

01                   STATEMENT UNDER OATH  
02                                   OF  
03                   ARNETT ROGER PERRY  
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 United States  
09    District Court, 500 West Pike Street,  
10    Clarksburg, West Virginia, on  
11    Thursday, January 26, 2006, at 11:23  
12    a.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. 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. This is Bob Wilson  
11                   from the Solicitor's Office  
12                   and Brian Mills with the West  
13                   Virginia Office of Miners'  
14                   Health, Safety and Training.

15                   I've been assigned to  
16                   conduct an investigation into

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

9

01 determine the cause of the  
02 accident. And these  
03 interviews are an important  
04 part of the investigation.

05 At this time, the  
06 accident investigation team  
07 intends to interview a number  
08 of people to discuss anything  
09 that may be relevant to the  
10 cause of the accident. After  
11 that investigation is  
12 completed, MSHA will issue a  
13 written report detailing the  
14 nature and causes of the  
15 accident.

16 MSHA accident reports  
17 are made available to the  
18 public in the hope that  
19 greater awareness about the



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

10

01 Your statement may also be  
02 used in other enforcement  
03 proceedings.

04 I'd like to thank you  
05 in advance for your appearance  
06 here. We appreciate your  
07 assistance in this  
08 investigation. The  
09 willingness of miners and mine  
10 operators to work with us is  
11 critical to our goal of making  
12 the nation's mine safer.

13 We understand the  
14 difficulty for you in  
15 discussing the events that  
16 took place and we greatly  
17 appreciate your efforts to  
18 help us understand what  
19 happened.

20 This interview with Mr.  
21 Roger Perry is being conducted

22 under Section 103(a) of the  
23 Federal Mine Safety and Health  
24 Act of 1977, as part of an  
25 investigation by the Mine

11

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

12 This interview is being  
13 conducted at the U.S. District  
14 Courthouse in Clarksburg, West  
15 Virginia January 26th, 2006.

16 Questioning will be conducted  
17 by representatives of MSHA and  
18 the Office of Miners' Health,  
19 Safety and Training. This is  
20 not an adversarial proceeding,  
21 therefore, cross examination  
22 will not be permitted.

23 Mr. Perry, the  
24 interview will begin by me

25 asking you a series of

12

01 questions. If you do not  
02 understand a question, please  
03 ask me to rephrase it. Feel  
04 free at any time to clarify  
05 any statements that you made  
06 in response to the questions.  
07 And after we've finished  
08 asking questions, you'll have  
09 an opportunity to make a  
10 statement and provide us with  
11 any other information that you  
12 may believe is important.

13 If at any time after  
14 the interview, you recall any  
15 additional information that  
16 you believe may be useful in  
17 the investigation, please  
18 contact Mr. Richard Gates at  
19 the phone number and e-mail  
20 address provided to you. And  
21 he is our lead investigator  
22 and Mr. Mills also has a card  
23 for you.

24 Your statement is  
25 completely voluntary. You may

13

01 refuse to answer any question  
02 and you may terminate your  
03 interview at any time. If you  
04 need a break for any reason,  
05 please let me know.

06 A court reporter will  
07 record your interview and will  
08 later produce a written  
09 transcript of the interview.  
10 Please try and respond to all  
11 questions verbally, since the  
12 court reporter cannot record  
13 nonverbal responses. Also  
14 please try to keep your voice  
15 up. Copies of the written  
16 transcripts will be available  
17 at a later time.

18 If any part of your  
19 statement is not based on your  
20 own first-hand knowledge, but  
21 on information that you  
22 learned from someone else,  
23 please let us know. Please  
24 answer each question as fully  
25 as you can, including any

14

01 information that you have  
02 learned from someone else.

03 We may not ask the

04 right questions to learn the  
05 information that you have, so  
06 don't feel limited by the  
07 precise question that's asked  
08 you. If you have any  
09 information about the subject  
10 area of a question, please  
11 provide us with that  
12 information.

13 At this time, Mr.  
14 Mills, do you have anything  
15 that you'd like to add on  
16 behalf of the State?

17 MR. MILLS:

18 Yes. Mr. Perry, the  
19 West Virginia Office of  
20 Miners' Health, Safety and  
21 Training is conducting this  
22 interview session jointly with  
23 MSHA and are in agreement with  
24 the procedures outlined by Mr.  
25 O'Donnell for these interviews

15

01 that will be conducted here  
02 today.

03 But the Director  
04 reserves the right if  
05 necessary to call or subpoena

06 witnesses or require  
07 production of any record,  
08 document, photograph or other  
09 relevant materials necessary  
10 to conduct this investigation.

11 MR. O'DONNELL:

12 Mr. Perry, you are  
13 permitted to have a  
14 representative with you during  
15 this interview and you may  
16 consult your representative at  
17 any time. You may designate  
18 any person to be your  
19 representative. Do you have a  
20 representative with you?

21 MR. PERRY:

22 No.

23 MR. O'DONNELL:

24 Okay. Do you have any  
25 questions regarding the manner

16

01 in which this interview is  
02 going to be conducted?

03 MR. PERRY:

04 No.

05 MR. O'DONNELL:

06 Would you please swear  
07 in Mr. Perry?

08 -----

09 ARNETT ROGER PERRY, HAVING FIRST BEEN  
10 DULY SWORN, TESTIFIED AS FOLLOWS:

11 -----

12 BY MR. O'DONNELL:

13 Q. Okay. Could you please state  
14 your full name and spell your last  
15 name for us?

16 A. Arnett Roger Perry, P-E-R-R-Y.

17 Q. Okay. And Roger, what's your  
18 address and telephone number?

19 A. [REDACTED]

20 [REDACTED]

21 Q. Are you appearing here today  
22 voluntarily?

23 A. Yes.

24 ATTORNEY WILSON:  
25 Joe, you didn't get his

17

01 phone number?

02 MR. O'DONNELL:

03 What?

04 ATTORNEY WILSON:

05 You didn't get his  
06 phone number.

07 BY MR. O'DONNELL:

08 Q. Phone number. Do you have  
09 your phone number?

10 A. [REDACTED].

11 Q. Okay. Roger, how many years  
12 do you have in the mines?

13 A. Approximately 29.

14 Q. And could you give us a brief  
15 description of your employment  
16 history? Where have you worked and  
17 what have you done?

18 A. I started in 1977, a red hat  
19 in Berwind, West Virginia. Shortly  
20 after I went to run the shuttle car  
21 for different mines for probably 15  
22 years running shuttle car. Then I  
23 went to running roof bolter and then  
24 I went to running continuous miner.

25 Q. So how long have you been at

18

01 Sago?

02 A. This time, two years.

03 Q. And what do you do there?

04 A. I run continuous miner.

05 Q. Oh, you're the miner operator.

06 A. Miner.

07 Q. Have you done that since  
08 you've been there?

09 A. Right. Yeah.

10 Q. Okay. And were you scheduled  
11 to work on the day of the accident?

12 A. Yes, I was.

13 Q. And did you --- you were at



14 the mine that morning?

15 A. Yes, I was.

16 Q. So what time did you get

17 there?

18 A. Approximately 15 after 5:00.

19 Q. And who's your boss?

20 A. Owen Jones.

21 Q. Okay. Oh, I forgot to ask

22 you, do you have any mining

23 certificates?

24 A. Yes, I do.

25 Q. And what do you have?

19

01 A. Miner's card and a belt

02 examiner's card.

03 Q. Okay. From the State of West

04 Virginia?

05 A. Right.

06 Q. Do you have any from any other

07 state?

08 A. No, I don't.

09 Q. What time does your shift

10 usually start?

11 A. Six o'clock a.m.

12 Q. Okay. Now, what I'm going to

13 do now is I'm just going to ask you

14 to start when you got at work, what

15 you did leading up to the time that

16 --- everything that you've done until  
17 you left the property that day. So  
18 go ahead and I won't interrupt you,  
19 and just tell your story.

20 A. Oh, I got to work at  
21 approximately 15 after 5:00, walked  
22 around and got my coveralls and  
23 talked to my brother-in-law, Marty  
24 Bennett. I went back over and was  
25 talking to Fred Ware, another miner

20

01 operator. Jimmy Bennett came over  
02 and was telling us about Larry Ware  
03 had died, that we worked in the mines  
04 with. And so then I got dressed and  
05 went over and got my lamp and walked  
06 down to the pit mouth about five  
07 minutes to 6:00.

08 We got on the mantrip. The  
09 mantrip was too small, so we had to  
10 switch out to a bigger mantrip. And  
11 by then, the other crew ahead of us  
12 had done left. We're usually right  
13 behind them. And then we went on  
14 inside. So we got to One Left switch  
15 and I got out to throw the switch to  
16 go into our section. And I got back  
17 in the mantrip and here comes this  
18 hurricane of dust and rocks and no

19 warning, no sound, nothing, just  
20 there out of nowhere. And so it ---  
21 it's blowing hard and you can't see  
22 through the dust and it blew my hat  
23 off, my light. And then it stopped  
24 and I said, there's been an  
25 explosion, guys. Because I know

21

01 there was an explosion because I felt  
02 heat and I know it wasn't a fall to  
03 put out that kind of pressure.

04 Q. Yeah.

05 A. It was --- I felt heat and I  
06 thought, well, I'm going to burn  
07 right here. So that really scared me  
08 there. It stopped. I got out of the  
09 mantrip. My light was hanging down.  
10 I picked it up and it was broke out  
11 and I couldn't find my hat. So I  
12 couldn't see nothing. So I told  
13 them, I said, I ain't got no light,  
14 guys, let's get to the intake and the  
15 air.

16 So the boss, he got ahold of  
17 my arm and was leading us down the  
18 track. I couldn't see nothing. Then  
19 we was just feeling the rib where we  
20 could and someone followed. And

21 every time we'd look for a man door,  
22 a place to go in the intake, the  
23 stopping would be gone, it was blowed  
24 out. So we finally did go into it  
25 and started down. It started

22

01 clearing up a little bit and that's  
02 when my friend that I worked with  
03 said, you better put your rescuer on,  
04 but I was breathing fine and I didn't  
05 think I needed it, but he put it on  
06 anyway. So I put it on. And we  
07 headed on down the intake and a  
08 couple guys on ahead of us, a couple,  
09 three blocks, called and said there's  
10 a good stopping down here, there's  
11 good air down here. It's clear. So  
12 we went on down there and started  
13 heading on out. And we heard a  
14 mantrip coming on the track. So we  
15 headed through the man door. We  
16 headed over to the track and there  
17 was the mantrip right at the door we  
18 picked out. And we got out, got on  
19 the mantrip. And I forget who it was  
20 that took us outside.

21 And we went outside. And an  
22 emergency squad checked us out, our  
23 blood pressure and this and that. And

24 I had my eyes full of dust, they was  
25 scratched all to pieces. So they

23

01 flushed and flushed them. And I  
02 stayed around a little while and  
03 finally I said, well, I'm going to  
04 have to go up to the hospital and get  
05 them to work on it. So I went to the  
06 hospital and got my eyes flushed  
07 again and medicine put in them. Came  
08 back to the mine and from there, me  
09 and my wife and daughter went over to  
10 the Sago Church and we stayed there  
11 until they found the victims.

12 Q. What I'm doing to do is just  
13 like kind of back up and work through  
14 it and get some details from you.

15 Roger, when was the last day you  
16 worked at the mine?

17 A. That morning.

18 Q. No, I mean, before that.

19 A. Oh, it would have been the  
20 Thursday before that.

21 Q. Okay. So you were off from  
22 Thursday until this following Monday?

23 A. Right.

24 Q. And the other crew had gone in  
25 about how --- what time before you,

01     how many minutes?

02     A.   I'm going to estimate eight to

03     ten minutes.

04     Q.   And what kind of mantrip were

05     you in?  Was it a closed mantrip?

06     Was it open?

07     A.   It was a --- it had a top on

08     it, but no windshield on it.

09     Q.   Where were you sitting in it?

10     A.   I was sitting on the inby side

11     on the end facing towards the

12     outside.

13     Q.   As we're going into the mine

14     that way, we're going inby, you were

15     at the front of the mantrip?

16     A.   Right.

17     Q.   On the right side?

18     A.   That will be the --- depending

19     on which way you're ---?

20     Q.   We're going in and are you

21     facing outby?

22     A.   I'm facing outby going in.

23     Q.   Okay.  And were you the

24     closest to the switch?

25     A.   Yes.

01     Q.   The switch would have been on

02     the right side going in?

03 A. Right.

04 Q. So you had your back --- when  
05 the forces hit you, it hit you in the  
06 back or ---?

07 A. Yeah.

08 Q. Okay. Do you remember how  
09 many people were in the mantrip?

10 A. Approximately ---.

11 Q. You can say their names if you  
12 want to.

13 A. I don't know some of them's  
14 full names but approximately ten of  
15 us.

16 Q. Okay. Did everybody ride all  
17 the way into the section with you?

18 A. Yes.

19 Q. Or did anybody get out along  
20 the way?

21 A. No, no one got out. But I  
22 recall ---.

23 Q. Maybe not a belt man or a mine  
24 examiner?

25 A. There may have been a belt

01 man, Pat Boni. He may have been on  
02 our mantrip.

03 Q. Okay. But you don't recall  
04 anybody getting in and getting out or

05 ---?  
06 A. No. No, I don't.  
07 Q. Okay. So you got out of the  
08 mantrip at the switch to throw the  
09 switch to go in the section, and you  
10 got all the way back into the mantrip  
11 before you --- did you face the same  
12 direction, outby?  
13 A. Yes. Facing outby.  
14 Q. Did the mantrip move at all or  
15 did the air --- did the explosion  
16 ---?  
17 A. I couldn't tell if it did or  
18 not. I don't think it did, but I  
19 don't know how it kept from it. But  
20 no, I don't know if it did or not.  
21 Q. And you didn't hear anything?  
22 A. Didn't hear nothing. I mean,  
23 until, you know, just a --- just a  
24 loud, you know, air sound.  
25 Q. Like an air rush?

27

01 A. But no explosion, no ---.  
02 Q. Did you feel heat in the  
03 mantrip?  
04 A. Yes.  
05 Q. Hot or warm?  
06 A. Not real hot, but real warm.  
07 Q. Did you smell anything?



08 A. It smelled like gasoline fumes  
09 to me. Now that's what I kept  
10 thinking. It smelled like gasoline  
11 fumes.

12 Q. And you got your hat. Did you  
13 get hurt, other than the getting  
14 stuff in your eyes?

15 A. No. No.

16 Q. Did anybody get hurt?

17 A. Not that I know of.

18 Q. And you said you got hit with  
19 debris?

20 A. Mud, small rocks, just in the  
21 back of the head.

22 Q. And you had your --- you lost  
23 your hat, so you didn't have your hat  
24 at all?

25 A. No. I still don't have it. I

28

01 don't know where it ended up.

02 Q. And your lights, your light  
03 still worked?

04 A. No, it was broke. The lens  
05 was broke out, the bottom was broke.

06 And as I was walking down the track  
07 with the boss, I finally just pulled  
08 it out and dropped it because it was  
09 no good, just carrying extra weight.

10 Q. Yeah. So you threw your light  
11 away because it didn't work?

12 A. Right.

13 Q. And you were hanging onto the  
14 foreman?

15 A. Right.

16 Q. Owen?

17 A. Right.

18 Q. Okay. When did you put your  
19 self-rescuer on?

20 A. That was after we got over  
21 into the intake and Joe Ryan, he's  
22 the one that helped me put it on and  
23 he had --- because I couldn't see  
24 nothing, but ---.

25 Q. Do you think you can remember

29

01 from the One Left switch, where you  
02 guys came out and hopped into the  
03 escapeway?

04 A. I can't --- I can't recall how  
05 far it was, approximately eight  
06 blocks or so.

07 Q. And you went through the first  
08 --- not --- you bypassed the blown  
09 out stoppings ---

10 A. Right.

11 Q. --- and went through a full  
12 stopping with a door?

13 A. I believe it was.  
14 Q. Do you recall what crosscut  
15 that was?  
16 A. No, I don't.  
17 Q. Okay. And at that time,  
18 that's when you put your rescuers on?  
19 A. Right.  
20 Q. Did everybody put them on?  
21 A. I don't know that for sure.  
22 Q. Did you have any trouble  
23 getting it on?  
24 A. No, not really. No.  
25 Q. Did it work good?

30

01 A. It didn't at first. I was  
02 sucking the bag together, I was  
03 breathing so hard because I'm  
04 short-winded and I was sucking that  
05 bag up in until it sucked ---  
06 collapsed. So I breathed into it and  
07 blew it way out, then I --- but I  
08 took it out. Every little bit, I was  
09 taking it out because I wasn't  
10 getting enough air it seemed like.  
11 So I would take it out now and then  
12 and put it right back in.  
13 Q. When you started it, did you  
14 pull the candle at the bottom, that

15 small rope at the bottom?  
16 A. I believe I did.  
17 Q. And the bag didn't inflate?  
18 A. No.  
19 Q. You had to blow it up  
20 yourself?  
21 A. Right.  
22 Q. For it to work?  
23 A. Right. No, I don't think I  
24 pulled it. The only thing I pulled  
25 was the mouth thing, I pulled it real  
01 hard.  
02 Q. With the plug?  
03 A. Pulled it out.  
04 Q. Yeah.  
05 A. Right.  
06 Q. And the bottom, like you know  
07 where the bags come out, there's that  
08 little thing you're supposed to yank  
09 ---.  
10 A. No, I didn't yank nothing  
11 there that I can recall.  
12 Q. So to get it started, you kick  
13 started it ---  
14 A. Right.  
15 Q. --- you blew into it and blew  
16 the bag up? Okay. And then was it  
17 smoke or was it dust?

18 A. I think it was some smoke to  
19 it, but it was mostly dust I think.  
20 Q. And the whole time that you  
21 were in the intake, the track entry,  
22 you didn't have a light so you  
23 probably had a real hard time seeing?  
24 A. I had a little rough time,  
25 especially --- well, stumbling around

32

01 because I have an artificial leg and  
02 it's hard to walk on rough surface.  
03 Q. I bet. On the phone, did you  
04 hear anybody call, like you were ---  
05 when this happened at the mantrip ---  
06 and from what I understand, you know,  
07 everybody got hit with this air  
08 blast. Did you hear any  
09 conversations on the trolley phone or  
10 the pager phone at all? Anybody  
11 calling?  
12 A. No, I don't remember anyone  
13 calling on the trolley phone or any  
14 other phone. No.  
15 Q. Okay. Did the whole crew go  
16 out the escapeway or did anyone stay  
17 in?  
18 A. The section foreman said I'm  
19 going back after my brother. So we

20 told him he couldn't do that. So I  
21 said, well, what about my  
22 brother-in-law, so I broke out in  
23 tears then. And he said, well, I'm  
24 going to try to go find them. So we  
25 had gone out and he headed back, back

33

01 the intake.

02 Q. So then he left the group and  
03 you guys kept going down and you ---  
04 who was it that was with you then?

05 A. Joe Ryan.

06 Q. Joe Ryan helped you?

07 A. He was with me all the way to  
08 the mantrip.

09 Q. And I guess there was --- was  
10 there --- who was out ahead that  
11 heard the mantrip and led you out to  
12 the track?

13 A. I'm not sure who all it was.  
14 It was Alton Wamsley and Ron Grall  
15 and Paul Avington. I know those  
16 three were ahead of me. But there  
17 was some behind me.

18 Q. So everybody went out to the  
19 mantrip then?

20 A. Yes.

21 Q. Do you recall who drove it in?

22 A. I believe it was the --- Al

23 Schoonover, I believe.

24 Q. Okay. And then did you go in  
25 or did he take you straight out?

34

01 A. He took us out.

02 Q. And when you got outside  
03 there, you had medical treatment?

04 A. Yeah.

05 Q. About how long did this all  
06 last, Roger?

07 A. From ---?

08 Q. From the time you headed into  
09 the mine until the time you got out?

10 A. Approximately 7:30.

11 Q. And did they take you by  
12 ambulance from the bottom or ---?

13 A. No. No. No, I didn't use an  
14 ambulance.

15 Q. Okay.

16 A. My daughter drove me to the  
17 hospital.

18 Q. Okay. Did someone drive you  
19 to the top?

20 A. From the ---?

21 Q. From the pit bottom to the  
22 ---?

23 A. No.

24 Q. You walked up?

25 A. We walked up.

35

01 Q. And up there, there was  
02 someone that checked you out?

03 A. Right. Well, not immediately.

04 Q. Was there anybody there that  
05 --- from the company or from any of  
06 the agencies that had a conversation  
07 with you, discussed with you what  
08 happened or talked about your  
09 experience when you got out?

10 A. No, not that I recall.

11 Q. Do you recall any kind of  
12 conversations on the radio, anybody  
13 calling?

14 A. No. I remember telling  
15 someone to call an ambulance that  
16 someone may need help, because there  
17 was still some coming up the hill  
18 behind me and a couple of them were  
19 older fellows that had trouble  
20 breathing in there.

21 Q. So how long did you stay on  
22 the surface? Did you take a shower  
23 and then leave?

24 A. No, I didn't shower.

25 Q. Called your daughter?

36

01 A. I called my daughter and wife.



02 I don't remember which one answered  
03 the phone. I believe it was my wife  
04 answered, yeah. And told her that  
05 the mine had blew up and her brother  
06 was still in there and told her to  
07 come on up to the mine.

08 Q. And when you left the  
09 property, you went to the hospital  
10 and came back to the church later?

11 A. Right.

12 Q. So you had no involvement at  
13 the mine until they found them?

14 A. Right.

15 Q. Roger, did you notice if the  
16 air changed at all, the direction or  
17 what happened after the air rush? I  
18 know you said it came toward you.

19 A. After it stopped blowing,  
20 there just --- I never felt any air  
21 at all.

22 Q. How long did that last?

23 A. I'm going to say it seemed  
24 like five to eight seconds. It may  
25 have not been as long, but that's

37

01 just --- it was --- you know, it was  
02 definitely four or five seconds up to  
03 eight, I don't --- it's really hard

04 to say, but ---.

05 Q. It just kept coming?

06 A. It just kept coming. And then

07 because that --- finally I started

08 feeling heat and I thought, well,

09 that's fire coming now, you know.

10 Q. And you say it had a smell to

11 it and it was warm?

12 A. Right.

13 Q. Okay. Did anybody else lose

14 their hard hats or lights and all

15 that?

16 A. I believe some of them lost

17 their hats, yes, but I don't know who

18 all they were.

19 Q. Do you remember if any of the

20 detectors went off?

21 A. Detectors?

22 Q. Yeah. Did you have a detector

23 with you, methane detector, CO

24 detector?

25 A. Yes, I believe --- I didn't

01 --- yes, I had one, but it didn't go

02 off, no.

03 Q. Okay. Was it on?

04 A. No. Mine is the one you have

05 to hold the button in, the methane.

06 Q. Okay. It's just methane?

07 A. Right.

08 Q. What about the boss's?

09 A. I don't know if his went off  
10 or not. If it did, you wouldn't have  
11 been able to hear it.

12 Q. Okay.

13 A. And I'm not sure if he had his  
14 on or --- I'm not too familiar with  
15 the type that they had, whether  
16 they're on all the time or what.

17 Q. Anytime during this --- during  
18 the accident, did you remember  
19 hearing anybody's detectors going off  
20 at all?

21 A. I don't remember any going  
22 off.

23 Q. Okay. Do you remember anybody  
24 --- well, was it a group decision  
25 when this happened that you just all

39

01 decided to go out or did someone  
02 organize you or ---?

03 A. It was more or less a group  
04 decision, yes, because I said ---  
05 well, I know I said that there's been  
06 an explosion, let's get to the  
07 intake. And I don't know if anyone  
08 else said anything, but we started

09 heading down the track all together.

10 Q. So when did you take your SCSR

11 off?

12 A. I took it out of my mouth

13 after we got to the mantrip.

14 Q. Okay.

15 A. But I left it on until we got

16 outside.

17 Q. Once you got it started, you

18 got it blown up, how did it work?

19 A. I suppose it worked all right.

20 Other than I was trying to breathe

21 too hard and it sucked the bag

22 together.

23 Q. You kept sucking that bag even

24 after you blew it up?

25 A. No, no. That was before I

40

01 blew it up.

02 Q. All right. But after you blew

03 the bag up, did it stay good for you?

04 A. Yes, but it was uncomfortable.

05 Q. Oh, yeah. Did you put the

06 nose clips on, too?

07 A. Right.

08 Q. Okay.

09 A. The goggles, I tried them on

10 and they smashed my eyes so I turned

11 them down.

12 Q. Okay. Did any of the other  
13 guys in the crew complain about the  
14 SCSR, not being able to get it  
15 started or it not working?  
16 A. The one older fellow, Hoy, I  
17 can't remember his last name, said  
18 that he didn't think his was working.  
19 Q. Did you ---?  
20 A. But he was behind me so I  
21 don't know whether --- whether he  
22 actually wore it or not.  
23 Q. You say that you were --- is  
24 there anything that you want to add  
25 that I --- about the whole accident

41

01 that I neglected to ask you that I  
02 might have missed? I mean, you were  
03 there.  
04 A. No.  
05 Q. Anything that you might want  
06 to just comment on about the  
07 experience that we could learn  
08 something from? Was there a lot of  
09 confusion about getting the SCSRs on  
10 or was it an almost --- was it an  
11 automatic thing?  
12 A. It was more or less an  
13 automatic thing, yes. There was no

14 confusion. What I had thought, you  
15 know, we've been more or less told  
16 that these rescuers last one hour in  
17 one percent or whatever. Now,  
18 whether this type of rescuer was like  
19 that or not, but I thought I was  
20 breathing fine and I thought, well, I  
21 might have to walk out of here. I  
22 keep hearing them telling me it takes  
23 two hours to walk out of there. So  
24 what I'm doing is saving mine, and  
25 trying to go as far as I can.

42

01 Q. That's why you waited?

02 A. Right.

03 Q. Okay.

04 A. Because that's all I could  
05 remember, one hour. And I thought,  
06 well, now I've been told it takes two  
07 hours to walk out of here.

08 Q. So you were going to try to  
09 ration that baby?

10 A. I was going to try to ration  
11 it.

12 MR. O'DONNELL:

13 Brian, do you have  
14 anything right now you want to  
15 ask?

16 BY MR. MILLS:

17 Q. Roger, do you carry a  
18 hand-held radio?  
19 A. I usually do, but that morning  
20 they said they were still locked up,  
21 so I never even went to try to get it  
22 because one of the other guys said  
23 that they were --- the door hadn't  
24 been unlocked where they were stored.  
25 So I didn't even go look to see.

43

01 Before I went in, I didn't go look to  
02 see if it's been unlocked yet.

03 Q. Do you have any mine rescue  
04 team experience?

05 A. No, I don't.

06 Q. Never was on a team. You  
07 normally carry these hand-helds. Who  
08 on the section would carry those  
09 generally?

10 A. Mine operators, shuttle car  
11 operators and I believe the section  
12 boss.

13 Q. And you've got three shuttle  
14 car operators normally or four on  
15 your section?

16 A. Two.

17 Q. Two?

18 A. Two usually.

19 Q. Two?  
20 A. Yeah.  
21 Q. So you've got about five of  
22 those?  
23 A. Uh-huh (yes).  
24 Q. Do you know if any of the  
25 other guys had one?

44

01 A. No, not for sure.  
02 Q. You didn't hear any  
03 communication on those?  
04 A. No.  
05 MR. MILLS:  
06 That's all, Joe.

07 BY MR. O'DONNELL:  
08 Q. You said that you have  
09 examiner papers?

10 A. Belt examiner card.  
11 Q. Have you ever done any  
12 examinations in the mine?

13 A. Yes.  
14 Q. Oh, you have. What kind?

15 A. Belt examiner, checking for  
16 methane and ---.

17 Q. You pre-shifted belts in the  
18 mine?

19 A. Right.  
20 Q. Okay. Did you do any returns  
21 or anything?



22 A. No.

23 Q. How familiar are you with  
24 those old Two Main seals, the seals  
25 that were on the straight past Two

45

01 Left?

02 A. Past Two Left?

03 Q. Yeah, the seals that they had  
04 just put in.

05 A. I didn't know anything about  
06 those seals.

07 Q. Were you ever up in that area?

08 A. Yes. We were --- we mined up  
09 in that area.

10 Q. Oh, you did? You run miner up  
11 there?

12 A. Right.

13 Q. In your section, in the One  
14 Left section, about --- what's the  
15 most methane that you encountered up  
16 there?

17 A. One Left? Maybe four tenths.

18 Q. Where at in One Left? Was it  
19 the rooms that you drove to the left?

20 A. I don't remember. That was  
21 just the most I ---

22 Q. Four-tenths?

23 A. --- remember anywhere in that

24 area.

25 Q. Was it on the mains or in the

46

01 rooms?

02 A. I don't remember.

03 Q. Was it on the miner or was it

04 on your hand-held?

05 A. Both.

06 Q. On both?

07 A. Yeah.

08 Q. What's the most it would go up

09 to while you were mining?

10 A. I'm not sure on that section,

11 but it wasn't much, maybe four-tenths

12 was probably the most up in that

13 area.

14 Q. Okay. What about up in the

15 old Second Left? You said you mined

16 up there.

17 A. Second Left?

18 Q. The old --- you said up in the

19 old part where you pulled out.

20 A. I don't know which part you're

21 talking about.

22 Q. Here let's go up to the map.

23 MR. O'DONNELL:

24 We're going to call

25 this Exhibit One.

47

01 (Perry Exhibit Number  
02 One marked for  
03 identification.)  
04 BY MR. O'DONNELL:  
05 Q. Now, this is your section over  
06 here on the left.  
07 A. Right.  
08 Q. These are the rooms you said  
09 you found ---  
10 A. Right.  
11 Q. --- four-tenths there. Now,  
12 where else did you mine in the coal  
13 mine?  
14 A. Here.  
15 Q. Okay.  
16 A. All the way through here.  
17 Q. Oh, you took the mains up?  
18 A. Yeah.  
19 Q. Why did you guys pull out of  
20 that area?  
21 A. You know I don't remember why.  
22 That would have been --- we didn't  
23 really pull put. We left equipment  
24 and they set us up down here so they  
25 could have two sections going.

01 Q. Oh, so they ran that section  
02 with this section before Two Left was

03 started?

04 A. Right.

05 Q. Oh, okay.

06 A. Because Two Left was the ones  
07 we pulled out of here and went to  
08 here.

09 ATTORNEY WILSON:

10 Joe, excuse me. Pulled  
11 out of here and went to here  
12 isn't going to show up on the  
13 record.

14 BY MR. O'DONNELL:

15 Q. Pulled out of the --- which  
16 section?

17 A. Moved down.

18 Q. Where did you mine before you  
19 were in First Left?

20 A. Here.

21 Q. Here is old Second ---

22 A. Three.

23 Q. --- Left mains? What did you  
24 call it, three?

25 A. I called it Three Left.

49

01 Q. Okay. So we'll call the old  
02 Second Mains as Three Left. And did  
03 you mine it all the way to the end?

04 A. No, no.

05 Q. About how far did you get?

06 A. We were on block three.

07 Q. So mostly you drove the mains?

08 A. Right.

09 Q. Okay. Did you do any of the

10 second mining in that area?

11 A. Second mining?

12 Q. Bottom mining.

13 A. No.

14 Q. Okay. And there were a couple

15 of --- there was a gas well up there.

16 Do you ever remember cutting through

17 any gas wells or boreholes or ---?

18 A. No.

19 Q. What was the methane like up

20 there, Roger?

21 A. I don't remember.

22 Q. Was it consistent with the

23 First Left or nothing out of the

24 ordinary?

25 A. Nothing out of the ordinary,

50

01 no. Nothing. I don't really

02 remember up there at all.

03 Q. Okay. How long ago did you

04 pull out of there, out of Three Left?

05 A. I don't remember that.

06 Q. All right. How long have you

07 been working in One Left?

08 A. I don't know.

09 Q. Six months, a year?

10 A. Six months. I'm not sure how  
11 long.

12 Q. Okay. Did you ever do any  
13 work on the weekends helping out  
14 anybody ---

15 A. No.

16 Q. --- or just all straight  
17 section miner operator?

18 A. Right.

19 Q. Okay. You said whenever you  
20 pulled out from the Three Left, you  
21 were working up there and where did  
22 you move to, One Left?

23 A. One Left.

24 Q. Okay. And you said you just  
25 left equipment there?

01 A. Right.

02 Q. But that section was still  
03 operating at the time?

04 A. Right.

05 Q. Do you know if they left any  
06 equipment in that area when they  
07 abandoned it?

08 A. No, I don't know.

09 Q. Okay.

10 A. Nothing that --- nothing that

11 I recall.

12 Q. Are you familiar with any kind  
13 of underground shop that they may  
14 have had?

15 A. Yes, it's before you get to  
16 One Left switch.

17 Q. Before you get to One Left  
18 switch ---

19 A. Right.

20 Q. --- there's a shop?

21 A. It's more or less a parts  
22 room.

23 Q. Into a crosscut and just a  
24 shanty with parts?

25 A. Yeah.

52

01 Q. They don't work on any  
02 equipment there?

03 A. No.

04 Q. Okay. But as far as a place  
05 where they have an I-beam and torches  
06 and an underground shop, power,  
07 heater, charging stations, anything  
08 like that?

09 A. No.

10 Q. Okay.

11 MR. O'DONNELL:  
12 We're going to take

13 about a five-minute break.

14 And we'll get right back.

15 SHORT BREAK TAKEN

16 BY MR. O'DONNELL:

17 Q. Okay, Roger. When we started  
18 the interview you said when I asked  
19 you did you have --- how much time  
20 did you have at Sago Mine, you said  
21 two years this time. Did that mean  
22 that you worked there before?

23 A. Right.

24 Q. How long did you work there  
25 before?

53

01 A. I worked there like two and a  
02 half years for BJM Coal Company?

03 Q. BJM, what is that?

04 A. I don't know what it stands  
05 for. It's three women's name I  
06 heard, but I can't think. It was run  
07 by Sigler.

08 Q. Sigler?

09 A. Uh-huh (yes).

10 Q. So you worked there how long  
11 ago? You've been there two years  
12 now, but how long of a break?

13 A. Now, let me think here. It  
14 was probably two to three years  
15 between that.



16 Q. Okay.

17 A. And I worked at a couple other  
18 mines before I came back.

19 Q. What was it like the second  
20 time you come back compared to the  
21 first time?

22 A. About the same.

23 Q. Same? No difference? Do you  
24 think it was a better mine or not as  
25 good a mine?

54

01 A. I'd say a little better than  
02 Sigler as far as equipment and taking  
03 care of mud and water.

04 Q. What about safety?

05 A. No difference.

06 Q. Okay. Just another clarifying  
07 question, your SCSR, did you put in  
08 on the track entry or the intake?

09 A. Intake.

10 Q. Intake entry, okay.

11 A. Still in the dust or whatever  
12 that was in it.

13 Q. Okay. I have to ask you some  
14 training questions now and I wrote  
15 all over my training questions. When  
16 was the last time you had your annual  
17 retraining?

18 A. I don't remember what month it  
19 was last year at all.  
20 Q. But do you remember having it?  
21 A. Right.  
22 Q. Okay.  
23 A. I don't know where it was at.  
24 Don't remember, but I know we had it.  
25 Q. And who gave it to you?

55

01 A. I don't remember whether it  
02 was Al Schoonover or --- I can't  
03 think of his name. The safety  
04 director. Oh, I know him, I just  
05 can't think of his name.  
06 Q. But it was one of those guys?  
07 A. One of those two.  
08 Q. Okay. And did you have the  
09 training all day?  
10 A. Yes.  
11 Q. And did you fill out a --- did  
12 they fill out a form for you?  
13 A. Uh-huh (yes).  
14 Q. And you had to sign it and  
15 they had to sign it?  
16 A. Right.  
17 Q. Okay. Did they ever go over  
18 the mine emergency and evacuation?  
19 A. Uh-huh (yes). Yes.  
20 Q. They went over all that stuff,

21 what to do, the escapeways?

22 A. Right.

23 Q. Did they ever tell you who the

24 responsible person was designated by

25 the company for the purpose of

56

01 evacuation?

02 A. I don't remember ---

03 Q. Okay.

04 A. --- who they said it was.

05 Q. Okay. And are you familiar

06 with the evacuation procedures?

07 A. Right. Yeah.

08 Q. Did they go over procedures

09 that you had to follow for what to do

10 in case of an explosion?

11 A. I don't remember if they

12 actually said anything about

13 explosions or not. Only to --- the

14 escapeways and the color of the

15 reflectors for different escapeways

16 and airway.

17 Q. Okay. What about barricading,

18 did they talk about that?

19 A. I don't remember if they did.

20 Q. Okay. You're qualified to

21 take methane and oxygen tests?

22 A. Not oxygen.

23 Q. Well, methane?

24 A. Methane only.

25 Q. Okay. And how long has it

57

01 been since you were certified?

02 A. I don't remember that. I

03 believe it was last year.

04 Q. Okay.

05 A. Sometime last year.

06 Q. What about participating in

07 escapeway drills? Did you ever walk

08 out of the section or part of the

09 section?

10 A. Not at that mine. Other

11 mines, not that mine.

12 Q. Okay. So the escapeway drill,

13 you haven't been involved. Do you

14 remember the boss taking anybody out?

15 A. I don't remember.

16 Q. What's the difference between

17 the primary and secondary, how are

18 they marked differently?

19 A. I'm not sure.

20 Q. Do you remember the color of

21 the reflectors?

22 A. I'm thinking green or blue

23 with intake or --- but I don't

24 remember which color is primary and

25 secondary.

01 Q. Okay. What about fire drills,  
02 do they ever conduct fire drills in  
03 the section, like a simulated fire?

04 A. I don't recall of any there.

05 Q. What about --- you know what  
06 I'm talking about; right?

07 A. Yeah. I've had them at the  
08 other mines.

09 Q. Where everybody gets a job and  
10 you say we've got a buggy or feeder  
11 on fire ---

12 A. Right.

13 Q. --- that kind of stuff?

14 A. I've done that ---

15 Q. Over at the other mine?

16 A. --- another mine a couple  
17 years ago.

18 Q. But not at Sago?

19 A. No.

20 Q. Okay.

21 A. Not that I recall, no.

22 Q. What about your SCSR training  
23 over at the --- when you had your  
24 annual retraining, did they go  
25 through that?

01 A. Yeah.

02 Q. And how did they do that?  
03 A. They had them there and they  
04 had us don them one at a time.  
05 Q. Were they completely closed  
06 when you started it?  
07 A. Yeah.  
08 Q. So you went through the whole  
09 thing, ---  
10 A. Right.  
11 Q. --- tearing the top off?  
12 A. Uh-huh (yes).  
13 Q. Whenever you popped yours,  
14 when you were inside the mine, did  
15 you have any trouble getting that  
16 bottom off?  
17 A. No.  
18 Q. It popped right off?  
19 A. It fell off more or less.  
20 Q. Good. And part of your ---  
21 part of your annual retraining was  
22 first aid also?  
23 A. Yeah.  
24 Q. What kind of first aid  
25 training did you get?

01 A. There wasn't much first-aid.  
02 Q. Did they get a dummy and do  
03 CPR and that kind of stuff and  
04 mouth-to-mouth?

05 A. I don't remember if they did  
06 that in the last training at that  
07 mine or not.

08 Q. Did you remember that kind of  
09 training at other mines?

10 A. Oh, yeah.

11 Q. But not at this mine?

12 A. Yes, I believe the first year  
13 of training I believe they had one.

14 Q. Okay.

15 A. But I can't remember nothing  
16 about last year for some reason. I  
17 don't know where the training was,  
18 but I know we had it.

19 Q. How about the roof control and  
20 ventilation plan, did they go over  
21 those plans during your annual  
22 retraining?

23 A. Yes.

24 Q. And how do you think it was?  
25 I mean, how do you think the training

01 was?

02 A. It was good. I just don't ---  
03 I don't remember dates, ---

04 Q. You don't have to remember the  
05 dates.

06 A. --- and times. I really don't

07 try to remember much about it except  
08 for first aid, how to escape, real  
09 important things like that is the  
10 only --- and the rescuer, which I  
11 think they ought to have more  
12 training using them because you  
13 forget.

14 Q. You forget and you also ---.

15 A. If you don't use something,  
16 you forget how.

17 Q. Is that what you think they  
18 should do, some additional training  
19 on it?

20 A. Oh, yes.

21 Q. What about a smoke search, did  
22 they ever do a smoke search on you?

23 A. Oh, yes.

24 Q. How often do they do that?

25 A. I'm not sure how often it is,

62

01 but Jeff has done them.

02 Q. How do they do it?

03 A. They ask you if you have any  
04 and pat your pockets and what not.

05 Q. Do you remember if --- have  
06 you ever seen anybody smoking in the  
07 mine, the Sago Mine?

08 A. No.

09 Q. Okay. Have you ever found any



10 smoking articles underground?

11 A. No.

12 BY MR. MILLS:

13 Q. Just one, Roger, which mines

14 did you work at between when you

15 worked for BJM and Sago?

16 A. I was mining at Turkey Run and

17 Fairmont Two which was for Thomas and

18 Bischoff.

19 BY MR. O'DONNELL:

20 Q. Back to those seals just for a

21 minute. Did you ever hear of anybody

22 picking up any methane at the seals,

23 finding any methane up there?

24 A. No.

25 Q. Anybody having any problems

63

01 with building it?

02 A. I don't even know when they

03 built it or who built it, because we

04 weren't up that way ---.

05 Q. You were never in the area?

06 A. No, not after --- not after we

07 pulled out. I was never back up that

08 direction.

09 Q. Okay. Has anyone offered you

10 anything or made a promise to you in

11 exchange for you appearing here

12 today?

13 A. No.

14 Q. Before I ask you the last  
15 question, do you have anything that  
16 you would like to add that may be  
17 relevant to the investigation?

18 A. No, nothing relevant to the  
19 investigation.

20 Q. Say anything you like.

21 A. Well, first of all, I don't  
22 think sealing should be allowed in  
23 mines.

24 Q. What? What?

25 A. Sealing. Sealing areas off.

64

01 I don't think it should be allowed.  
02 To me, now that this --- this is the  
03 first explosion I've been through. I  
04 think that's all that is, is a time  
05 bomb waiting for an ignition, simple  
06 as that. I really don't know the  
07 reason of sealing areas off, other  
08 than not to have to ventilate it or  
09 someone walking and inspecting, which  
10 would be a lot of walking for  
11 someone, but ---.

12 Q. Okay. The last question I  
13 want to ask you is maybe if you could  
14 help us to understand because we want

15 to --- we want to make all of this  
16 better. And part of the  
17 investigation is trying to understand  
18 some of the things that happened that  
19 went haywire, that we want to learn  
20 and grow from. You were at the  
21 church that night?

22 A. Uh-huh (yes).

23 Q. You said you were. Until the  
24 end when you got the good news and  
25 then got the bad news and all of us

65

01 sympathize with you and offer our  
02 condolences to you in the loss of  
03 your family and your friends. But we  
04 still want to make it better. So is  
05 there anything you can tell us about  
06 that night that may help us learn  
07 from that? I mean, how did it get  
08 --- you know, we don't know what  
09 happened there.

10 A. Didn't know what happened  
11 where?

12 Q. At the church, when someone  
13 told you that they found them ---

14 A. Right.

15 Q. --- and then a couple hours  
16 later ---.

17 A. No, they were all dead but  
18 one. I don't know what happened  
19 there. There was communication going  
20 on that's all I know of.

21 Q. But I mean at that, at the  
22 church, you don't recall who came in  
23 and told you that?

24 A. No, I don't. I have no idea  
25 where it came from, other than rumors

66

01 that it came from someone in the  
02 church. But I saw the governor  
03 running in, into the church. I  
04 believe he was outside and he was  
05 trying to dial his cell phone at the  
06 time he was running, like he --- the  
07 way he was shaking his head, he  
08 didn't understand what was going on  
09 either.

10 Q. Okay.

11 MR. O'DONNELL:

12 On behalf of MSHA, I  
13 want to thank you for  
14 appearing and answering our  
15 questions today, Roger. Your  
16 cooperation is very important  
17 to the investigation as we  
18 work to determine the cause of  
19 the accident.

20           We ask that you not  
21   discuss your testimony with  
22   any person who may have  
23   already been interviewed or  
24   who may be interviewed in the  
25   future. This will ensure that

67

01   we obtain everyone's  
02   independent recollection of  
03   the events surrounding the  
04   accident.

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

16           The Mine Act provides  
17   certain protections to miners  
18   who provide information to  
19   MSHA and as a result are  
20   treated adversely. If at any  
21   time you believe that you have

22 been treated unfairly because  
23 of your cooperation in this  
24 investigation, you should  
25 notify us immediately.

68

01 If you wish, you may  
02 now go back over any answer  
03 that you have given us in the  
04 interview and make a statement  
05 if you'd like.

06 A. I don't --- I can't think of  
07 anything.

08 MR. O'DONNELL:

09 We want to thank you  
10 for your cooperation. We  
11 appreciate you coming in.

12 A. All right.

13 MR. O'DONNELL:

14 Thank you.

15

16 \* \* \* \* \*

17 EXAMINATION CONCLUDED AT 12:33 P.M.

18 \* \* \* \* \*

19

20

21

22

23

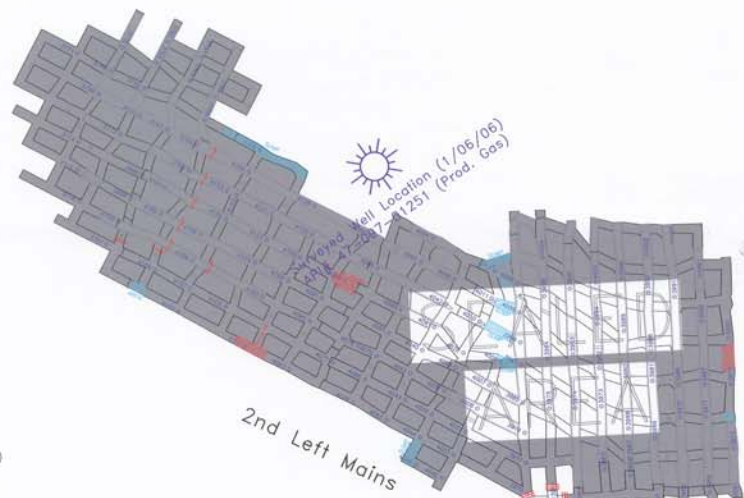
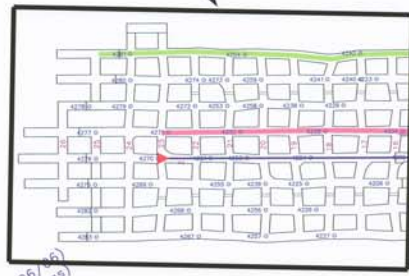
24



Scale: 1" = 100'



Area Shown on Map  
Scale: 1"=50'



2nd Left Mains

2 LEFT SEALS

2nd Left Parallel

Surveyed Well Location (1/06/06)  
API# 47-097-01230 (Prod. Gas)

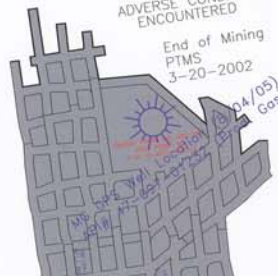
1st Left

Surveyed Well Location (1/06/06)  
API# 47-097-01180 (Prod. Gas)

2 LEFT DRIVE

1 LEFT DRIVE

ADVERSE CONDITIONS  
ENCOUNTERED  
End of Mining  
PTMS  
3-20-2002



Surveyed Well Location (5/06/04)  
API# 47-097-01262 (Prod. Gas)

End of Mining  
EUM Coal Company, Inc.  
11/15/2001

4TH NORTHWEST SUB-MAINS

