

0001

1 STATEMENT UNDER OATH
2 OF
3 ROGER LEE WORKMAN
4
5
6

7 Taken pursuant to Notice by Miranda
8 D. Elkins, a Court Reporter and
9 Notary Public in and for the State of
10 West Virginia, at the U.S. Bankruptcy
11 Court, 324 West Main Street,
12 Clarksburg, West Virginia, on Monday,
13 March 27, 2006, at 3:24 p.m.
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1 A P P E A R A N C E S
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5 U.S. Department of Labor
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25

0003

1 A P P E A R A N C E S (Cont.)
2

3 MICHAEL RUTLEDGE

4 Safety Director
5 West Virginia Office of Miners'
6 Health, Safety & Training
7 142 Industrial Drive
8 Oak Hill, WV 25901
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I N D E X

1		
2		
3	WITNESS: ROGER LEE WORKMAN	
4	INTRODUCTION	6 - 13
5	QUESTIONS	
6	By Mr. Swentosky	14 - 26
7	By Mr. Rutledge	26 - 28
8	By Mr. Swentosky	28 - 30
9	CONCLUDING REMARKS	30 - 32
10	CERTIFICATE	33

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

2 -----
3 MR. SWENTOSKY:
4 My name is Dennis
5 Swentosky. I am 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 and Mike Rutledge and
13 Dave Stuart with the West
14 Virginia Office of Miners'
15 Health, 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 2nd,
20 2006, in which 12 miners died
21 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 interviews
4 are an important part of that
5 investigation.
6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to determine
10 anything that may be relevant
11 to the cause of the accident.
12 After 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 cause of accidents can reduce
21 their occurrence in the
22 future. The information
23 obtained through witness
24 interviews is frequently
25 included in these reports.

0008

1 Your statement may also be
2 used in other enforcement
3 proceedings.

4 I would like to thank
5 you in advance for your
6 appearance here today. We
7 appreciate your assistance in
8 this investigation.

9 This interview with Mr.
10 Roger Workman is being
11 conducted under Section 103(a)
12 of the Federal Mine Safety &
13 Health Act of 1977 as part of
14 an investigation by the Mine
15 Safety & Health Administration
16 and the West Virginia Office
17 of Miners' Health, Safety &
18 Training into the conditions,
19 events and circumstances
20 surrounding the fatalities
21 that occurred at the Sago Mine
22 owned by International Coal
23 Group in Buckhannon, West
24 Virginia, on January 2nd,
25 2006. This interview is being

0009

1 conducted at the U.S.
2 Bankruptcy Court in
3 Clarksburg, West Virginia on
4 March 27th, 2006.

5 Questioning will be
6 conducted by representatives
7 of MSHA and the Office of
8 Miners' Health, Safety &
9 Training. Mr. Workman, this
10 interview will begin by me
11 asking you a series of
12 questions. If you do not
13 understand a question, please
14 ask me to rephrase it. Feel
15 free at any time to clarify
16 any statements that you make
17 in response to the questions.
18 After we have finished asking

19 questions, you will also have
20 an opportunity to make a
21 statement and provide us with
22 any other information that you
23 believe may be important. If
24 at any time after the
25 interview you recall any

0010

1 additional information that
2 you believe may be useful in
3 the investigation, please
4 contact Richard Gates at the
5 phone number and e-mail
6 address that will be provided
7 to you. Your statement is
8 completely voluntary. You may
9 refuse to answer any question
10 and you may terminate the
11 interview at any time. If you
12 need a break for any reason,
13 just let me know.

14 The court reporter will
15 record your interview and will
16 later produce a written
17 transcript of the interview.
18 Please try to respond to all
19 questions verbally, since the
20 court reporter cannot record
21 nonverbal responses. Also,
22 please try to keep your voice
23 up. Copies of the transcripts
24 will be available at a later
25 date.

0011

1 If any part of your
2 statement is based not on your
3 own firsthand knowledge, but
4 on information that you
5 learned from someone else,
6 please let us know. Please
7 answer each question as fully
8 as you can, including any
9 information that you have
10 learned from someone else. We
11 may not ask the right question
12 to learn the information that
13 you have, so do not feel
14 limited by the precise
15 question asked. If you have
16 information about a subject
17 area of a question, please
18 provide us with that
19 information.

20 At this time, Mr.
21 Rutledge, do you have anything
22 that you would like to add on
23 behalf of the Office of

24 Miner's Health, Safety &
25 Training?

0012

1 MR. RUTLEDGE:
2 Mr. Workman, I have a
3 quick statement for you. The
4 West Virginia Office of
5 Miners' Health, Safety &
6 Training is conducting this
7 interview session jointly with
8 MSHA. We are in agreement
9 with the procedures outlined
10 by Mr. Swentosky here for the
11 interviews that will be
12 conducted today. However, the
13 Director of the Miners'
14 Health, Safety & Training
15 reserves the right, if
16 necessary, to call or subpoena
17 witnesses or to require the
18 production of any record,
19 document, photograph or other
20 relevant materials necessary
21 to conduct this investigation.
22 We appreciate your
23 being here. If you have any
24 questions concerning the State
25 part of this, you can use that

0013

1 contact information there.
2 MR. SWENTOSKY:
3 Mr. Workman, are you
4 aware that you may have a
5 personal representative with
6 you during the taking of this
7 statement?
8 MR. WORKMAN:
9 Yeah, I was informed of
10 that.
11 MR. SWENTOSKY:
12 Okay. And do you have
13 a representative with you
14 today?
15 MR. WORKMAN:
16 No.
17 MR. SWENTOSKY:
18 Okay. And do you have
19 any questions regarding the
20 manner in which the interview
21 will be conducted at this
22 time?
23 MR. WORKMAN:
24 No.
25 MR. SWENTOSKY:

0014

1 Okay. Could you swear
2 in Mr. Workman, please?

3 -----
4 ROGER LEE WORKMAN, HAVING FIRST BEEN
5 DULY SWORN, TESTIFIED AS FOLLOWS:
6 -----

7 BY MR. SWENTOSKY:
8 Q. And could you provide us with
9 your --- or state your name and spell
10 your last name for us, please?

11 A. My name is Roger Lee Workman.
12 And my last name's spelled
13 W-O-R-K-M-A-N.

14 Q. And could you state your
15 address and telephone number for us,
16 please?

17 A. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. And are you appearing here
22 today voluntarily?

23 A. Yes, I am.

24 Q. And how long have you worked
25 for MSHA?

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1 A. I've worked for them
2 approximately a year and a half, year
3 and five months.

4 Q. Okay. And how long have you
5 worked at the Bridgeport field
6 office?

7 A. A year and five months.

8 Q. Okay. And what is your
9 present position?

10 A. I'm a coal mine safety and
11 health inspector.

12 Q. Okay. And have you conducted
13 inspections at the Sago Mine?

14 A. I've helped on occasion.

15 Q. Okay. And during the
16 inspections at the Sago Mine, did you
17 inspect the seal area at the old Two
18 Left main seals?

19 A. I visited one seal.

20 Q. Okay. And can you just tell
21 us about that visit? Do you know
22 what day that was? Do you remember
23 the date of that?

24 A. I believe it was on the 1st of
25 November as far as I recollect.

0016
1 Q. Okay.
2 A. We were running noise on the
3 Two Left section. And this mine is
4 required to have the intake screened.
5 And we noticed that the way the
6 intake was coming, it wasn't being
7 screened. So we proceeded down the

8 intake to check it and came upon the
9 seal crew. And the regular inspector
10 had stopped there, you know, to talk
11 to the guys building the seal. And
12 he informed them that --- you know,
13 about things he'd like to see on the
14 seal to make sure it was built
15 according to plan. And he talked to
16 them about staggering the joints and
17 using the proper amount of mortar,
18 just making sure they sealed the top
19 good. And you know, he was the
20 regular inspector and I was kind of
21 just watching. You know, I was
22 training, so ---.

23 A. Uh-huh (yes).

24 Q. And it appeared, you know,
25 they was using a good amount of

0017

1 mortar. I assumed they were doing a
2 fairly good job, to me. But as they
3 built these seals, and that's the way
4 I built them when I was doing this.
5 You've got like normally about five
6 guys and you've got two putting the
7 blocks in, you usually got two
8 plastering the walls as you build
9 them up. So actually, if you're
10 looking at them, you can only tell
11 about the layer they're laying. I
12 mean, that's just the way people do
13 it.

14 Q. Okay. You said you were in
15 training with the regular inspector?

16 A. Yes.

17 Q. And who was that regular
18 inspector?

19 A. Marty Carver.

20 Q. Okay. And you said you went
21 down to the --- followed the intake
22 out and you came upon where they were
23 building the seals?

24 A. Well, we was going --- they
25 had a little trouble with, you know,

0018

1 the roof falling between the bolts.
2 And so we met up with the mine
3 foreman and he explained to us the
4 way the intake was going to be
5 changed when the seals were in. So
6 he showed us how the path was going
7 to come and you know, the screening
8 would be done. But when you're doing
9 noise and dust, you're not supposed
10 to get too far away from that section
11 when you're doing that.

12 Q. Okay. Well, when you met up

13 with the crew down there, do you
14 remember how many people or workers
15 were there?

16 A. I'm thinking there was five
17 men and a boss, but I'm not right
18 sure, you know.

19 Q. Okay.

20 A. That's just the best I can
21 remember.

22 Q. Okay.

23 A. It's been ---.

24 Q. And do you know how many seals
25 were in place at that time?

0019

1 A. I believe it was --- I'm
2 thinking they had four built and they
3 were working on the fifth one. But
4 I'm not --- you know, I'm not a
5 hundred percent sure.

6 Q. Okay.

7 A. But I know I went to one seal.
8 And I more or less just observed my
9 regular inspector, what he was doing,
10 you know.

11 A. Sure.

12 Q. And like I say, I was in
13 training. And he took his time and
14 explained to me, you know, that you
15 had to build seals strong, you know,
16 stay on your plan.

17 A. Okay. And how far --- this
18 seal that the men were working on,
19 how far up was that seal; do you
20 recall?

21 A. I'm thinking it was probably
22 about five layers up, five or six.

23 Q. Okay.

24 A. It wasn't, you know, maybe
25 halfway up.

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1 Q. Okay.

2 A. But you've got to remember,
3 this is out of my memory, so things
4 couldn't be a hundred --- you know,
5 may not be a hundred percent correct.

6 Q. Okay. That's fine. I mean,
7 just whatever you can recall. And do
8 you recall the seal that you were
9 observing was built up about, did you
10 say five?

11 A. Well, maybe five.

12 Q. Five, six ---?

13 A. It wasn't ---.

14 Q. Okay. And at that time, was
15 that seal straight across or had it
16 been laid in like an angle where they
17 went out maybe five blocks, as an

18 example, and then the next layer was
19 four blocks, then three blocks and so
20 on? Was it set up at an angle or was
21 it --- all the blocks were laid clear
22 across at that time?
23 A. I'm telling you, I believe
24 they was running up --- no. They
25 might have been running two layers

0021

1 across. I don't know. It's been
2 four months and I really can't ---.
3 Q. Okay. All right.
4 A. But anyway, he explained to
5 them about you lay one layer across
6 that way, and they you have a
7 straight line. And then as the next
8 layer would come across, you'd sit it
9 over and you'd switch it back and
10 forth. You had to keep all your
11 joints staggered, you know. He
12 talked to them about not letting the
13 joints line up with each other,
14 because that'd create a weak spot in
15 your seal.
16 Q. Okay. And do you recall the
17 face of that particular seal? Had it
18 been faced off yet or could you see
19 the joints at that time?
20 A. Well, really couldn't see many
21 joints, because they had a man on
22 each side plastering as you go.
23 Plastering's when you coat the
24 outside wall.
25 Q. Yes. And they were coating

0022

1 the outside wall as they went up? Is
2 that what you're ---?
3 A. Yeah. But that's normally ---
4 when I was building seals, that's how
5 I'd normally do it, too.
6 Q. Okay.
7 A. I mean, that's just normal
8 procedure.
9 Q. Okay. And the mortar that
10 they were using, were they mixing it
11 in a wheelbarrow? I mean, it was
12 mixed mortar, it wasn't dried?
13 A. They had a guy there with a
14 hoe. And he was mixing the cement
15 that way.
16 Q. Okay. And he was mixing it
17 with water and then taking it
18 over ---?
19 A. Yeah.
20 Q. And applying it wet? And they
21 were applying the mortar with what?
22 A. I'm thinking that they was

23 using gloves, but I can't be for
24 sure.

25 Q. Okay. And do you recall ---

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1 you say Mr. Carver, and he used the
2 plan to discuss that with them?

3 A. Well, he may have, but I just
4 don't remember. I know that he
5 talked to them a little about
6 following the plan.

7 Q. Okay.

8 A. But whether he pulled the plan
9 out and talked to them or not, I'd be
10 afraid to ---.

11 Q. Okay. And Mr. Crumrine was
12 there, also? You said the mine
13 foreman?

14 A. Well, he wasn't with us when
15 we was talking to the men. We'd walk
16 down through there and we was
17 investigating the wire screen. And
18 he came to a man door, you know, and
19 then he showed us how it was supposed
20 to go. But no, he wasn't there when
21 we was talking to them.

22 Q. Okay. And the rock dust in
23 the area --- the area, was it rock
24 dusted through there?

25 A. It appeared to be rock dusted

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1 fairly well, as far as I remember.

2 Q. Okay. Was there any methane
3 checks made there at all during that
4 period of time of your visit? Do you
5 recall?

6 A. Well, we was on the intake, so
7 I don't know if we would have made a
8 check or not. I can't remember.

9 Q. Okay.

10 A. But I know we came across ---
11 see, when you first arrive on the
12 section, you come across and do your
13 imminent danger run. And I know we
14 done that. And that's when we
15 noticed that the screen wasn't coming
16 up the intake.

17 Q. Uh-huh (yes).

18 A. That's what led us down that
19 way that morning, as far as I recall.

20 Q. Okay. And were there any
21 cribs or anything built in front of
22 those seals at all?

23 A. They didn't have them in front
24 of the crib they was working on. I'm
25 reasonably sure that they already had

0025

1 them cribs built.

2 Q. Okay. But you don't recall
3 whether they were or not?
4 A. But I didn't go in behind any
5 of those seals.
6 Q. Okay. But in the front side,
7 the seals were already built?
8 A. I don't --- I can't recall.
9 Q. Okay.
10 A. If there were, I just don't
11 remember.
12 Q. And the roof conditions
13 through that area, do you recall what
14 the roof conditions were like through
15 that area?
16 A. Well, that mine, you know, it
17 had a little problem, that why they
18 was having the roof screens. But I
19 just don't recall.
20 Q. Okay. And did you have any
21 additional conversations with mine
22 management during your visit to the
23 seals?
24 A. No, I don't believe so. I'm
25 sure we left the seals and I went

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1 back and started doing my notes on
2 the noise survey. Because, see, when
3 you run a noise survey, you get up
4 there when the guys are running the
5 roof bolter. You take your meter up
6 and see how much it goes up and down
7 the scale, you know, to prepare what
8 your reading comes out on the actual
9 survey.
10 Q. Okay.
11 A. That's just something we're
12 required to do.
13 Q. Okay. And were you involved
14 in the rescue recovery operations at
15 all?
16 A. No.
17 BY MR. RUTLEDGE:
18 Q. Was that your only visit to
19 Sago Mine as an inspector?
20 A. Well, as far as I know, I was
21 there two times that quarter.
22 Q. Okay.
23 A. And that's ---.
24 Q. Was that the first or second
25 visit that we've just been talking

0027

1 about?
2 A. I was there maybe --- and I
3 don't think --- I think it was my
4 only time in Two Left section. I'm
5 not for sure that ---.
6 Q. Fair enough. You said to the

7 best of your recollection, that was
8 about the first of November?

9 A. Yeah.

10 Q. Okay. Did you take any air
11 readings up around those seals
12 anywhere?

13 A. No. I'm pretty sure I took an
14 air reading right there in the last
15 open crosscut for the section.

16 Q. Uh-huh (yes).

17 A. But I don't remember me taking
18 any air readings. Marty may have. He
19 was the regular inspector, you know.

20 Q. Did you take any notes that
21 day?

22 A. Just a couple. You know, the
23 trainees take notes and then you give
24 them to the regular inspector, and
25 then he decides which one he wants to

0028

1 use and which one he don't.

2 And so I don't know how many notes
3 I'd have. But that's just the way
4 you do it. He takes all his own
5 notes, is what he does. And then we
6 take notes and he keeps which one
7 that he wants to use. And that's
8 just normal procedure. Best I can
9 tell, anyway. So I don't know how
10 many notes I have in that day's
11 notes.

12 MR. RUTLEDGE:

13 Okay. That's all I
14 have. Thanks.

15 BY MR. SWENTOSKY:

16 Q. Okay. You had mentioned ---
17 your past mining experience, prior to
18 coming to MSHA, could you explain
19 that to me a little bit?

20 A. Well, I worked 33 years in the
21 mines.

22 Q. Okay.

23 A. I built seals and I've
24 done ---.

25 Q. And what type of seals did you

0029

1 build?

2 A. Well, I built that same type
3 and I built seals, let's see, the
4 concrete seal that you get in the
5 ribs.

6 Q. Uh-huh (yes). And you had
7 mentioned --- so you built Omega
8 seals, too, as part of your previous
9 mining experience?

10 A. I've built all kinds of seals.
11 Yeah.

12 Q. Okay. And did it appear that
13 they were building those seals in the
14 same manner?

15 A. Well, to me, you know ---.

16 Q. Or was there a difference?

17 A. The only way we can really say
18 a seal is built correctly, we'd have
19 to be there when they start and watch
20 them do the whole thing. I mean,
21 once you plaster that wall, you can't
22 see the joints. And then, if you
23 don't watch them do the top --- I
24 mean, how do I know whether they
25 wedged it good and tight around

0030

1 there?

2 Q. Right.

3 A. There's no way to know. So a
4 person would have to be there from
5 the start of the seals to the finish
6 of them to be for sure of that.

7 MR. SWENTOSKY:

8 Okay. Do you have
9 anything else, Mike?

10 MR. RUTLEDGE:

11 No.

12 MR. SWENTOSKY:

13 On behalf of MSHA, I
14 would like to thank you for
15 appearing and answering
16 questions today. Your
17 cooperation is very important
18 to the investigation as we
19 work to determine the cause of
20 the accident. We ask that you
21 not discuss your testimony
22 with any person who may have
23 already been interviewed or
24 who may be interviewed in the
25 future. This will ensure that

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1 we obtain everyone's
2 independent recollection of
3 the events surrounding the
4 accident. After questioning
5 other witnesses, we may call
6 you if we have any follow-up
7 questions that we feel that we
8 need to ask you. If at any
9 time you have additional
10 information regarding the
11 accident that you would like
12 to provide to us, please
13 contact us at the contact
14 information that has been
15 provided to you.

16 If you wish, you may

17 now go back over any other ---
18 any answer that you have given
19 during your interview, and you
20 may also make a statement if
21 you would like to make one at
22 this time.
23 A. One thing I'd like to say is I
24 hope that we can come up with better
25 ways to protect miners, you know. If

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1 there's any way I can help you all,
2 let me know.

3 MR. SWENTOSKY:
4 Okay. All right. We
5 thank you, Mr. Workman, for
6 coming in.

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* * * * *
SWORN STATEMENT
CONCLUDED AT 3:44 P.M.
* * * * *