10 Would you like to swear

11 the witness in.

12 -----

13 GARY B. CARPENTER, HAVING FIRST BEEN

14 DULY SWORN, TESTIFIED AS FOLLOWS:

15 -----

16 BY MR. O'DONNELL:

17 Q. May I call you Gary?

18 A. Yes.

19 Q. You can call me Joe.

20 A. Okay.

21 Q. And we're just going to talk

22 about what happened. We have a

23 series of questions. We're just

24 going to go down through them. Just

25 feel comfortable to answer them in

18

01 any way that you like. So could you

02 please give us your full name and

03 spell your last name?

04 A. Gary B. Carpenter,

05 C-A-R-P-E-N-T-E-R.

06 Q. And Gary, what's your address

07 and phone number?

08 A. [REDACTED]

09 [REDACTED]

10 is my phone number.

11 Q. Okay. Thanks. Do you have an

12 e-mail address?

13 A. No.

14 Q. Okay. And are you here
15 voluntarily today?

16 A. Yes.

17 Q. How many years of mining
18 experience do you have?

19 A. About 18.

20 Q. And could you give us a brief
21 description of what you've done in
22 those 18 years in the mine?

23 A. I've been a roof bolter
24 operator, shot firer, cut machine
25 operator, scoop operator, continuous

19

01 miner operator, shuttle car operator,
02 coal drill operator. I've put belt
03 in, done dead work, scoop, just
04 everything.

05 Q. And what do you do at the mine
06 now, at Sago Mine?

07 A. Continuous miner operator.

08 Q. And how long have you worked
09 at Sago?

10 A. Probably six months.

11 Q. And where did you work at
12 before that?

13 A. At Spruce Fork.

14 Q. Ah, I see. So were you a
15 miner operator, that was your

16 assignment the day of the accident?

17 A. Yes.

18 Q. Okay. And have you worked in

19 --- what section do you work in?

20 A. First left.

21 Q. Have you always worked in

22 first left since you've been there?

23 A. Yes.

24 Q. And you say you work --- you

25 were hired as a continuous miner

20

01 operator?

02 A. Right.

03 Q. Okay. So you have six months

04 at Sago and have been a miner

05 operator the whole time. Now, what

06 kind of mining certificates do you

07 have?

08 A. I have my shot firer's card

09 and my regular miner's card, you

10 know, for underground mining.

11 Q. And is that in West Virginia?

12 A. Yeah.

13 Q. And do you have any other

14 certifications in any other states?

15 A. No.

16 Q. Okay. Who's your immediate

17 supervisor?

18 A. Owen Jones.

19 Q. And has Owen been your
20 supervisor the whole time?

21 A. Yes.

22 Q. What time do you normally
23 start your shift?

24 A. Six o'clock, a.m.

25 Q. And you were working the day

21

01 of the accident?

02 A. Yes.

03 Q. Okay. Now, starting at the
04 time that you arrived at the mine,
05 please tell us what you did until you
06 left the mine property. Include as
07 many details as you can and recall
08 the times, including any times you
09 can remember. Just start from the
10 beginning. I'm not going to
11 interrupt you.

12 A. From the time I entered the
13 mine property; right?

14 Q. Yep. Until the time you left.

15 A. Until I left. I got there
16 probably 15 after 5:00. And
17 generally, we sit and we'll have a
18 sandwich and get dressed, you know,
19 all the guys. And about 15 'til,
20 we'll go over to the trailer and

21 we'll get our lights and our methane
22 detectors, you know, everything that
23 they store over in the other trailer.
24 And then we head over the hill about
25 oh, five 'til 6:00, because we start

22

01 under the ground at 6:00. And second
02 left had already gotten on their
03 mantrip, and we had proceeded to get
04 on our mantrip, which was a smaller
05 mantrip, so we all had to get out of
06 that mantrip and trade out for
07 another one. And second left had
08 already left, had already gone under
09 the hill while we was switching
10 mantrips out. And I'd say
11 approximately five, ten minutes they
12 was ahead of us.

13 And we got to our first left
14 switch, to our section and I think
15 Roger Perry is the one's got out,
16 throwed the switch for our section.
17 He got into the mantrip, no more than
18 sat down when the explosion happened.
19 I couldn't tell you how long the
20 explosion lasted, you know, because
21 it seemed like, you know, a long time
22 going through this, debris flying,
23 hitting us, coal, mud, everything.

24 You know, we can't see, dust.

25 So we're all exiting our

23

01 mantrip and you know, staying
02 together, trying to stay together
03 because we couldn't see and we're
04 walking up the track, you know, just
05 trying to feel our way to get, you
06 know, towards the outside. And I'm
07 not sure how many breaks we went, but
08 we'd made our way over into the
09 intake, you know, to try to get into
10 some fresher air. And I couldn't
11 tell you how many breaks we had went,
12 but we started --- you know, the
13 further we got to outside, the
14 fresher air we were getting into.

15 And then we heard --- well,
16 let me back up here. Because when we
17 was going up the track, we heard a
18 phone. Heard someone hollering on
19 the phone. We said, all right,
20 there's communication, you know. And
21 Owen Jones got on the phone and you
22 know, was explaining to them what had
23 happened to us, you know, that some
24 sort of explosion or something
25 happened. We didn't have, you know,

01 any idea. And we proceeded to get
02 over into the intake after he talked
03 on the phone, and was making our way
04 up towards the outside.

05 And we went aways and we got
06 into pretty fresh air then. We could
07 see and then we heard a mantrip
08 coming after us. And you know, we
09 all thought, thank God, because we
10 still had, you know, a pretty good
11 ways to go outside. And we went over
12 to the track, got in the mantrip and
13 proceeded to go outside.

14 So we got outside and we was
15 informed that they would appreciate
16 it if us guys, you know, that come
17 out, would stay, you know, stick
18 around.

19 And some EMTs come and
20 examined, you know, some of us, you
21 know, just to make sure that we were
22 all right. And while we was there, I
23 can't remember who it was, but asked
24 us to clean up the other side of our
25 bathhouse because some of the family

01 members was going to be coming, you
02 know, to try to make them

03 comfortable. So we commenced --- we
04 done that.

05 And we just sat and talked.

06 And some other EMTs came to us and
07 said there's food over here for you
08 guys, you know. You're probably
09 getting hungry because we lost our
10 dinner buckets in the explosion. We
11 had, you know, had no clue where they
12 were. And so we all went and ate.

13 And by this time, you could
14 start smelling a smell coming up out
15 of the pit, coming out of the mine,
16 you know. And they said the CO
17 levels was getting high, that we
18 needed to leave the mine property.
19 So we got our stuff together and
20 commenced to leaving the mine
21 property.

22 And they were meeting over at
23 the cleaning plant, but my fiancée
24 was getting out of the hospital, so I
25 went over --- went on and went to the

26

01 hospital. And that was it.

02 But when we did get outside,
03 they did say that we probably needed
04 to inform our families, because you

05 know, it would be coming over the
06 news and it'd be a --- you know, your
07 families could find out that there's
08 been an explosion where we're at.
09 You know, that let them know that we
10 were out. We got out okay.

11 Q. Let's just --- what we're
12 going to do is we're going to back up
13 a little bit.

14 A. Okay.

15 Q. I'm going to step you through
16 it; okay?

17 A. Yeah.

18 Q. We're going to go over to one
19 of the maps and I'm going to have you
20 draw where you started the mine,
21 where you entered, how far you got
22 into the mine, where you came back
23 to, when you went in the escapeway
24 and your travel out of the mine;
25 okay?

27

01 A. All right.

02 Q. So you said you got to the
03 mine at 5:15. Okay. Now, when
04 you're on the outside, do you review
05 any records that the previous shift,
06 production records, pre-shift
07 examinations? Do you go through any

08 of that? Do you talk to your
09 foremen?
10 A. Generally, they have a
11 bulletin board posted in our dressing
12 room there that shows what the other
13 crew had mined the day before. And
14 the foremens, you know, they'll come
15 and talk with us, you know, and tell
16 us, you know, most of the time what
17 we got, you know, where your miner's
18 at, you know, where you're starting
19 at. And then generally when we get
20 to the section, we go over our roof
21 control plan with the crew, you know.
22 We go over our roof control plan
23 every morning. And you know, us
24 guys, we sit around and BS and you
25 know, just our basic day. You know,

28

01 you never ---.

02 Q. See who's there and who's not
03 there.

04 A. Yeah.

05 Q. So there was nothing unusual
06 that day?

07 A. No.

08 Q. Okay. So about what time did
09 you walk --- do you walk down over

10 the hill to the mine opening?

11 A. Yes, approximately --- I'd say

12 five 'til 6:00 or somewhere in that

13 category. You know, I never look at

14 my watch or anything.

15 Q. Do you get your cap lamp up

16 top or down at the bottom?

17 A. Up top in the trailer provided

18 for us to ---.

19 Q. And that's where you check in

20 and check out?

21 A. Right.

22 Q. What about your methane

23 detectors?

24 A. They're also in that trailer.

25 Q. So do you take the methane

29

01 detector every day?

02 A. No. We bring ours out at the

03 end of our shift and put them on

04 charge and the other crew, you know,

05 they'll bring theirs out and just ---

06 it's not the same one every day, no.

07 Q. You just make sure you've got

08 a full charge?

09 A. Well, yeah, we have a way of

10 detecting on how their charge is and

11 make sure it's calibrated right and

12 everything. We check that every

13 morning before we take it under the
14 hill with us.

15 Q. Who calibrates them?

16 A. I'm not sure who does that.

17 Q. Someone else does it?

18 A. Yeah. But we spot check them.

19 It's required of us miners to spot
20 check our tester to make sure it's
21 charged, make sure, you know, there's
22 not any physical damage to it. Make
23 sure it's properly working.

24 Q. Okay. Good. And who all

25 carries them in the section, besides

30

01 yourself?

02 A. The loader operators, the
03 other miner operator, the scoop man.

04 They even have one on the scoop with
05 him. And shuttle car operators are
06 not required to carry one.

07 Q. Right.

08 A. And the boss has the one, you
09 know, that determines oxygen
10 deficiency. They've got the fancy
11 ones, they carry with them.

12 Q. So what does yours just detect
13 then?

14 A. Methane.

15 Q. That's all?

16 A. Right.

17 (Carpenter Exhibit

18 Number One marked for

19 identification.)

20 BY MR. O'DONNELL:

21 Q. Okay. Let's go over to the

22 map and we're going to call this

23 Carpenter Exhibit One. I'll give you

24 this pen and you can start on the

25 outside and you're going to have to

31

01 describe where you're showing, what

02 entry and where, so the court

03 reporter can document it. So

04 starting on the outside here.

05 A. Okay. This is the portal, the

06 entry where we start underground

07 right here.

08 Q. That would be what entry?

09 A. This was Number Four entry.

10 And we go down Number One belt.

11 Q. You can draw on it. Don't

12 worry about messing the picture up.

13 A. We come down One Belt and it

14 makes a right here down the Two Belt.

15 It comes back around by another belt

16 head down Two Drive. And we go down

17 three and Four Belt and we get to our

18 first left, which you can see, that's
19 a pretty long trip, boy, to first
20 left. This is as far as we made it
21 that morning, this first left.

22 Q. To the switch?

23 A. To our first left switch.

24 Q. Okay.

25 A. And this is where Roger, I'm

32

01 pretty sure it was Roger, got out of
02 the trip and threw the switch for
03 us to make the turn, but we never
04 even got started again. He just got
05 back in the trip when the explosion
06 happened.

07 Q. Okay. Then you traveled from
08 ---?

09 A. Then we traveled --- we left
10 our mantrip because we didn't figure
11 we'd make it in the mantrip because a
12 lot of debris had blowed out in the
13 track. So we tried to --- we started
14 walking, all of us in our group
15 started walking. I couldn't tell you
16 which break we come through. It was
17 dusty. And we got over into the
18 intake of --- I'm not sure exactly
19 where at but we passed a phone.

20 Remember I told you about we heard a
21 phone?

22 Q. Yes. But let's go back there
23 a little bit. You said that you had
24 an extra --- you had to change
25 mantrips?

33

01 A. Outside there, yes.

02 Q. And who were the extra people
03 that you had?

04 A. Well, we had our beltman with
05 us. Other than our regular crew, we
06 had a beltman with us, Pat Boni and
07 John Boni and ---.

08 Q. And did they go all the way
09 into the section?

10 A. No. We dropped them off on
11 the way in and I'm not for sure the
12 point we dropped them off at, because
13 we were riding inside the mantrip.

14 But I'm not sure what ones we dropped
15 them off, but we did stop and drop
16 them off ---

17 Q. Both ---?

18 A. --- at various places. No.

19 Q. Two different places?

20 A. Yes.

21 Q. But you don't recall where
22 that was?

23 A. I'm not sure exactly where,
24 no.
25 Q. All right. So go ahead now.

34

01 A. So we left our mantrip after
02 the explosion, then we still couldn't
03 see and we heard a phone up there.
04 We thought, you know, we still have
05 communication. Owen got on the
06 phone.

07 Q. Now, the phone that you're
08 talking about, was it ---?

09 A. It's along the track, yes.

10 Q. It's along the track?

11 A. Right.

12 Q. It's not the mantrip, the
13 trolley phone?

14 A. No. It was a regular phone,
15 you know, that --- a stationary phone
16 that we have along the track. And
17 Owen got on it and told them what we
18 had. And we proceeded to move on and
19 get over into the intake.

20 Q. Who did you --- who did he
21 call? Do you know?

22 A. I have no idea. I don't know
23 who he talked to. I was --- I would
24 say the dispatcher at the time. And

25 I can't remember who that is --- will

35

01 be.

02 Q. He called first or some --- he

03 heard the phone?

04 A. We heard the phone. We all

05 heard the phone.

06 Q. What did you hear?

07 A. We heard him hollering,

08 inside, inside, inside.

09 Q. And that was the dispatcher?

10 A. Right.

11 Q. Do you know his name? Does he

12 have a nickname?

13 A. I'm not for sure who. I can't

14 remember if it was Flea that day.

15 No, I can't remember --- recall who

16 was our dispatcher that day.

17 Q. And so --- but that's what

18 alerted you to the phone was that

19 someone was calling in?

20 A. Someone was hollering on the

21 phone.

22 Q. And then Owen went and talked?

23 A. Owen talked. He's our

24 foreman, you know. He told us --- we

25 put him, you know, to find out ---

36

01 let him --- so he can let everybody

02 know what's happening.

03 Q. So then did Owen come down
04 with you?

05 A. Yeah, Owen come with us.

06 Q. And what made you go through
07 that crosscut?

08 A. We don't --- I'm just
09 speculating that's the crosscut
10 because it was severely dusty and we
11 couldn't really see and we just ---.

12 Q. So were you just looking for
13 the first ---?

14 A. We found us an opening, yeah.
15 We went through that and got into the
16 intake.

17 Q. Was it a door, or was it a
18 blown out stopping?

19 A. We went about --- see, I don't
20 know there was actually a door, but
21 we got into the intake. If my memory
22 serves me right, I'm thinking it may
23 have been a blown out stopping.

24 Q. Let me get my glasses here so
25 I can tell what crosscut this is.

37

01 A. Yeah, I'm just ---.

02 Q. We know you're guessing.

03 A. Yeah. I'm just speculating on

04 which crosscut we headed through.

05 Q. But about how many crosscuts
06 did you walk out by before you hopped
07 over?

08 A. Let's see. The switch is
09 here, there's one, two, three, four,
10 that's five.

11 Q. Let's go over on this map,
12 maybe it's easier to see.

13 MR. O'DONNELL:

14 This will be Carpenter
15 Exhibit Two. We're on the map
16 to the left.

17 (Carpenter Exhibit
18 Number Two marked for
19 identification.)

20 A. And here's our first left
21 switch. And this is where our
22 mantrip was. That's as far as we had
23 made it at the time of the explosion.

24 BY MR. O'DONNELL:

25 Q. Okay. So then you --- go

38

01 ahead, you can mark on that.

02 A. I'm just speculating on which
03 --- I'm trying to think approximately
04 how far we walked. And I'm saying
05 maybe --- maybe six breaks or seven,
06 I'm really not certain.

07 Q. So that's around 43?

08 A. Yeah, maybe.

09 Q. Do you want to mark that where
10 you think that you went through?

11 So that would be 43 crosscut
12 from the track traveling to ---

13 A. Towards the outside. Well,
14 traveling over into our intake.

15 Q. And that would be around Spad
16 Number 3797?

17 A. Yeah.

18 Q. So the whole crew, you and the
19 boss, all of you are over there;
20 right?

21 A. Right.

22 Q. Let me ask you another
23 question here, all of you, you had
24 detectors with you on here. Whenever
25 the rush of air, the explosion

39

01 happened, did all your detectors go
02 off?

03 A. Our detectors does not have a
04 warning on it. The ones that ---
05 like the one I carry, ---

06 Q. Yeah.

07 A. --- it just --- you've got to
08 hold the button in to determine how

09 much methane we got.

10 Q. What about Owen's? Do you
11 remember?

12 A. I can't remember whether his
13 was ---.

14 Q. Let's go back here. You were
15 on the mantrip.

16 MR. O'DONNELL:

17 Let's see, do we have a
18 black magic marker over there
19 to draw a mantrip?

20 BY MR. O'DONNELL:

21 Q. How were all the guys sitting
22 in the mantrip?

23 A. To the best of my knowledge,
24 on our end of the mantrip?

25 Q. Uh-huh (yes). Is it closed on

40

01 this end and this end, is it one of
02 those?

03 A. Yeah.

04 Q. Is it open?

05 A. Yeah. And then it's got the
06 driver's compartment in the middle,

07 see like --- and there are two

08 benches, there's a bench here and

09 there's a bench here. And the

10 driver's riding in here.

11 Q. That's Owen?

12 A. Yeah, Owen's driving. And
13 there's another bench on this end.
14 That's it.
15 Q. Okay.
16 A. Down on our end, I think Doc
17 was sitting this way facing towards
18 ---.
19 Q. Who's Doc?
20 A. Doc Anderson. He's our guy
21 that like builds stoppings and ---.
22 Q. Okay.
23 A. He's facing this way.
24 Q. Why don't you write Doc
25 Anderson there?

41

01 Q. And do you know who was
02 sitting next to him? Just if you can
03 remember where the guys were.
04 A. I was sitting facing him,
05 right here.
06 Q. Okay. You can just put
07 initials if you want, to make it
08 easier.
09 A. Okay. And Eric Hess was
10 riding beside me facing this way.
11 Q. Everybody in the front end was
12 facing out?
13 A. Yeah. And ---

14 Q. These guys were facing ---?
15 A. --- this way, I think was ---
16 I'm thinking Gary Rowen was facing
17 this way.
18 Q. Okay.
19 A. And we were all, you know, out
20 toward the door. I'm drawing it kind
21 of small here.
22 Q. You don't have to be exact. I
23 mean, if you can try to remember,
24 fine.
25 A. And I believe Roger was over

01 here setting toward the outside.
02 Randy Helmick's here and Joe was
03 here, too. Joe was over in here.
04 Q. He's Joe West (sic); right?
05 A. Yeah, one of our loader
06 operators.
07 Q. Who was this guy here?
08 A. That's Roger Perry, our other
09 miner operator.
10 Q. So there's seven of you up
11 here?
12 A. Yes.
13 Q. Okay. This is Owen?
14 A. Yeah. He's the boss.
15 Q. Okay.
16 A. And the way they were sitting

17 in this end, I could not tell you. I
18 don't know how they got in.

19 Q. Well, when we sit down, we'll
20 try and remember who those were. So
21 who got out to throw the switch?

22 A. Roger.

23 Q. Roger's in here?

24 A. Roger's in here with us, yeah.

25 Q. Okay. He crawled over these

43

01 guys?

02 A. No. You get out this side.

03 Q. Oh, okay. Roger got out on
04 that side. The switch throw is on
05 the right?

06 A. The switch is right here,
07 yeah.

08 Q. Okay.

09 A. To go to One Left. This goes
10 to second left.

11 Q. Okay. Roger gets out, throws
12 the switch, gets back in?

13 A. Right.

14 Q. And then what happens?

15 A. Then the explosion.

16 Q. Tell me about it. You were
17 sitting right here?

18 A. Yeah.

19 Q. There's a --- how big is the
20 space between the roof ---?

21 A. Enough room for us to sit up
22 in.

23 Q. And I know, but the opening
24 that goes to the out --- there's no
25 windshield there, is there?

44

01 A. Yeah, there's a window there,
02 but there's screen over it.

03 Q. There's screen.

04 A. A metal screen.

05 Q. Grated?

06 A. Yeah. To keep, you know ---.
07 And just real bad, real gush of air,
08 and the sound, you know, the ---.

09 Q. What did you hear?

10 A. Just a real high --- it seemed
11 like a tornado or something, there's
12 (makes sound effect).

13 Q. It was the movement of air
14 that you heard or did you hear the
15 explosion?

16 A. No, I did not hear the
17 explosion. And we felt the wind off
18 of it and the air got kind of warm on
19 us, blowing --- blowing on us in the
20 mantrip and debris was flying.

21 Q. How long did it last?

22 A. That I don't know.
23 Q. Ten seconds, five seconds?
24 Did it push you forward?
25 A. I was trying to just get down

45

01 out of the way of the debris. I
02 mean, it was ---.
03 Q. Did you get hit?
04 A. Yeah. There was debris
05 flying, coal and I don't know what
06 all.

07 Q. Did anything hit the mantrip
08 pretty hard?

09 A. Not that I recall, no.

10 Q. Just the fine stuff?

11 A. Yeah. Just the dust and ---
12 because it had us all, you know, our
13 light was all covered. If you turned
14 a light on, you couldn't see, it had
15 so much dust and stuff caked on it.
16 And my glasses, I couldn't see out of
17 my glasses. I had to clean them
18 because there was so much dust and
19 stuff caked on.

20 Q. Was it black?

21 A. That I couldn't tell you.

22 Q. What did it smell like?

23 A. It smelt --- kind of warm

24 smell, kind of a burning smell. A
25 burnt smell, do you know what I mean?

46

01 Q. Burnt coal, burnt garbage,
02 burnt ---?

03 A. Just a burnt smell. You know,
04 because so much dust finally, up our
05 nose. It was all clogged up and we
06 just ---.

07 Q. The people were coughing and
08 gagging?

09 A. Yeah.

10 Q. Did anybody get hurt?

11 A. Roger got maybe some dust in
12 his eyes. I think that's the only
13 and my hand got hit a little with
14 something, whatever it was, but it's
15 nothing major. But Roger's the only
16 one that had to be treated for his
17 eye, dust in his eye.

18 Q. So as soon as this happens,
19 everybody --- did everyone get out of
20 the mantrip?

21 A. Yeah.

22 Q. And did anybody give any
23 direction?

24 A. Well, we all --- just
25 instinct, we all started going

47

01 towards the outside.

02 Q. And that's everybody, the
03 whole crew?

04 A. Right.

05 Q. Okay. So now you are out to
06 43 crosscut, and you get over into
07 the ---?

08 A. Into the intake.

09 Q. Okay. Now what?

10 A. Well, we're coming out the
11 intake and one of our guys is fairly
12 heavysset and he was, you know,
13 struggling a little bit to move
14 along. And so me and a couple other
15 guys was helping him.

16 Q. Now, you said back here, you
17 lost your --- you say you lost your
18 lunch buckets?

19 A. Yeah, they was on the mantrip
20 with us. And the wind just took
21 them. We don't know where they went.

22 Q. Took them out of the mantrip?

23 A. Just --- well, we had them
24 sitting on top of our mantrip, our
25 plastic dinner buckets.

48

01 Q. Yeah. Where Hoy sits?
02 A. I'm not sure where ---.

03 Q. Not Hoy, but Owen?
04 A. Yeah.
05 Q. Owen sits there and all the
06 buckets are up there?
07 A. Just right there in front of
08 where we sit, yeah.
09 Q. Anybody lose their hat?
10 A. Yes. Roger Perry lost his
11 hat. Owen lost his hat. Roger even
12 lost his light.
13 Q. And you didn't hear Owen's
14 detector going off?
15 A. No, I couldn't --- I can't
16 recall hearing it, no.
17 Q. Did you at any time put your
18 SCSR on?
19 A. No, I didn't. Myself, I did
20 not.
21 Q. Okay.
22 A. Some of the guys did.
23 Q. And where did they put them on
24 at?
25 A. Some of them was trying to put
01 them on as soon as we got out of the
02 mantrip. And I remember a couple
03 breaks there was some more trying to
04 put theirs on, on up the line, I
05 couldn't tell you how many breaks it

06 was.

07 Q. But did most of them have it

08 on or ---?

09 A. I'm not for sure who all did

10 put theirs on.

11 Q. Okay. Did anybody have any

12 trouble putting it on?

13 A. No.

14 Q. That needed help?

15 A. No.

16 Q. They all worked good?

17 A. That I don't know.

18 Q. Did they keep them on the

19 whole time?

20 A. Until --- I'm not sure how ---

21 when we was over there in fresh air,

22 I don't know if they removed them or

23 not, by the time ---. Like I said, I

24 was helping one of our guys --- you

25 know, a couple of guys helping him

50

01 and they was already over at the

02 mantrip. I'm not sure when they took

03 them off. Or if they did take them

04 off, I'm not sure of that either.

05 Q. Gary, once you went through

06 the crosscut to the intake, did you

07 ever come back out to the track?

08 A. Yes, on up --- going up the
09 track here, going up our intake here.

10 Q. About how far did you guys go?

11 A. That I'm not sure. I'm not
12 sure of that either. I know we heard
13 the mantrip coming and we thought,
14 you know ---.

15 Q. Owen was with you?

16 A. Yes.

17 Q. Okay.

18 A. But as far as I can remember,
19 we was all still, you know, except us
20 guys trying to help a few others that
21 was a little slower, but we was all
22 generally within like sight of each
23 other.

24 Q. And everybody was accounted
25 for?

51

01 A. Yeah.

02 Q. Okay. So go ahead. Where do
03 you think you met the mantrip?

04 A. Well, we went through a man
05 door.

06 Q. How long did you walk before
07 you finally got to the mantrip?

08 A. That I'm not sure either.

09 Q. Okay.

10 A. When something like that

11 happens, you know, time is just ---.

12 Q. When you went over from --- at
13 43 crosscut to the intake, what was
14 the condition of the intake right
15 there?

16 A. When we first got into the
17 intake, it was still dusty and kind
18 of hard to see when we first got in
19 there. But as we went on, you know,
20 it got better.

21 Q. Did it look the same on the
22 track as it did the intake? Was it
23 the same?

24 A. No. The track was a lot
25 smokier than what we --- what we

52

01 encountered in the intake when we got
02 into the intake.

03 Q. Do you remember if it was
04 white smoke, black smoke?

05 A. Just kind of like dust mainly.

06 Q. Okay. All right. So now
07 you're headed out --- when did you
08 hear the mantrip, somebody coming in?

09 A. I couldn't tell you when. I
10 just remember hearing it.

11 Q. Okay. And then what did you
12 do when you heard it?

13 A. We --- some of the guys was up
14 there at the man door saying, you
15 know, we'll meet the mantrip here.
16 I'm not for sure where at, what part
17 that is either. I'm not sure of
18 that. We just went through the man
19 door and got on the mantrip and was
20 headed outside.

21 Q. And who was on the mantrip
22 that picked you up?

23 A. Dick Wilfong, Vernon Hofer. I
24 think Al Schoonover was on there and
25 Jeff Toler, our superintendent.

53

01 Q. Okay.

02 A. As far as my knowledge.

03 Q. So you got out of the intake
04 and all of you got onto the mantrip?

05 A. Yes.

06 Q. Did anybody get off? Or did
07 all of you ride to the outside?

08 A. I know Dick Wilfong rode out
09 with us and Eric Hess was in that, in
10 the end with us, Randy Helmick, Gary
11 Rowen and I can't specify exactly who
12 all was in there, in that end with
13 us. And where everyone else was at
14 on the mantrip, I don't know, just
15 who was in our end. And I'm not sure

16 --- I'm not sure if anybody stayed or
17 not. I can't ---.

18 Q. Okay. Did Owen come all the
19 way out with you?

20 A. To the best of my knowledge,
21 I'm thinking that Owen and Jeff and
22 Al, I'm thinking --- I think they
23 stayed.

24 Q. Okay.

25 A. To the best of my knowledge.

54

01 But I do know Dick Wilfong went out
02 with us and Vernon Hofer went out
03 with us. But them three, I think may
04 have stayed.

05 Q. Okay. When did --- did
06 everybody take their SCSR off when
07 they hopped on the mantrip or ---?

08 A. That I don't know.

09 Q. And what was the --- what did
10 the air look like out on the track
11 when you hopped in the mantrip?

12 A. It was clear.

13 Q. It was clear?

14 A. It was clear where we was at.

15 When we come back out on the track,
16 it was clear, just like a regular
17 day.

18 Q. Now, up at the --- whenever
19 the explosion happened, you say the
20 air came in your face --- it hit you
21 ---?

22 A. It hit me in the back because
23 I was facing ---

24 Q. Hit you in the back. And it
25 lasted for?

55

01 A. Approximately ten seconds, I'm
02 really not sure.

03 Q. And after that rush of air,
04 what happened to the air?

05 A. It was just real dusty and you
06 know, we couldn't see, real dusty.

07 Q. Did you notice which direction
08 the air was blowing?

09 A. No. I couldn't really tell.
10 It just ---.

11 Q. Do you remember if that
12 trolley phone, if you ever heard
13 anybody try to call in or call out on
14 the trolley phone after the
15 explosion? Even after you guys
16 hopped on the mantrip with Wilfong,
17 do you know if you heard it then or
18 anybody try to call on it?

19 A. Yes. Vernon called for
20 clearance, said we have the first

21 left crew, we're heading out.

22 Q. He called on the trolley

23 phone?

24 A. Yeah, he called and told ---.

25 Q. Who did he call?

56

01 A. Flea, I guess. I'm thinking

02 Flea was our dispatcher that day.

03 Q. All right. So Flea ---. It

04 was still ---. And you heard that;

05 right, because it's a pager-type

06 walkie?

07 A. Yeah, you can hear them

08 talking. It's got a speaker on top

09 of the mantrip about this big and you

10 can hear him --- you can hear the

11 dispatcher call back.

12 Q. Okay. Did anybody, while you

13 guys were in either the track entry

14 or the intake, did anybody take a

15 reading to see what you had?

16 A. Not to my knowledge. I know I

17 didn't. I didn't use mine.

18 Q. Did you ever --- do you

19 remember the alarms going off on

20 Owen's at all or anybody that had a

21 three-gas detector?

22 A. No, I don't recall.

23

MR. O'DONNELL:

24

Before I forget, we're

25

going to mark the mantrip

57

01

drawing as Carpenter Exhibit

02

Three.

03

(Carpenter Exhibit

04

Number Three marked for

05

identification.)

06

BY MR. O'DONNELL:

07

Q. So now we're outside and you

08

say that how many people were injured

09

or had difficulty?

10

A. Roger was --- Roger was one of

11

them and Doc Anderson, he was having

12

a little trouble breathing in the

13

trailer when we first got outside. I

14

forgot about that. But Doc Anderson

15

was having a little trouble breathing

16

after we got outside.

17

Q. And were you hurt?

18

A. No, not that I would say,

19

just ---.

20

Q. Did you ever get sick from it?

21

A. No.

22

Q. Do you know if any of the

23

other guys got sick?

24

A. Not that I recall, no.

25

Q. Okay. So after the ambulance

01 came, did they take anybody to the
02 hospital?

03 A. I believe they took Roger to
04 the hospital to get his eyes ---
05 because they was washing his eyes out
06 there with some solution and they
07 done that four or five times and then
08 I guess the EMTs finally talked him
09 in, you know, just go to the
10 emergency room and let them look at
11 them.

12 Q. And they ---.

13 A. They checked --- they came
14 with an oxygen detector for our
15 finger to check --- they checked all
16 our guy's oxygen level in our blood.
17 And as far as I know, everyone's was
18 fine, like 97s and 96s.

19 Q. What was yours?

20 A. Ninety-seven (97).

21 Q. I don't know what that means.

22 Must be good, huh?

23 A. Yeah. I'm not sure either,
24 you know.

25 Q. Well, it seems like you were

01 doing fine.

02 A. Yeah. I was breathing fine.

03 Q. So did they come down over the
04 hill to pick you up or did you walk
05 up over the hill?

06 A. Some of the guys walked up
07 over the hill and the heavier guy
08 that was with us, they went up and
09 got a truck, pickup truck, and I rode
10 on the tailgate of the pickup truck
11 with him to get up the hill because
12 he --- you know, he was ---.

13 Q. Did anybody from the company
14 debrief you or have a discussion with
15 you on what had occurred? Who was
16 outside whenever you got there?

17 A. Give me a minute, I'll think
18 of his name because he come and
19 checked on us to make sure we was all
20 all right.

21 Q. Okay.

22 A. But it was someone with the
23 company, not one of the regular
24 working men.

25 Q. Okay.

60

01 A. It was one of the guys with
02 the company come and make --- you
03 know, to check on us. Ty.

04 Q. Ty?

05 A. I can't remember his last name
06 right off hand. That's just what we
07 call him.

08 Q. Would that be Tyrone or ---?

09 A. I would guess.

10 Q. Okay.

11 A. But he came --- he checked on
12 us several times.

13 Q. Did he?

14 A. Yes.

15 Q. Where were you once you come
16 out? Where did you sit? Where did
17 you --- did they have like a first-
18 aid station or ---?

19 A. We was inside our bathhouse,
20 where we dress. And the EMTs had
21 come in there and was examining all
22 of us. Like I said, they brought the
23 oxygen thing and checked all our
24 oxygen, made sure we was breathing
25 all right. You know, made sure any

61

01 cuts or you know, anything like that.

02 Q. And how long did you sit there
03 before you went home, or to the
04 hospital to meet your girlfriend?

05 A. I think it was approximately

06 --- I'm not sure. I was talking to

07 John Collins out in the parking lot
08 and maybe one o'clock in the --- I'm
09 really not sure on the time.

10 Q. What about from the time that
11 you went, you said about six o'clock
12 or ten after or so?

13 A. Yeah, it was about 6:00 ---
14 well, like I said, we had to switch
15 mantrips, so we was running a little
16 bit late.

17 Q. What time do you think you got
18 outside?

19 A. I don't have any idea.

20 Q. An hour?

21 A. Possibly.

22 Q. I mean --- okay --- if you --.

23 A. Speculating, I would say
24 possibly an hour, maybe not that
25 long.

62

01 Q. Okay.

02 A. Because they come and picked
03 us up on the mantrip. That helped us
04 out, helped us, you know, get out a
05 lot quicker than it would if we'd had
06 to walk the whole way.

07 Q. Is there anything about the
08 explosion or the time --- from the
09 time that you guys tried that you did

10 get out, is there anything you want
11 to add to that? Anything that I
12 might not have asked you that was
13 obvious to you that ---?

14 A. Other than the air. It just
15 got real warm. You know, you could
16 feel it. The air got real warm, but
17 we never seen fire or nothing like
18 that. And you could smell that kind
19 of a burning smell, but mainly it was
20 just dusty, not like smoke. Like I
21 said, it collected on our glasses.

22 Q. Just one blast?

23 A. One explosion, yes.

24 Q. Did you ever feel another pop?

25 A. No. I didn't. Just the one

63

01 force is all --- is all that I felt.

02 Q. Did you hear --- well, Two
03 Left went in about how long before
04 you?

05 A. Just the time it took for us
06 to switch mantrips, five, seven
07 minutes, somewhere in that time
08 frame.

09 Q. Did you ever hear from them
10 after that at any time? I mean, on
11 the trolley phone or anything?

12 A. The last time I heard them,
13 they was dispatching to go under
14 hill.

15 Q. That was it?

16 A. Jesse Jones was dispatching.
17 I'm not sure of the number of the
18 mantrip they had, I just heard him
19 dispatch. You can hear it on the
20 phone.

21 Q. Jesse Jones. Who's Jesse
22 Jones?

23 A. He's a bolter operator on the
24 second left.

25 Q. Oh, he's the guy that called

64

01 ---?

02 A. Yeah, he was operating the
03 mantrip.

04 Q. I got you. Okay. So you have
05 the pager phone and you have a
06 trolley phone. Is there any other
07 way that you guys communicate?

08 A. We carry little two-way radios
09 with us on the section that we
10 communicate back and forth on the
11 section with. You know, like if I'm
12 cleaning up a cut, I'll let them
13 know, I'll holler on there one more
14 buggy and then the other buggy man,

15 he'll be going to the other miner,
16 you know, a lot of times --- save a
17 lot of times.
18 Q. Is that a pretty good way to
19 talk to each other?
20 A. Yes, good communication
21 running coal, you know.
22 Q. Yeah.
23 A. Like I said, it saves a lot of
24 times in between cuts and you know,
25 you can let them know where you're at

65

01 and you know, what entry you're in
02 and ---.
03 Q. Does the boss have one, too?
04 A. Yes.
05 Q. So he knows what you're doing
06 all the time?
07 A. Yeah.
08 Q. How far can you talk to them?
09 A. That I'm not sure how far they
10 would talk --- how far they goes. I
11 know we can reach from --- I can be
12 in Number One and talk to Roger in
13 Number Eight, clear across our
14 section.
15 Q. In a straight line or can you
16 talk ---?

17 A. Oh, yeah. No, it don't have
18 to be in a straight line.
19 Q. It doesn't?
20 A. Uh-uh (no). No.
21 Q. Okay. But do you ever
22 remember what's the furthest you've
23 talked to somebody on that thing?
24 A. No, because we just basically
25 use them on our section. But we have

66

01 clowned around with them going in on
02 our mantrips, you know, talking to
03 each other like --- maybe just
04 between here and there.
05 Q. Yeah. Yeah. There's a --- do
06 you know how that trolley phone works
07 at all?
08 A. No.
09 Q. Do you know if it's the signal
10 from one mantrip to the other?
11 A. Well, it has like a trolley
12 wire and stuff hanging, I believe.
13 That's the way Spruce had them. They
14 may have different phones over there.
15 Q. You mean, there's a line that
16 runs on ---
17 A. A line.
18 Q. --- an antenna or ---?
19 A. And there's a --- I'm not for

20 sure exactly how they work, you know.
21 I've just talked on them. I've ---.
22 There may be a trolley line, you
23 know, like our regular phones,
24 they've got lines that run with them,
25 too.

67

01 Q. That walkie, you can't use
02 that antenna to talk on ---?

03 A. No, not to talk on the trolley
04 phone.

05 Q. It's separate?

06 A. Right.

07 MR. CONAWAY:

08 Do you want me to jump
09 in here, Joe?

10 MR. O'DONNELL:

11 Sure.

12 MR. CONAWAY:

13 Give you --- let you
14 have a chance to regroup.

15 BY MR. CONAWAY:

16 Q. You said you started --- your
17 shift started at six o'clock?

18 A. Right.

19 Q. Did Terry Helms go in with you
20 guys?

21 A. No, I think Terry Helms was

22 fire bossing for us because it was
23 over a holiday.

24 Q. Okay. But did you see him
25 that morning?

68

01 A. No.

02 Q. Okay.

03 A. I didn't see him, no.

04 Q. Okay. When you --- you said
05 that you heard the phone
06 conversation, with Flea or somebody,
07 whoever the dispatcher was was
08 calling outside --- you know, calling
09 for inside, inside. When you
10 overheard Owen, what did he say?
11 What was his --- do you remember what
12 his exact words were?

13 A. No, I wasn't there listening
14 right to what he was saying. I
15 wasn't right there.

16 Q. Okay. You just know he was on
17 the ---

18 A. Yeah.

19 Q. --- on the phone?

20 A. We heard someone hollering on
21 the phone and we was still in the
22 dust and everything, then we couldn't
23 see. And we just heard someone on
24 the phone, you know, hollering.

25 Whether they was hollering inside or

69

01 hollering for --- you know, we just

02 heard them hollering on the phone.

03 Q. And then you just know that

04 Owen went over and was talking on the

05 phone ---

06 A. Yeah, we had ---.

07 Q. --- but you didn't hear what

08 he said?

09 A. No, I have no --- I have no

10 idea what he was saying.

11 Q. Let me ask you this, when the

12 explosion occurred and you guys ---

13 obviously it takes a little bit to

14 regroup. You're trying to find a

15 hatch, you're trying to figure out

16 what happened and all that. What

17 kind of discussions was taking place

18 between the crew about what you think

19 happened? Did anybody say? I mean,

20 what was being said between the crew

21 members as you're trying to figure

22 this whole thing out? I mean, it

23 just hit you all of a sudden; right?

24 A. Right.

25 Q. What were you saying to each

70

01 other?

02 A. We need to try and stick
03 together, you know. We don't need to
04 split up. Stay together. And I
05 remember Roger Perry saying, oh, my
06 God, what about our --- what about
07 the other guys. And you know, we was
08 all thinking about them, you know,
09 naturally, because they was in by us.
10 We was all thinking about them, too.

11 Q. Right. But was anybody saying
12 what they thought happened or was it
13 just understood that you knew what
14 happened? I mean, did anybody say,
15 my, that was an explosion?

16 A. No. Nobody said exactly what
17 we --- what happened, you know,
18 because we really didn't know.

19 Q. Okay.

20 A. We just knew that --- well, I
21 guess just everybody on their
22 personal self knew that it was some
23 sort of explosion because we was in
24 the blast of air and the debris and
25 stuff.

71

01 Q. Okay. But you didn't have any
02 discussions back and forth about what
03 might have happened, this blew up or

04 that blew up or ---?

05 A. No, just ---.

06 Q. Your concern was for each

07 other?

08 A. Right.

09 Q. Okay. But at no point that

10 was discussed, you're saying, not

11 even initially? Let's say, on your

12 way out, even when you got outside,

13 was there any of that kind of

14 discussion about what you think may

15 have happened?

16 A. Not that I recall, you know,

17 just --- like I said, us guys just

18 assumed, you know, through yourself.

19 We never really discussed, you know,

20 but there was an explosion because of

21 the air and the debris. It was just

22 kind of obvious. Kind of you know,

23 what happened, you know, each other

24 in their own mind, I guess. But I

25 never discussed it.

72

01 Q. Then in your own mind, what

02 did you think? What was your

03 thought?

04 A. Yeah, I thought there was an

05 explosion.

06 Q. Okay. You mentioned here
07 about, you had a conversation with
08 John Collins, a state inspector.
09 Tell us about --- you're saying that
10 was about maybe one o'clock?

11 A. Yes. I was getting in my
12 Blazer. We was leaving.

13 Q. Okay.

14 A. And John just come over and
15 was asking how I was. You know, I've
16 known John for a lot of years. Me
17 and him are good friends, and he was
18 concerned about how I was and just
19 --- you know, just basic stuff, just
20 making sure we was --- I was all
21 right and everything.

22 MR. CONAWAY:

23 Okay. Joe, do you want
24 to pick back up here?

25 BY MR. O'DONNELL:

73

01 Q. Did you notice any damage
02 control, ventilation controls, any
03 blown walls from when you were going
04 out?

05 A. Yes.

06 Q. How many?

07 A. I couldn't tell you exactly.

08 Q. Was there a lot?

09 A. It was really dusty. Never
10 really paid a whole lot of attention
11 on how many it was. But I do know
12 that there was some blocks blown in
13 to the track and stuff. You know,
14 you could tell that there was some
15 stoppings blown out, but how many, I
16 couldn't tell you.

17 Q. And they were mostly toward
18 the track?

19 A. Yes.

20 Q. Any ---

21 A. That's the way it seemed to
22 me, because it was dusty. You know,
23 I could see them --- when it started
24 clearing a little bit, I could see
25 some blocks and stuff laying in the

74

01 track.

02 MR. O'DONNELL:

03 Do you want to take a
04 five-minute break?

05 A. Sure.

06 SHORT BREAK TAKEN

07 MR. O'DONNELL:

08 Let's go back on the
09 record.

10 BY MR. O'DONNELL:

11 Q. Gary, just a few follow-up
12 questions. The mantrip that you had
13 when the explosion occurred, why
14 didn't you guys just hop on the
15 mantrip and come out?

16 A. There was a lot of debris
17 blown in the track and we just
18 figured, you know, we'd be better off
19 trying it on foot because it'd just
20 derail or something, you know. From
21 the best of our knowledge, of what we
22 could see because right there it was
23 really real dusty, we couldn't see
24 real well.

25 Q. Okay. So you did check the

75

01 track out to see if you could get out
02 ---?

03 A. Yeah, we was out and it seen
04 block and stuff, you know, blowed in
05 the track and ---.

06 Q. Scrapped that idea?

07 A. Yeah.

08 Q. The other question that we had
09 --- so mostly, are you saying that
10 what was on the track was block that
11 blew?

12 A. Yeah.

13 Q. What else?

14 A. From what we could see, you
15 know.
16 Q. What about any small falls?
17 A. No, no falls at all.
18 Q. Nothing? Okay.
19 A. That we could see --- you
20 know, we was walking along the rail
21 and we never run into any fall on our
22 track, no.
23 Q. Did anybody try to use the
24 phone, the trolley phone?
25 A. Not to my knowledge.

76

01 Q. Like Owen sitting up on top?
02 He got his hat blown off and
03 everything. Did he try to make a
04 quick call on the trolley phone?
05 A. Not to my knowledge.
06 Q. So we don't know if that
07 trolley phone worked there or not?
08 Or do you? Do you remember hearing
09 somebody squawking on it?
10 A. Not on the trolley phone, not
11 there at the time, no.
12 Q. Okay.
13 A. But I know it worked when we
14 come underground, because Owie
15 dispatched that we was leaving

16 outside, heading --- going to First
17 Left.

18 Q. Now, the six --- you said you
19 worked at the mine six months?

20 A. Yeah, possibly that.

21 Q. And you've worked in Second
22 Left the whole time?

23 A. First Left.

24 Q. I'm sorry, First Left the
25 whole time. Have you ever gone

77

01 anywhere else in the mine?

02 A. I've been, you know, over in
03 the intake.

04 Q. I mean, ---.

05 A. Did I work in another section?

06 No.

07 Q. You never went to Second Left?

08 A. No.

09 Q. Did you ever work on those
10 seals that they built on the top end?

11 A. No.

12 Q. What about Saturday work, do
13 you do anything else? Just work in
14 the section?

15 A. Just worked on the section is
16 all I did, yes.

17 Q. I have some questions on
18 training that we're going to ask you

19 now. Do you remember the last time
20 you had annual retraining?

21 A. They give classes there once a
22 month, and I couldn't tell you
23 exactly what ---.

24 Q. Okay. When you were first
25 hired six months ago and you come to

78

01 Sago Mine, did you receive any
02 training at that time?

03 A. Yes. I mean, we went over the
04 maps and stuff like that, you know,
05 escapeways and yes, when I went to
06 the mine, yes, you know, they showed
07 me escapeways and ---.

08 Q. Okay. And who gave you that
09 training?

10 A. Al Schoonover, ---

11 Q. Al Schoonover.

12 A. --- if I remember correctly.

13 Q. All right. And that's what he
14 went over, he went over the vent plan
15 and ---?

16 A. Escape routes and ---.

17 Q. Did you get a training form
18 for that that you had to sign? You
19 know that slip of paper, it's about
20 that wide and ---?

21 A. Yes. We had --- yes, I had to
22 sign off. That I did receive this
23 training, yes, I had to sign.

24 Q. And since that time, have you
25 received any kind of training?

79

01 A. Well, when they had that
02 retraining thing like once a month
03 that the company gives.

04 Q. Uh-huh (yes). Who gives that
05 training?

06 A. The company, like --- oh, I
07 can't remember his name.

08 Q. About how long does it take?

09 A. It lasts all day.

10 Q. Oh, it does. And how many
11 times did you have that in the last
12 six months?

13 A. Well, I had the training there
14 at work and then they had that
15 training for --- about once a month,
16 but I didn't attend that training
17 because my girlfriend was in
18 Morgantown with --- she has cervical
19 cancer.

20 Q. Oh, sorry to hear that. But
21 you have had it a couple of times?

22 A. Yes. Yes. I've had training,
23 yes.

24 Q. All right. Now, part of that
25 training went over the firefighting

80

01 and evacuation. It's called the Mine
02 Emergency Evacuation and Firefighting
03 Program Instruction?

04 A. Right. We go over maps and
05 ---.

06 Q. It's the evacuation plan?

07 A. Right.

08 Q. Okay. What was gone over in
09 that training, like who the
10 responsible person is. Do you know
11 who that is?

12 A. Well, Owen's our section
13 foreman, but we have our fire drills
14 like certain people, you know, for
15 certain jobs and firefighting drills
16 and communication, you know, who's in
17 charge of the communication. Each
18 guy has a certain thing that he takes
19 care of.

20 Q. Do you have fire drills then?

21 A. Yes.

22 Q. And what about escapeway
23 drills? Have you ever walked out the
24 escapeway?

25 A. No, I have not walked it

01 myself, no.

02 Q. But does Owen walk somebody

03 out?

04 A. Not since I've been there that

05 I can remember.

06 Q. Okay. So do you know what the

07 plan is whenever an emergency

08 happens, what you're supposed to do?

09 A. Yes. We use our primary

10 escapeway, which is our intake air.

11 Our secondary is our track, you know.

12 Q. Good. Part of that training,

13 do they ever go over what you would

14 do in case of a fire or explosion and

15 barricading?

16 A. Yes, we've been over that.

17 Q. Tell us something about that

18 barricading.

19 A. Well, they have some

20 barricading equipment, you know.

21 Q. Yeah.

22 A. But if you can't make it to

23 it, you improvise with what you have,

24 like my fellow workers, my friends,

25 they improvised with what they had.

01 And you need to --- after you

02 barricade, you need someone to get up

03 and circulate the air, you know, just
04 walk across to circulate the air, you
05 know, to keep the air moving inside
06 your barricade.

07 Q. What about tapping?

08 A. As far as I know, you are
09 supposed to tap on like a roof bolt
10 every few minutes or so. I can't
11 remember the minutes right off the
12 top of my head, but tap on a roof
13 bolt or water line or anything, you
14 know, to try to make some sort of
15 communication.

16 Q. Okay. You say you are --- the
17 certifications that you --- do you
18 have any other certifications like
19 for mine examiner or anything like
20 that?

21 A. No. Uh-uh (no).

22 Q. But did you ever get qualified
23 to take gas tests and methane?

24 A. Yes. We've had --- well, like
25 for my shot fire card, I had to take

83

01 --- I had to pass a gas test with a
02 methane detector and you know, for
03 how to ---

04 Q. Did you ---?

05 A. --- how to use the spotters
06 and all that, yes.

07 Q. Did you do that in front of a
08 federal inspector?

09 A. Yes, I did. I did this at
10 Carter Rowe Ag (phonetic). I can't
11 remember. It's been several years
12 ago, but I had to pass that part of
13 the test, yes.

14 Q. Good. And part of the
15 training, your instruction, did they
16 go over the hazards of carbon
17 monoxide?

18 A. Yes, we've been over, you
19 know, that several times, you know,
20 just ---.

21 Q. And do you have any idea how
22 long it would take to walk out of One
23 Left section?

24 A. Someone in good shape could do
25 it in an hour.

84

01 Q. Okay. What about in part of
02 your training, did they go over any
03 hands-on SCSR training, how to put it
04 on?

05 A. Oh, yes, we've been over that
06 several times. Yes, we have.

07 Q. Does each guy have to do it?

08 A. Yes. In our retraining, each
09 guy before he signs his name, before
10 he can sign his name and get out of
11 your retraining class, you have to
12 don your SCSR in front of the
13 instructor.

14 Q. From the get-go or is it --?

15 A. Right. From the time you open
16 it until the time you're putting your
17 straps on and moving out.

18 Q. Do you remember the last time
19 you had that kind of training?

20 A. It's not been very long ago,
21 because that's something we always
22 --- you know, we always keep that in
23 your mind. We go over that.

24 Q. Since you've been --- since
25 you've worked at Sago Mine, from time

85

01 to time, they make ventilation
02 changes. How do they go over that
03 with you?

04 A. They have all of us ---
05 showing us the map, they have all of
06 us and we have a specified person to
07 show us the changes they've made.
08 You know, if it changed our escapeway
09 or anything, yes, they do go over

10 that with us, so that we do
11 understand that we know --- in the
12 case of an emergency we know how to
13 get out.

14 Q. Do you think the training is
15 good?

16 A. Yes.

17 Q. What else do you think they
18 need to give you that you haven't
19 had?

20 A. As far as the company, I have
21 no --- you know, they keep us
22 well-informed on everything.

23 Q. Okay. Have you ever been
24 searched for smoking articles?

25 A. Yes.

86

01 Q. How often?

02 A. Oh, I couldn't tell you how
03 often, but yes, we have been
04 searched.

05 Q. Did you ever see anyone smoke
06 underground?

07 A. No.

08 Q. And have you ever found any
09 kind of smoking articles underground?

10 A. No, sir, I haven't.

11 MR. O'DONNELL:

12 Doug, do you have any

13 more questions?

14 MR. CONAWAY:

15 Yeah, I've just got a

16 couple.

17 BY MR. CONAWAY:

18 Q. Just to finish up here, Gary.

19 You're a mine operator. You've been

20 a mine operator here for six months?

21 A. Yes.

22 Q. Have you ever encountered any

23 unchartered wells, any holes, bore

24 holes, anything?

25 A. No.

87

01 Q. No?

02 A. No.

03 Q. Have you ever heard anybody

04 say --- you know how you guys talk

05 back and forth, anybody say anything

06 about somebody may have cut into one

07 or ---?

08 A. No.

09 Q. Nothing of that at all?

10 A. Nothing, no.

11 Q. What about your methane

12 readings, as you're checking ---?

13 A. In Sago Mine?

14 Q. Yeah.

15 A. The miner itself, the miner I
16 run, has a detector on each side, a
17 readout on it at all times.

18 Q. Right.

19 A. And plus I take my own gas
20 check.

21 Q. Right.

22 A. And in that mine, I've never
23 detected no large amounts of methane,
24 since I've been in there and I've
25 been running the miner.

88

01 Q. What do you mean --- what's a
02 large amount of methane?

03 A. Well, I've not hardly seen no
04 maybe two-tenths of a percent or ---

05 Q. Okay.

06 A. --- you know, nothing.

07 Q. Two-tenths would be a lot of
08 methane for this mine is what you're
09 saying?

10 A. Well, that ---.

11 Q. Average?

12 A. Two-tenths is not a lot of
13 methane. But that's just what I'm
14 saying average reading on my miner
15 and my detector.

16 Q. For this mine, I'm saying ---

17 A. Right.

18 Q. --- it would be an average
19 reading?
20 A. Yeah, that --- on my section,
21 yes.
22 Q. Okay. Any discussions with
23 anybody else that they've detected
24 methane or any problems? Have you
25 heard any of the miner operators say,

89

01 hey, we get methane over here or high
02 readings?

03 A. No, not that I know of. No,
04 not on --- around my work area, no.

05 Q. Okay. I just want to touch on
06 one other thing. When you came
07 outside, you said that you were told
08 maybe to talk --- call your family
09 members ---

10 A. Right.

11 Q. --- and let them --- do you
12 have any idea what time that was?
13 How long you'd been outside?

14 A. Let's see, the explosion at
15 6:30. This was --- may have been
16 7:30.

17 Q. Right after ---?

18 A. I'm just guessing.

19 Q. Right after you come outside,

20 they were checking on the physical
21 conditions of everybody?

22 A. Yes, making sure we was fine,
23 making sure we was okay. You know,
24 if anybody needed any help.

25 Q. And that didn't take too long?

90

01 A. Well, no, like --- there
02 wasn't no major injuries with our
03 crew, no.

04 Q. And then after that, you were
05 told maybe to call family members
06 because of this explosion ---

07 A. Right

08 Q. --- and they would hear the
09 news of it. And that you needed to
10 alert them that you were okay?

11 A. Yes. Because my mother, she
12 has a bad heart and you know, that'd
13 be --- you know, and she heard there
14 was an explosion and she, you know,
15 didn't hear from me, she would assume
16 that I was in there.

17 Q. Who told --- do you remember
18 who told you to do that or who
19 mentioned that, that you guys might
20 ought to do this?

21 A. No. It was just like us guys
22 was just saying, you know --- I

23 couldn't say who it was, but we just
24 kind of more or less got together
25 ourselves and you know, said, well,

91

01 we need to call our families. But
02 somebody did mention it, saying we do
03 need to call our families.

04 Q. Somebody from the company did
05 mention it?

06 A. Yes. Yes. Yeah.

07 Q. And then they also mentioned
08 to you about cleaning up the
09 bathhouse because the family ---?

10 A. The family members would be
11 coming, yes.

12 Q. Of the Two Left crew?

13 A. Right.

14 Q. Might be coming there. And
15 that was all about this same time?

16 A. Yes, throughout that time
17 period, yeah. Well, there's EMTs
18 everywhere, you know, checking on us.
19 Then they --- the EMTs done a real
20 good job, too, because they always
21 kept coming and checking on us, you
22 know, still making sure we're okay
23 and we're feeling all right.

24 Q. Okay. I know your time frames

25 and I just want to try --- so you

92

01 come out, you're saying before --- in
02 less than an hour, probably you were
03 outside?

04 A. Approximately I would say,
05 yeah, because we got on a mantrip.
06 That helped us, you know, that cut
07 our time. That cut our time
08 considerably.

09 Q. And how much time do you think
10 passed then after you got outside,
11 the EMTs kind of checked you and then
12 there was discussions about calling
13 family members about an explosion and
14 maybe going to clean the bathhouse
15 up. What kind of time frame do you
16 think that was?

17 A. Approximately an hour when all
18 of this was going on, you know,
19 because the EMTs and people, you
20 know, everywhere checking us and
21 then, you know, it took time for them
22 to check every one of us guys.

23 Q. Right.

24 A. Because they checked us
25 individually and made sure we was all

93

01 right.

02 Q. So you're saying before 8:30?

03 A. Yeah.

04 Q. You're outside, been checked
05 and been told to maybe call your
06 family members about the explosion,
07 and also clean the bathhouse because
08 family members would be ---?

09 A. Yes.

10 Q. Okay. All right.

11 MR. CONAWAY:

12 Gary, thanks. I don't
13 have any other questions.

14 BY MR. O'DONNELL:

15 Q. Has anyone offered you
16 anything or made any promise to you
17 in exchange for your appearing here
18 today?

19 A. No.

20 Q. Okay. Gary, do you have
21 anything that you'd like to add that
22 may be relevant to this
23 investigation?

24 A. No, sir. Y'all pretty well
25 covered everything.

94

01 MR. O'DONNELL:

02 Do we need a break
03 before the closing statement?

04 MR. CONAWAY:
05 I'm good. The only
06 thing, do we want to ask him
07 is there anything he thinks
08 that might ---?

09 MR. O'DONNELL:
10 Let's take just a quick
11 two-minute break.

12 A. Okay.

13 MR. O'DONNELL:
14 And we'll have a couple
15 follow-up questions ---

16 A. Okay.

17 MR. O'DONNELL:
18 --- and we'll be done.

19 A. All right.

20 SHORT BREAK TAKEN

21 BY MR. O'DONNELL:

22 Q. Gary, let's go back and I want
23 to ask you again about the escapeway
24 drills. Have you ever, since you've
25 worked in the mine, walked the

95

01 escapeways out of the mine?

02 A. I've not had to walk them
03 myself, no.

04 Q. Do you have knowledge of
05 anybody from your crew walking them
06 out?

07 A. I'm thinking Alton Wamsley may
08 have had to walk them. I'm not sure,
09 but I'm ---.

10 Q. Only say what you know.

11 A. Yeah, that's --- I'm not sure.

12 No.

13 Q. Okay. And let me go back to
14 the fire evac plan. Who did you say
15 was the responsible person in charge
16 of the evacuation if there happens to
17 be one?

18 A. Well, the boss is in charge,
19 you know.

20 Q. Okay.

21 A. But then, you know, like I've
22 got --- I break waterline and fight
23 fire, and communication. You know,
24 each guy's got his own thing he does
25 in their fire drills.

96

01 Q. Okay. And let me just retouch
02 back on the time when you got
03 outside. You said Ty talked to you
04 outside?

05 A. Yes. He come and checked on
06 us several times.

07 Q. And did anyone really ask you
08 what happened?

09 A. No, not really. They didn't
10 really come and ask us to speculate,
11 you know.

12 Q. Did anybody say what happened
13 to you or what --- tell me what you
14 experienced?

15 A. I'm sure they did because they
16 come and asked us, you know, what do
17 you --- you know, but ---.

18 Q. I mean, did they ---?

19 A. Not that I remember, but ---.

20 Q. Did they say to you where were
21 you when this happened?

22 A. Oh, yeah, they asked me where
23 I was, yeah.

24 Q. And did they ask you where you
25 went after it happened? Did they ask

97

01 you if you went in the intake?

02 A. Yes, they did ask us that.

03 Q. They did?

04 A. Uh-huh (yes).

05 Q. And they wanted to know how
06 you got out of the mine?

07 A. Well, they --- like you know,
08 I told them like I told you guys,
09 they sent a mantrip after us.

10 Q. Okay. So someone did ask you
11 about how you got out of the mine and

12 what happened from the time that it
13 happened? Did they run through the
14 scenario?

15 A. You mean, as far as asking us
16 what we thought happened?

17 Q. No. Just what happened.

18 A. Oh. No, not --- they didn't
19 really ask us to speculate on what
20 happened.

21 Q. Okay. All right.

22 MR. O'DONNELL:

23 Now, I got one of these
24 little official things to read
25 to you. Make sure --- what we

98

01 have to state is that, as it
02 was found -- oh, here's ---.
03 You may request a copy of this
04 transcript, but it will be
05 released at a later time until
06 after we complete our
07 investigation; okay? And
08 that's it.

09 On behalf of MSHA, I
10 want to thank you for
11 appearing and answering
12 questions today. Your
13 cooperation is very important

14 to the investigation as we
15 work to determine the cause of
16 the accident.

17 We ask that you not
18 discuss your testimony with
19 any other person who may have
20 already been interviewed or
21 who may be interviewed in the
22 future. This will ensure that
23 we obtain everyone's
24 independent recollection of
25 events surrounding the

99

01 accident.

02 After questioning other
03 witnesses, we may call you if
04 we have any follow-up
05 questions that we feel that we
06 need to ask you. If at any
07 time you have additional
08 information regarding the
09 accident that you would like
10 to provide us with, please
11 contact us at the contact
12 information that we gave you.

13 The Mine Act provides
14 certain protections to miners
15 who provide information to
16 MSHA and as a result are

17 treated adversely. If at any
18 time, you believe that you
19 have been treated unfairly
20 because of your cooperation in
21 this investigation, you should
22 contact MSHA immediately.

23 If you wish, you may
24 now go back over any answer
25 you have given during your

100

01 interview and you can make a
02 statement if you'd like at
03 this time.

04 A. I have nothing further to say.

05 MR. O'DONNELL:

06 Again, Gary, I want to
07 thank you for taking the time
08 to speak with us. We
09 appreciate it.

10 A. You're welcome.

11 MR. O'DONNELL:

12 Good luck to you.

13 A. Thank you.

14 MR. O'DONNELL:

15 Thanks for coming in.

16

17 * * * * *

18 STATEMENT UNDER OATH

19

CONCLUDED AT 3:07 P.M.

20

* * * * *

21

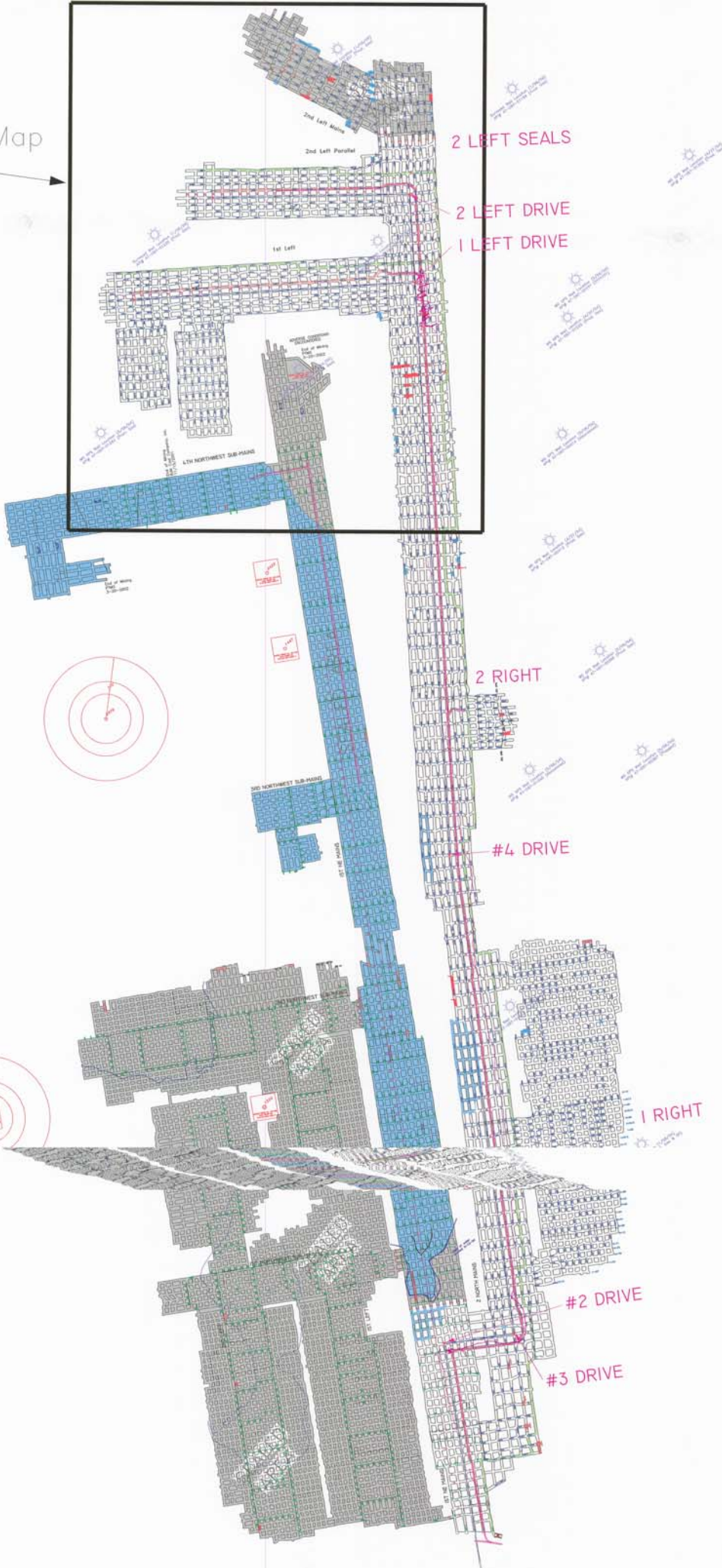
22

23

24

25

Area Shown on Map
Scale: 1"=100'



Scale: 1" = 300'



Scale: 1" = 100'

Area Shown on Map
Scale: 1"=50'



Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)

2nd Left Mains

2 LEFT SEALS

2nd Left Parallel

2 LEFT DRIVE

1st Left

Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)

1 LEFT DRIVE

ADVERSE CONDITIONS
ENCOUNTERED

End of Mining
PTMS
3-20-2002

Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)

MG GPS Well Location (5/05/04)
API# 47-097-01262 (Prod. Gas)

End of Mining
BjM Coal Company, Inc.
11/13/2001

4TH NORTHWEST SUB-MAINS



