

0001

1 STATEMENT UNDER OATH
2 OF
3 JOHN COLLINS
4

5
6 Taken pursuant to Notice by Miranda
7 D. Elkins, a Court Reporter and
8 Notary Public in and for the State of
9 West Virginia, at the U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Thursday, March 23, 2006, at 12:26
13 p.m.
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1 A P P E A R A N C E S
2

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24
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1 A P P E A R A N C E S (continued)
2

3 MICHAEL RUTLEDGE
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7 Safety & Training
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1 P R O C E E D I N G S

2 -----
3 MR. O'DONNELL:
4 My name is Joe
5 O'Donnell. I'm an accident
6 investigator with the Mine
7 Safety and Health
8 Administration, an agency of
9 the United States Department
10 of Labor. With me is James
11 Crawford from the Solicitor's
12 Office, Mike Rutledge and Dave
13 Stuart with the West Virginia
14 Office of Miners' Health &
15 Safety & Training.
16 I have been assigned to
17 conduct an investigation into
18 the accident that occurred at
19 the Sago Mine on January the
20 2nd, 2006, in which 12 miners
21 died and one was injured. The
22 investigation is being
23 conducted by MSHA and the West
24 Virginia Office of Miners'
25 Health, Safety & Training to

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1 gather information to
2 determine the cause of the
3 accident. And these
4 interviews are an important
5 part of that investigation.
6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is

13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future.

23 Information obtained
24 through witness interviews is
25 frequently included in these

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1 reports. Your statement may
2 also be used in other
3 enforcement proceedings. I'd
4 like to thank you in advance
5 for your appearance here. We
6 appreciate your assistance in
7 this investigation. The
8 willingness of miners and mine
9 operators to work with us is
10 critical to our goal of making
11 the nation's mine safer. We
12 understand the difficulty for
13 you in discussing the events
14 that took place, and we
15 greatly appreciate your
16 efforts to help us understand
17 what happened.

18 This interview with Mr.
19 John Collins is being
20 conducted under Section 103(a)
21 of the federal Mine Safety &
22 Health Act of 1977 as part of
23 an investigation by the Mine
24 Safety and Health
25 Administration and the West

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

10 This interview is being
11 conducted at the U.S.
12 Bankruptcy Court in
13 Clarksburg, West Virginia on
14 March 23rd, 2006. Questioning
15 will be conducted by
16 representatives of MSHA and
17 the Office of Miners' Health,

18 Safety & Training.
19 Mr. Collins, the
20 interview will begin by my
21 asking you a series of
22 questions. If you do not
23 understand a question, please
24 ask me to rephrase it. Feel
25 free at any time to clarify

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1 any statements that you make
2 in response to the questions.
3 After we have finished
4 asking questions, you also
5 will have an opportunity to
6 make a statement and provide
7 us with any other information
8 that you believe may be
9 important.

10 If at any time after
11 the interview you recall any
12 additional information that
13 you believe may be useful in
14 the investigation, please
15 contact Mr. Richard Gates at
16 the phone number or e-mail
17 address provided to you.

18 Your statement is
19 completely voluntary. You may
20 refuse to answer any question
21 and you may terminate the
22 interview at any time. If you
23 need a break, let us know. A
24 court reporter will record
25 your interview and will later

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1 produce a written transcript
2 of the interview. Please try
3 and respond to all the
4 questions verbally since the
5 court reporter cannot record
6 nonverbal responses. Also,
7 please try to keep your voice
8 up. Copies of the written
9 transcripts will be available
10 at a later time.

11 If any part of your
12 statement is based not on your
13 own firsthand knowledge, but
14 on information that you
15 learned from someone else,
16 please let us know. Please
17 answer each question as fully
18 as you can, including any
19 information you have learned
20 from someone else. We may not
21 ask the right questions to
22 learn the information that you

23 have, so don't feel limited by
24 the precise question asked.
25 If you have information about

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1 the subject area of a
2 question, please provide us
3 with that information.
4 Mr. Rutledge, do you
5 have anything you would like
6 to add on behalf of the State
7 of West Virginia?

8 MR. RUTLEDGE:
9 Only that I'm sure that
10 Mr. Collins is aware that the
11 hearings are one in
12 conjunction with MSHA. A
13 joint project of MSHA and the
14 State, and we're in agreement
15 with the procedures as
16 outlined by Mr. O'Donnell.
17 And you know who to contact if
18 you have any questions. So
19 that's all we have.

20 MR. O'DONNELL:
21 Mr. Collins, are you
22 aware that you may have a
23 personal representative
24 present during the taking of
25 the statement.

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1 MR. COLLINS:
2 Yes, I am.
3 MR. O'DONNELL:
4 And do you have a
5 representative with you today?

6 MR. COLLINS:
7 No, I don't.

8 MR. O'DONNELL:
9 Do you have any
10 questions regarding the manner
11 of the interview?

12 MR. COLLINS:
13 No, I don't.

14 MR. O'DONNELL:
15 Okay. Will you please
16 swear in Mr. Collins?

17 -----
18 JOHN COLLINS, HAVING FIRST BEEN DULY
19 SWORN, TESTIFIED AS FOLLOWS:

20 -----
21 BY MR. O'DONNELL:
22 Q. Please state your full name
23 and spell your last name.
24 A. John Arlin Collins,
25 C-O-L-L-I-N-S.

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1 Q. And state your address and

2 phone number, please.

3 A. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q. Are you appearing here
8 voluntarily?

9 A. I'm appearing here upon
10 request by acting director, James
11 Dean.

12 Q. And Mr. Collins, what is your
13 present position?

14 A. I'm a deep mine inspector with
15 the State of West Virginia Office of
16 Miners' Health, Safety & Training.

17 Q. And how long have you worked
18 at that position?

19 A. I've been employed with the
20 State of West Virginia for 24 years.

21 Q. And who is your immediate
22 supervisor?

23 A. Brian Mills.

24 Q. Mr. Collins, did you work on
25 the day of the accident? Were you

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1 working?

2 A. I was not working on the day
3 of the accident, but --- it was a
4 holiday, but I did work the day of
5 the accident, yes.

6 Q. Were you notified of the
7 explosion?

8 A. Yes.

9 Q. And approximately, what time
10 were you notified?

11 A. Approximately --- I'm sorry.
12 Approximately 7:46 a.m.

13 Q. Okay. So what I'm going to do
14 now is, I'm just going to let you
15 tell us from the time you got
16 notified, walk us through the
17 activities of the day and what your
18 involvement was and what your
19 observations were.

20 A. Well, the day started at ---
21 by my clock, about 6:30. I don't
22 know if you're aware of it, I live
23 close to the mine. And there was a
24 pretty severe lightning/thunder storm
25 that passed through. And at 6:30,

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1 the thunder shook my house pretty
2 bad, and awoke me. And I could hear
3 my windows rattle, and I thought,
4 boy, my house must be getting old,
5 because it's not that old, you know.
6 And then the next thing you think of

7 is, well, will I ever have to replace
8 those.
9 But anyway, so I looked over
10 at the clock, and --- so I got up at
11 6:30. And I went downstairs and
12 started watching TV. And at about a
13 quarter to 8:00 my wife, she came to
14 the TV room and she said, John, are
15 you talking with Johnny Stemple. And
16 I said no, and she said, well, he's
17 leaving a message on the phone. And
18 she said, but the phone didn't rang.
19 So I ran through the house and I
20 could hear Johnny leaving the last
21 part of his message, notifying me of
22 an event and asking me to return his
23 call, and I did so.
24 Then I called Brian Mills at
25 7:55 a.m. and told him what Johnny

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1 Stemple had told me. And that I felt
2 like it was a true emergency, and
3 Brian said, do you think we should
4 start notifying mine rescue teams.
5 And I said I think we should, because
6 --- well, I've just known these
7 people for quite a while, and if they
8 notify you, it's pretty serious, you
9 know.
10 So I left and immediately went
11 to the mine. I arrived at the mine
12 somewhere around 8:15, and I entered
13 the mine office, and the first person
14 I seen was Chuck Dunbar. And Chuck
15 was --- I could tell by Chuck's
16 facial expressions that, you know,
17 something was pretty bad. And he
18 started telling me what he knew and
19 that was there anything that I wanted
20 him to do.
21 So about that time Carl
22 Crumrine stepped out of his office,
23 and he had his --- he's the mine
24 foreman, and he had his mining
25 clothes on. And I said, where you

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1 going, Carl, and he said he was going
2 underground. And I said, well, would
3 you wait just a minute, and let's get
4 some more information because you ---
5 you know, before you take off, let's
6 see what's happening. I said do you
7 have anyone checking the return air,
8 and he said no. So I said, well,
9 don't go underground right now until
10 we can try to figure out what's going
11 on, because Chuck had already told me

12 that the second group attempting the
13 rescue is underground, plus the Two
14 Left crew is unaccounted for. I said
15 if you go, that'll make three groups,
16 so you know, don't go until we see
17 what's going on.

18 So he agreed with that. And I
19 stepped outside, and there was a
20 foreman, Skip, James Scott, at that
21 time he was a contract foreman, and
22 another foreman there, and I asked
23 them to go to the return and get me a
24 methane reading and a CO reading, and
25 an air measurement. And they started

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1 walking down the hill to do that.
2 So about that time the One
3 Left crew, they were in the
4 bathhouse, and here and there. Eric
5 Hess is a member of that crew, and I
6 know Eric real well, so I talked to
7 Eric about what may have happened.
8 And then I had found out that Freddy
9 Jamison had fire bossed that area of
10 the mines, so I went outside and
11 found him and took him around the
12 corner and talked to him about his
13 examination and what he may have
14 found. And then I went back and ---
15 I guess we started getting numbers
16 --- or names of the people that were
17 missing also. And in the meantime
18 Doug Conaway called, I talked with
19 Doug Conaway. At nine o'clock, Mark
20 Wilfong, the assistant inspector at
21 large, arrived at the mine. I
22 briefed him.

23 Just prior to that, really
24 about 20-some minutes after 8:00 or
25 so, Barry Fletcher, a district

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1 inspector, and Jeff Bennett, a
2 district inspector, showed up. And I
3 asked --- they're members of mine
4 rescue teams, so I asked them to also
5 go to the return and get the
6 readings. Then I got back with Chuck
7 Dunbar and asked him to put security
8 at the gate, start sweeping the
9 bathhouse on the --- clean on one
10 side, because family members would be
11 coming.

12 There was one lady that --- a
13 wife, that was already there. And I
14 went back and spoke with her
15 momentarily, along with Chuck Dunbar.
16 We started doing --- getting record

17 of the fan. I had Jeff Bennett to
18 sign all the pre-shift books. I
19 signed the CO monitor record, just
20 normal procedures that you follow
21 when you have had something wrong.
22 So then once Mark showed up, it
23 wasn't too long after that until, I
24 guess, I talked to Brian again. And
25 it might have been right before. And

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1 I did this on my cell phone, and he
2 said that he had been contacting mine
3 rescue teams, and you know, he's
4 having a little trouble with that,
5 that he was working on that, and
6 wanted to know if I thought that we
7 were going to need them. And at that
8 time I told him we definitely would
9 need them, that there had been an
10 explosion.

11 So then I talked with Doug
12 Conaway again, I think, explaining,
13 you know, what we thought and what
14 scenarios may have occurred and all
15 this. And then we talked with the
16 --- some more of the One Left crew
17 that had made it out. And then I had
18 the list of who was underground, and
19 the initial rescue attempt, the four-
20 hour rescue attempt was underway
21 then. So I asked Carl, again, not to
22 go underground until we heard from
23 them. So then I told him that if
24 that group called outside and wanted
25 to talk to me, to let me know.

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1 So at 9:30, Jeff Toler, the
2 superintendent, called outside and he
3 told me that he was --- he had
4 withdrew back to block 43 on Number
5 Four belt, and he had moved the phone
6 over into the intake, but that he and
7 the other guys that were helping him
8 had made it to block 58 of Four belt,
9 which is straight across from Two
10 Left switch. He said that, quote,
11 that they had burnt their detectors
12 up and that they had ran out of air
13 --- as they were advancing, now
14 they've ran out of air. He said that
15 the soot and smoke was so bad that he
16 couldn't go over into the track
17 entry. And he's crying, and he's
18 pretty upset and crying, and he says
19 but you can gather it in your hand.
20 And he says, we have done all we can
21 do, and we're coming outside. So I

22 said okay, and that was at 9:30.
23 He did make it outside at
24 10:35. When they got back to their
25 mantrip, which was like at one more

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1 break out by that or so, and they
2 tried to go back over and get on
3 their mantrip, the smoke had, you
4 know, came down and covered their
5 mantrip, so they couldn't get back to
6 the mantrip. So they ended up
7 walking out the intake. So when he
8 got outside, just a few minutes
9 before that, Jim Satterfield with
10 MSHA, a supervisor with MSHA, and Pat
11 Vanover, CMI, with MSHA had arrived,
12 and we all got together. Brain Mills
13 was there by then, Mark Wilfong.
14 We all got together and had a
15 little briefing with this people that
16 had tried the initial rescue. And
17 then we kept monitoring. We started
18 using the Barbour Mine Rescue Team to
19 monitor the fan, or the return,
20 because of this mine being a drift
21 mine but located in a box cut, we had
22 a lot of CO just out in the
23 atmosphere. So you couldn't see any
24 people barefaced down into the pit to
25 get those, you had to do it with

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1 people in their apparatus. And then
2 we wanted to also set up where we
3 could do some constant monitoring and
4 get bottle samples and start doing
5 that.
6 So as that was started and
7 more and more people was arriving and
8 more and more supplies, and you're
9 talking to a lot of other people, you
10 know, a lot of things going on, we
11 say --- I think Brian Mills and
12 myself were talking, and we said,
13 well, we need to set up a command
14 center. So I asked someone from the
15 company if we could set up a command
16 center, and that that needed
17 somewhere that we would have doors
18 and we had communication to the mine,
19 to the inside of the mines. So they
20 gave us the superintendent's office.
21 And we started setting up the mine
22 --- setting up that command center,
23 and Brian said, well, since I had had
24 the mine for nine months and knew the
25 mine, would I start off in the

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1 command center, and I said yes.
2 So what we did for the next
3 little bit there, was like start
4 gathering maps, getting ready for
5 that. Then other people were getting
6 mine rescue teams ready and doing ---
7 everyone was doing their own little
8 thing. But I primarily stayed in the
9 command center, then Mr. Conaway
10 brought someone from the Bureau
11 Commerce Department of Labor out of
12 Charleston. I had a meeting with
13 them about what may have occurred,
14 what I thought the condition of the
15 mine was, you know, stuff like that.
16 And then as the day progressed, we
17 had some difficulties that's been ---
18 there was ones talked about, you
19 know, with everything from evacuating
20 the office a couple times to choosing
21 the right team and getting
22 underground, which direction we were
23 going to go when we got underground.
24 But we did go underground about 5:30,
25 I think that evening.

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1 And I was in the command
2 center quite a bit, but there was
3 quite a few people in there. I was
4 in the command center, because I
5 think I knew a lot about the physical
6 condition of the mine. This mine,
7 you can't look at the map and say,
8 well, I'm going to go to the left and
9 get in an air analysis just because
10 there's a man door there, because you
11 know, that may not be possible to do
12 that due to roof or water. So I
13 think that worked out pretty well.
14 But we continued --- I stayed
15 there until seven o'clock the next
16 morning. I went home at seven
17 o'clock the next morning and came
18 back at one o'clock that day, and
19 then, of course, I stayed there until
20 I recovered the bodies. And what
21 time that was at, I don't know.
22 Anything that anyone asked or
23 anything I could think to do, and I
24 was involved in as much as I could be
25 involved in.

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1 Q. Thank you. You mentioned a
2 member of the State Commerce?
3 A. We are the Bureau of Commerce
4 Division of Labor Office of Miners'
5 Health, Safety & Training.

6 Q. Who was the person?
7 A. I'm not sure of his name.
8 Q. And did they have any role in
9 any of this, other than just you
10 briefing them?
11 A. I never seen him before, I
12 haven't seen him since. He was with
13 Doug Conaway. And about that time
14 there was a lot of rumors getting
15 out, you know, about this or that.
16 And I just took that as a fact
17 finding, exploring exactly what kind
18 of mine we had and what was --- you
19 know, what the conditions might be.
20 Q. Mr. Collins, you said that you
21 took several readings. Have you
22 taken notes during the course of the
23 event?
24 A. The notes that I took are
25 command center notes.

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1 Q. Okay.
2 A. And I retyped those, and I
3 provided those to MSHA.
4 Q. Okay. Thank you. So all the
5 documentation, the quantity,
6 quantities were all given to us?
7 A. Yes.
8 Q. Okay.
9 BY MR. RUTLEDGE:
10 Q. John, very quickly. What can
11 you recall about CO being in the mine
12 office? Were you aware of that,
13 or ---?
14 A. Yes.
15 Q. What can you explain about
16 that?
17 A. Because of --- this was a calm
18 day. I mean, after the storm passed,
19 you know, we definitely had a very
20 low barometer as the storm went
21 through, and then when all that
22 passed we had a real high barometer,
23 you know. And the CO coming out
24 would fill up the pit. We actually
25 had a little CO going back in the

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1 intake, you know, so this couldn't
2 come up out of there. But where the
3 mine office and the dispatcher's
4 office is located in reference to the
5 return entry, if you left the door
6 open going into the mine office, you
7 would get CO.
8 I heard someone today say 600
9 parts per million. I never detected
10 or heard that much. Sixty (60) parts

11 per million was the most that I was
12 aware of. But we did withdraw
13 --- I know Barbour Mine Rescue Team
14 was benching, and we had to stop them
15 and move them outside. And then,
16 speaking for myself, I did withdraw
17 from the command center and walked
18 over to where MSHA had set up an
19 evidence trailer. And then I noticed
20 that people were still in the
21 dispatcher's trailer, so I walked
22 over, and I said, you know, we got a
23 lot of CO coming up through, I'm not
24 saying anything's going to happen,
25 but --- you also thought that meant a

0030

1 rise of CO in the mine, which worried
2 me about an explosion coming out that
3 --- you know, you would be in the
4 direct force of that.
5 So we did withdraw from that.
6 And after a short period of time, the
7 word was that if you kept the doors
8 shut on the building, then we never
9 had a CO problem. So we went back in
10 the building. But at the same time
11 they --- the company sent, like the
12 crew --- One Left crew, they sent
13 them up to the cleaning plant, and
14 sort of cut down on some of the
15 traffic in and out of the facility, I
16 think helped some. But that was a
17 problem.

18 MR. RUTLEDGE:

19 All right. Thanks.

20 That's all I have.

21 MR. O'DONNELL:

22 Let's go off the
23 record.

24 OFF RECORD DISCUSSION

25 BY MR. O'DONNELL:

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1 Q. Mr. Collins, who was the ---
2 who was first in the command center
3 for MSHA?

4 A. Jim Satterfield and Pat
5 Vanover.

6 Q. And did you personally issue
7 any orders that day?

8 A. Yes, I did.

9 Q. And what order was that?

10 A. I issued an order to preserve
11 the scene following an accident. And
12 that was at 8:30. And I explained
13 the order to the mine foreman that he
14 could do anything to rescue people or
15 preserve property, but he could not

16 stop, start, energize, de-energize,
17 move or change anything without
18 written approval. And then I gave
19 him an example of the fan. I said
20 you don't do anything to the fan,
21 because we had already figured out
22 the fan chart had been changed. And
23 I used that for an example.
24 Q. Were you in the command center
25 when that misinformation came out

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1 about the miners being alive and then
2 through that whole event, were you
3 there?

4 A. I was on duty then, but I was
5 out of the command center briefing a
6 mine rescue team that was getting
7 ready to go underground, and I heard,
8 of course, all the cheering, and you
9 knew that's the only thing it could
10 have been, you know. And I sort of
11 felt good for a few seconds.

12 Q. And were you in there when ---
13 as this whole event, and could you
14 just get into that a little bit?

15 A. Yes. So I went back in, and
16 Doug Conaway --- everyone was
17 cheering, and Doug said, listen, it's
18 not over, it's not over, you know.
19 We got to get medical attention, we
20 got to make arrangements for rides.
21 And so everyone started doing that,
22 and then, you know, sometime later,
23 the exact times are in the command
24 notes, but you know, it came up that
25 that was not 12 live ones, that that

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1 was, you know, one survivor.

2 And so the individual from
3 Consol that was helping, he was on
4 the phone at that time. And I was
5 standing beside of him, and he called
6 underground to someone at the fresh
7 air base, which the fresh air base
8 had been moved back, I think, to
9 block 56, or even back a little
10 further than that on Four belt, and
11 we were about 3,200 feet from the
12 barricade, you know. But he tried
13 using this code thing that Tim Martin
14 was talking about, but I didn't know
15 about actually.

16 So then, finally, he says
17 listen, just straight up, tell us
18 what we have. So that's when he told
19 us what we had. And of course, a
20 very sad moment. And it seemed like

21 no one could muster enough energy to
22 get moving again. And you know,
23 someone finally said, look here, we
24 still have one person up there that
25 needs our help right now, so we need

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1 to get going, and that's what we did.
2 So I was in there for part of that,
3 but at the --- at the original part.
4 It's not really a secret to me
5 how the --- it got conveyed over to
6 the church. Everyone there had cell
7 phones, and everyone --- a lot of
8 people there had family members at
9 the --- over at the church. And why
10 would you not pick it up and call
11 them, you know. I don't think a
12 normal individual would even question
13 that information. I never questioned
14 it. I thought it was absolutely the
15 best thing I'd ever heard. I never
16 questioned that at all, but I can
17 definitely see how it happened.

18 MR. O'DONNELL:

19 Do you have any follow-
20 up there?

21 BY MR. O'DONNELL:

22 Q. Just a couple more questions,
23 John. You inspected the --- have you
24 expected the seals in the old Two
25 Left area?

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1 A. Yes, I did.
2 Q. And could you tell us when you
3 were there and what your observations
4 were?
5 A. Yes. I wasn't there during
6 the construction of the seals, but
7 one of the requirements of the
8 director is that our agency be
9 notified prior to them closing the
10 seals and we conduct an inspection of
11 those. And we have a list of things
12 that we look for. So on December the
13 9th, I went out early and met with
14 Kenny Tenney, a federal inspector,
15 and we interviewed an individual
16 concerning another accident at the
17 mine. And then I went underground
18 with Marty Conrad, he is --- he was a
19 mine foreman at Spruce Fork and he
20 had been working temporarily at Sago.
21 And we went to the end of Four
22 track and went through a man door to
23 the right and went over to the Number
24 Nine entry, which was the Number Ten
25 seal, and that would have been one of

0036

1 the last seals that they were going
2 to close. It was --- I had the plan
3 that was approved on how they were to
4 be built with me, and I had the plan
5 that had been approved as to the
6 location, as to where they were going
7 to be built. So I checked the Number
8 Ten seal, that was the high seal, or
9 the gas seal, and it was just
10 slightly chest high, completed chest
11 high. And it was 40 inches wide,
12 because that was the first time I had
13 seen --- I had checked Omega seals,
14 but I hadn't seen any of that were 40
15 inches wide.

16 And I can remember how high it
17 was because I had to bounce up on it
18 to roll across. And it had mortar on
19 it, and that mortar was dry, because
20 I also noticed I didn't get it on my
21 clothes when I went across it. It
22 had two cribs --- it had two cribs
23 built behind it for what you might
24 say roof support, but then it had two
25 more cribs that was built to support

0037

1 this pipe that our requirements
2 require. There was one 20-foot joint
3 of pipe that had been put across the
4 seal, protruding the outside, no
5 valve on it or nothing. There was
6 another 20-foot joint of pipe laying
7 on the ground inby the seals. And
8 Marty and I discussed that they would
9 be putting that up there in the crib,
10 and that this half-inch copper pipe
11 would be installed on the inside.

12 And our specs actually say a
13 quarter-inch pipe, but I understand
14 that was just more or less because
15 it's easier to adapt to a methane
16 pump. So then we went through the
17 crosscut to the left, you could get
18 through it. There was no second
19 mining there. We came to the Number
20 Eight entry, which would be the
21 Number Nine seal, and there was an
22 Omega stopping. And some of those
23 had just a small hole knocked in
24 them, three or four Omega blocks out,
25 and some of them had about half of it

0038

1 out. And most of the time, I would
2 tell Marty to knock the rest of that
3 out, or some of it out, or ---. And
4 we talked some about why we had the

5 gas pipe and why we wanted the
6 stopping out, so that if we ever
7 decide to breach those. And I said,
8 well, if we don't knock this stopping
9 out, then we won't get a true sample
10 if we ever decide to breach those.
11 So we pretty well went all the way
12 across. There was --- they did have
13 cribs inby, two cribs. I think in
14 Number Four entry, or maybe the
15 Number Four seal, one of the cribs
16 wasn't built all the way against the
17 roof. But there was enough block
18 laying there to do that, and I told
19 Marty to do that.

20 They were coated with plaster
21 on the inby side, and the screen had
22 been cut away. There was one of them
23 that the screen had been cut and just
24 pulled back to it, and when I tried
25 to go between the crib and the seal,

0039

1 that screen kind of made it hard to
2 do that. Then I came across and ---
3 of course, you're aware of how they
4 changed directions on the left side.
5 I went up around that, and then the
6 --- you had to walk on up the Number
7 Two entry of old northeast mains and
8 go through a mandoor and come back
9 down to the Number One seal. And I
10 told Marty that --- to make sure to
11 tear that inby stopping out.

12 We stopped at the Number One
13 seal and set on the seal. It was
14 about as high as the Number Ten seal.
15 It was just slightly chest high. And
16 I ate a package of crackers and drank
17 some water, and we talked about the
18 water trap, and that ---. I
19 suggested putting a screen over the
20 water trap, because there was some
21 cribs laying on the ground there, and
22 this area was pretty wet. And I said
23 I'm afraid one of those cribs, as the
24 water builds up here, it would float
25 into that trap. So Marty said he

0040

1 would come up with something on that.
2 The ventilation change had not
3 been made yet. We were still
4 inducting in Number One, going all
5 the way to the water's edge of old
6 Two Left and coming back across and
7 down Number Nine entry of the mains.
8 As we started back across the front
9 of the seals some of the cribs were

10 not built. I mean, I wasn't too
11 concerned about that, because I can
12 check that any time. The walkways
13 were really cluttered, you know, with
14 pieces of block and all this. And I
15 suggested to clean that up. And then
16 we left those seals and went to Two
17 Left, the new Two Left.

18 Q. What about rock dust in the
19 area, John? How well was it rock
20 dusted?

21 A. At that time, inby the seal,
22 was just --- had to put rock dust ---
23 see, there's no second mining just
24 inby the seals. So it was rock
25 dusted for what had been put on there

0041

1 during advancement. And then this
2 bottom was wet. The mine goes idle
3 for 60 days and dries up, but I mean,
4 this was really up. Outby the seals,
5 there had been no additional rock
6 dusting, and I know later that they
7 did do that, but at that time they
8 had not done it.

9 MR. O'DONNELL:
10 We'll take a short
11 break.

12 SHORT BREAK TAKEN

13 BY MR. O'DONNELL:

14 Q. John, when you briefed
15 Jamison, or debriefed, did he give
16 you any information relative to the
17 examination?

18 A. Yes. I hate to be longwinded,
19 but I'm a friend of Freddy Jamison,
20 so we have traded mining stuff, and
21 I've known him for quite a while in a
22 lot of different mines. So one of
23 the things that I was suspicious of
24 was that someone had left some
25 curtains down or something like that,

0042

1 and Freddy didn't fire boss it, and
2 they threw the power in and blew the
3 mine up. So that's why I asked
4 Freddy to step around the corner, and
5 I got on Freddy pretty hard, but I
6 wanted to know for sure if he had
7 fire bossed that section. And he
8 swore to me that he had and that he
9 had a good detector, and that he had
10 not found any methane in any face on
11 Two Left, and that the section was
12 freshly rock dusted and looked better
13 than it normally does.

14 And then I also asked him

15 about at the end of Four track, I had
16 a problem with a build up of hydrogen
17 at a battery charger. So I asked him
18 if he had his detector on when he
19 went up the track, Four track,
20 because I was thinking that we could
21 have had a hydrogen explosion. And
22 he said, yes, he did. And I said,
23 well, did you check the area at the
24 end of Four track, and he said, yeah.
25 And I said, well, was there anything

0043

1 on charge there, and he said no,
2 there was no --- nothing on charge.
3 And then I also asked him about ---
4 you know, exactly how they
5 accomplished the pre-shifting and
6 where should Terry be, because I knew
7 then Terry was --- Terry Helms was
8 one of the persons that was missing,
9 and I asked him where should Terry
10 be.

11 Q. Do you remember when the
12 Barbour team arrived? And were they
13 the first team?

14 A. I don't remember the exact
15 time that Barbour team --- we do have
16 that information. But yes, I believe
17 they were the first team --- I think
18 one of their team members came a
19 little later than others. They first
20 went to the Sago church, and then
21 they came over to the mine and
22 started preparing their equipment,
23 but they were the first team, and we
24 actually started using James, Paul
25 and a couple more of those to collect

0044

1 samples from the return.

2 Q. Were there any emergency
3 services there when you got there?

4 A. Yes. Ambulances.

5 Q. Ambulances were there already?

6 A. Yes.

7 Q. One, two, four?

8 A. I'm not sure.

9 Q. When you spoke with Jeff
10 Toler, he said that they burnt the
11 detectors. Did he mean by CO or
12 methane, and did he give you any
13 readings, any methane readings or CO
14 readings?

15 A. No, when I spoke with Jeff ---
16 and later on we talked about this
17 conversation, and he doesn't remember
18 as much about it as I do, but it was
19 a pretty dramatic time there for him.

20 But what he said was, we have burnt
21 up our detectors. And with that, I
22 don't really know what he meant by
23 saying that, but what I took it to
24 mean is that he had been in so much
25 CO that he had burnt the sensor out

0045

1 of it, is what I took it to mean.

2 Q. Just getting back to the seal
3 area, was there any water around the
4 seals, was it --- any pools of water,
5 or anything like that?

6 A. There wasn't pools of water,
7 but this mine today looks nothing
8 like it did on January the 1st, you
9 know what I mean. This mine is
10 really wet. You get your feet wet
11 every day, you know, one place or
12 another, but it's not like that. I
13 don't understand that exactly, but
14 ---. The bottom was wet and muddy
15 because the belt tail would have been
16 outby this, as they were mining that
17 second mining, and they would have
18 hauled on all that. So there was
19 some mud and some water, but not
20 pools or what you would say lots of
21 water. The biggest accumulation of
22 water that I seen was in the Number
23 One entry.

24 Q. And was it standing water ---

25 A. Yes.

0046

1 Q. --- against the seal?

2 A. No. The seal wasn't
3 impounding.

4 Q. No. I mean, was it up to it?
5 I mean, ---.

6 A. I believe it was touching it,
7 because that's when we had the
8 conversation about the cribs floating
9 into that.

10 Q. And that was the only one that
11 had standing water, or ---?

12 A. Yes, I think so.

13 Q. And the other ones were just
14 muck?

15 A. There was like some muck. It
16 did appear that they did a pretty
17 decent job cleaning out for them, you
18 know. And it appeared that they had
19 done a pretty good job putting the
20 plaster on. I know there's been a
21 lot of question and deposition about
22 the wedges, but I couldn't see the
23 wedges, because the way it was
24 mortared. Marty and I talked about

25 them a lot. I've known him since he
0047

1 was a red hat, you know, about 19
2 years or so. And we talked about
3 Omega seals and --- you know, these
4 were different than normal Omega
5 seals. But from what I can tell, my
6 inspection showed that those seals
7 were built according to the plan, and
8 it was my opinion that those seals
9 could be closed.

10 Q. But you just saw the
11 completed, muddled over?

12 A. Correct.

13 Q. Did you ever go into the old
14 Second Left section?

15 A. Yes.

16 Q. When you were in there, did
17 you notice anything unusual ever?

18 A. As far as what? Number Two
19 --- old Two Left had real adverse
20 roof conditions. We had a permanent
21 disabling injury up there with a
22 piece of roof. That's where they
23 were required to go full screen in
24 the brow tenders. It was very wet,
25 but as far --- if we're talking about

0048
1 the --- whatever that is on the roof,
2 near spad 410, I never seen it or
3 seen anything like that.

4 Q. Okay.

5 A. And haven't seen anything like
6 it since.

7 Q. You said that these were
8 different Omega seals. How were they
9 different?

10 A. Well, we used Omega seals in
11 West Virginia for quite a while. And
12 I've seen them approved 24 inches
13 wide and they're hitched into the
14 rib, and they have angle bolted
15 outside, you know. And I've seen
16 some that had to have pilaster. But
17 these --- this is the first time that
18 I had seen a 40-inch. And Marty and
19 I talked about that, that must have
20 been replacing the hitching and the
21 pilaster and stuff by being 40. And
22 then --- since I've learned that
23 they've been used, you know, for
24 extensively.

25 Q. You say the sample line over

0049
1 in Number Ten?

2 A. Number Ten seal, Number Nine
3 entry.

4 Q. Yeah. You say that the ---
5 that it was a two-inch line and it
6 was not put together?
7 A. That's correct.
8 Q. But what about the --- was it
9 installed --- well, where was the ---
10 you say it was on the fresh air side?
11 A. You had about maybe six inches
12 or so sticking out on the fresh air
13 side, and it ran through the seal,
14 and was going through two cribs,
15 being supported by two cribs.
16 Q. Okay.
17 A. The other joint that which
18 would lay at 40 feet, which is one of
19 the requirements, was laying on the
20 mine floor. And Marty and I talked,
21 now, look here, you got to pick that
22 up, that's just for protection, but
23 then --- and so then is when we
24 started discussing about the two-inch
25 copper pipe. And of course, after

0050

1 the explosion, there was evidence
2 that that did happen, because the
3 copper pipe was on the inside of
4 that.

5 MR. O'DONNELL:
6 On behalf of MSHA, I
7 want to thank you for
8 appearing and answering
9 questions today. Your
10 cooperation is very important
11 to the investigation as we
12 work to determine the cause of
13 the accident.

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

24 After questioning other
25 witnesses, we may call you if

0051

1 we have any follow-up
2 questions that we feel we may
3 need to ask. If at any time
4 you have any additional
5 information regarding the
6 accident that you'd like to
7 provide us, please contact us
8 at the contact information

9 that we previously gave you.
10 The Mine Act provides
11 certain protections to miners
12 who provide information to
13 MSHA, and as a result are
14 treated adversely. If at any
15 time you believe that you've
16 been treated unfairly because
17 of your cooperation in this
18 investigation, you should
19 immediately notify MSHA. If
20 you wish, you may now go back
21 over any answer that you've
22 given during this interview,
23 and you may also make a
24 statement if you like at this
25 time.

0052

1 A. No, thank you.

2 MR. O'DONNELL:

3 Thank you, John.

4 * * * * *

5 SWORN STATEMENT

6 CONCLUDED AT 1:14 P.M.

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