

STATEMENT UNDER OATH

OF

GARY ROWAN

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
Wednesday, February 15, 2006, at 9:01
a.m.

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1 A P P E A R A N C E S

2

3 DENNIS J. SWENTOSKY

4 Supv. MS&H Specialist (Ventilation)

5 U.S. Department of Labor

6 Mine Safety & Health Administration

7 CMS&H, District 2

8 Paintersville Road

9 R.R. #1, Box 736

10 Hunker, PA 15639

11

12 BRIAN MILLS

13 Inspector at Large, Region One

14 West Virginia Miners' Health, Safety

15 & Training

16 205 Marion Square

17 Fairmont, WV 26554

18

19 DAVE STUART

20 1507 Stonehenge Road

21 Charleston, WV 25214

22

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

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6

JAMES BROOKS CRAWFORD, ESQUIRE

7

Senior Trial Attorney

8

Mine, Safety and Health Division

9

U.S. Department of Labor

10

Office of the Solicitor

11

1100 Wilson Boulevard

12

Suite 2231

13

Arlington, VA 22209-2247

14

COUNSEL FOR MSHA

15

16

17

JOSEPH YUHAS, ESQUIRE

18

P.O. Box 1025

19

Northern Cambria, PA 15714

20

FOR MR. ROWAN

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I N D E X

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EXHIBIT PAGE

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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 and 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 and
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 the information to
19 determine the cause of the
20 accident. And these
21 interviews are an important
22 part of the 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 of 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 the accidents can
17 reduce 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 Gary Rowan is being conducted
20 under Section 103(a) of the
21 Federal Mine Health and Safety
22 Act of 1977 as a part of an

1 investigation by the Mine
2 Safety and Health
3 Administration and the West
4 Virginia Office of Miners'
5 Health, Safety & Training into
6 the conditions, events and
7 circumstances surrounding the
8 fatalities that occurred at
9 the Sago Mine, owned by
10 International Coal Group in
11 Buckhannon, West Virginia on
12 January 2nd, 2006. This
13 interview is being conducted
14 at the United States
15 Bankruptcy Courthouse in
16 Clarksburg, West Virginia on
17 February 15th, 2006.

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

1 adversarial proceeding.

2 Therefore cross examination
3 will not be permitted.

4 Mr. Rowan, this
5 interview will begin by 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 be given an opportunity
16 to make a statement and
17 provide us with any other
18 information that you believe
19 may be 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 Richard Gates at the
4 phone number or e-mail address
5 provided to you. And there's
6 a business card with Mr.
7 Gates' phone number and e-mail
8 address.

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

16 The 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 non-verbal responses. Also
2 please try to keep your voice
3 up. Copies of the written
4 transcripts will be made
5 available at a later date. If
6 any part of your statement is
7 not based on your own first-
8 hand knowledge, but on
9 information that you learned
10 from someone else, please let
11 us know.

12 Please answer each
13 question as fully as you can,
14 including information you have
15 learned from someone else.

16 We may not ask the
17 right questions to learn the
18 information you have, so do
19 not feel limited by the
20 precise questions that we ask.
21 If you have any information
22 about the subject area of a

1 question, please provide the
2 information to us.

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

9 MR. MILLS:

10 Yes. Mr. Rowan, here's
11 a card we can be reached at.

12 MR. ROWAN:

13 Okay.

14 MR. MILLS:

15 The West Virginia
16 Office of Miners' Health,
17 Safety & Training is
18 conducting this interview
19 session jointly with MSHA and
20 are in agreement with the
21 procedures outlined by Mr.
22 Swentosky for these interviews

1 that will be conducted here
2 today.

3 But the Director
4 reserves the right, if
5 necessary, to call or subpoena
6 witnesses or require the
7 production of any record,
8 document, photograph or other
9 relevant materials necessary
10 to conduct this investigation.

11 MR. SWENTOSKY:

12 Mr. Rowan, are you
13 aware that you may have a
14 personal representative
15 present during the taking of
16 this statement?

17 MR. ROWAN:

18 Yes.

19 MR. SWENTOSKY:

20 Do you have a
21 representative present here
22 today?

1 MR. ROWAN:

2 Yeah, Joe Yuhas.

3 MR. SWENTOSKY:

4 Has anyone suggested to
5 you that you use this
6 representative?

7 MR. ROWAN:

8 No.

9 MR. SWENTOSKY:

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

16 MR. ROWAN:

17 Excuse me?

18 MR. SWENTOSKY:

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

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

3 MR. ROWAN:

4 Yes.

5 ATTORNEY YUHAS:

6 To clarify the
7 question, are you aware that
8 the company may be paying me
9 to represent you?

10 MR. ROWAN:

11 I'm aware of it, yes.

12 MR. SWENTOSKY:

13 Okay. With this
14 understanding, do you still
15 want Mr. Yuhas as your
16 representative?

17 MR. ROWAN:

18 Yes.

19 MR. STUART:

20 May I? Pardon me. Is
21 it your understanding, Mr.
22 Rowan, that Mr. Yuhas is here

1 to represent your interests?

2 MR. ROWAN:

3 Yes.

4 MR. STUART:

5 He's been retained to
6 represent your interests?

7 MR. ROWAN:

8 Yes.

9 MR. STUART:

10 And is it your
11 understanding that he does not
12 represent the interests of
13 anyone else, such as the
14 employer in this matter?

15 MR. ROWAN:

16 Well, I know, you know,
17 he's just provided if I want
18 him and I know that.

19 MR. STUART:

20 And is it your
21 understanding that he does not
22 represent the interests of the

1 employer, but that he
2 represents your interest?

3 MR. ROWAN:

4 He's for my interests,
5 yes.

6 MR. STUART:

7 Okay.

8 MR. SWENTOSKY:

9 Have you been pressured
10 in any way to accept this
11 person as your representative?

12 MR. ROWAN:

13 No, I haven't.

14 MR. SWENTOSKY:

15 With this
16 understanding, do you still
17 choose Mr. Yuhas as your
18 representative?

19 MR. ROWAN:

20 Yeah, I do.

21 MR. SWENTOSKY:

22 Thank you. Do you have

1 any questions regarding the
2 manner in which this interview
3 will be conducted before we
4 start?

5 MR. ROWAN:

6 No.

7 MR. SWENTOSKY:

8 Would you please swear
9 in Mr. Rowan, please?

10 -----

11 GARY ALLEN ROWAN, HAVING FIRST BEEN
12 DULY SWORN, TESTIFIED AS FOLLOWS:

13 -----

14 MR. SWENTOSKY:

15 Thanks.

16 BY MR. SWENTOSKY:

17 Q. Could you please state your
18 full name and spell your last name
19 for us, please?

20 A. Gary Allen Rowan, R-O-W-A-N.

21 Q. Okay. Could you give us your
22 address and phone number, please?

1 A. [REDACTED]

2 [REDACTED]

3 Q. [REDACTED]

4 A. [REDACTED]

5 Q. Are you appearing here
6 voluntarily today?

7 A. Yeah.

8 Q. How many years of mining
9 experience do you have, Gary?

10 A. I got my card in '78, I've
11 been a miner my whole life, probably
12 27, 28 years, something like that.

13 Q. Okay. Could you just kind of
14 give us a brief description of your
15 mining employment history, like where
16 you started and then how you
17 progressed?

18 A. I started at facing timber on
19 a Wilcox miner, load coal. I've
20 worked at probably 16, 18 different
21 mines, something like that. I did a
22 little bit of everything, everything

1 from facing timber and run shuttle
2 car, run bridge carriers, scoops, but
3 most of the time in the mines I've
4 been a roof bolter.

5 Q. How long have you been
6 employed at Sago Mine?

7 A. I think at Sago Mines, I've
8 been --- I think March maybe closer,
9 March maybe two years.

10 Q. Would that be you would have
11 started March of 2004?

12 A. Yeah, I think that's what it
13 was, somewhere around there. Exact
14 dates, I'm not sure.

15 Q. That's fine. That's fine.
16 What is your present position at the
17 Sago Mine?

18 A. I run the operator side on the
19 rim head flat trip roof bolter.

20 Q. And did you hold that same
21 position on January 2nd, 2006, the
22 day of the accident?

1 A. Yes.

2 Q. And how long have you worked
3 as a roof bolter operator? The
4 position that you held on that day,
5 how long have you had that?

6 A. I've roof bolted the whole
7 time I've been at Sago Mines.

8 Q. Okay. From the beginning?

9 A. Yeah.

10 Q. Do you have any mining
11 certifications, such as mine
12 examiner, mine foreman?

13 A. No.

14 Q. Who is your immediate
15 supervisor?

16 A. Owen Jones.

17 Q. How long has Owen been your
18 supervisor?

19 A. Let's see, I'm not sure exact
20 date. It's probably been over a year
21 or something. I've worked with him
22 at other mines, over at Carter Roag

1 and stuff. I've worked with him
2 several years before.

3 Q. Okay. And when you started at
4 Sago Mine, was he your supervisor
5 when you first started?

6 A. No. I've had two or three
7 different ones. I've been on
8 different sections.

9 Q. Okay. What time do you
10 normally start your shift?

11 A. Normally we start over the
12 hill at quarter 'til 6:00.

13 Q. Okay. And you were working on
14 the day of the accident, ---

15 A. Yes.

16 Q. --- January 2nd, 2006? Okay.
17 I wonder if you could just kind of
18 describe to us from the time you
19 arrived on mine property until the
20 time you left on January 2nd, 2006,
21 the day of the accident --- and I
22 won't interrupt you --- just kind of

1 go through what you did and from the
2 time you arrived until the time you
3 left the property. Could you do that
4 for me, please?

5 A. Normally I arrive anywhere
6 from 30 to 45 minutes before my shift
7 starts. Go in, change my clothes,
8 get ready, I get a light and where I
9 work a roof bolter, I have to get my
10 drill steels and bits, get stuff like
11 that gathered up. And went and got
12 the spotter that we use on the
13 bolter.

14 After you get everything
15 ready, you know, just stand around
16 there talking to everybody and stuff
17 that are waiting to go under the hill
18 And we went over the --- everybody
19 went over the hill. We got down ---
20 both mantrips was ready to go in and
21 there was a couple, three other guys
22 that was wanting to ride in with us.

1 And we had already got in the mantrip
2 --- the other trip was sitting in
3 front of us. We had already got in a
4 mantrip and there wasn't enough room
5 in ours for we was taking extra
6 people.

7 So they had to switch it out
8 and Owen took the trip back over to
9 the barn there and swapped it out and
10 got --- swapped around and got a
11 bigger trip and brought it back over.
12 The other trip went ahead and went
13 in.

14 And it took, I'm guessing,
15 five --- probably about five to eight
16 minutes or something like that for
17 him to swap the trip out. And then
18 he brought it over, everybody got it
19 in again and started in. But the
20 other trip had already left, that far
21 in front of us.

22 And I think we stopped --- we

1 stopped at I think it was the Four
2 drive and let Pat Boni off.

3 Well, we stopped before that
4 at the One Belt or something to let
5 John Boni off first. Then we let Pat
6 off. And everybody was in --- Ron
7 Grall was still in our mantrip with
8 us. He was the only one that was in
9 the trip, I think, that wasn't
10 actually in our section.

11 And we got up to first Left
12 switch, where we turn in. Roger
13 Perry got up out of the trip. He was
14 sitting in front. I was sitting in
15 front of the trip. And he was on the
16 end and he got out to throw the
17 switch so we could go into One Left.
18 And he got out and we was just
19 sitting there talking and stuff and
20 he got out and throwed the switch and
21 just --- had just barely got sat back
22 down in the seat and like I said, I

1 didn't hear anything, nothing, it
2 just --- just went off, you know,
3 explosion.

4 For first --- as soon as it
5 started and then it just --- a real
6 hard wind hit us. The first couple
7 seconds, I thought it was a roof fall
8 in front of us. But then it just,
9 you know, kept blowing and after a
10 few seconds you felt the heat off of
11 it.

12 It kind of throwed us around
13 in the trip. I ended up in the ---
14 when it stopped, I was on the floor
15 of the trip. As soon as the dust
16 hit, and the dust was immediately,
17 you couldn't see anything. I shut my
18 eyes as tight as I could and throwed
19 my arms up over my head like that. I
20 had a jacket on with a hood on and it
21 --- I ended up out of the trip by
22 hanging from my waist down was out of

1 the trip. And the wind blowed my
2 coat over the top of my head and
3 that's the only thing, I guess, kept
4 my glasses on. I remember Roger was
5 hollering that the mines are blowed
6 up.

7 Like I said, from there you
8 couldn't --- you could put your hand
9 up to your nose, you couldn't see it.
10 Because of the dust, you couldn't ---
11 couldn't hardly breath or anything.

12 We was trying to get out of
13 the trip and we was just taking our
14 shirts and coats or whatever trying
15 to put over the top of our mouths and
16 stuff until we got out of the trip.
17 We was trying to breath under them.
18 We was trying to get everybody
19 gathered up and some --- soon as we
20 got in behind --- I got in behind the
21 trip and stuff and I felt around the
22 ground and stuff and I found rail in

1 behind me, behind the trip. I got
2 ahold of it and I knew where it was
3 at. Then we was trying to get
4 everybody gathered up there. And
5 some of them was putting their
6 rescuers on right there.

7 A couple of the guys tried to
8 get to the intake door. There was a,
9 I think, a man door right there in
10 behind us and they went to the door
11 and came back and said they got hold
12 of the door and said it was hot. So
13 we didn't try to go in there. We got
14 --- tried to get everybody --- Owie,
15 I guess, Owen Jones, our boss, was
16 operating the mantrip and I guess it
17 pretty well just blowed him off. He
18 tried to get up. He said he thought
19 a water line had blowed at first. He
20 jumped up to get out of the way of
21 it. There's a big water line running
22 beside the track there, but he said

1 it just blowed him, I guess, off the
2 back of the trip, what I understand.
3 But it blowed my hat off, but my
4 light held on. And I guess several
5 of the guys lost, you know, glasses
6 and hats and everything over it.

7 I got off the trip. When I
8 first got off of it, I tried to grab
9 for my dinner bucket. I'd set it on
10 the back of the trip --- or on top of
11 the trip there, you know. I
12 couldn't find nothing. We had --- I
13 had three drill steels taped up and
14 stuff and when I felt the car, I
15 couldn't feel anything on top of it.

16 But we was trying to get
17 everybody --- trying to get everybody
18 gathered up and we was trying to head
19 up --- down the track or behind us.
20 We got so far, you could feel stuff
21 around on the track and stuff in
22 behind us. We was trying to get over

1 into the intake.

2 And me and two other guys
3 helped Hoy Keith. He was having a
4 lot of trouble breathing and stuff
5 and we kind of stuck behind a little
6 bit and was helping him. He had a
7 lot of trouble with his knees and
8 stuff like that. He didn't have any
9 air and we was kind of holding off
10 and helping him out.

11 And there was a couple other
12 guys, Roger Perry, he --- it pretty
13 well filled his eyes up and stuff,
14 because he could hardly see anything.
15 There was --- I think there was a
16 couple guys with him helping him out.

17 And I'm not sure exactly how
18 many blocks we went back. The farther
19 we went back, you could see a little
20 bit better and stuff. We got back
21 and we finally did get swapped over
22 and got into the intake. And there

1 was some --- there was some air and
2 stuff coming up the farther we went
3 back and you could see a little
4 better.

5 But we just kept on with Hoy.
6 Like I said, the rest of them was
7 just kind of up ahead of us. But we
8 stayed in behind with him. He kind
9 of kept going down and stuff where he
10 had to stop and sit down against the
11 ribs and stuff there. We kept trying
12 to get him up to go with us and
13 stuff.

14 We kept working him back
15 through there and stuff there and the
16 rest of us --- the rest of them, they
17 was a few blocks ahead of us or
18 something. You could see their
19 lights at the time and stuff. But
20 somebody hollered there's a mantrip
21 up there.

22 We went back --- I know there

1 was debris, there's blocks and
2 everything on the track and stuff
3 however far we had walked back. But
4 we got over into the intake and we
5 walked up --- walked up it and stuff
6 there. Like I said, someone hollered
7 about a mantrip. So we got up ---
8 got up to it and got everybody loaded
9 up inside on it and headed outside.

10 I guess Owie and I'm not sure
11 who exactly, but they was --- they
12 was trying to get some air and stuff
13 back up that way. His brother was
14 one of them that was up there. But
15 the rest of us, I'm not sure exactly
16 who, I'm pretty sure most of us all
17 got in the trip and we got back
18 outside and got out and stuff and got
19 up over the hill.

20 Everybody that needed it was
21 taken care of. A few of them,
22 Roger's eyes was filled up and stuff

1 there and I guess they give him ---
2 they had the ambulance and stuff
3 there, they gave some of them oxygen
4 that needed it and stuff there a
5 little bit. I think they took Roger
6 to the hospital or something to get
7 his eyes straightened out.

8 And we stayed up there on top,
9 up at the bathhouse up there waiting
10 to see about the other guys in there.
11 And after a while everybody started
12 arriving and stuff there, the rescue
13 teams and everything like this and
14 all the state and federal mine
15 inspectors and everybody was coming.

16 And we was talking to some of
17 them and stuff like that, like I
18 said, waiting around trying to find
19 out something about the other guys in
20 there. And inside, they tried ---
21 Owie got to the phone and stuff, he
22 tried to holler them and stuff. He

1 got to the phone and just hollered
2 outside and told them, I guess, what
3 happened or something. He was trying
4 to get ahold of the guys up on the
5 other section. He couldn't do it.

6 But we stayed outside and
7 stuff there and waited. And then
8 some --- I'm not sure exact time, but
9 somewhere around noon or something
10 there, they thought that the gas was
11 building up too much coming out of
12 the --- coming out that they had
13 everybody leave the property, except
14 the ones that just had to be there.
15 And we left the property and we went
16 ahead and went up to the --- up where
17 we had our retraining classes and
18 stuff before and stuff. We went up
19 in that building and stayed up there
20 for the rest of the day there. Then
21 the guys, when they kind of found out
22 anything, they'd come by and tell us

1 and stuff.

2 Q. Okay. Thank you. If we could
3 kind of then back up a little bit and
4 we'll start at the beginning again.
5 We'll kind of try and fill in some of
6 the blanks; okay?

7 And did you begin your shift
8 on the day of the accident, did you
9 begin it at the normal time?

10 A. Yeah. Like I said, we was a
11 few minutes late where we had to swap
12 trips out, is the only reason we
13 didn't go in right behind the other
14 trip.

15 Q. And what time did you arrive
16 at the mine that day, do you recall?

17 A. Like I said, normally it's a
18 half hour to 45 minutes before my
19 shift starts is usually when I get
20 there.

21 Like I said, I went one of the
22 days --- some of the days, we would

1 start at 15 'til 6:00 and stuff and
2 some of the time we would start at
3 6:00. I'm not sure exactly which day
4 that was.

5 Q. When you say start, you mean
6 go underground?

7 A. Yeah.

8 Q. Sometimes 15 'til 6:00,
9 sometimes six o'clock?

10 A. Yeah. But what it was, the
11 other trip, we're second --- we leave
12 off section. They was getting --- we
13 was getting out a little before our
14 time was up so sometimes there we was
15 going in 15 to 6:00 so we would have
16 the full ten hours working in there.

17 Q. I see. And your assignment on
18 the day of the accident was to be a
19 roof bolter, you had already ---?

20 A. Yeah.

21 Q. Okay.

22 A. But like I said, we never made

1 it past the First Left switch.

2 Q. Okay. And whenever you
3 arrived at the mine and you went to
4 the --- you mentioned you went to the
5 bathhouse and got dressed and then
6 you went over --- then you went over
7 to the lamp house to get your
8 spotter. And what type of methane
9 detector?

10 A. I got the one that's got the
11 big letters on it. The big letters
12 so we can put it on a probe and so we
13 can see it ---

14 Q. Yeah.

15 A. --- when you put it up into
16 the face.

17 Q. So you were carrying that that
18 day?

19 A. It was in my dinner bucket. I
20 never --- I went there to get my
21 dinner bucket but I guess they found
22 mine.

1 Q. Okay. When you went over to
2 the lamp house to get your cap lamp
3 and your spotter, okay, was there any
4 conversations that you can recall
5 that might have been going on between
6 the dispatcher? Was there any phone
7 calls? Who did you speak to over
8 there? Can you tell me a little bit
9 about that?

10 A. I'd say other than the ---
11 nothing out of the ordinary, you
12 know, just normal talking. All the
13 guys were --- we was all friends and
14 everything and we was just normal
15 talking back and forth.

16 Q. Okay. The dispatcher, you
17 have any conversations with him?

18 A. I'm not positive.

19 Q. Okay.

20 A. Like I said, anybody you see,
21 you speak to them and stuff, but ---.

22 Q. Okay. There wasn't anything

1 out of the ordinary that ---?

2 A. No, nothing that I can recall.
3 Just like I said, just normal
4 conversation.

5 Q. Okay. After you got your
6 light and your spotter, then you went
7 down to the --- into the pit from
8 there?

9 A. Yeah. After --- yeah, after
10 it was time --- time for the hill,
11 usually everybody just waits and goes
12 over about the same time, gets in the
13 trip.

14 Q. Okay. And I believe you had
15 mentioned that the Two Left trip left
16 before you?

17 A. Yeah. Like I said, we was ---
18 they was in front of us and our trip
19 was right behind. We had already got
20 in the trip. Like I said, there was
21 a couple three other guys wanting to
22 ride in. It wasn't big enough so we

1 had to swap the trip out and get a
2 bigger mantrip.

3 Q. And they left approximately
4 how long before you?

5 A. Probably five to eight minutes
6 or something like that. I mean, ---.

7 Q. Was the --- do you recall
8 whether the belts were operating when
9 you --- when you went down?

10 A. I'm not real sure. I couldn't
11 say for sure.

12 Q. Okay. And you had to switch
13 out to a different mantrip because
14 there was not enough room. Is that a
15 normal number of people that go in
16 with you?

17 A. Yeah, normally I think there's
18 like 13 on our crew. But like I
19 said, there was Ron Grall was extra
20 on the trip and Pat and John Boni.
21 Three extra ones. Some of the trips
22 are just, we just barely got enough

1 room to get everybody in with just
2 the crew and that. But that was one
3 of the small ones so we had to swap
4 it out.

5 Q. Okay. Where were you
6 positioned in the mantrip?

7 A. I was sitting in --- the
8 mantrip we had was one of the larger
9 ones. It's got double seats on each
10 end of it. So you're sitting facing
11 each other sitting in the front of
12 it.

13 Q. Okay.

14 A. And I was sitting in the outby
15 part of --- you know, in front of the
16 mantrip and I was facing straight
17 forward.

18 Q. Okay. You were on the --- did
19 you say the inby end or the outby?

20 A. I was on the inby ---

21 Q. End of the mantrip?

22 A. --- side of the mantrip, like

1 it was ---.

2 Q. And you were facing inby?

3 A. Yeah. There was a seat in
4 front of me, people sitting there and
5 they were looking --- looked at me
6 and I was facing going inside.

7 Q. Okay. And I interrupted you
8 but let me just restate that. You
9 were on the inby side of the mantrip
10 and you were sitting facing inby?

11 A. Yeah.

12 Q. Okay. When you left the
13 surface, and started into the mine,
14 what was the first stop that you
15 made?

16 A. Like I said, I think it was at
17 Four Drive --- or no, excuse me, I'm
18 not sure exactly where it was at. I
19 know we stopped somewhere and John
20 Boni got out. I'm not sure exactly
21 where it was at. And then we made
22 another stop to let Pat Boni out.

1 Q. And where was that?

2 Four Drive I think is where it was
3 at, but I wasn't --- I'm not positive
4 because they were both sitting in the
5 other end of the trip. We was just
6 --- you know, everybody just carried
7 on conversations. It was something
8 you don't really pay much attention
9 to. It's just normal, you know.

10 Q. Why were they dropped off?
11 What were they going to do? Do you
12 recall?

13 A. Well, I'm not sure exactly
14 what they was going to do or
15 anything. Now, Pat, now he works on
16 the belts and stuff. I know that. I
17 think he had told me he had to rock
18 dust or something there, but he just
19 had to rock dust or something there.

20 Q. And that was Pat?

21 A. Yeah.

22 Q. Okay. Do you recall, was

1 there any phone conversation that you
2 recall like from when you were on the
3 surface preparing to go in? Do you
4 recall any phone conversation that
5 someone might have had over the --- I
6 believe you call it a trolley phone,
7 that's the phone that is on the
8 mantrip and they use that for
9 dispatching ---

10 A. Yeah.

11 Q. --- and for whatever other ---
12 do you recall any conversations --?

13 A. I don't recall any. Like I
14 said, I never paid any --- if there
15 was, I don't know whether it was or
16 not because like I said, I was just
17 talking to some of the other guys
18 that was in there, just normal ---
19 normal routine.

20 Q. Okay. And so you left Pat
21 Boni off and that was the second stop
22 that you had made. Did you make any

1 additional stops?

2 A. No, not that I'm aware of, not
3 'til we got up to the First Left
4 switch.

5 Q. Okay. Do you recall like
6 approximately what time they may have
7 exited the mantrip, Pat Boni and John
8 Boni?

9 A. I'm not real sure. I couldn't
10 say exact time or anything.

11 Q. Okay. And your furthest point
12 of travel into the mine was the One
13 Left switch; is that correct?

14 A. Yeah. Yeah, we left the trip
15 right there.

16 Q. Okay. Whenever you arrived at
17 the One Left switch and you had
18 mentioned someone got out, kind of
19 pick it up from there, then.

20 A. Roger Perry. He was sitting
21 facing me but he was sitting on ---
22 whoever sits on the outside in the

1 mantrip gets out and gets the switch
2 and throws it.

3 Q. Okay. Go ahead.

4 A. He just got out, he got out
5 and throwed the --- throwed the
6 switch and got back in --- got back
7 in the trip.

8 Q. Okay. One other question
9 about your position in the mantrip,
10 and you had said you're on the inby
11 side facing inby and what position
12 were you in as far as, were you over
13 against the solid side of the
14 mantrip? Were you on the open end?

15 A. If I'm not mistaken, Denver
16 Anderson was sitting on my left. He
17 was the first one in the trip.

18 Q. He was against the solid
19 steel?

20 A. Yeah, he was facing like I
21 was, the same direction I was at.
22 And I think Randy Helmick was setting

1 right beside me. He was the guy that
2 --- me and him roof bolted together.
3 And I was sitting there and Joe Ryan,
4 if I'm not mistaken, was sitting on
5 my right side.

6 Q. And he was the last --- next
7 to the outside of the mantrip?

8 A. Yeah, he was next ---.

9 Q. Right next to the door?

10 A. And then on the other seat
11 facing us on the other seat, I think
12 it was Gary Carpenter was on the
13 inside and Eric Hess and then Roger
14 Perry was on the outside. I think
15 --- I'm pretty sure that's how
16 seating was.

17 Q. Okay. And whenever Mr. Perry
18 sat down after throwing the switch
19 that is when you felt the rush of
20 air?

21 A. Yeah. Like I said, we were
22 just sitting there talking and stuff

1 and just all of a sudden something
2 just hit and just instantly you was
3 completely blinded, you couldn't ---
4 you couldn't see, heard --- just
5 heard a big roar. And I'm not sure
6 how long it lasted, just felt like it
7 kept blowing and blowing, and then
8 I'm not sure how long it lasted. It
9 didn't seem like it was going to
10 quit.

11 Q. Yeah. Did you feel any heat?

12 A. Yeah, after. Like I said,
13 when it first happened for the first
14 couple seconds I thought we had a ---
15 you know, I worked in pillar lines
16 and they had --- you know, a pillar
17 line, it will fall and stuff and
18 you'll have a big rush of air when it
19 falls like that. And that it wasn't
20 nothing like that, but for the first
21 couple seconds I thought we had a
22 roof fall right in front of the

1 mantrip. But then, you know, when it
2 didn't quit and then after a few
3 seconds, we felt the heat come
4 across.

5 Q. Okay. And what was the
6 intensity of the heat? Could you
7 describe it in some fashion?

8 A. I mean, it wasn't nothing
9 that, I mean, would burn you or
10 anything like that, but you could
11 definitely tell there was heat coming
12 off of it. It was like a few seconds
13 you felt air hitting and then blowing
14 across you real hard and then you was
15 just --- you felt the heat come over.

16 Q. Okay. And with the heat, was
17 also the --- the air was continuing
18 to rush across you?

19 A. Yes.

20 Q. What about smoke?

21 A. Well, like I said, I'm not
22 real --- you couldn't breath or

1 anything. I threw my shirt, coat
2 or something up over my face like
3 most of us did until we got out of
4 the mantrip. And I probably didn't
5 say a while ago that I put my rescuer
6 on after we tried to get over into
7 the intake stuff and after I got over
8 in the intake, I could halfway see
9 and stuff, I put my rescuer on.

10 Q. Okay. So you didn't smell any
11 smoke or what did it smell like, put
12 it that way?

13 A. Well, actually I was trying to
14 hold my nose.

15 Q. Okay. All right. And of
16 course you said all the dust, but you
17 said you heard something. What did
18 you say you heard?

19 A. You mean when it first went
20 off?

21 Q. Yes.

22 A. Just sounded like a big roar

1 and it just --- I guess, the sound of
2 air coming across us.

3 Q. Did you see any flame at all
4 or anything?

5 A. No. I didn't see anything,
6 but like I said, as soon as the dust
7 come in, I shut my eyes as tight as I
8 could and throwed my arms up over top
9 of my head, but I know that when it
10 did finally stop, my glasses was
11 pushed out like this and they was
12 completely full of dust and dirt and
13 everything, completely full in
14 between my glasses and eyes. And it
15 just completely covered us up.

16 Q. And pushed your glasses down,
17 further down on the end of your nose,
18 so to speak?

19 A. Yeah. Well, I didn't --- like
20 I said, I didn't lose mine because I
21 had my arms up over my head.

22 Q. And you didn't lose your hat?

1 A. Yeah, my hat, I lost it, but
2 my light kept it. You know, I got it
3 back on and several of them had lost
4 their hats completely in there.

5 Q. And your light was still on?

6 A. Yeah, my light stayed on my
7 hat.

8 Q. Did you ever feel a second
9 rush of air?

10 A. No. It just --- after it
11 finally --- like I said, it took ---
12 I'm not sure how long it took for it
13 to blow like that, but at the time, I
14 didn't think --- it didn't seem like
15 it was ever going to stop.

16 Q. Okay. Were you still in your
17 seat or did it blow you off the seat
18 or anything?

19 A. Well, I ended up --- when it
20 finally stopped blowing, I don't
21 exactly know how I ended up there,
22 but I was on the floor of the mantrip

1 and about from my waist up, I was
2 hanging out of the mantrip.

3 Q. Okay.

4 A. I think Joe who sat beside me
5 and I think he said he has his feet,
6 or one of his foot, feet on my back
7 and the other against Roger's chest
8 or something like that's what he told
9 me.

10 Q. Was there anyone injured? I
11 mean, at that time, was there anyone
12 saying that they were injured or
13 anything like that?

14 A. No. I think Owie was
15 hollering, asking if anybody --- if
16 anybody was hurt or anything like
17 this. But I think --- like I said,
18 the worst of it, Roger was --- he
19 couldn't see anything because it got
20 in his eyes and stuff.

21 Q. Detectors, do you remember any
22 detectors going off, beeping or

1 anything like that?

2 A. I'm not sure about that,
3 except I had a --- I had a spotter
4 but I put it in my dinner bucket to
5 carry in and out of the mines with
6 me. I grabbed for my dinner bucket
7 and everything, I couldn't find
8 anything on the mantrip. But like I
9 said, you couldn't even see anything
10 or see if anything was there.

11 Q. So you didn't hear any
12 detectors going into alarm or
13 anything?

14 A. Well, I know when we was on
15 --- when we started on down in,
16 Owie's, I think, was beeping and
17 stuff there. But that was later.
18 Now, it could have went off right
19 there, but like I said, I'm not sure,
20 everybody was --- it was a pretty
21 panicked situation and everybody was
22 trying to --- trying to get out of

1 there, you know.

2 Q. Okay.

3 A. It could have been going off,
4 like I said, but I couldn't really
5 say for sure.

6 Q. All right. Did anyone attempt
7 to make any calls or did you --- at
8 the point there? When this occurred,
9 immediately after, did anyone attempt
10 any calls or did anyone call you?

11 A. What do you mean, call me?

12 Q. The One Left crew. I mean,
13 did you hear anyone trying to make a
14 phone call or ---?

15 A. Well, like I said, when we got
16 out of the mantrip, I'm not sure, but
17 I know Owie was trying to get to a
18 phone when we was going down and
19 stuff --- going up, going out the
20 intake and stuff, he was trying to go
21 to a phone and he did get to one
22 there somewhere.

1 Q. Okay. And what was that
2 conversation?

3 A. Oh, I wasn't --- I wasn't
4 there right there beside him so I'm
5 not sure. Like I said, me and a
6 couple other guys spent our time
7 helping Hoy get out.

8 Q. Okay. Whenever you --- okay,
9 you're hanging out of the mantrip and
10 then kind of pick it up from there,
11 then what occurred?

12 A. Like I said, I remember the
13 blow and I remember Roger was
14 hollering the mine's blowing up.

15 Q. That would be Roger?

16 A. Perry.

17 Q. Perry. Okay. Go ahead.

18 A. And like I said, everybody was
19 trying to get together and stuff and
20 we all kind of --- like I said, it
21 just hit us. You know, we didn't
22 really know what happened.

1 Q. Okay.

2 A. Knew something was blowed up.
3 We didn't have any idea what or
4 anything. We was all trying ---
5 stumbling out of the mantrip and I
6 think a couple of them was --- got
7 behind the mantrip, was trying to get
8 their rescuers on right there and
9 stuff.

10 We was trying to --- I got to
11 the back of the mantrip, I felt
12 around, I found a rail behind it, so
13 held onto it there for a second. I
14 stood with my foot on it so I knew
15 where it was at for right then.
16 Somebody was hollering that everybody
17 needs to stick together, you know.
18 We was trying to get a head count and
19 stuff.

20 Q. Did someone kind of take
21 charge at all?

22 A. Yeah. I mean, I'm not

1 positive. I mean, I don't know if it
2 was Owie or somebody, but somebody
3 asked --- I think it was Owie, but
4 somebody --- you know, is anybody
5 hurt, you know, anybody hurt?

6 Q. Okay. And then did you put
7 your self-rescuer on?

8 A. I didn't right then. I waited
9 until I got over into the intake
10 there.

11 Q. Okay. Did some put their
12 self-rescuers on at the mantrip?

13 A. Yeah. I'm pretty sure they
14 did. At least somebody said they was
15 trying to. You couldn't see anything
16 there.

17 Q. Okay.

18 A. I know a couple of them had
19 went to the door and I remember
20 someone said they got ahold of the
21 man door and said it was hot. So we
22 didn't try to go through right there.

1 But I didn't --- I don't know how far
2 we made it, you know, how many blocks
3 we went or anything on the track and
4 stuff like that, but I know there was
5 debris on the track. I do know where
6 we crossed over into the intake,
7 there was blocks and everything out
8 on the track, was blowed out on them.

9 Q. Okay. And you put your
10 rescuer on after you got to the
11 intake, I believe you said?

12 A. Yeah. As soon as we got by
13 there and got out.

14 Q. And why did you wait until
15 then? Or just kind of explain that
16 to me.

17 A. Well, I never --- should have
18 put it on, but like I said, it was
19 just a pretty panicked situation. We
20 was --- we was hoping to get to fresh
21 air when we got to the intake. But
22 you know but by the time we got over

1 in there and stuff there was still a
2 lot of dust and everything over there
3 and stuff so I put mine on then.

4 Q. Did you say you should have
5 put it on?

6 A. Yeah, I should have put it on
7 as soon as it happened.

8 Q. And why was that?

9 A. Well, that's what you're
10 supposed to do.

11 Q. Okay. When you put your
12 self-rescuer on, did you have any
13 problems putting it on or ---?

14 A. No. Didn't have any problems
15 at all putting it on.

16 Q. Did it activate properly?

17 A. Yeah.

18 Q. And did you have any problems
19 breathing or getting it started?

20 A. No, no problems at all with
21 it.

22 Q. Did anyone else have any

1 problems getting it started or

2 problems putting it on?

3 A. No, I don't think anybody that
4 put them on had any trouble putting
5 them on, but I'm not sure whether
6 Hoy's was working completely or not,
7 but I don't if it was that or just
8 --- he was, you know, pretty panicked
9 and stuff. I know he had said he had
10 a cold and stuff and he didn't have
11 his air and stuff like that. But I
12 don't know whether his was working
13 completely or not. But we was trying
14 to get him up and stuff. I took my
15 mouth piece out and let him take, you
16 know, deep breaths so he could take
17 some air and stuff out of mine and
18 stuff because he said he wasn't sure
19 that his was working or not. But I'm
20 thinking it may have just been him.

21 Q. And did he ever get it started
22 or was he ever able to breathe?

1 A. I'm not sure. Like I said, I
2 was just taking mine and I was giving
3 him breaths out of mine and stuff
4 like that every few times and stuff
5 there.

6 Q. Okay. Was that --- when you
7 were doing that, was that during your
8 travel ---?

9 A. That was just ---.

10 Q. Just the one time?

11 A. Yeah. Well, maybe a couple
12 times or something when he got up
13 against the rib and stuff like that.
14 But like I said, there were several
15 times he just kind of give up and
16 stuff. I don't know what it was, but
17 he was just actually just trying to
18 do anything to get him back up on his
19 feet, is what he was doing.

20 Q. Whenever you left the mantrip
21 then, there was people out ahead of
22 you, you had mentioned and they were

1 checking the stoppings.

2 A. Yeah.

3 Q. Who was that, do you recall?

4 A. I know Roger and Joe and
5 Alton. I know Ron Grall and Paul,
6 they was all out ahead of us.

7 Q. And that would have been Paul
8 Avington?

9 A. Yeah.

10 Q. Okay.

11 A. Like I said, Owie was running
12 back and forth there trying to keep
13 track of everybody and he was, you
14 know, trying to get to a phone
15 somewhere. I know he was back and
16 forth a lot.

17 Q. Okay. The SCSR, when did you
18 remove it or how long did you keep it
19 on?

20 A. Excuse me?

21 Q. How long did you keep your
22 rescuer on?

1 A. I left it --- when I put it
2 on, I left it on until I get outside.

3 Q. Okay. Other than helping Mr.
4 Hoy (sic), whenever you let him
5 breathe yours, ---?

6 A. Yeah, I just --- like I said,
7 I was doing that. Like I said, I'm
8 not sure whether his was working. I
9 think it was working but I think it
10 was just --- like I said, I was just
11 trying to do anything to --- he was
12 having a rough time getting back on
13 his feet.

14 Q. So basically it performed as
15 it was expected to perform or to your
16 satisfaction?

17 A. Oh, yeah. Oh yeah. Mine
18 worked very good.

19 Q. So once you got in the intake
20 and then you traveled in the outby
21 direction in the intake, okay, and
22 kind of take it from there. You got

1 up to the --- well, I'll let you tell
2 me?

3 A. Well, like I said, I don't
4 know exactly how many blocks or what
5 stopping we come out. I'm not sure.
6 I know we come up some --- they was
7 up ahead of us a few blocks and stuff
8 and someone yelled that there was a
9 trip coming in. They could hear it
10 or something. And we got up to there
11 and like I said, we was kind of
12 lagging behind the rest of them a
13 little bit.

14 Q. And who was through the
15 mantrip first?

16 A. I'm not sure. Like I said, we
17 was in behind. I'm not sure who got
18 to it first.

19 Q. When you got to the --- who
20 was operating the mantrip?

21 A. I'm not --- I couldn't really
22 say that for sure.

1 Q. Okay. When it arrived there,
2 when you got there, do you know if it
3 came from inby or did it come from
4 outby?

5 A. Well, it had to come from
6 outby there.

7 Q. Okay. And you're not sure who
8 was operating it?

9 A. No, I'm not sure.

10 Q. What other conversations do
11 you recall that may have occurred at
12 the mantrip?

13 A. I can't really recall
14 anything. Like I said, everybody was
15 just --- you know, we was just trying
16 to get in, to get in the trip and
17 stuff and get outside.

18 Q. Okay. Do you recall any
19 telephone conversations that may have
20 occurred at that time?

21 A. I couldn't say really if there
22 was any or not because like I said,

1 we was -- we was just all concerned
2 with getting outside.

3 Q. Okay. After you got in the
4 mantrip then and you --- who drove
5 the mantrip out? Who took you, all
6 you guys, out?

7 A. I'm not even sure. I was
8 sitting in the outby end going out.
9 I'm not sure who was operating it.

10 Q. When you got to the surface
11 then, who was on the surface down in
12 the pit to meet you or --- when you
13 arrived? Anyone?

14 A. I'm not even sure about like
15 --- like I said, everything --- I
16 wasn't really paying much attention
17 and stuff like that. Everybody ---
18 we just trying to get out of the
19 mantrip. You know, like I said, some
20 of the guys, they needed some air,
21 you know, and stuff like that. And
22 we was --- several guys on the crew,

1 you know, they were getting up a
2 little bit of age and stuff on them,
3 we were just, you know, kind of more
4 worried about them and stuff. We was
5 just getting in to the top of hill
6 and everything. I do remember Hoy
7 --- they went out, they went up ---
8 to get him to the top of the hill and
9 stuff, they went up and got the ---
10 they got a truck and come back and
11 got him.

12 Q. All right. Is that when you
13 removed your SCSR?

14 A. Yeah, after I got outside.

15 Q. After you got outside. Okay.
16 Did you talk to anyone on the way out
17 or did you hear or speak to anyone or
18 anything?

19 A. No. I just --- no, I didn't
20 really. Like I said, we had the
21 rescuers on until we got outside and
22 stuff and when we got out there,

1 everybody was just trying to get
2 everybody at the top of the hill.
3 And at that point there, did you hear
4 anyone other than Mr. Hoy that had
5 trouble with the SCSR at all?

6 Q. No. Like I said, I'm not sure
7 that he actually even had any trouble
8 with his. Like I said, he just kind
9 of --- I know that the bag was out on
10 his and everything like that. I
11 mean, it looked like it was working.
12 I mean --- but you know, like I said,
13 he was just --- he was panicked
14 pretty bad and he --- I mean, he told
15 us just leave him in there. I mean,
16 he was just kind of
17 --- almost out of his head a little
18 bit I guess. Like I said, I was just
19 giving him, offered him air out of
20 mine just for something more or less
21 just trying --- trying to get him
22 back on his feet so he could get out

1 of there.

2 Q. Okay. Then did you walk up to
3 the surface --- from the pit?

4 A. Yeah.

5 Q. Well, you were on the surface.
6 Did you walk from the pit up to the
7 lamp house then?

8 A. Yes.

9 Q. And when you got up there
10 then, did you go in the lamp house?

11 A. Yeah. We went in and I
12 remember someone, I'm not sure who it
13 was, but they was handing out a tab
14 of paper and stuff and everybody to
15 write their name and everything and
16 make --- they said make sure we tall
17 tag out and everything. And make ---
18 they wanted everybody that came
19 outside to make sure that we signed
20 the paper and stuff there.

21 Q. Did you speak to the
22 dispatcher at all when you were ---

1 when you arrived on the surface?

2 A. I don't really recall whether
3 I did or not.

4 Q. Okay. I mean, what was going
5 on there in the lamp house whenever
6 you arrived up there?

7 A. Well, I was kind of --- I'm
8 not even sure who it was, but Denver
9 he was having a little bit of trouble
10 and stuff. Like I said, we was kind
11 of concerned with several of the guys
12 and stuff.

13 Q. Sure.

14 A. Everybody was trying to look
15 out for them and see what --- get
16 what they needed and what all. And
17 after we left out of the lamp house
18 and over into the --- where we got
19 dressed and stuff.

20 Q. Well, did anyone talk to you
21 about what you thought might have
22 happened or any conversation to that

1 or did anybody sort of debrief you
2 and kind of review with you what went
3 on?

4 A. Well, I couldn't really
5 recall. I mean, I know that when we
6 got outside, I'm not even sure --- I
7 know somebody come around and they'd
8 ask us if anybody was hurt and this
9 and that and everything. Anybody
10 needed anything or anything like
11 this. But we was all more concerned
12 and stuff. We was trying to find out
13 where the rest of the guys was.

14 Q. Were there any attempts to
15 contact the Two Left crew at all?

16 A. Well, after we got outside, I
17 remember when we was sitting outside,
18 there was somebody on the phone
19 almost just every couple minutes was
20 yelling on the phone and stuff for
21 the other crew.

22 Q. Going back to underground, was

1 there any discussion or --- I know it
2 was pretty chaotic at that time, but
3 any discussion about using the
4 mantrip to come back outside?

5 A. Excuse me?

6 Q. The mantrip that you went in
7 on at the One Left switch, was there
8 any discussions about possibly using
9 that mantrip to come outside or you
10 just ---?

11 A. No. We didn't really --- I
12 mean, I never had any conversation
13 about them and I'm not sure whether
14 anybody else did or not. Ours
15 couldn't have --- the track was
16 blocked and stuff in behind us. We
17 couldn't have got it out anyway.

18 Q. Okay. Back to the surface
19 there. Did anyone give you any
20 assigned duties or ask you to go
21 maybe make some checks down in the
22 pit for CO or anything like that or

1 did anybody assign you any duties at
2 all?

3 A. No. When I got outside and
4 stuff, some of us we was using ---
5 people had them and stuff, guys just
6 had them, had cell phones and stuff,
7 we was --- you know, we got them and
8 was using them and stuff calling our
9 houses and stuff ---

10 Q. Sure.

11 A. --- because we knew, you know,
12 things were going to hit the scanners
13 and stuff real quick and stuff like
14 that. I know the rescue teams and
15 stuff was --- we was setting tables.
16 It's like a two-part bathhouse, the
17 part we get dressed in and stuff, we
18 went ahead, we set tables up and
19 stuff like that for them guys to come
20 in to put their equipment and
21 everything set up. And they was ---
22 anything that was in the way in other

1 part of it, stuff there, was --- you
2 know, anybody --- people's families
3 and stuff that was coming in there
4 and stuff. They had them come in and
5 stay on the other side out away from
6 the rescue teams so no one was ---
7 trying to keep everybody, you know,
8 out of everybody's way and stuff.

9 Q. Okay. And so you were not
10 assigned any duties or anything like
11 that, other than that? I mean, to
12 make any examinations or test for CO
13 down in the pit or anything?

14 A. No. Now, whether anybody else
15 was, I don't know. I mean, myself
16 ---.

17 Q. But you weren't?

18 A. Myself, I wasn't.

19 Q. Then after you did --- the
20 medical people, did they examine you
21 or check you out or anything?

22 A. Yeah. Soon as they got there,

1 everybody that come outside, at least
2 all of them that were standing around
3 me and stuff, they was checking
4 everybody and stuff. They --- well,
5 I'm not sure who got oxygen. I know
6 they kept offering, come around, you
7 know, they was trying to get it to us
8 and stuff. I know they checked ---
9 was taking your pulse and then I
10 guess sticking that other thing on
11 your finger or something. I'm not
12 sure what all they was checking for
13 really.

14 Q. Okay.

15 A. They was in there the whole
16 time. They just kept going --- the
17 whole time that we was there, they
18 was --- some of them going around and
19 they kept checking on us and what
20 not.

21 Q. Then after you set these
22 tables up and then what happened?

1 A. Everybody was just --- you
2 know, just waiting around and stuff
3 trying to --- trying to find out
4 where the other guys was at.

5 Q. Okay. And then you left the
6 mine property at some point?

7 A. Yeah. I'm not sure exact time
8 on it. I'm thinking somewhere around
9 noon or something, but I'm just
10 guessing there. But I guess they
11 thought the levels was getting too
12 high and stuff there coming out of
13 the return down there, so they wanted
14 everybody off of the property, except
15 the ones that had to stay there.

16 So we left --- we left and
17 went up to where we've had classes
18 and stuff before up at the cleaning
19 plant up the road a few miles. We
20 stayed there and stuff and like I
21 said, somebody came around every so
22 often and stuff just trying to let us

1 know what was going on.

2 MR. SWENTOSKY:

3 Brian, do you have
4 anything at this point?

5 BY MR. MILLS:

6 Q. Mr. Rowan, are you a certified
7 underground coal miner in the State
8 of West Virginia?

9 A. Oh, yes, sir.

10 Q. Do you carry a hand-held radio
11 with you?

12 A. Hand-held radio? No.

13 Q. You talked a little bit about
14 Owen Jones trying to communicate.
15 Was that on the trolley phone, mine
16 phone or hand-held?

17 A. I'm know he was trying to ---
18 trying to get to another phone and
19 stuff. You know, I know that he did
20 get to a phone somewhere. I'm not
21 sure exactly where it was at, but
22 somewhere along the way walking out

1 and stuff, he got to a phone.

2 Q. A mine phone?

3 A. I'm not sure whether, you
4 know, they tried on any other system
5 or not. I couldn't really say.

6 Q. Would that have been a mine
7 phone he was trying to get to?

8 A. Yeah.

9 Q. Not a trolley phone on the
10 mantrip or ---?

11 A. Like I said, you know, he
12 possibly could have been --- tried on
13 it, I'm not real sure about it. I
14 couldn't really say.

15 Q. You mentioned you let Mr.
16 Keith take a few breaths of your ---?

17 A. Yeah.

18 Q. Did that seem to make him
19 better?

20 A. I don't really think it did.
21 Like I said, but actually all that
22 was, we was just trying to get him on

1 his feet and he just --- like I said,
2 he just told us to leave him in there
3 or someone come after him. But we
4 wasn't going to do that.

5 Q. Did he make any comments, man,
6 yours works a lot better than mine or
7 ---?

8 A. No. Like I said, I can't
9 really say his was working for sure,
10 but it looked like it was working.
11 But like I said, I couldn't really
12 say for sure. I was just trying to
13 --- you know, like I said, we was
14 just trying to do something to get
15 him on his feet and out of the mine.

16 MR. MILLS:

17 That's all for now,
18 Denny.

19 BY MR. SWENTOSKY:

20 Q. On the self-rescuer, you had
21 mentioned you didn't put the SCSR on
22 until you got to the intake and why

1 was that or why didn't you put it on
2 immediately?

3 A. Well, the first thing, you
4 know, we was trying to communicate
5 back and forth and stuff. We was
6 trying to get everybody out of the
7 trip and trying to get everybody
8 together and stuff there. You can't
9 talk with it on. There's just nothing
10 --- you don't have any way to
11 communicate once you put them in.

12 Q. Whenever you arrived on the
13 surface, did you need any medical
14 attention, such as --- like maybe
15 oxygen or anything like that?

16 A. No. No.

17 Q. Some of the others did?

18 A. Like I said, I'm not sure who
19 did, somebody said something about
20 it, but I know they kept coming
21 around offering oxygen to us and
22 stuff like that. I think --- I

1 wasn't positive, but I think that,
2 you know, they give it to them and
3 stuff. Like I said, you know, a lot
4 of them --- everybody there, it just
5 scared everybody.

6 Q. Have you needed any subsequent
7 medical attention since that, since
8 the accident? Have you needed
9 anything, attention, medical
10 attention because of that?

11 A. No. The only thing that I
12 just --- I've been having back
13 problems, my back comes out, the
14 lower part of it and stuff there. I
15 kind of throwed it back out a little
16 bit in there, but up 'til now, that's
17 just going back to the chiropractor a
18 few times, getting it straightened
19 out. I mean, I was having trouble
20 before that, so ---.

21 Q. Okay. Are you familiar with
22 the old Two, what they call the Old

1 Two Left area that's inby the seals?

2 I'm sure you know where those are by

3 now, ---

4 A. Yeah.

5 Q. --- the seals.

6 A. Well, actually no, I hadn't

7 --- hadn't really been up on that

8 section. It would have been a long

9 time since I've been --- I was down

10 on the One Left section. In other

11 words, probably ten blocks in between

12 the switches, you know, we always

13 just went to First Left and that was

14 our section. The other guys went to

15 --- up there to theirs. We didn't

16 really --- you know, we wasn't back

17 and forth on the sections ourselves

18 like that.

19 Q. Were you ever at the seals

20 after they were installed or ---?

21 A. No.

22 Q. Did you have any --- did you

1 have an opportunity to assist in
2 building those seals at any time?

3 A. No.

4 Q. You weren't up there whenever
5 they were being constructed or
6 anything?

7 A. No.

8 Q. Did you ever see the seals?

9 A. No. Like I said, I never much
10 went past our switch there. You
11 know, we stayed on our section and
12 stuff. I guess I probably could have
13 went up there and worked on them if I
14 wanted to work over on the weekends
15 or whenever they done it and stuff
16 but I didn't do it.

17 Q. Okay. And you've been at the
18 mine since around March of 2004?

19 A. Yeah.

20 Q. And I didn't quite understand
21 a moment ago. You say you did or did
22 not work up in the Old Two Left area

1 prior to going up to One Left?

2 A. I worked when they had the
3 super section up there.

4 Q. You've been ---?

5 A. Yeah, up past where the seals
6 --- up that area and stuff. I've
7 worked when they had their super
8 section. You know, they've done
9 swapped around and stuff and changed
10 crews and stuff like that.

11 Q. And that would have been the
12 mains, the mains area inby Two Left?

13 A. It would have been a long time
14 since ---.

15 Q. Yeah, I understand. But you
16 were up --- you did work up in the
17 mains?

18 A. Yeah.

19 Q. And that was prior to turning
20 the old Two Left off?

21 A. Uh-huh (yes).

22 Q. And you were not in the

1 section when they turned the Two Left
2 area off?

3 A. No.

4 Q. Okay.

5 A. No. Like I said, it was back
6 when they was just running, they had
7 what they called a super section up
8 there that they was running three
9 bolting machines on it.

10 Q. And you were a roof bolter up
11 in that area?

12 A. Yes.

13 Q. Okay. Do you recall seeing
14 any streaks on the roof prior to
15 drilling and installing roof bolts?
16 Streaks meaning anything unordinary
17 that you have seen up in that area?

18 A. What exactly do you mean,
19 streaks?

20 Q. Yeah, right. What do I mean?
21 Any type fossils or any --- like a
22 scar on the roof?

1 A. I don't recall any.

2 Q. Any fossil-type indications on
3 the roof at all?

4 A. You'd see fern, a little small
5 fern leaf something here and there
6 and stuff, but ---.

7 Q. But nothing that would look as
8 --- like two double lines with maybe
9 a little chipping in a straight line?

10 A. No, I don't recall seeing
11 anything like that.

12 Q. Do you know who may have done
13 any roof bolting up in the actual Two
14 --- old Two Left area? Do you recall
15 who might have done that, a roof
16 bolter operator?

17 A. You mean on the Two Left
18 section?

19 Q. The Old Two Left section, yes.

20 A. I'm not sure who all was ---
21 who exactly was --- I know Jesse
22 Jones and Dave was on the one bolter

1 up there I know.

2 Q. Have you ever --- and I know
3 you have done a lot of roof bolting
4 and that was your main job. But did
5 you ever have an opportunity to
6 construct Omega-type stoppings,
7 assist on stopping? I'm not talking
8 seals now, I'm talking about just
9 Omega stoppings.

10 A. Yeah, just build them out of
11 Omega blocks.

12 Q. You've done that?

13 A. Just regular stoppings.

14 Q. Yes. Not seals.

15 A. Yes, I've built regular
16 stopping. If something happened, you
17 know, like break down or something.

18 Q. Okay.

19 A. If something needs done.

20 Q. And you've used Omega blocks
21 for that?

22 A. Uh-huh (yes).

1 Q. Can you kind of describe to me
2 how those were built?

3 A. Just regular ---?

4 Q. Yeah, the stoppings, right.

5 A. Well, just stack them up and
6 get them as tight as you could using
7 the wedges and a lot of times, we'd
8 just take Omega blocks themselves and
9 you could take a saw and cut them,
10 really. A lot of times you'd just
11 take --- you just cut --- a lot of
12 times just cut wedges out of them and
13 use them instead of regular wedges.

14 Q. Use ---?

15 A. Tighten them down, you know,
16 as tight as you can and just use the
17 plaster and stuff either out of
18 buckets or just mix up out of the
19 bags and stuff there, seal them up
20 real good.

21 Q. You say you would tighten them
22 up with --- you would make wedges out

1 of the Omega blocks ---

2 A. Yeah.

3 Q. --- and then use ---?

4 A. A lot of times they would use
5 regular wooden wedges or something or
6 the space was a little bit big or
7 anything, instead of using the wooden
8 wedges, you know, we'd take the Omega
9 blocks and we could just cut them in
10 the shape of a wedge or something and
11 use them to take a lot of the space
12 you could.

13 Q. You dry stacked these blocks?

14 A. Yeah. And then after we, you
15 know, put them up like that, then
16 like I said, then you would mix up
17 the plaster and stuff, make sure you
18 got --- all the holes is sealed and
19 everything with --- and mix it up and
20 seal them up real good, make sure it
21 don't leak.

22 Q. Okay. Would you full face

1 plaster them when they were
2 completed?

3 A. Uh-huh (yes). Yep.

4 Q. On both sides or just one?

5 A. Sometimes depends on where it
6 was at and stuff, they would just do
7 lines and stuff on them. The one
8 side would be full faced and then the
9 other side, they'd seal the lines or
10 anything. Most times if I was doing
11 it, I just full faced both sides. It
12 was as about as easy, just covering
13 the whole block with it.

14 Q. Okay. When you would do just
15 one side full face, what side was
16 that?

17 A. Well, I said, the whole time I
18 was doing --- it was more of a job to
19 try to seal the seams and stuff.
20 Anytime I did them, I just done both
21 sides. Hadn't really done a lot of
22 them and stuff. Most times I was on

1 bolter and stuff. But like I said,
2 unless it just broke down for a long
3 time or something, and they'd have to
4 have stoppings built was about the
5 only time I was ever --- ever fooled
6 with them.

7 Q. Did you ever install concrete
8 block stopping or assist in that at
9 all?

10 A. Yeah, I've built them out of
11 concrete blocks, too.

12 Q. And how did you do --- how did
13 you do that?

14 A. Oh, it was basically the same
15 thing, stack them up and wedge them
16 down as tight as possible, seal them
17 up.

18 Q. And you used the B-Bond for
19 that, too, or BlocBond?

20 A. Yeah, most times we'd use that
21 fiberglass B-Bond or something to mix
22 it up and stuff.

1 Q. Would you full face coat those
2 also?

3 A. Yeah.

4 Q. Not just the seams, full face
5 them?

6 A. Any of them I ever done. Like
7 I said, it's just easier just to
8 cover the whole thing up with it.

9 Q. Belt hangers, have you ever
10 bolted those to the roof?

11 A. It's been a long time but I've
12 put them into the roof before. But
13 most of the time, the midnight crew
14 would go back there because back
15 there where they had to be put in and
16 stuff there, you'd be in buggies rows
17 and stuff back there like that. So
18 they're usually doing it on midnight
19 shift. We always just concerned
20 ourselves with bolting what was ---
21 what was down.

22 Q. Okay. But you have installed

1 some of them at different times?

2 A. Yeah. It's been a long time
3 since I've put them in but yeah, I
4 have. Like I said, if you break
5 down, you might --- and nobody was
6 running or nothing, you might go back
7 to bolt.

8 Q At Sago mine?

9 A. No. I don't think I have put
10 them in. I've put them in at Spruce
11 Mines over there, but I don't think I
12 have put them at Sago.

13 Q. Have you had an opportunity to
14 assist in installing belt, conveyor
15 belt, at all during your breakdowns?
16 When you had a breakdown or something
17 like that, did you assist in
18 installing belt?

19 A. No, not over there I haven't.

20 MR. SWENTOSKY:

21 Brian, do you have any?

22 Let's take a five-minute break

1 or so. Go off the record.

2 SHORT BREAK TAKEN

3 BY MR. SWENTOSKY:

4 Q. On the belt hangers, have you
5 ever seen like --- or does it occur
6 like equipment will run into hangers
7 when they're down, bend them or
8 anything like that?

9 A. Not unless they'd be low
10 enough for maybe a buggy or something
11 to catch or anything. I don't really
12 think there's anything in there low
13 enough for that to happen.

14 Q. So you've never seen that
15 happen?

16 A. Not at this mines. Now, I've
17 worked a lot of places with low coal
18 and stuff, you had that problem, but
19 not here.

20 Q. Okay. Thank you. When you
21 were up in the old Two Left --- well,
22 actually it wasn't the old Two Left

1 area, but the mains inby the seals,
2 when you were in that area, did you
3 encounter or do you recall any
4 additional methane problems or any
5 additional methane being liberated
6 during your work activity up there?

7 A. Very, very seldom we ever
8 picked any methane up. I mean, just
9 every once in a while there was some
10 but it never --- never hardly ever be
11 more than like two-tenths of one
12 percent or something like that. I
13 mean, you just --- them mines there,
14 we never really had hardly any
15 problem at all with methane and that.

16 Q. So the highest you got was
17 two-tenths?

18 A. Yeah. Maybe two, three-tenths
19 of one percent or something like that
20 is about the most you ever picked up
21 and that wasn't --- that was very
22 seldom.

1 Q. Okay. Do you recall anyone
2 ever talking about or maybe you knew
3 about cutting into any uncharted
4 boreholes, charted or uncharted
5 boreholes? Did you ever hear any
6 discussions to that effect?

7 A. Never heard anybody say
8 anything about it.

9 MR. SWENTOSKY:
10 Brian, did you have
11 anything else?

12 MR. MILLS:
13 I'm good.

14 BY MR. SWENTOSKY:

15 Q. I want to talk to you a little
16 bit about training. Do you recall
17 when the last annual retraining class
18 that you participated in?

19 A. Last Friday.

20 Q. Okay. At the Sago Mine?

21 A. I'm not sure what the date
22 was. I know they were always real

1 good about having them. You always
2 had them when you're supposed to and
3 everything like that.

4 Q. I mean, do you recall
5 participating in one, though?

6 A. Oh, yeah.

7 Q. You do. And do you recall
8 like approximately how long that
9 might have been?

10 A. I'm not sure how long. I know
11 they would give --- they had a thing
12 there since ICG took over, we've had
13 --- for a while and stuff there we'd
14 have meetings and stuff down at their
15 office once a month and stuff. They
16 take us in classes and discuss
17 different things, anything, you know,
18 concerning safety. They was wanting
19 our input on anything we could think
20 of to tell them or anything like
21 that. We've had several of those,
22 too, besides our regular classes

1 we're supposed to have.

2 Q. Okay. The eight-hour
3 retraining, I mean, you do recall
4 having that, ---

5 A. Oh, yeah.

6 Q. ---- participating in a
7 retraining class? Okay. Can you
8 give me kind of an estimate, how long
9 you think it might have been since
10 you had --- for the Sago Mine?

11 A. I couldn't really say. It's
12 been several months and stuff. I'm
13 not sure exactly what month it would
14 be.

15 Q. Okay. Can you describe those
16 training sessions a little bit. What
17 was covered during those training
18 sessions?

19 A. Well, they cover and make sure
20 you're --- you know, checking your
21 escapeways, your primary and
22 secondary escapeways and they explain

1 everything out and they ask if any
2 problems, and you know, anything
3 anybody had. And we discuss the roof
4 or --- you know, they give us about
5 laws and anything like that telling
6 us about it.

7 Q. Do you recall ---?

8 A. Just, you know, your normal
9 stuff they had at them and other
10 things, some of the stuff they'd go
11 over, you know, first-aid and stuff
12 like this.

13 Q. Do you recall who conducted
14 that training?

15 A. Let's see, I'm not --- I'm not
16 sure, but Johnny Stempler. I not
17 really sure exactly who did give the
18 last one.

19 Q. Well, whenever that training
20 was conducted, do you recall getting
21 a training slip from them that you
22 had to sign?

1 A. Yeah, we always get a training
2 slip when they have that type of
3 stuff.

4 Q. And you signed it and the
5 trainer signed it?

6 A. Yeah.

7 Q. And they give you a copy of
8 that?

9 A. Yes.

10 Q. Do you recall whether the mine
11 emergency, evacuation and
12 firefighting plan was discussed?

13 A. Well, they ---.

14 Q. The procedures --- oh, I'm
15 sorry.

16 A. Go ahead.

17 Q. The procedures that you would
18 use in case of a fire or explosion,
19 water inundation or a plan that's
20 called the firefighting --- emergency
21 evacuation and firefighting plan? Do
22 you recall that being discussed

1 during that training session?

2 A. Yeah. They --- like I said,
3 anything that you first were supposed
4 to discuss or anything like that on
5 that, you know, they gave you
6 procedures and, you know, stuff what
7 to do, you know, where to go and ---
8 you know, to get out and everything
9 like this. Like I said, in ours,
10 they were kind of normally and then
11 if you've got a explosion like that
12 or something, you expect it at the
13 face, you know, not clear back where
14 we was at.

15 Q. Okay. There's a responsible
16 person at the mine who directs the
17 evacuation procedures whenever an
18 explosion or a fire or inundation
19 occurs. Do you know who that
20 responsible person is?

21 A. Well, on a the section it
22 would be our boss and stuff.

1 Q. And so it would be the --- the
2 section foreman, you say that's the
3 person, that's the responsible
4 person?

5 A. Yeah, then they'd have
6 somebody at the phone and everything
7 taking care of that and then
8 everybody else would be around doing
9 their jobs, taking care of the
10 ventilation, everything like that if
11 you had something like that happen on
12 the section.

13 Q. Okay.

14 A. Everybody would get the rock
15 dust, fire hoses or whatever else you
16 need.

17 Q. Do you recall who --- during
18 your training session, anyone tell
19 you who the responsible person is to
20 conduct a complete evacuation of the
21 mine?

22 A. I know like the mechanic, the

1 electrician was the one that was
2 supposed to be at the fire and stuff
3 and then my job, you know, was taking
4 care of the ventilation and they had
5 --- they'd appointed other people and
6 stuff for taking care of the --- get
7 the dust or whatever needed to be
8 taken care of it in order to do
9 whatever you needed to do.

10 Q. Okay. Are you familiar with
11 the location of the mine emergency
12 materials such as the boards and
13 curtain and saws and hammers, nails?

14 A. We keep them up right close to
15 the section.

16 Q. Is there any other place in
17 the mine where you have that store of
18 materials?

19 A. They was --- some of that
20 stuff back --- I believe it was
21 around Four Head, there's somewhere
22 in that area in an intake system.

1 Q. Are you familiar with the
2 evacuation procedures in case of an
3 explosion or fire?

4 A. Yeah. I mean, get everybody
5 gathered up. I mean, like this, to
6 get a headcount on everybody and try
7 to take care of what --- if we could
8 contain it or not. I mean, if it was
9 enough that we couldn't, you know,
10 you have to evacuate. Like I said,
11 most of the stuff and everything is
12 for you expect something like that up
13 at the face, you know, not going in.

14 Q. Do you recall the --- during
15 your training session, someone or an
16 instructor explaining to you the
17 procedures to follow in case of an
18 explosion?

19 A. Well, evacuating them and
20 their escapeway and everything like
21 this.

22 Q. What about for barricading,

1 did anyone ever discuss to you about
2 barricading, when and --- when you
3 should and when you shouldn't
4 barricade and what the procedures
5 were?

6 A. Well, basically it was just
7 about what --- probably what the
8 other crew run into. I mean, the
9 fire and smoke --- well, the smoke
10 and stuff was behind them and they
11 couldn't --- if they couldn't get to
12 fresh air, can't get to fresh air and
13 stuff, I mean, that's what you're
14 supposed to do. It's what --- as a
15 last resort, go up and barricade.
16 Try to seal it off the best you can.

17 Q. And they've explained those
18 --- they, meaning the instructor, you
19 recall them explaining that to you?

20 A. Yes.

21 Q. When and where?

22 A. Like I said, as a last resort

1 if you can't get fresh air, it's what
2 you're supposed to do.

3 Q. Are you certified to take
4 methane and oxygen tests?

5 A. Yes, sir.

6 Q. And where and when were you
7 certified, do you recall?

8 A. I just had another one here
9 a month --- we always have ---
10 usually have them on our refresher
11 courses and stuff, annual training
12 stuff. I got --- well, I use a
13 spotter on my bolter all the time.

14 Q. For the Sago Mine, do you
15 recall when that was, when you were
16 certified and who did that?

17 A. I don't exactly recall but
18 that may have been --- probably was
19 Al Schoonover.

20 Q. But you don't recall when?

21 A. Not exactly when or anything
22 like this. I know we was, but as far

1 as time and date, I'm not very good.

2 Q. All right. Do you recall
3 about the hazards of carbon monoxide
4 being discussed?

5 A. Yeah, I mean, they discussed
6 that type of stuff with me. That's,
7 you know, what your self-rescuer and
8 everything is for.

9 Q. Were the escapeways part of
10 the training that you received also?

11 A. They always make sure you know
12 where your primary and secondary
13 escapeways are.

14 Q. And how is the primary marked?

15 A. Huh?

16 Q. How is the primary escapeway
17 marked?

18 A. Green markings.

19 Q. Green markings. What about
20 the alternate?

21 A. Red. Like I said, you know,
22 different mines are just different

1 escapeways .

2 Q. Did you ever participate in
3 any escapeway drills, meaning where
4 you traveled with, say, the section
5 foreman out of the section to the
6 surface?

7 A. Alternate escapeways?

8 Q. Yes.

9 A. I've done it down there before
10 and I'm not sure exactly when I did
11 it or anything like this. At other
12 mines, I've just --- working at
13 Sentinel Mines there, I just walked
14 to the secondary and went out on it
15 for about four, four and a half miles
16 there last Thursday.

17 Q. You did that at Sago Mine
18 though, while you were at Sago Mine
19 you walked out of the section?

20 A. Yeah. I did at Sago.

21 Q. And who would be ---.

22 A. When we first started at Sago

1 Mines, they never had the track ---
2 didn't have tracks set up or nothing
3 real good or anything there for quite
4 a while and stuff and we walked in
5 and out for quite a while until they
6 got stuff straightened out.

7 Q. Did you ever walk the --- you
8 and, say, the section foreman, did
9 you ever walk the primary escapeway
10 out of the Sago Mine as a drill or he
11 just ---?

12 A. Yeah, I did it before. Now
13 when --- I mean, it's been several
14 months probably, but I'm not sure
15 exactly when.

16 Q. Do you recall what section
17 that was that you traveled out to the
18 surface with him?

19 A. It's been since I was on First
20 Left up there.

21 Q. Okay. Did you ever --- did
22 you have any opportunity to

1 participate in fire drills on the
2 section while you were up there?

3 A. Yeah, there have been
4 occasions and stuff there, you go
5 across --- or go --- when we get to
6 the --- Owie usually wait 'til we get
7 up on the section to read the roof
8 control plan or part of it to us the
9 other day and stuff. But he usually
10 waits 'til we get inside and get ---
11 everybody just gathers at the power
12 center. After we get off the
13 mantrip, he reads the roof control
14 part of the plan to us and stuff.
15 Part of them, they'll discuss what
16 you're supposed to do on the fire
17 drill. And Al Schoonover outside
18 safety director and stuff, he's gone
19 over that stuff with us and
20 everything.

21 Q. Well, did you ever --- on the
22 section, did you ever have like a

1 simulated fire and someone would go
2 over with you on what you were
3 supposed to do or something else, or
4 did you ever do anything like that?

5 A. Yeah, we --- it's been a
6 while, but we did have a simulated up
7 there at one time. It's been a
8 while, though.

9 Q. Okay. The self-rescuer, did
10 you have --- do you recall having
11 training on the self-rescuer, on how
12 to don the self-rescuer, put it on?

13 A. We always had that. That's
14 just your normal training and stuff
15 anytime you have your refresher
16 courses or you know, anything, annual
17 training, whatever, you always ---.

18 Q. And while at the Sago Mine,
19 you had that training?

20 A. Oh, yeah.

21 Q. A couple times?

22 A. Yeah. Like I said, whenever

1 we --- down here, I mean, like I
2 said, they have other --- it's the
3 only mines I've ever worked at that
4 they actually had other classes you
5 went to and stuff there on safety and
6 stuff like this. We have them down
7 at the office, everybody come in.

8 Q. The SCSR training, how to don
9 that, how did they do that, or how
10 was --- how was that performed?

11 A. Well, they --- first they go
12 up there, you know, one of them would
13 sit in front of the --- in front of
14 everybody, you know, and show them,
15 go across everything and all the
16 stuff there. And a lot of times they
17 would have each person come up and
18 don it and do everything except for
19 put the mouthpiece in. You're
20 supposed to show them you was going
21 to put it in, which they didn't make
22 you put it in.

1 Q. Have they used a training
2 model for that one that you would
3 actually take apart?

4 A. Yeah, one that was all --- you
5 know, they kind of stick it back
6 together.

7 Q. And you did that?

8 A. Yes.

9 Q. Was first-aid training covered
10 as part of the training?

11 A. Yeah. Most of the time they
12 have the first aid. They went over
13 the basics, basic stuff on it and
14 stuff, but no --- it's not quite as
15 much as what I've had before and
16 stuff there, but they go over your
17 basic things.

18 Q. On the SCSR, as part of that
19 training, were you told when you
20 should don your SCSR?

21 A. Yes.

22 Q. And what did they tell you?

1 A. Any time you encounter smoke
2 or you know, any kind of thing like
3 that. Like I said, I should have put
4 it on as soon as that happened there.
5 I mean, I know I should have, but I
6 didn't.

7 Q. And they --- during the
8 training, they covered the roof
9 control plan? I believe you did say
10 that?

11 A. Well, we with Owie, that's
12 just a normal thing. Every day we go
13 in, you have the roof --- he reads
14 part of the roof control plan to you.

15 Q. I mean, as part of our annual
16 retraining?

17 A. Oh, they go over everything on
18 it.

19 Q. Ventilation plan?

20 A. Uh-huh (yes). And as far as
21 the safety and stuff like this, like
22 I said, I've worked at several mines

1 and stuff, ICG and anybody down
2 there, I mean, it's not just one does
3 the safety, there's mine foreman,
4 your superintendent, anybody tell us
5 on the roof bolting stuff, and
6 anything whatsoever it needs, you
7 know, take your time, anything extra
8 it needs in the roof, you know, put
9 it in. You know, if we've got any
10 problems with anything at all, let
11 them know about it. If we need
12 anything at all, someone will go get
13 it for you.

14 Q. The training that you
15 received, do you feel it was
16 adequate?

17 A. Yes.

18 Q. Are there any other areas in
19 the training that you feel that
20 should be covered that maybe were not
21 covered during those training
22 sessions?

1 A. Uh-uh (no). No, not really.
2 It seemed like they covered about
3 everything that really should have
4 been.

5 Q. Do you recall instances where
6 ventilation changes were going to be
7 made and the operator reviewed those
8 with you?

9 A. Yeah. If they done
10 ventilation changes or anything, that
11 was always discussed. Al Schoonover,
12 they do that before we ever went
13 inside or anything like this. And
14 then Jeff Toler, and all of them
15 outside would tell you all that.

16 Q. Okay. Have you ever been
17 searched for smoking articles at the
18 Sago Mine?

19 A. Yes.

20 Q. And how did they do that?

21 A. Just, you know, check you and
22 pick your bucket up you or something

1 like that and have you move your
2 stuff around and pat your, check your
3 pockets, stuff like that.

4 Q. And how often do they do that?

5 A. I'm not sure how often they do
6 it and stuff. I have had it done
7 there. They're just checking
8 everyone. When they do it, they just
9 check everybody when they're ready to
10 go over the hill or something like
11 that.

12 Q. Have you ever observed anyone
13 smoking underground?

14 A. No.

15 Q. Have you ever found any
16 smoking articles underground?

17 A. No. If I did, I'd tell
18 somebody about it.

19 Q. That's good. Okay. Has
20 anyone offered you anything to --- or
21 made a promise to you in exchange for
22 your appearing here today?

1 A. No.

2 Q. Do you have anything else that
3 you would like to add or provide us
4 that may be relevant to the
5 investigation?

6 A. No, not really. The one thing
7 I have a question about is, about
8 this sounding device that they've got
9 out and stuff for like them guys
10 that's trapped in there and what
11 happened, I mean, that that wasn't
12 used.

13 Q. Well, I really can't --- I
14 can't tell you that right now because
15 I really don't ---.

16 A. I know you can only --- we was
17 always trained, you know, you pound
18 on the roof bolts and stuff, but I
19 mean, ---.

20 Q. I really can't tell you that
21 right now because I don't know. And
22 you know, certainly we'll be looking

1 into that and --- but at this point
2 here though, I don't really know so I
3 can't really tell you.

4 A. I know someone said there was
5 just one of them to cover for
6 everywhere. I mean, if that's the
7 case, then they may need them
8 scattered around a few more places so
9 they can get ahold of them.

10 Q. Sure. But I don't really know
11 the answer to those questions right
12 at this time. Anything else?

13 A. No.

14 Q. Sorry I can't give you an
15 answer.

16 A. I guess that's all.

17 MR. SWENTOSKY:

18 Okay. On behalf of
19 MSHA, I would like to thank
20 you for appearing here and
21 answering the questions today.
22 Your cooperation is very

1 important to the investigation
2 as we work to determine the
3 cause of the accident.

4 We ask that you not
5 discuss your testimony with
6 any person who may have
7 already been interviewed or
8 who may be interviewed in the
9 future. This will ensure that
10 we obtain everyone's
11 independent recollection of
12 the events surrounding the
13 accident. After questioning
14 other witnesses, we may call
15 you if we have any follow-up
16 questions that we feel we need
17 to ask.

18 If at any time you have
19 additional information
20 regarding the accident that
21 you would like to provide to
22 us, please contact us at the

1 contact information that we've
2 previously provided to you,
3 and that was the business
4 cards.

5 The Mine Act provides
6 certain protections to miners
7 who provide information to
8 MSHA, and as a result, are
9 treated adversely. If at any
10 time, you believe that you've
11 been treated unfairly because
12 of your cooperation in this
13 investigation, you should
14 immediately notify MSHA.

15 If you wish, you may
16 now go back over any answer
17 you have given during the
18 interview and you may also
19 make any statement that you
20 would like to make at this
21 time. Do you have anything
22 else, Mr. Rowan?

1 A. No. I just hope I, like I
2 said, give everything as close as I
3 could to it, because it's been a
4 while and I hope I didn't forget
5 anything.

6 MR. SWENTOSKY:

7 That's fine. You've
8 done very well. Thank you.
9 Again, I would to thank you
10 for your cooperation. Thank
11 you, Mr. Rowan.

12
13 * * * * *

14 SWORN STATEMENT

15 CONCLUDED AT 10:46 A.M.

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