

STATEMENT UNDER OATH

OF

DENVER D. ANDERSON

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia, on
Tuesday, February 14, 2006, at 11:59
a.m.

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A P P E A R A N C E S

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A P P E A R A N C E S (cont.)

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I N D E X

INTRODUCTION 6 - 19

WITNESS: DENVER D. ANDERSON

QUESTIONS

By Mr. Swentosky 19 - 60

By Mr. Mills 60 - 61

By Mr. Swentosky 62 - 88

CERTIFICATE 89

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5
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8
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EXHIBIT PAGE

PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is James B.

1 Crawford from the Solicitor's
2 office, Brian Mills with the
3 West Virginia Office of
4 Miners' Health, Safety &
5 Training, and Mr. Dave Stuart,
6 with the State of West
7 Virginia.

8 I have been assigned to
9 conduct an investigation into
10 the accident that occurred at
11 the Sago Mine on January 2nd,
12 2006, in which 12 miners died
13 and one was injured. The
14 investigation is being
15 conducted by MSHA and the West
16 Virginia Office of Miners'
17 Health, Safety & Training to
18 gather information to
19 determine the cause of the
20 accident, and these interviews
21 are an important part of that
22 investigation.

1 At this time, the
2 accident investigation team
3 intends to interview a number
4 of people to discuss anything
5 that may be relevant to the
6 cause of the accident. After
7 the investigation is
8 completed, MSHA will issue a
9 written report detailing the
10 nature and the causes of the
11 accident.

12 MSHA accident reports
13 are made available to the
14 public in the hope that a
15 greater awareness about the
16 causes of accidents can reduce
17 their occurrence in the
18 future. Information obtained
19 through witness interviews is
20 frequently included in these
21 reports. Your statement may
22 also be used in other

1 enforcement proceedings.

2 I would like to thank
3 you in advance for your
4 appearance here today. We
5 appreciate your assistance in
6 this investigation. The
7 willingness of miners and mine
8 operators to work with us is
9 critical to our goal of making
10 the nation's mines safer.

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

18 This interview with Mr.
19 Denver Anderson is being
20 conducted under Section 103(a)
21 of the Federal Mine Safety &
22 Health Act of 1977 as part of

1 an investigation by the Mine
2 Safety & Health Administration
3 and the West Virginia Office
4 of Miners' Health, Safety &
5 Training into the conditions,
6 events and circumstances
7 surrounding the fatalities
8 that occurred at the Sago
9 Mine, owned by International
10 Coal Group in Buckhannon, West
11 Virginia, on January 2nd,
12 2006.

13 This interview is being
14 conducted at the U.S.
15 Bankruptcy Courthouse in
16 Clarksburg, West Virginia on
17 February 14th, 2006.

18 Questioning will be
19 conducted by representatives
20 of MSHA and the Office of
21 Miners' Health, Safety &
22 Training. It is not an

1 adversarial proceeding;
2 therefore, cross examination
3 will not be permitted.

4 Mr. Anderson, the
5 interview will begin with my
6 asking a series of questions.
7 If you do not understand a
8 question, please ask me to
9 rephrase it. Feel free at any
10 time to clarify any statements
11 that you make in response to
12 the questions.

13 After we have finished
14 asking questions, you will
15 also have an opportunity to
16 make a statement and provide
17 us with any other information
18 that you believe may be
19 important.

20 If at any time after
21 the interview you recall any
22 additional information that

1 you believe may be useful in
2 the investigation, please
3 contact Mr. Richard Gates at
4 the telephone number or e-mail
5 address provided to you. And
6 we have a business card here
7 for Mr. Gates.

8 Your statement is
9 completely voluntary. You may
10 refuse to answer any question
11 and you may terminate your
12 interview at any time. If you
13 need a break, just let me
14 know. For any reason, just
15 let me know.

16 A court reporter will
17 record your interview and will
18 later produce a written
19 transcript of the interview.
20 Please try and respond to all
21 questions verbally, since the
22 court reporter cannot record

1 nonverbal responses. Also,
2 please try to keep your voice
3 up.

4 Copies of the written
5 transcripts will be made
6 available at a later date. If
7 any part of your statement is
8 not based on your own first-
9 hand knowledge but on
10 information that you learned
11 from someone else, please let
12 us know. Please answer each
13 question as fully as you can,
14 including any information you
15 have learned from someone
16 else.

17 We may not ask the
18 right question to learn the
19 information that you have, so
20 do not feel limited by the
21 precise question asked. If
22 you have information about the

1 subject area of a question,
2 please provide us with that
3 information.

4 At this time, Mr.
5 Mills, do you have anything
6 that you would like to add on
7 behalf of the Office of
8 Miners' Health, Safety &
9 Training?

10 MR. MILLS:

11 The West Virginia
12 Office of Miners' Health,
13 Safety & Training is
14 conducting this interview
15 session jointly with MSHA and
16 are in agreement with the
17 procedures outlined by Mr.
18 Swentosky for these interviews
19 that will be conducted here
20 today.

21 But the Director
22 reserves the right, if

1 necessary, to call or subpoena
2 witnesses or require the
3 production of any record,
4 document, photograph or other
5 relevant materials necessary
6 to conduct this investigation.

7 MR. SWENTOSKY:

8 Are you are that you
9 may have a personal
10 representative present during
11 the taking of this statement?

12 MR. ANDERSON:

13 Yeah.

14 MR. SWENTOSKY:

15 Do you have a
16 representative with you? And
17 if you do, could you please
18 identify him?

19 MR. ANDERSON:

20 It's Joe here.

21 MR. SWENTOSKY:

22 And Joe?

1 MR. ANDERSON:

2 Let me look at the last
3 name on my card.

4 MR. SWENTOSKY:

5 Would that be Joe
6 Yuhas?

7 ATTORNEY YUHAS:

8 Joe Yuhas.

9 MR. ANDERSON:

10 Yeah.

11 MR. SWENTOSKY:

12 Thank you. Has anyone
13 suggested to you that you use
14 this representative?

15 MR. ANDERSON:

16 Well, it was up to me
17 if I wanted one, so ---.

18 MR. SWENTOSKY:

19 Are you aware that your
20 representative may have a
21 conflict of interest in
22 representing you while being

1 provided by someone else, such
2 as the company?

3 MR. ANDERSON:

4 No.

5 MR. SWENTOSKY:

6 You are aware or you're
7 not aware? Let me just read
8 that again.

9 MR. ANDERSON:

10 Okay.

11 MR. SWENTOSKY:

12 Are you aware that your
13 representative may have a
14 conflict of interest in
15 representing you, while being
16 provided by someone else, such
17 as the company?

18 ATTORNEY YUHAS:

19 Point of clarification.
20 We may have to clarify
21 conflict of interest. Maybe
22 to rephrase the question, you

1 are aware, we have discussed
2 that the company called me
3 down here to make me available
4 to people, and you are aware
5 who called me down; right?

6 MR. ANDERSON:

7 Yes. Yes. I'm aware
8 they called you down, yes.

9 ATTORNEY YUHAS:

10 And when you decided
11 that you wanted me to be your
12 representative, we had gone
13 through all of those issues
14 beforehand; is that correct?

15 MR. ANDERSON:

16 Yes.

17 MR. STUART:

18 Let me see if I can't
19 fix this. Mr. Anderson, is it
20 your understanding that Mr.
21 Yuhas represents your
22 interests here today?

1 MR. ANDERSON:

2 Yes, sir.

3 MR. STUART:

4 And is it your
5 understanding that he
6 represents your interests and
7 not the interests of your
8 employer?

9 MR. ANDERSON:

10 Yes.

11 MR. STUART:

12 And is it your
13 understanding that he
14 represents your interests, not
15 the interests of, say, perhaps
16 of the United Mine Workers?

17 MR. ANDERSON:

18 Yes, sir, that my
19 understanding.

20 MR. SWENTOSKY:

21 With this
22 understanding, do you still

1 want this person to be your
2 representative?

3 MR. ANDERSON:

4 Yes.

5 MR. SWENTOSKY:

6 Have you been pressured
7 in any way to accept this
8 person as your representative?

9 MR. ANDERSON:

10 No, I wasn't pressured,
11 no.

12 MR. SWENTOSKY:

13 Okay. And with this
14 understanding, do you still
15 choose to have this person as
16 your representative?

17 MR. ANDERSON:

18 Yes.

19 MR. SWENTOSKY:

20 Okay. Do you have any
21 questions regarding the manner
22 in which this interview is

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going to be conducted?

MR. ANDERSON:

Well, I know why it's
going to be conducted, yes.

MR. SWENTOSKY:

Do you have any other
questions as to the procedure
in which this interview will
be conducted?

MR. ANDERSON:

Not that I can think of
right now.

DENVER D. ANDERSON, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. SWENTOSKY:

Q. Could you give your full name
and spell your last name for us, Mr.
Anderson?

A. Denver D. Anderson,
A-N-D-E-R-S-O-N.

1 Q. Could you give us your address
2 and telephone number, please?

3 A. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. Thank you. Are you appearing
7 here today voluntarily?

8 A. Yes, sir.

9 Q. How many years of mining
10 experience do you have?

11 A. Approximately 15.

12 Q. Fifteen (15). Can you give us
13 a brief description of your mining
14 experience, like, for instance, where
15 you started in the mines, how many
16 years and the companies you worked
17 for and the years and so on?

18 A. Well, I worked for Oneida Coal
19 Company, started back in --- I don't
20 know the exact date, in '82, I
21 believe. And worked for them
22 approximately four and a half years

1 and was laid off for eight months and
2 was called back and worked for
3 approximately that long again, and
4 then they closed down. Then I was
5 out for a while. I worked for a
6 couple contractors a short period of
7 time, then I was out of the mines for
8 a while and worked for T.P. Mine
9 Service for just a little short time,
10 then got a job with, it was Wayne
11 Processing, who came to Spruce Mine.
12 That was in 2000.

13 Q. And from Spruce Mine, where
14 did you go from there?

15 A. I went to Sago.

16 Q. Sago Mine. Okay. And how
17 much time have you spent at Sago
18 Mine?

19 A. Since May, the first part of
20 May.

21 Q. And that would be May of 2005?

22 A. Yes.

1 Q. What's your present position
2 at the mine?

3 A. Well, right now we're on that
4 rehab, rebuilding stoppings.

5 Q. What was your position on the
6 day of the accident?

7 A. Section utility.

8 Q. And as a section utility, what
9 do you do?

10 A. Build stoppings and help
11 supply the bolting machine or help
12 the scoop or unload supplies off a
13 flat car or ---

14 Q. Okay.

15 A. --- rock dust it.

16 Q. And that's a position you held
17 on the day of the accident?

18 A. Yes.

19 Q. And how long did you hold that
20 position? How long have you been
21 doing that?

22 A. Well, for that particular time

1 --- I done it before, but for that
2 particular time, probably about ---
3 approximately July sometime, that's
4 '05.

5 Q. And before that, what position
6 did you hold?

7 A. I was outby utility for just a
8 short time, well, from May until
9 then, only it was a different shift
10 --- or part of it was a different
11 shift.

12 Q. And those are the two
13 positions that you held during your
14 ---?

15 A. At Spruce --- or I mean Sago,
16 yes.

17 Q. Okay. Do you have any mining
18 certifications?

19 A. Just a miner's card.

20 Q. Okay. You don't have any
21 examiner's or ---

22 A. No.

1 Q. --- mine foreman papers ---

2 A. No.

3 Q. --- or anything like that?

4 Okay. And who was your immediate
5 supervisor?

6 A. Owen Jones.

7 Q. How long had that person been
8 your supervisor?

9 A. Well, I had worked for him at
10 Spruce, but this time, since I've
11 been a utility up there in like July,
12 whatever date it was.

13 Q. And who was your supervisor
14 before that; do you recall?

15 A. When I was outby there for ---
16 on the day shift for a few weeks, the
17 mine foreman I guess I would say,
18 Carl Crumrine. And when I was on the
19 evening shift on outby it was Roy
20 Thorn, or Buck Thorn as he goes by.

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

1 A. My shift in? Six o'clock a.m.

2 Q. And you were working on the
3 day of the accident?

4 A. Yes.

5 Q. I wonder if you could just
6 kind of go through your day's events
7 from the time you arrived at the mine
8 and what you did before going
9 underground and then underground and
10 then from the time the event occurred
11 until you got to the surface, just
12 the complete day's events, if you
13 could do that for me. And I won't
14 interrupt you, and just kind of go
15 through that, if you would, please.

16 A. Well, I was --- I went through
17 the gate and went into the bathhouse
18 and got dressed to go underground and
19 went in the lamp house and I checked
20 in and got a light and talked around
21 there to the folks a while and went
22 down to the pit and to the mantrip to

1 get in the mantrip. The other crew,
2 they went in.

3 Our mantrip came up there and
4 it was too small for all of us to get
5 in. We had to trade it back out to
6 get a larger one. So that put us, I
7 don't know, five or ten minutes
8 behind them. And we went on in and
9 got down to the First Left switch.

10 And the guy that was riding
11 outby on the end of the mantrip got
12 out and throwed the switch and just
13 set back down in it, and here this
14 big blast of black came and a little
15 bit of heat about it and all kind of
16 debris in it, I don't know. Probably
17 was partial Omega blocks. I really
18 don't know. And everything just went
19 black and all the smoke and the dust.

20 And I heard somebody say,
21 well, let's get out of here. And we
22 got out of the mantrip and got our

1 rescuers on and proceeded to go out.
2 And some of them was already out and
3 was down the track a ways and
4 hollered, said, there's some better
5 air down here, and we went down the
6 track.

7 Of course, there was blocks
8 and debris and stuff laying on the
9 track. And we knew, seeing the
10 blocks on the track, well, we knew
11 the stoppings was blowed out. And I
12 don't know how far down the track we
13 went until we got in the intake, but
14 it wasn't much better, you know. And
15 of course, all --- and we got on down
16 through the intake a ways, and there
17 was this mantrip on the track, and we
18 got to a man door. I don't know what
19 block it was the man door was in, but
20 got the mantrip stopped and got a
21 ride outside and hung around the mine
22 there a while.

1 Q. Okay. Thank you. Did you
2 begin your shift at the normal
3 time ---

4 A. Yes.

5 Q. --- on the day of the
6 accident? And what time was that
7 again?

8 A. Six o'clock when we started
9 down the hill. Well, it might have
10 been a few minutes after by the time
11 we switched mantrips.

12 Q. What time did you arrive at
13 the mine that day, approximately; do
14 you recall?

15 A. I want to say approximately
16 5:10 or 5:15. I usually kind of get
17 there in plenty of time.

18 Q. Okay. And then you said you
19 went in the bathhouse and got
20 dressed. And then what did you do?

21 A. We went in the lamp house and
22 get my light and checked my tag in.

1 Q. Do you recall any
2 conversations during ---?

3 A. I don't remember anything
4 particular talking about.

5 Q. Any conversations maybe with
6 the dispatcher or anything like that
7 or ---?

8 A. No. I don't remember calling
9 the dispatcher outside, no.

10 Q. Do you remember any
11 conversations that someone else may
12 have been having about ---?

13 A. Well, I'm sure everybody was
14 talking, but I don't know what
15 everybody was talking about. I don't
16 even remember who I talked to or what
17 we talked about.

18 Q. Okay. And your assignment on
19 the day of the accident was a utility
20 ---?

21 A. Yeah. I would have been a
22 utility, yes.

1 Q. And after you had your cap
2 lamp and so on, then what did you do?

3 A. Cap lamp in, I checked my tag
4 again, and then, like I said, we went
5 --- I went down to go inside.

6 Approximately it was 10 or 15 minutes
7 'til 6:00. I don't know exactly what
8 time, but I always go down there ---.

9 Q. And you said that you had to
10 change out the mantrip?

11 A. Yes.

12 Q. And what was that reason?

13 A. It was --- the one they
14 brought up for us to drive in was too
15 small for the crew.

16 Q. I see. And did any of the
17 mantrips leave before you?

18 A. Yes, Second Left did.

19 Q. Second Left. And
20 approximately how long after they
21 left did you leave?

22 A. I would say approximately

1 five, ten minutes.

2 Q. The number of people in your
3 mantrip, is that a usual number or is
4 that ---?

5 A. Yeah.

6 Q. And why did you have to change
7 --- I know you said it was too small,
8 but is one of the mantrips smaller or
9 something?

10 A. Yeah. They have --- in each
11 end they have rows of seats like
12 that. You know, one person --- one
13 facing in and the next person could
14 be facing back out, double-seated.
15 And the other end is double-seated,
16 too. And the first one they brought
17 up there only had one seat in it.

18 Q. I see. And where were you
19 located on the mantrip?

20 A. I was the first one in it,
21 facing in, on the inby end of it.

22 Q. You were on the inby end, and

1 you were facing the inby direction?

2 A. Right.

3 Q. And your seat location?

4 A. Was the farthest back in the
5 mantrip. I was the first one in the
6 mantrip.

7 Q. You're up against the solid
8 side?

9 A. Right.

10 Q. Once you loaded on the
11 mantrip, then you left the surface
12 and went in the mine?

13 A. Yes, sir.

14 Q. And did you make any stops?

15 A. Only for the --- open the
16 doors. Got double doors.

17 Q. Do you recall any
18 conversations on the mine phone or
19 any conversations somebody might have
20 had?

21 A. No, I don't remember any.

22 Q. Does the dispatcher (sic) get

1 clearance before he goes underground?

2 A. Yes.

3 Q. And he did that?

4 A. Yes.

5 Q. Was there anything else said
6 during that ---?

7 A. Not that I remember of.

8 Q. Okay. Did you have to stop on
9 the way in to leave anyone off?

10 A. Yeah. I think they let one or
11 --- now, I'm not sure of this, now.
12 Sometimes some of them would ride in
13 with one of the other mantrips and
14 stop and let somebody off. Now, I'm
15 not going to say we did that morning
16 or whether we didn't.

17 Q. Okay. So you left and then
18 what? You're going in the mine and
19 then go ahead, take it from there.
20 What happened?

21 A. From the time we started in?

22 Q. Yes.

1 A. Well, we went in there and
2 went through our derrails on the
3 doors. And if some of those guys was
4 on the mantrip, we let them off. I
5 know there was some outby us, but I'm
6 not --- don't remember whether they
7 rode with us or the other mantrip.
8 And when we got down there to where
9 we --- to One Left, he stopped to
10 throw the switch. And when the guy
11 that stopped to throw the switch just
12 sat back down on the mantrip, all
13 this stuff come at us.

14 Q. Who threw the switch?

15 A. Roger Perry. Now, I think he
16 had --- I'm not sure, but I think he
17 might have another name. But I'm not
18 positive of that either.

19 Q. That's fine. And whenever he
20 threw the switch and --- you said he
21 sat down?

22 A. Yes.

1 Q. Was that whenever that rush of
2 air occurred?

3 A. Yes.

4 Q. And what was that like?

5 A. That was kind of a funny
6 feeling. It's just a --- I felt heat
7 and a lot of wind. I lost my glasses
8 and my hat. And stuff hit me in the
9 face. I think I still have one
10 little spot right there. I throwed
11 my arm up and turned, you know, when
12 it hit, you know, to protect my face.
13 And I heard somebody say, let's get
14 out of here. And everything went
15 black. I know the lights on the
16 mantrip went out. Or I didn't know
17 whether they just --- of course I
18 didn't know whether --- I never even
19 thought, were they broke out, covered
20 up, shut off or what, you know.

21 Q. Sure.

22 A. And when we went to get out,

1 of course you couldn't see nothing.
2 And there was one guy left there in
3 the mantrip, and it had blowed him
4 back over toward the back of it with
5 his knees down, he was still in
6 there. And when he come back down,
7 we got out of there and got our
8 rescuers on and proceeded to get out
9 of there.

10 Q. Did you smell smoke?

11 A. Yes.

12 Q. Did it look like smoke?

13 A. Just black. You couldn't see
14 anything, only the beam --- the
15 person in front of you, you seen the
16 beam of his light. We just felt our
17 way up the track until we got a
18 little ways, and then you could see a
19 little bit.

20 Q. Did you see any flash of like
21 fire or anything like that?

22 A. Not that I remember of. I

1 don't know.

2 Q. Since you were against the
3 solid in the mantrip, there was
4 others who got out before you; right?

5 A. Right.

6 Q. And once they got out and then
7 you got out, what occurred then?

8 A. We put our rescuers on and
9 started toward the outside or down
10 the track there.

11 Q. Why did you put your rescuer
12 on?

13 A. Well, because of all the smoke
14 and that.

15 Q. Did you do that on your own or
16 did someone instruct you?

17 A. Well, somebody said, let's get
18 our rescuers on, you know, and all
19 --- about some, two or three I think
20 said that, you know, and we pulled
21 them and put them on.

22 Q. Did there seem to anyone in

1 charge or were you just kind of like
2 working together or ---?

3 A. Well, on the rescuer, I
4 remember Owie Jones, our boss, told
5 us to stick together.

6 Q. And did you put that rescuer
7 on? Did you like go behind the
8 mantrip to do it or did you just ---?

9 A. I done it right when I got
10 out.

11 Q. Right when you got out?

12 A. Yeah.

13 Q. Did you have any trouble
14 donning that rescuer or was there any
15 trouble getting it on or ---?

16 A. No. No. We'd had them been -
17 -- put them on --- well, not inside,
18 but we had put them on, you know, in
19 training.

20 Q. During training sessions?

21 A. Uh-huh (yes).

22 Q. Did you have any difficulty in

1 donning the SCSR?

2 A. No. Just put it on, my nose
3 clip, the mouthpiece in and
4 everything, the strap around and
5 pulled the cord.

6 Q. Did any of the others have any
7 difficulty or ---?

8 A. Well, I don't --- now, I can't
9 answer that. I don't know.

10 Q. Did you all put your SCSRs on?

11 A. As far as I know.

12 Q. Did you have any trouble
13 breathing with it or getting it
14 started?

15 A. Well, when it started. After
16 I got outside, I had trouble
17 breathing. I had to take it off. I
18 don't know whether I got some of that
19 stuff in there before I got it on or
20 ---.

21 Q. Did you ever take it out, take
22 it out of your mouth?

1 A. Not until we got to the
2 mantrip to get the ride outside.

3 Q. So you had it on from the time
4 you donned it at the mantrip. And
5 then the first time you removed it
6 from your mouth would have been when
7 again?

8 A. Pardon me?

9 Q. When did you remove it from
10 your mouth the first time?

11 A. When we loaded in the mantrip
12 to go out --- got the one that came
13 in and took us outside.

14 Q. Do you feel that it performed
15 as you thought it would during that
16 entire time? Did you have any
17 problems?

18 A. As far as I know, yeah. I
19 heard they get warm, you know, if
20 they were working, and mine got warm.
21 And I heard one of the other guys
22 complaining about his getting pretty

1 warm. Mine didn't get --- I mean,
2 enough, noticeable, you know ---.

3 Q. But you were able to breathe?

4 A. I breathed with it.

5 Q. So then you put your SCSR on.
6 And then did you get grouped together
7 or --- just kind of explain that a
8 little bit to me.

9 A. Well, we had one guy that had
10 a crippled knee and one had a wooden
11 leg. And one of those was a little
12 bit behind, and we was trying to wait
13 for them to catch up. We didn't want
14 to leave them there, you know.

15 Q. Yes. Did you just get
16 together and then start out at the
17 same time or did you ---?

18 A. Well, two of them was on down
19 the track there a little piece. I
20 heard one of them hollering there was
21 a little better air down here he
22 said. And that's when we --- we was

1 put the rescuers on when I heard him
2 holler. And then we went on that
3 way, and then we got down there ---
4 got over into the intake side, but it
5 was still smoky and dusty in there.

6 Q. Did you happen to have a
7 detector with you?

8 A. No, I didn't have. No.

9 Q. Do you recall anybody else
10 having ---?

11 A. Well, the foreman had one.
12 And well, I'm sure --- well, I know
13 the bolter man, too, did for I heard
14 him talking about it later.

15 Q. Did you hear any of the
16 instruments ---?

17 A. I didn't hear it, but I heard
18 the rest of them say --- well, the
19 ones that the bolter and them had, it
20 just checks methane, you know, at the
21 face when they're bolting. But the
22 one that Owen Jones had, they said it

1 was off. Now, I --- and like I said,
2 I was behind. I was the first one in
3 the mantrip and the last one out.
4 That put me behind.

5 Q. I see. So you didn't hear any
6 detectors going off?

7 A. No, I didn't hear it myself.
8 No. But my hearing is not real good
9 either.

10 Q. Okay. Did you hear any
11 discussion of anyone who might have
12 said what the CO levels were or ---?

13 A. I didn't hear nobody discuss
14 that, no.

15 Q. Okay. And did Mr. Owens (sic)
16 stay behind at all or ---?

17 A. Well, he went back for his
18 brother that was in that other crew.
19 And he wanted to go back and they
20 kept hollering and telling him he
21 couldn't, you know.

22 Q. So you left the mantrip and

1 then you started out up the track ---

2 A. Yes.

3 Q. --- or in the outby direction
4 of the track?

5 A. Yes.

6 Q. And then where did you go into
7 the intake?

8 A. I don't know what block we
9 went in the intake. I don't know how
10 far we went down the track.

11 Q. Were you able to walk or did
12 you have to crawl down there?

13 A. Oh, we walked. Yeah, we
14 walked.

15 Q. And what was --- did it get
16 ---?

17 A. Kind of felt along the rail to
18 ---.

19 Q. The visibility wasn't ---?

20 A. Wasn't very good at all until
21 we got a ways --- 'til we got down
22 there. I just don't know how far

1 that was either until I could --- I
2 remember seeing the blocks laying in
3 the track. And that's when we knew
4 stoppings were blowed out, too.

5 Q. And then --- okay, once you
6 got down the track, and then you went
7 over into the intake; is that
8 correct?

9 A. Yes.

10 Q. Did you all get together over
11 there as a group?

12 A. Well, we were still strung out
13 a little bit.

14 Q. Okay.

15 A. But we stopped there to wait
16 on the rest of them. They was
17 coming, but the one guy had a bad
18 knee and one with a wooden leg. Of
19 course, I didn't realize who was who
20 until then, you know.

21 Q. So once you got in the intake,
22 were there others --- or you had

1 mentioned that others had SCSRs

2 on, ---

3 A. Yes.

4 Q. --- self-rescuers on? And you

5 had mentioned that you heard one of

6 the persons saying that it was a

7 little warm and so on and so forth?

8 A. Yeah. That's when we was back

9 out on the track then, at the

10 mantrip, and he said his rescuer got

11 a little bit warm.

12 Q. Did others take their rescuers

13 out when you got over into the

14 intake?

15 A. Take them out?

16 Q. Yes, take them out of their

17 mouth?

18 A. I don't know. I don't know.

19 Q. All right. And once you were

20 over there, then kind of what

21 happened?

22 A. Well, the ones that were in

1 front was kind of waiting on the
2 other ones. And while we were
3 waiting on them, we heard this
4 mantrip out on the track. And I
5 think we backed up a man --- backed
6 up a block to a man door. I don't
7 know what number block it was, and
8 got the man door open and flagged
9 them off.

10 Q. You did that?

11 A. No, I didn't, the two or three
12 in front of me.

13 Q. Okay.

14 A. I don't know who they were.

15 Q. Prior to leaving, were any
16 telephone conversations --- when I
17 say leaving --- let me rephrase that.

18 Prior to leaving the mantrip
19 after the explosion occurred and you
20 had your SCSR on, was there any
21 telephone conversations that you may
22 have heard or anything like that?

1 A. Well, I didn't hear it, but I
2 heard somebody holler and say, why
3 there's a phone right back here. And
4 I think --- I don't remember whether
5 it was Owen Jones or somebody told
6 him --- well, I think I heard him
7 say. But he called outside and told
8 him, somebody get in there, there'd
9 been an explosion.

10 Q. And that would have been ---?

11 A. I didn't hear him say that,
12 but you know, ---.

13 Q. And how do you know that?

14 A. I heard somebody saying that.
15 And that --- I guess that was true
16 because that's the reason those
17 people were coming in there, you
18 know.

19 Q. And that was at the One Left
20 switch area?

21 A. Yeah, that's where the phone
22 was.

1 Q. Okay.

2 A. It was just outby the switch I
3 think a break or two.

4 Q. Did anybody talk about using
5 the mantrip that you rode in on to
6 try and get out or ---?

7 A. No, nobody mentioned that,
8 that I heard or remember of.

9 Q. Do you recall, was there any
10 damage to the mantrip or anything?

11 A. Not there. I don't know
12 there.

13 Q. So after, you know, continuing
14 outside in the intake and then you
15 heard --- you said you heard a
16 mantrip?

17 A. Yes.

18 Q. And then who was over --- who
19 went out to the track first; do you
20 recall?

21 A. I don't know who was in front.
22 I don't know.

1 Q. When you got out to the track,
2 was the --- the mantrip, was it going
3 in or was it coming out?

4 A. It was going in.

5 Q. It was going in. Toward the
6 One Left section?

7 A. Yes. It was on the main
8 track, coming in.

9 Q. And who was operating that
10 mantrip? Who was all on it?

11 A. Well, I think Jeff Toler was
12 on it, Al Schoonover --- well, James
13 I think is his right name, Dick
14 Wilfong and Vernon Hofer --- Hofer
15 (changes pronunciation), I believe is
16 the way it's pronounced.

17 Q. And what conversation did you
18 have at that time?

19 A. Well, as I was getting through
20 the man door, like I said, the ones
21 in front was already at the mantrip.
22 And I thought I heard one of them ---

1 well, I know some of them got off and
2 went, and I think it was Jeff and Al
3 Schoonover. And I don't know whether
4 anybody else was with him or not, but
5 I think Vern Hofer drove the mantrip
6 and took us back outside. And then
7 from there on, I don't know what they
8 done.

9 Q. Okay. Do you recall what
10 conversation --- when you got to that
11 mantrip, what conversation Mr.
12 Schoonover or ---?

13 A. No, before I got to the
14 mantrip, they was done and heading on
15 up the track on foot.

16 Q. They were walking inby?

17 A. Yes.

18 Q. And who again was driving the
19 mantrip to the surface to take you
20 people out?

21 A. I think Vern Hofer.

22 Q. What conversation did you have

1 with him?

2 A. Well, I don't remember anybody
3 talking to him. You know, we were
4 inside the mantrip and he was
5 outside.

6 Q. I see. At that point then, is
7 that when you took your SCSR out of
8 your mouth?

9 A. Yeah, when we was in the ---
10 got in the mantrip, yes. I noticed
11 the other ones in there didn't have
12 theirs in, you know, and it ---.

13 Q. Did you insert the mouthpiece
14 again?

15 A. Not that I remember, no.

16 Q. So that was the last time that
17 you ---?

18 A. Yeah. And the air was much
19 better.

20 Q. Yes, I understand. Then you
21 left for the surface?

22 A. Yes.

1 Q. And did you continue the whole
2 way out, or did you have to stop for
3 anybody else or ---?

4 A. I don't remember stopping for
5 anybody else.

6 Q. Was Mr. Grall with you at that
7 point or Mr. Avington at all; do you
8 recall?

9 A. Yes. Avington. I'm sure Mr.
10 Grall was, too. He had to have been.

11 Q. So you left that and you just
12 went directly to the surface?

13 A. Yes.

14 Q. When you arrived on the
15 surface, kind of tell me about that a
16 little bit.

17 A. Well, I went to the --- I had
18 an extra pair of glasses in my basket
19 out there, and I went and took my
20 belt off and put it up and got my
21 extra set of glasses out.

22 Q. Was there anyone on the

1 surface there to meet you when you
2 come out of the mine?

3 A. Yeah. I met the --- the first
4 people I met, as I remember, was the
5 motor crew. They started --- didn't
6 start until seven o'clock.

7 Q. Was there anybody from the
8 company there to meet you and talk to
9 you or anything?

10 A. I think the ones --- the
11 company, I guess Toler and them, like
12 I said, they went underground.

13 Q. Okay. Did anyone, at that
14 point, re-enter the mine?

15 A. Not to my knowledge, you know,
16 when we come out. Not to my
17 knowledge. I don't know.

18 Q. Did you walk up to the
19 bathhouse?

20 A. Yes.

21 Q. Did all the miners walk up?

22 A. As far as I know, yes.

1 Q. When you got up to the
2 bathhouse, when you arrived up there,
3 did anyone speak to you or ask you
4 any questions about what had
5 happened?

6 A. Not that I remember of. It
7 was that dispatcher and that motor
8 crew there and ---.

9 Q. When you got up on the
10 surface, did you take your light to
11 the lamp house?

12 A. Yes, I did.

13 Q. Was the dispatcher in there at
14 that time?

15 A. Yes.

16 Q. Did you have any conversation
17 with him or ---

18 A. No.

19 Q. --- was there any discussions
20 going on between the dispatcher or
21 anyone else at that time?

22 A. I never really paid --- it's a

1 little separate room is in the
2 trailer, ---

3 Q. Right.

4 A. --- and the dispatcher was
5 kind of little more room there on the
6 end, you know, towards the door
7 there. But I just put up my light
8 and I think I took my rescuer off and
9 laid it down there. I think that's
10 where I left it. And I went to put
11 my belt up and get another pair of
12 glasses.

13 Q. Okay. So there wasn't any
14 conversation with the dispatcher?

15 A. I didn't have any. I don't
16 know whether the rest of them did or
17 not.

18 Q. And I know I asked you this a
19 moment ago, but did you have any
20 conversations with any company
21 personnel about what you thought
22 might have happened or just any

1 conversation at all with company
2 personnel?

3 A. I don't think so.

4 Q. Did they have any medical ---
5 EMTs or anyone out there who was
6 attending to you people as you come
7 out?

8 A. There was --- one guy was an
9 EMT. Now, I don't know how many was
10 or weren't, but one was an EMT out
11 there.

12 Q. And did anyone examine you or
13 check with you?

14 A. Yeah. I went --- when I got
15 my glasses and my light put up and I
16 was standing and people was coming in
17 there with coffee, and I thought,
18 well, maybe I ought to have one of
19 those. I went back up to the lamp
20 house to get one. When I got up
21 there, I couldn't hardly breathe at
22 all. And I sat down there, and that

1 dispatcher --- I think he's an EMT,
2 and he got oxygen for me.

3 Q. Did it help you?

4 A. Yes. And then EMS came, you
5 know, and they checked me out. My
6 blood pressure was up and my heart
7 rate was up. And then when it
8 leveled back down, they said, well,
9 your vital signs is okay. If you
10 want to get checked out, we'll take
11 you. And if you don't --- I said,
12 well, if my vital signs are okay, I
13 must be okay.

14 Q. I see. And after they did
15 that, then is that when you left the
16 property or ---?

17 A. I went back to the bathhouse,
18 you know. And of course, there was
19 inspectors there by that time, you
20 know. And they just swarmed me for
21 they thought when I walked in there I
22 just came out from underground, you

1 know.

2 Q. Sure.

3 A. And they walked up to me and
4 said, we need to get you all together
5 and talk to you, but said I'm sure
6 you're all going to tell us all the
7 same thing for you all have been
8 together. And by that time, somebody
9 else walked over and said, well, he
10 was up there in the other building.
11 He came out with the rest of us.

12 Then he said, well, you all go ahead
13 and get cleaned up, and we'll talk to
14 you later.

15 Q. Okay.

16 A. And I walked over on the other
17 side of the bathhouse. And people's
18 families was already there, so there
19 wasn't no cleaning up, you know.

20 Q. And when you said the
21 inspectors or someone got to you, who
22 was that?

1 A. I'm not --- one of them I
2 think it was --- I think Berry
3 Fletcher was there, Jeff Bennett.
4 And there was another one or two come
5 behind them. I just --- there was
6 two or three or four of them.

7 Q. So they didn't interview you
8 at that time?

9 A. No.

10 Q. And did anybody interview you
11 after ---

12 A. No.

13 Q. --- that at all?

14 A. No.

15 Q. You went over in the
16 bathhouse, and what happened then?

17 A. Well, being that everybody's
18 families and stuff was there, we were
19 just loafing around there. And then
20 some of the motor crew came in and
21 said they wanted everybody evacuated
22 and us workers to go up to the prep

1 plant and hang out a while.

2 Q. Is that what you did?

3 A. Yes.

4 Q. Did anyone ask you to make any
5 readings or --- CO readings down in
6 the pit or anything like that or ask
7 you to assist in any way?

8 A. No, they didn't ask me. No.

9 Q. Did you hear anyone speak
10 about any of the carbon monoxide
11 levels?

12 A. Well, there was something down
13 there. That was the reason they had
14 us to leave the bathhouse.

15 Q. But did you hear any
16 conversation ---

17 A. No.

18 Q. --- of what levels there might
19 have been ---

20 A. No, no.

21 Q. --- that anybody detected?

22 Okay. So you went over to the

1 cleaning plant you said?

2 A. Yes.

3 Q. Then what happened?

4 A. Well, when we went over there,
5 they just tell us where to go to, and
6 we went to the training room we'd
7 been to before, you know, the only
8 place we actually knew where to go
9 to. And then they come up there and
10 said the media was --- they was going
11 to put them in there and send us on
12 over to the main cleaning plant, and
13 told us where to go to there.
14 There's a lunchroom in there.

15 Q. And when you went over there,
16 how long were you there?

17 A. Well, we hung around there
18 somewhere later in the evening. I
19 just don't know what time it was.
20 And my vehicle was still at the
21 mines. And I got a ride down there
22 to where the church was, where the

1 families were, somebody down there
2 that he knew, good friends with, and
3 another one of the guy's sisters I
4 believe was in there. And I went
5 down to the church with him, then we
6 came home. I got home --- because I
7 live 33 miles from the mines, and I
8 got home, oh, I'd say 7:00, 7:30 that
9 evening. And then we come back down
10 the next morning to the cleaning ---
11 to the plant up there.

12 Q. And during the time at the
13 cleaning plant, no individuals like
14 interviewed you or anything?

15 A. No. No.

16 Q. Okay. Are you familiar with
17 the old Two Left main seal area?

18 A. Not too much, no.

19 Q. No? Were you ever up there?

20 A. I was up there when they first
21 started and helped them put their
22 take-up and stuff in, but I never

1 worked up in there at all.

2 Q. You're talking about the belt
3 take-up ---

4 A. Yes.

5 Q. --- up in that area?

6 A. That's when it first started,
7 the old Two Left, you know.

8 Q. And you never worked actually
9 up in the Two Left area?

10 A. No.

11 Q. Now I'm talking about the old
12 Two Left inby the seals?

13 A. Oh, yes. No.

14 Q. You were never up there. Were
15 you ever up there when they were
16 building the seals or ---

17 A. No.

18 Q. --- deliver any ---? You run
19 the scoop?

20 A. Yeah. I brought it down on
21 One Left.

22 Q. Yes.

1 A. I run it part of the time.
2 You know, I'm not the regular scoop
3 person, but ---.

4 Q. Yes, I understand. And were
5 you ever up there whenever --- up at
6 the Two Left area when they were
7 building seals?

8 A. No. The closest I was, I went
9 up there to the --- this new Two Left
10 switch and just picked up some wire
11 clips to put those Kennedy stoppings
12 up with and back. That's as close as
13 I was, and that's all the longer I
14 was there.

15 Q. You were never up there just
16 watching them build seals or ---?

17 A. No, no. I wasn't up where
18 they built the seals at all.

19 Q. Never seen the seals?

20 A. Never seen the seals, that's
21 true.

22 Q. Have you ever heard anyone

1 talk about cutting into any uncharted
2 boreholes, or charted boreholes, or
3 anything like that?

4 A. No.

5 MR. SWENTOSKY:

6 Brian, do you have any
7 questions at this point?

8 MR. MILLS:

9 Yes.

10 BY MR. MILLS:

11 Q. You said you're a certified
12 underground coal miner. Is that with
13 the State of West Virginia?

14 A. Yes.

15 Q. You mentioned you didn't carry
16 a detector. Did you carry a
17 walkie-talkie or ---?

18 A. No.

19 Q. Did you hear any
20 communications on the trolley phone
21 or the walkie-talkies right after the
22 explosion?

1 A. No.

2 Q. Do you have any experience
3 building Omega block stoppings or
4 seals?

5 A. Stoppings. I never built any
6 seals.

7 Q. And where did you do that,
8 over on One Left or ---?

9 A. Yes. We done panels down
10 there on One Left, not Omega blocks,
11 which I worked at Spruce a lot with
12 Omega blocks.

13 Q. Spruce, is that another name
14 for the same place you're at now?

15 A. Different mine. That was
16 Spruce One Mine, this was Sago.

17 Q. Spruce is just up the road
18 there?

19 A. Yeah, back this way. Yes,
20 sir.

21 Q. And you built Omega stoppings
22 at Sago?

1 A. Yeah, on the panels.

2 MR. MILLS:

3 That's all I've got.

4 BY MR. SWENTOSKY:

5 Q. What instructions did you
6 receive from Owen Jones? Any
7 instructions after the accident?

8 A. Like I said, I heard him, I
9 remember him saying to stick
10 together.

11 Q. Okay. And that was --- did
12 you receive anything before the
13 explosion, any instructions?

14 A. No.

15 Q. It was just normal? And after
16 the explosion, did you receive
17 anything, any instructions from him?

18 A. No, other than --- like I say,
19 other than he told us to everybody
20 stick together, don't get --- don't
21 separate.

22 Q. Okay. When you donned your

1 SCSR, have you been instructed on
2 when to don an SCSR?

3 A. When to put it on?

4 Q. Yes.

5 A. When we got in smoke.

6 Q. Okay. You had mentioned that
7 you had trouble breathing. When was
8 the last time that you had trouble
9 breathing? What I mean is, okay, you
10 were having trouble breathing. Have
11 you had any problems since then?

12 A. Well, if I get into --- well,
13 outside, gone on up there, we drove
14 some two-foot bolts, they got one of
15 those little metal canopies, they was
16 going to park rubber-tired mantrips
17 under. They got them covered up now
18 because we haven't needed them. But
19 anyway, we drove roof bolts in the
20 ground there with a sledgehammer, and
21 that made it rough on me.

22 Q. When was that?

1 A. It's been approximately three
2 weeks ago. It was in between the
3 explosion and now, you know, when we
4 was outside doing work or whatever
5 while the investigation all was going
6 on.

7 Q. And have you received any
8 medical attention ---

9 A. No, I haven't.

10 Q. --- after the explosion? Do
11 you recall when was the last annual
12 retraining that you participated in?

13 A. I had one at Spruce. I don't
14 remember the date. And then when we
15 went to Sago, we had a new employee
16 or new mines or whatever it's called,
17 you know. We had that there.

18 Q. Was that your first day at
19 Sago Mine that you had that?

20 A. Yes. Uh-huh (yes).

21 Q. And where was that training
22 at?

1 A. It was right there at the
2 mines.

3 Q. Was there any other
4 individuals that were starting the
5 same day you were?

6 A. Yes. Yes.

7 Q. And do you recall who that
8 might have been?

9 A. Well, I probably can't all of
10 them. I think Paul Avington was in
11 the bunch.

12 Q. Okay.

13 A. I think Roger Hedricks was
14 there and Todd Channels (phonetic).
15 I know there was more, but I just
16 don't remember who all they were.

17 Q. Could you kind of describe
18 that training session for me, please?
19 What was covered during that training
20 session?

21 A. Well, a lot of that was
22 escapeways and everything about the

1 mines, you know, a lot of that.

2 Q. And who was providing that
3 training? Who was the instructor?

4 A. I believe Dick Kerry.

5 Q. Dick what?

6 A. Kerry.

7 Q. Kerry?

8 A. Yes.

9 Q. And who is he?

10 A. He was the safety director. I
11 think he --- he was over at Spruce at
12 that time, but Al Schoonover was the
13 safety director there, but he had to
14 be off that day or something, and he
15 come over there to do that, I believe
16 is what he told us then.

17 Q. So Dick Kerry, he was the
18 safety director for Sago Mine; is
19 that correct --- not Sago Mine,
20 excuse me, Spruce Mine?

21 A. I believe that's correct for I
22 think he came over the Sago Mine ---

1 or to the Spruce Mine before I left
2 over there. And then when we come
3 over there, I think he --- I think he
4 told us that Al had to be off that
5 day, and he had to come over there to
6 take care of that.

7 Q. Okay. Did the trainer sign a
8 slip of paper indicating that the
9 training was provided?

10 A. I'm sure he did, yes.

11 Q. Did you sign that paper?

12 A. Yeah.

13 Q. Like a little pink slip?

14 A. Pink slip.

15 Q. And he signed that and you
16 signed that?

17 A. Yep.

18 Q. Do you recall, the mine
19 emergency evacuation program, was
20 that part of that training that you
21 received?

22 A. Well, yes. Like I say, it was

1 in --- showing us every escapeway and
2 how to get out of that mine if
3 anything occurred like that, you
4 know.

5 Q. What about the roof control
6 plan and ventilation?

7 A. Yeah, he went over that, the
8 ventilation plan and the roof control
9 plan. I do remember that.

10 Q. Did they talk about who the
11 responsible person was for the Sago
12 Mine in relation to the firefighting
13 and evacuation plan, in other words,
14 who would direct the emergency
15 evacuations?

16 A. I don't remember whether
17 he ---.

18 Q. Do you know who the
19 responsible person is for the Sago
20 Mine?

21 A. For the safety?

22 Q. Let me just back up here a

1 second. The responsible person at
2 the Sago Mine who would direct the
3 emergency evacuation of the mine in
4 case of any fire or explosion or ---?

5 A. Well, your supervisor.

6 Q. Okay. Are you familiar with
7 the location of the emergency
8 materials? That's the thousand board
9 feet of lumber and the curtains,
10 nails, saws, and that kind of thing.
11 Do you know where those are located?

12 A. Yes, I do.

13 Q. Where might that be?

14 A. I can't tell you the exact
15 block, but it's just two or three
16 breaks outby that One Left switch.

17 Q. Okay. Are you familiar with
18 the evacuation procedures in case of
19 an explosion or fire?

20 A. Yeah. You just try to get to
21 the primary escapeway. And if you
22 can't do that, the secondary. And if

1 you can't get out and run into gas,
2 you have to try to barricade.

3 Q. Did they discuss barricading
4 with you in the training session?

5 A. Yes.

6 Q. And what did they discuss with
7 you as far as barricading is
8 concerned?

9 A. Well, trying to --- as I
10 remember, you went to the --- to
11 where you thought there would be
12 plenty of room for you and air, and
13 try to seal off from the bad air and
14 ---.

15 Q. When was that done?

16 A. When I came over there to the
17 mines.

18 Q. That initial day at Sago Mine?

19 A. Yes.

20 Q. During that training? Okay.

21 Are you certified to make methane and
22 oxygen tests?

1 A. Yeah. I had one for methane.

2 Q. And when was that?

3 A. I don't remember that date
4 either.

5 Q. Do you recall whether the
6 hazards of carbon monoxide have ever
7 been discussed with you at all?

8 A. Oh, yes, it has been.

9 Q. And when would that have been?

10 A. Well, I'm sure it was in
11 probably every training session.

12 Q. But do you recall that ---

13 A. Yes.

14 Q. --- as part of a discussion?

15 A. Yes.

16 Q. Do you recall the escape --- I
17 think you did mention escapeways were
18 covered as part of the training. I
19 think you mentioned that.

20 A. Yes.

21 Q. That's correct. Have you ever
22 participated in an escapeway drill?

1 A. Yes. I've walked out before,
2 you know, with a certified person
3 from the section outside.

4 Q. And when would that have
5 occurred?

6 A. I don't know those dates
7 either.

8 Q. Was it while you were at Sago
9 Mine?

10 A. I never walked out Sago Mine,
11 I don't believe.

12 Q. That would have been the
13 previous operator then, at Spruce
14 Mine?

15 A. Well, at Spruce, yes. I
16 walked out different times there.

17 Q. And at Sago Mine, you've never
18 done that?

19 A. I've never walked out Sago
20 Mine.

21 Q. Are you familiar with the
22 primary escapeway, the markings ---

1 A. Yes.

2 Q. --- of the primary and
3 alternate ---? What are those?

4 A. Those are green reflectors.

5 Q. That's for the ---

6 A. Primary escapeway.

7 Q. --- primary? And what's for
8 the ---?

9 A. Secondary is red ones.

10 Q. What is the secondary
11 escapeway?

12 A. It's the track.

13 Q. Track. What's the primary?

14 A. It's the intake.

15 Q. The intake, okay. Have you
16 ever participated in fire drills?

17 A. Yes.

18 Q. At the Sago Mine?

19 A. Yes.

20 Q. And when would that have been?

21 A. That was not too long after I
22 was over there on the evening shift.

1 Q. That would have been, you say,
2 not too long after you ---

3 A. I went over to Sago.

4 Q. --- started at Sago?

5 A. Yes.

6 Q. Explain that to me a little
7 bit on how that was conducted?

8 A. Well, we were at either One
9 Right or One Right switch, and we
10 just went through there, if there was
11 a fire over there on the belt, where
12 we would go and how to get out of
13 there, you know, if we ---.

14 Q. Did you all like have
15 different jobs to do?

16 A. Well, if it wasn't too smoked
17 up --- yeah, we was supposed to get
18 rock dust. And of course, I've been
19 through those fire drills on the
20 section, you know. At the time, I
21 was a scoop operator and I was to go
22 get the rock dust and come back to

1 the miner fire or wherever it may
2 have been, you know, was my job
3 there. And with the one down there,
4 like I said, I was outby then, and we
5 just more just went through how to
6 get to the intake from there to get
7 outside if there was a belt fire over
8 there.

9 Q. And I think you mentioned
10 this, but you did receive
11 self-rescuer training?

12 A. Yes.

13 Q. Whenever they did that --- or
14 where would that have been, your last
15 SCSR training?

16 A. I'm not sure whether we done
17 went through the --- when I came to
18 Sago or not for I just went through
19 an annual training not too long
20 before that. I don't remember the
21 date of it. But we'd have to take
22 it, then get out there on the floor

1 and take it apart and put it on.

2 Q. So they used a training-type
3 model for that?

4 A. Well, it was just like the one
5 we had, you know. You take it out
6 and then they put it back in the
7 casing structure, put it back in, and
8 then let the next person go through
9 the procedures.

10 Q. And where did you say was the
11 last training that you received on
12 SCSRs?

13 A. I know --- I'm not sure we
14 went through that at Spruce or not,
15 but we did --- or excuse me, at Sago,
16 but we did go through it at an annual
17 training not long before I went to
18 Sago, but I just don't remember that
19 date.

20 Q. So at least you haven't had
21 any SCSR training since the first day
22 at Sago Mine?

1 A. Not since then, no.

2 Q. If you did ---?

3 A. For I haven't been there
4 since.

5 Q. What about first-aid training?
6 Do you recall having first-aid
7 discussed?

8 A. I know I did in the annual
9 retraining that time for the
10 instructor had me put bandages on
11 him, you know.

12 Q. And I believe you did mention
13 the roof control plan?

14 A. Yes.

15 Q. That was reviewed with you and
16 the ventilation plan?

17 A. Uh-huh (yes).

18 Q. Do you feel the training that
19 you had was adequate?

20 A. Yes, I think it was.

21 Q. Is there any areas that you
22 thought you might --- that need to be

1 as part of that training that are
2 actually not part of that training?

3 A. No. I thought it was a pretty
4 good training ordeal, you know.

5 Q. One question away from
6 training here for a second. Did you
7 ever assist in building seals
8 anyplace, whether it be at Sago or
9 Spruce Mine or any other mine?

10 A. No.

11 Q. No? Never involved in
12 construction of seals?

13 A. Come back again, when I worked
14 for Oneida Coal Company back in the
15 '80s, I mean, they was --- of course,
16 I was --- we was taking out the belt
17 or something or other, and I was with
18 that crew, and we got our job done,
19 and there was another crew was
20 working on some stoppings --- some
21 seals, and I was there just a few
22 minutes quitting time. Then that's

1 --- you know, that's been 20 years
2 ago.

3 Q. Going back to barricading for
4 a second, during the training that
5 you had for barricading, did they
6 discuss with you when you should
7 barricade and when not to barricade
8 or ---?

9 A. Well, when there was a fire
10 and smoke and you're trapped that you
11 couldn't get out, try to barricade
12 and keep it away from you and ---.

13 Q. And was there any discussion
14 on when you should not barricade at
15 all?

16 A. I don't remember if we
17 discussed that. I don't remember.

18 MR. SWENTOSKY:

19 Let's take about a
20 five-minute break. Off the
21 record.

22 SHORT BREAK TAKEN

1 BY MR. SWENTOSKY:

2 Q. I have a couple follow-up
3 questions on a couple things here,
4 Mr. Anderson. Speaking about the
5 self-rescuers, you had mentioned that
6 you were told that you should use
7 these whenever --- or don the SCSR
8 whenever you see smoke. Has anyone
9 spoken to you, or have you had any
10 training other than that, meaning
11 what if there isn't any smoke?

12 A. Well, if there's men close or
13 anything, I mean, where there's a
14 chance of carbon monoxide.

15 Q. And has that been discussed
16 with you, ---

17 A. Yes.

18 Q. --- that you should put them
19 on at that time, also, ---

20 A. Yeah, if there's ---.

21 Q. --- after an explosion?

22 A. Or any time that you know, or

1 you think that there's a fire, there
2 could be any carbon monoxide, you
3 know, whether you seen smoke or not,
4 you know, it could be.

5 Q. Okay. Have you had the
6 opportunity to install belt, conveyor
7 belt, at the mine at all during ---
8 while you were at the Sago Mine?

9 A. No, not Sago Mine, I never
10 done it.

11 Q. You never saw any belt being
12 installed or anything like that?

13 A. Not at the Sago Mine.

14 Q. Okay. You mentioned that you
15 construct stoppings?

16 A. Yes.

17 Q. And have you constructed any
18 Omega stoppings?

19 A. Yes.

20 Q. Could you describe to me how
21 you build those stoppings?

22 A. Well, I do it myself. I just

1 put my bottom row down and make it
2 fit the rib, and take the bottom row
3 all the way across and get it as
4 level and straight as I can. And
5 then ---.

6 Q. How do you level that? Do you
7 use rock dust or ---?

8 A. I dig down to --- if there's
9 any gob or anything, I dig down ---
10 or I have even cut the bottom of some
11 of the Omega blocks off to get them
12 to fit on the bottom so the top of
13 that first row would be level so I
14 could go with it there on up.

15 Q. Okay. And do you ever level
16 that up with like rock dust or ---

17 A. No.

18 Q. --- dry mortar or anything
19 like that?

20 A. No. I just dug down and then
21 --- if it's too much of it don't fit,
22 I cut the block off until it fit.

1 But then when I plastered and
2 everything, I'd throw it down on the
3 bottom, too.

4 Q. And those are installed dry
5 stack?

6 A. Yes.

7 Q. They are not mortar joints?

8 A. No.

9 Q. When you put the mortar over
10 the stopping, do you full face it or
11 do you just apply the mortar to the
12 seams?

13 A. On the air side, on the
14 panels, we full faced the air side
15 and seamed the neutral side.

16 Q. When you say panels, what do
17 you mean by that, panels? What's a
18 panel?

19 A. Where we're paneling down in
20 off of the mains.

21 Q. So on the mains, what do you
22 do with those stoppings?

1 A. They were cement blocks. And
2 they were plastered both sides.

3 Q. They're not Omega blocks?

4 A. No, not on the part I've
5 worked on they haven't been.

6 Q. All right. So in the panels
7 where you use the Omega blocks, you
8 full face the one side, you said?

9 A. Yeah.

10 Q. And what side is that?

11 A. The one on the intake side.

12 Q. Full face the intake side?

13 A. Yeah, and on the return side,
14 on the return stopping.

15 Q. I lost you. So on the intake
16 --- you plaster the intake side, ---

17 A. Yes.

18 Q. --- full face?

19 A. Now, the last panel, we used
20 those Kennedy stoppings on the
21 intake.

22 Q. Okay. But the Omega blocks,

1 you full face plaster the intake side
2 of the stopping?

3 A. Right.

4 Q. And on the return side ---?

5 A. Of the return stopping, it was
6 done on the return side the air side
7 of the stopping full faced and seamed
8 on the other side towards the belt.

9 Q. Oh, I see what you're saying.
10 Okay. The stopping line between the
11 return and the belt, ---

12 A. Right.

13 Q. --- you plaster full face the
14 return side of the stopping?

15 A. Uh-huh (yes).

16 Q. And then on the belt side ---?

17 A. It was the seams and outer
18 edges.

19 Q. Seams in the outer edges. How
20 wide of a plaster do you put on the
21 seams?

22 A. Well, you just get a handful

1 of it, and whatever --- just make
2 sure the seams are sealed.

3 Q. Like four to six inches or so?

4 A. Not any more. Probably four.

5 Q. So then going back to the
6 intake side stopping, between the
7 intake and the belt, you plaster the
8 intake side ---

9 A. Right.

10 Q. --- of the back full face; is
11 that correct?

12 A. Uh-huh (yes).

13 Q. And the belt side of that
14 stopping, you just do the seams; ---

15 A. Right.

16 Q. --- is that correct?

17 A. Yes.

18 MR. SWENTOSKY:

19 Do you have anything
20 else before I go into these
21 other things?

22 MR. MILLS:

1 No.

2 BY MR. SWENTOSKY:

3 Q. Have you ever been searched
4 for smoking articles?

5 A. Yes.

6 Q. And can you tell me about that
7 a little bit, describe what they do?

8 A. They looked in your dinner
9 bucket and felt your pockets, see
10 whether you had a lighter or
11 anything.

12 Q. And that's at Sago Mine?

13 A. I don't think I ever was at
14 Sago.

15 Q. Okay.

16 A. I don't remember.

17 Q. You don't remember?

18 A. I don't remember being
19 searched.

20 Q. At Sago Mine?

21 A. Yeah.

22 Q. The entire time you've been

1 there?

2 A. Don't think I've been
3 searched. Of course, I don't smoke
4 or anything, you know.

5 Q. I understand. Have you ever
6 observed anyone smoking ---

7 A. No.

8 Q. --- in Sago Mine?

9 A. No.

10 Q. Have you ever found any
11 smoking articles underground at Sago
12 Mine?

13 A. No.

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

18 A. No.

19 Q. Do you have anything else that
20 you would like to add that may be
21 relevant to the investigation or
22 actually anything that you would like

1 to say at this time?

2 A. Not that I can think of, no.

3 MR. SWENTOSKY:

4 On behalf of MSHA, I
5 would like to thank you for
6 appearing and answering the
7 questions here today.

8 Your cooperation is
9 very important to the
10 investigation as we work to
11 determine the cause of the
12 accident.

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

1 After questioning other
2 witnesses, we may call you if
3 we have a follow-up question
4 that we feel we need to ask
5 you.

6 If at any time you have
7 additional information
8 regarding the accident that
9 you would like to provide to
10 us, please contact us at the
11 contact information that was
12 previously provided to you.
13 And that was the business
14 card.

15 A. Okay.

16 MR. SWENTOSKY:

17 The Mine Act provides
18 certain protections to miners
19 who provide information to
20 MSHA, and as a result, are
21 treated adversely.

22 If at any time you

1 believe that you have been
2 treated unfairly because of
3 your cooperation in this
4 investigation, you should
5 immediately notify MSHA.

6 If you wish, you may
7 now go back over any answers
8 that you have given during
9 this interview and you may
10 also make a statement that you
11 would like to make at this
12 time.

13 Is there anything that
14 you would like to add?

15 A. I don't guess.

16 MR. SWENTOSKY:

17 All right. Thank you
18 very much for your
19 cooperation.

20

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22

SWORN STATEMENT

1 CONCLUDED AT 1:14 P.M.

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