

STATEMENT UNDER OATH
OF
DENVER D. ANDERSON

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

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is James B. Crawford from the Solicitor's office, Brian Mills with the West Virginia Office of Miners' Health, Safety & Training, and Mr. Dave Stuart, with the State of West Virginia.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West

1 Virginia Office of Miners'
2 Health, Safety & Training to
3 gather information to
4 determine the cause of the
5 accident, and these interviews
6 are an important part of that
7 investigation.

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

19 MSHA accident reports
20 are made available to the
21 public in the hope that a
22 greater awareness about the
23 causes of accidents can reduce
24 their occurrence in the
25 future. Information obtained

1 through witness interviews is
2 frequently included in these
3 reports. Your statement may
4 also be used in other
5 enforcement proceedings.

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

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

22 This interview with Mr.
23 Denver Anderson is being
24 conducted under Section 103(a)
25 of the Federal Mine Safety &

1 Health Act of 1977 as part of
2 an investigation by the Mine
3 Safety & Health Administration
4 and the West Virginia Office
5 of Miners' Health, Safety &
6 Training into the conditions,
7 events and circumstances
8 surrounding the fatalities
9 that occurred at the Sago
10 Mine, owned by International
11 Coal Group in Buckhannon, West
12 Virginia, on January 2nd,
13 2006.

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

19 Questioning will be
20 conducted by representatives
21 of MSHA and the Office of
22 Miners' Health, Safety &
23 Training. It is not an
24 adversarial proceeding;
25 therefore, cross examination

1 will not be permitted.

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

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

18 If at any time after
19 the interview you recall any
20 additional information that
21 you believe may be useful in
22 the investigation, please
23 contact Mr. Richard Gates at
24 the telephone number or e-mail
25 address provided to you. And

1 we have a business card here
2 for Mr. Gates.

3 Your statement is
4 completely voluntary. You may
5 refuse to answer any question
6 and you may terminate your
7 interview at any time. If you
8 need a break, just let me
9 know. For any reason, just
10 let me know.

11 A court reporter will
12 record your interview and will
13 later produce a written
14 transcript of the interview.
15 Please try and respond to all
16 questions verbally, since the
17 court reporter cannot record
18 nonverbal responses. Also,
19 please try to keep your voice
20 up.

21 Copies of the written
22 transcripts will be made
23 available at a later date. If
24 any part of your statement is
25 not based on your own first-

1 hand knowledge but on
2 information that you learned
3 from someone else, please let
4 us know. Please answer each
5 question as fully as you can,
6 including any information you
7 have learned from someone
8 else.

9 We may not ask the
10 right question to learn the
11 information that you have, so
12 do not feel limited by the
13 precise question asked. If
14 you have information about the
15 subject area of a question,
16 please provide us with that
17 information.

18 At this time, Mr.
19 Mills, do you have anything
20 that you would like to add on
21 behalf of the Office of
22 Miners' Health, Safety &
23 Training?

24 MR. MILLS:

25 The West Virginia

1 Office of Miners' Health,
2 Safety & Training is
3 conducting this interview
4 session jointly with MSHA and
5 are in agreement with the
6 procedures outlined by Mr.
7 Swentosky for these interviews
8 that will be conducted here
9 today.

10 But the Director
11 reserves the right, if
12 necessary, to call or subpoena
13 witnesses or require the
14 production of any record,
15 document, photograph or other
16 relevant materials necessary
17 to conduct this investigation.

18 MR. SWENTOSKY:

19 Are you are that you
20 may have a personal
21 representative present during
22 the taking of this statement?

23 MR. ANDERSON:

24 Yeah.

25 MR. SWENTOSKY:

1 Do you have a
2 representative with you? And
3 if you do, could you please
4 identify him?

5 MR. ANDERSON:

6 It's Joe here.

7 MR. SWENTOSKY:

8 And Joe?

9 MR. ANDERSON:

10 Let me look at the last
11 name on my card.

12 MR. SWENTOSKY:

13 Would that be Joe
14 Yuh as?

15 ATTORNEY YUHAS:

16 Joe Yuh as.

17 MR. ANDERSON:

18 Yeah.

19 MR. SWENTOSKY:

20 Thank you. Has anyone
21 suggested to you that you use
22 this representative?

23 MR. ANDERSON:

24 Well, it was up to me
25 if I wanted one, so - - - .

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MR. SWENTOSKY:

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

MR. ANDERSON:

No.

MR. SWENTOSKY:

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

MR. ANDERSON:

Okay.

MR. SWENTOSKY:

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

ATTORNEY YUHAS:

Point of clarification.
We may have to clarify

1 conflict of interest. Maybe
2 to rephrase the question, you
3 are aware, we have discussed
4 that the company called me
5 down here to make me available
6 to people, and you are aware
7 who called me down; right?

8 MR. ANDERSON:

9 Yes. Yes. I'm aware
10 they called you down, yes.

11 ATTORNEY YUHAS:

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

17 MR. ANDERSON:

18 Yes.

19 MR. STUART:

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

25 MR. ANDERSON:

1 Yes, sir.

2 MR. STUART:

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

8 MR. ANDERSON:

9 Yes.

10 MR. STUART:

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

16 MR. ANDERSON:

17 Yes, sir, that my
18 understanding.

19 MR. SWENTOSKY:

20 With this
21 understanding, do you still
22 want this person to be your
23 representative?

24 MR. ANDERSON:

25 Yes.

1 MR. SWENTOSKY:

2 Have you been pressured
3 in any way to accept this
4 person as your representative?

5 MR. ANDERSON:

6 No, I wasn't pressured,
7 no.

8 MR. SWENTOSKY:

9 Okay. And with this
10 understanding, do you still
11 choose to have this person as
12 your representative?

13 MR. ANDERSON:

14 Yes.

15 MR. SWENTOSKY:

16 Okay. Do you have any
17 questions regarding the manner
18 in which this interview is
19 going to be conducted?

20 MR. ANDERSON:

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

23 MR. SWENTOSKY:

24 Do you have any other
25 questions as to the procedure

1 in which this interview will
2 be conducted?

3 MR. ANDERSON:

4 Not that I can think of
5 right now.

6 -----
7 DENVER D. ANDERSON, HAVING FIRST BEEN
8 DULY SWORN, TESTIFIED AS FOLLOWS:
9 -----

10 BY MR. SWENTOSKY:

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

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

16 Q. Could you give us your address
17 and telephone number, please?

18 A. 55 Cowger Hill Road, Hacker
19 Valley, West Virginia, 26222. And
20 the phone number is (304) 493-6323.

21 Q. Thank you. Are you appearing
22 here today voluntarily?

23 A. Yes, sir.

24 Q. How many years of mining
25 experience do you have?

1 A. Approximately 15.

2 Q. Fifteen (15). Can you give us
3 a brief description of your mining
4 experience, like, for instance, where
5 you started in the mines, how many
6 years and the companies you worked
7 for and the years and so on?

8 A. Well, I worked for Oneida Coal
9 Company, started back in --- I don't
10 know the exact date, in '82, I
11 believe. And worked for them
12 approximately four and a half years
13 and was laid off for eight months and
14 was called back and worked for
15 approximately that long again, and
16 then they closed down. Then I was
17 out for a while. I worked for a
18 couple contractors a short period of
19 time, then I was out of the mines for
20 a while and worked for T.P. Mine
21 Service for just a little short time,
22 then got a job with, it was Wayne
23 Processing, who came to Spruce Mine.
24 That was in 2000.

25 Q. And from Spruce Mine, where

1 did you go from there?

2 A. I went to Sago.

3 Q. Sago Mine. Okay. And how
4 much time have you spent at Sago
5 Mine?

6 A. Since May, the first part of
7 May.

8 Q. And that would be May of 2005?

9 A. Yes.

10 Q. What's your present position
11 at the mine?

12 A. Well, right now we're on that
13 rehab, rebuilding stoppings.

14 Q. What was your position on the
15 day of the accident?

16 A. Section utility.

17 Q. And as a section utility, what
18 do you do?

19 A. Build stoppings and help
20 supply the bolting machine or help
21 the scoop or unload supplies off a
22 flat car or ---

23 Q. Okay.

24 A. --- rock dust it.

25 Q. And that's a position you held

1 on the day of the accident?

2 A. Yes.

3 Q. And how long did you hold that
4 position? How long have you been
5 doing that?

6 A. Well, for that particular time
7 --- I done it before, but for that
8 particular time, probably about ---
9 approximately July sometime, that's
10 '05.

11 Q. And before that, what position
12 did you hold?

13 A. I was outby utility for just a
14 short time, well, from May until
15 then, only it was a different shift
16 --- or part of it was a different
17 shift.

18 Q. And those are the two
19 positions that you held during your
20 ---?

21 A. At Spruce --- or I mean Sago,
22 yes.

23 Q. Okay. Do you have any mining
24 certifications?

25 A. Just a miner's card.

1 Q. Okay. You don't have any
2 examiner's or ---

3 A. No.

4 Q. --- mine foreman papers ---

5 A. No.

6 Q. --- or anything like that?

7 Okay. And who was your immediate
8 supervisor?

9 A. Owen Jones.

10 Q. How long had that person been
11 your supervisor?

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

16 Q. And who was your supervisor
17 before that; do you recall?

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

24 Q. What time do you normally
25 start your shift?

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

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

4 A. Yes.

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

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

25 Our mantrip came up there and

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

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

17 And I heard somebody say,
18 well, let's get out of here. And we
19 got out of the mantrip and got our
20 rescuers on and proceeded to go out.
21 And some of them was already out and
22 was down the track a ways and
23 hollered, said, there's some better
24 air down here, and we went down the
25 track.

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

17 Q. Okay. Thank you. Did you
18 begin your shift at the normal
19 time ---

20 A. Yes.

21 Q. --- on the day of the
22 accident? And what time was that
23 again?

24 A. Six o'clock when we started
25 down the hill. Well, it might have

1 been a few minutes after by the time
2 we switched mantrips.

3 Q. What time did you arrive at
4 the mine that day, approximately; do
5 you recall?

6 A. I want to say approximately
7 5:10 or 5:15. I usually kind of get
8 there in plenty of time.

9 Q. Okay. And then you said you
10 went in the bathhouse and got
11 dressed. And then what did you do?

12 A. We went in the lamp house and
13 get my light and checked my tag in.

14 Q. Do you recall any
15 conversations during ---?

16 A. I don't remember anything
17 particular talking about.

18 Q. Any conversations maybe with
19 the dispatcher or anything like that
20 or ---?

21 A. No. I don't remember calling
22 the dispatcher outside, no.

23 Q. Do you remember any
24 conversations that someone else may
25 have been having about ---?

1 A. Well, I'm sure everybody was
2 talking, but I don't know what
3 everybody was talking about. I don't
4 even remember who I talked to or what
5 we talked about.

6 Q. Okay. And your assignment on
7 the day of the accident was a utility
8 ---?

9 A. Yeah. I would have been a
10 utility, yes.

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

13 A. Cap lamp in, I checked my tag
14 again, and then, like I said, we went
15 --- I went down to go inside.

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

19 Q. And you said that you had to
20 change out the mantrip?

21 A. Yes.

22 Q. And what was that reason?

23 A. It was --- the one they
24 brought up for us to drive in was too
25 small for the crew.

1 Q. I see. And did any of the
2 mantrips leave before you?

3 A. Yes, Second Left did.

4 Q. Second Left. And
5 approximately how long after they
6 left did you leave?

7 A. I would say approximately
8 five, ten minutes.

9 Q. The number of people in your
10 mantrip, is that a usual number or is
11 that ---?

12 A. Yeah.

13 Q. And why did you have to change
14 --- I know you said it was too small,
15 but is one of the mantrips smaller or
16 something?

17 A. Yeah. They have --- in each
18 end they have rows of seats like
19 that. You know, one person --- one
20 facing in and the next person could
21 be facing back out, double-seated.
22 And the other end is double-seated,
23 too. And the first one they brought
24 up there only had one seat in it.

25 Q. I see. And where were you

1 located on the mantrip?

2 A. I was the first one in it,
3 facing in, on the inby end of it.

4 Q. You were on the inby end, and
5 you were facing the inby direction?

6 A. Right.

7 Q. And your seat location?

8 A. Was the farthest back in the
9 mantrip. I was the first one in the
10 mantrip.

11 Q. You're up against the solid
12 side?

13 A. Right.

14 Q. Once you loaded on the
15 mantrip, then you left the surface
16 and went in the mine?

17 A. Yes, sir.

18 Q. And did you make any stops?

19 A. Only for the --- open the
20 doors. Got double doors.

21 Q. Do you recall any
22 conversations on the mine phone or
23 any conversations somebody might have
24 had?

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

1 Q. Does the dispatcher (sic) get
2 clearance before he goes underground?

3 A. Yes.

4 Q. And he did that?

5 A. Yes.

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

8 A. Not that I remember of.

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

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

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

22 A. From the time we started in?

23 Q. Yes.

24 A. Well, we went in there and
25 went through our derails on the

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

12 Q. Who threw the switch?

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

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

20 A. Yes.

21 Q. Was that whenever that rush of
22 air occurred?

23 A. Yes.

24 Q. And what was that like?

25 A. That was kind of a funny

1 feeling. It's just a --- I felt heat
2 and a lot of wind. I lost my glasses
3 and my hat. And stuff hit me in the
4 face. I think I still have one
5 little spot right there. I throwed
6 my arm up and turned, you know, when
7 it hit, you know, to protect my face.

8 And I heard somebody say, let's get
9 out of here. And everything went
10 black. I know the lights on the
11 mantrip went out. Or I didn't know
12 whether they just --- of course I
13 didn't know whether --- I never even
14 thought, were they broke out, covered
15 up, shut off or what, you know.

16 Q. Sure.

17 A. And when we went to get out,
18 of course you couldn't see nothing.
19 And there was one guy left there in
20 the mantrip, and it had blowed him
21 back over toward the back of it with
22 his knees down, he was still in
23 there. And when he come back down,
24 we got out of there and got our
25 rescuers on and proceeded to get out

1 of there.

2 Q. Did you smell smoke?

3 A. Yes.

4 Q. Did it look like smoke?

5 A. Just black. You couldn't see
6 anything, only the beam --- the
7 person in front of you, you seen the
8 beam of his light. We just felt our
9 way up the track until we got a
10 little ways, and then you could see a
11 little bit.

12 Q. Did you see any flash of like
13 fire or anything like that?

14 A. Not that I remember of. I
15 don't know.

16 Q. Since you were against the
17 solid in the mantrip, there was
18 others who got out before you; right?

19 A. Right.

20 Q. And once they got out and then
21 you got out, what occurred then?

22 A. We put our rescuers on and
23 started toward the outside or down
24 the track there.

25 Q. Why did you put your rescuer

1 on?

2 A. Well, because of all the smoke
3 and that.

4 Q. Did you do that on your own or
5 did someone instruct you?

6 A. Well, somebody said, let's get
7 our rescuers on, you know, and all
8 --- about some, two or three I think
9 said that, you know, and we pulled
10 them and put them on.

11 Q. Did there seem to anyone in
12 charge or were you just kind of like
13 working together or ---?

14 A. Well, on the rescuer, I
15 remember Owie Jones, our boss, told
16 us to stick together.

17 Q. And did you put that rescuer
18 on? Did you like go behind the
19 mantrip to do it or did you just ---?

20 A. I done it right when I got
21 out.

22 Q. Right when you got out?

23 A. Yeah.

24 Q. Did you have any trouble
25 donning that rescuer or was there any

1 trouble getting it on or ---?

2 A. No. No. We'd had them been -
3 -- put them on --- well, not inside,
4 but we had put them on, you know, in
5 training.

6 Q. During training sessions?

7 A. Uh-huh (yes).

8 Q. Did you have any difficulty in
9 donning the SCSR?

10 A. No. Just put it on, my nose
11 clip, the mouthpiece in and
12 everything, the strap around and
13 pulled the cord.

14 Q. Did any of the others have any
15 difficulty or ---?

16 A. Well, I don't --- now, I can't
17 answer that. I don't know.

18 Q. Did you all put your SCSRs on?

19 A. As far as I know.

20 Q. Did you have any trouble
21 breathing with it or getting it
22 started?

23 A. Well, when it started. After
24 I got outside, I had trouble
25 breathing. I had to take it off. I

1 don't know whether I got some of that
2 stuff in there before I got it on or
3 ---.

4 Q. Did you ever take it out, take
5 it out of your mouth?

6 A. Not until we got to the
7 mantrip to get the ride outside.

8 Q. So you had it on from the time
9 you donned it at the mantrip. And
10 then the first time you removed it
11 from your mouth would have been when
12 again?

13 A. Pardon me?

14 Q. When did you remove it from
15 your mouth the first time?

16 A. When we loaded in the mantrip
17 to go out --- got the one that came
18 in and took us outside.

19 Q. Do you feel that it performed
20 as you thought it would during that
21 entire time? Did you have any
22 problems?

23 A. As far as I know, yeah. I
24 heard they get warm, you know, if
25 they were working, and mine got warm.

1 And I heard one of the other guys
2 complaining about his getting pretty
3 warm. Mine didn't get --- I mean,
4 enough, noticeable, you know ---.

5 Q. But you were able to breathe?

6 A. I breathed with it.

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

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

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

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

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

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

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

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

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

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

16 A. I didn't hear it, but I heard
17 the rest of them say --- well, the
18 ones that the bolter and them had, it
19 just checks methane, you know, at the
20 face when they're bolting. But the
21 one that Owen Jones had, they said it
22 was off. Now, I --- and like I said,
23 I was behind. I was the first one in
24 the mantrip and the last one out.
25 That put me behind.

1 Q. I see. So you didn't hear any
2 detectors going off?

3 A. No, I didn't hear it myself.
4 No. But my hearing is not real good
5 either.

6 Q. Okay. Did you hear any
7 discussion of anyone who might have
8 said what the CO levels were or ---?

9 A. I didn't hear nobody discuss
10 that, no.

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

13 A. Well, he went back for his
14 brother that was in that other crew.
15 And he wanted to go back and they
16 kept hollering and telling him he
17 couldn't, you know.

18 Q. So you left the mantrip and
19 then you started out up the track ---

20 A. Yes.

21 Q. --- or in the outby direction
22 of the track?

23 A. Yes.

24 Q. And then where did you go into
25 the intake?

1 A. I don't know what block we
2 went in the intake. I don't know how
3 far we went down the track.

4 Q. Were you able to walk or did
5 you have to crawl down there?

6 A. Oh, we walked. Yeah, we
7 walked.

8 Q. And what was --- did it get
9 ---?

10 A. Kind of felt along the rail to
11 ---.

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

13 A. Wasn't very good at all until
14 we got a ways --- 'til we got down
15 there. I just don't know how far
16 that was either until I could --- I
17 remember seeing the blocks laying in
18 the track. And that's when we knew
19 stoppings were blowed out, too.

20 Q. And then --- okay, once you
21 got down the track, and then you went
22 over into the intake; is that
23 correct?

24 A. Yes.

25 Q. Did you all get together over

1 there as a group?

2 A. Well, we were still strung out
3 a little bit.

4 Q. Okay.

5 A. But we stopped there to wait
6 on the rest of them. They was
7 coming, but the one guy had a bad
8 knee and one with a wooden leg. Of
9 course, I didn't realize who was who
10 until then, you know.

11 Q. So once you got in the intake,
12 were there others --- or you had
13 mentioned that others had SCSRs
14 on, ---

15 A. Yes.

16 Q. --- self-rescuers on? And you
17 had mentioned that you heard one of
18 the persons saying that it was a
19 little warm and so on and so forth?

20 A. Yeah. That's when we was back
21 out on the track then, at the
22 mantrip, and he said his rescuer got
23 a little bit warm.

24 Q. Did others take their rescuers
25 out when you got over into the

1 intake?

2 A. Take them out?

3 Q. Yes, take them out of their
4 mouth?

5 A. I don't know. I don't know.

6 Q. All right. And once you were
7 over there, then kind of what
8 happened?

9 A. Well, the ones that were in
10 front was kind of waiting on the
11 other ones. And while we were
12 waiting on them, we heard this
13 mantrip out on the track. And I
14 think we backed up a man --- backed
15 up a block to a man door. I don't
16 know what number block it was, and
17 got the man door open and flagged
18 them off.

19 Q. You did that?

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

22 Q. Okay.

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

24 Q. Prior to leaving, were any
25 telephone conversations --- when I

1 say leaving --- let me rephrase that.

2 Prior to leaving the mantrip
3 after the explosion occurred and you
4 had your SCSR on, was there any
5 telephone conversations that you may
6 have heard or anything like that?

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

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

17 A. I didn't hear him say that,
18 but you know, ---.

19 Q. And how do you know that?

20 A. I heard somebody saying that.
21 And that --- I guess that was true
22 because that's the reason those
23 people were coming in there, you
24 know.

25 Q. And that was at the One Left

1 switch area?

2 A. Yeah, that's where the phone
3 was.

4 Q. Okay.

5 A. It was just outby the switch I
6 think a break or two.

7 Q. Did anybody talk about using
8 the mantrip that you rode in on to
9 try and get out or ---?

10 A. No, nobody mentioned that,
11 that I heard or remember of.

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

14 A. Not there. I don't know
15 there.

16 Q. So after, you know, continuing
17 outside in the intake and then you
18 heard --- you said you heard a
19 mantrip?

20 A. Yes.

21 Q. And then who was over --- who
22 went out to the track first; do you
23 recall?

24 A. I don't know who was in front.
25 I don't know.

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

4 A. It was going in.

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

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

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

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

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

19 A. Well, as I was getting through
20 the man door, like I said, the ones
21 in front was already at the mantrip.
22 And I thought I heard one of them ---
23 well, I know some of them got off and
24 went, and I think it was Jeff and Al
25 Schoonover. And I don't know whether

1 anybody else was with him or not, but
2 I think Vern Hofer drove the mantrip
3 and took us back outside. And then
4 from there on, I don't know what they
5 done.

6 Q. Okay. Do you recall what
7 conversation --- when you got to that
8 mantrip, what conversation Mr.
9 Schoonover or ---?

10 A. No, before I got to the
11 mantrip, they was done and heading on
12 up the track on foot.

13 Q. They were walking inby?

14 A. Yes.

15 Q. And who again was driving the
16 mantrip to the surface to take you
17 people out?

18 A. I think Vern Hofer.

19 Q. What conversation did you have
20 with him?

21 A. Well, I don't remember anybody
22 talking to him. You know, we were
23 inside the mantrip and he was
24 outside.

25 Q. I see. At that point then, is

1 that when you took your SCSR out of
2 your mouth?

3 A. Yeah, when we was in the ---
4 got in the mantrip, yes. I noticed
5 the other ones in there didn't have
6 theirs in, you know, and it ---.

7 Q. Did you insert the mouthpiece
8 again?

9 A. Not that I remember, no.

10 Q. So that was the last time that
11 you ---?

12 A. Yeah. And the air was much
13 better.

14 Q. Yes, I understand. Then you
15 left for the surface?

16 A. Yes.

17 Q. And did you continue the whole
18 way out, or did you have to stop for
19 anybody else or ---?

20 A. I don't remember stopping for
21 anybody else.

22 Q. Was Mr. Grall with you at that
23 point or Mr. Avington at all; do you
24 recall?

25 A. Yes. Avington. I'm sure Mr.

1 Grall was, too. He had to have been.

2 Q. So you left that and you just
3 went directly to the surface?

4 A. Yes.

5 Q. When you arrived on the
6 surface, kind of tell me about that a
7 little bit.

8 A. Well, I went to the --- I had
9 an extra pair of glasses in my basket
10 out there, and I went and took my
11 belt off and put it up and got my
12 extra set of glasses out.

13 Q. Was there anyone on the
14 surface there to meet you when you
15 come out of the mine?

16 A. Yeah. I met the --- the first
17 people I met, as I remember, was the
18 motor crew. They started --- didn't
19 start until seven o'clock.

20 Q. Was there anybody from the
21 company there to meet you and talk to
22 you or anything?

23 A. I think the ones --- the
24 company, I guess Toler and them, like
25 I said, they went underground.

1 Q. Okay. Did anyone, at that
2 point, re-enter the mine?

3 A. Not to my knowledge, you know,
4 when we come out. Not to my
5 knowledge. I don't know.

6 Q. Did you walk up to the
7 bathhouse?

8 A. Yes.

9 Q. Did all the miners walk up?

10 A. As far as I know, yes.

11 Q. When you got up to the
12 bathhouse, when you arrived up there,
13 did anyone speak to you or ask you
14 any questions about what had
15 happened?

16 A. Not that I remember of. It
17 was that dispatcher and that motor
18 crew there and ---.

19 Q. When you got up on the
20 surface, did you take your light to
21 the lamp house?

22 A. Yes, I did.

23 Q. Was the dispatcher in there at
24 that time?

25 A. Yes.

1 Q. Did you have any conversation
2 with him or ---

3 A. No.

4 Q. --- was there any discussions
5 going on between the dispatcher or
6 anyone else at that time?

7 A. I never really paid --- it's a
8 little separate room is in the
9 trailer, ---

10 Q. Right.

11 A. --- and the dispatcher was
12 kind of little more room there on the
13 end, you know, towards the door
14 there. But I just put up my light
15 and I think I took my rescuer off and
16 laid it down there. I think that's
17 where I left it. And I went to put
18 my belt up and get another pair of
19 glasses.

20 Q. Okay. So there wasn't any
21 conversation with the dispatcher?

22 A. I didn't have any. I don't
23 know whether the rest of them did or
24 not.

25 Q. And I know I asked you this a

1 moment ago, but did you have any
2 conversations with any company
3 personnel about what you thought
4 might have happened or just any
5 conversation at all with company
6 personnel?

7 A. I don't think so.

8 Q. Did they have any medical ---
9 EMTs or anyone out there who was
10 attending to you people as you come
11 out?

12 A. There was --- one guy was an
13 EMT. Now, I don't know how many was
14 or weren't, but one was an EMT out
15 there.

16 Q. And did anyone examine you or
17 check with you?

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

1 all. And I sat down there, and that
2 dispatcher --- I think he's an EMT,
3 and he got oxygen for me.

4 Q. Did it help you?

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

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

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

25 Q. Sure.

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

13 Q. Okay.

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

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

21 A. I'm not --- one of them I
22 think it was --- I think Berry
23 Fletcher was there, Jeff Bennett.
24 And there was another one or two come
25 behind them. I just --- there was

1 two or three or four of them.

2 Q. So they didn't interview you
3 at that time?

4 A. No.

5 Q. And did anybody interview you
6 after - - -

7 A. No.

8 Q. - - - that at all?

9 A. No.

10 Q. You went over in the
11 bathhouse, and what happened then?

12 A. Well, being that everybody's
13 families and stuff was there, we were
14 just loafing around there. And then
15 some of the motor crew came in and
16 said they wanted everybody evacuated
17 and us workers to go up to the prep
18 plant and hang out a while.

19 Q. Is that what you did?

20 A. Yes.

21 Q. Did anyone ask you to make any
22 readings or - - - CO readings down in
23 the pit or anything like that or ask
24 you to assist in any way?

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

1 Q. Did you hear anyone speak
2 about any of the carbon monoxide
3 levels?

4 A. Well, there was something down
5 there. That was the reason they had
6 us to leave the bathhouse.

7 Q. But did you hear any
8 conversation ---

9 A. No.

10 Q. --- of what levels there might
11 have been ---

12 A. No, no.

13 Q. --- that anybody detected?
14 Okay. So you went over to the
15 cleaning plant you said?

16 A. Yes.

17 Q. Then what happened?

18 A. Well, when we went over there,
19 they just tell us where to go to, and
20 we went to the training room we'd
21 been to before, you know, the only
22 place we actually knew where to go
23 to. And then they come up there and
24 said the media was --- they was going
25 to put them in there and send us on

1 over to the main cleaning plant, and
2 told us where to go to there.
3 There's a lunchroom in there.

4 Q. And when you went over there,
5 how long were you there?

6 A. Well, we hung around there
7 somewhere later in the evening. I
8 just don't know what time it was.
9 And my vehicle was still at the
10 mines. And I got a ride down there
11 to where the church was, where the
12 families were, somebody down there
13 that he knew, good friends with, and
14 another one of the guy's sisters I
15 believe was in there. And I went
16 down to the church with him, then we
17 came home. I got home --- because I
18 live 33 miles from the mines, and I
19 got home, oh, I'd say 7:00, 7:30 that
20 evening. And then we come back down
21 the next morning to the cleaning ---
22 to the plant up there.

23 Q. And during the time at the
24 cleaning plant, no individuals like
25 interviewed you or anything?

1 A. No. No.

2 Q. Okay. Are you familiar with
3 the old Two Left main seal area?

4 A. Not too much, no.

5 Q. No? Were you ever up there?

6 A. I was up there when they first
7 started and helped them put their
8 take-up and stuff in, but I never
9 worked up in there at all.

10 Q. You're talking about the belt
11 take-up ---

12 A. Yes.

13 Q. --- up in that area?

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

16 Q. And you never worked actually
17 up in the Two Left area?

18 A. No.

19 Q. Now I'm talking about the old
20 Two Left inby the seals?

21 A. Oh, yes. No.

22 Q. You were never up there. Were
23 you ever up there when they were
24 building the seals or ---

25 A. No.

1 Q. --- deliver any ---? You run
2 the scoop?

3 A. Yeah. I brought it down on
4 One Left.

5 Q. Yes.

6 A. I run it part of the time.
7 You know, I'm not the regular scoop
8 person, but ---.

9 Q. Yes, I understand. And were
10 you ever up there whenever --- up at
11 the Two Left area when they were
12 building seals?

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

20 Q. You were never up there just
21 watching them build seals or ---?

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

24 Q. Never seen the seals?

25 A. Never seen the seals, that's

1 true.

2 Q. Have you ever heard anyone
3 talk about cutting into any uncharted
4 boreholes, or charted boreholes, or
5 anything like that?

6 A. No.

7 MR. SWENTOSKY:

8 Brian, do you have any
9 questions at this point?

10 MR. MILLS:

11 Yes.

12 BY MR. MILLS:

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

16 A. Yes.

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

20 A. No.

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

25 A. No.

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

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

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

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

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

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

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

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

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

22 A. Yeah, on the panels.

23 MR. MILLS:

24 That's all I've got.

25 BY MR. SWENTOSKY:

1 Q. What instructions did you
2 receive from Owen Jones? Any
3 instructions after the accident?

4 A. Like I said, I heard him, I
5 remember him saying to stick
6 together.

7 Q. Okay. And that was --- did
8 you receive anything before the
9 explosion, any instructions?

10 A. No.

11 Q. It was just normal? And after
12 the explosion, did you receive
13 anything, any instructions from him?

14 A. No, other than --- like I say,
15 other than he told us to everybody
16 stick together, don't get --- don't
17 separate.

18 Q. Okay. When you donned your
19 SCSR, have you been instructed on
20 when to don an SCSR?

21 A. When to put it on?

22 Q. Yes.

23 A. When we got in smoke.

24 Q. Okay. You had mentioned that
25 you had trouble breathing. When was

1 the last time that you had trouble
2 breathing? What I mean is, okay, you
3 were having trouble breathing. Have
4 you had any problems since then?

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

15 Q. When was that?

16 A. It's been approximately three
17 weeks ago. It was in between the
18 explosion and now, you know, when we
19 was outside doing work or whatever
20 while the investigation all was going
21 on.

22 Q. And have you received any
23 medical attention ---

24 A. No, I haven't.

25 Q. --- after the explosion? Do

1 you recall when was the last annual
2 retraining that you participated in?

3 A. I had one at Spruce. I don't
4 remember the date. And then when we
5 went to Sago, we had a new employee
6 or new mines or whatever it's called,
7 you know. We had that there.

8 Q. Was that your first day at
9 Sago Mine that you had that?

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

11 Q. And where was that training
12 at?

13 A. It was right there at the
14 mines.

15 Q. Was there any other
16 individuals that were starting the
17 same day you were?

18 A. Yes. Yes.

19 Q. And do you recall who that
20 might have been?

21 A. Well, I probably can't all of
22 them. I think Paul Avington was in
23 the bunch.

24 Q. Okay.

25 A. I think Roger Hedricks was

1 there and Todd Channels (phonetic).

2 I know there was more, but I just
3 don't remember who all they were.

4 Q. Could you kind of describe
5 that training session for me, please?
6 What was covered during that training
7 session?

8 A. Well, a lot of that was
9 escapeways and everything about the
10 mines, you know, a lot of that.

11 Q. And who was providing that
12 training? Who was the instructor?

13 A. I believe Dick Kerry.

14 Q. Dick what?

15 A. Kerry.

16 Q. Kerry?

17 A. Yes.

18 Q. And who is he?

19 A. He was the safety director. I
20 think he --- he was over at Spruce at
21 that time, but Al Schoonover was the
22 safety director there, but he had to
23 be off that day or something, and he
24 come over there to do that, I believe
25 is what he told us then.

1 Q. So Dick Kerry, he was the
2 safety director for Sago Mine; is
3 that correct --- not Sago Mine,
4 excuse me, Spruce Mine?

5 A. I believe that's correct for I
6 think he came over the Sago Mine ---
7 or to the Spruce Mine before I left
8 over there. And then when we come
9 over there, I think he --- I think he
10 told us that Al had to be off that
11 day, and he had to come over there to
12 take care of that.

13 Q. Okay. Did the trainer sign a
14 slip of paper indicating that the
15 training was provided?

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

17 Q. Did you sign that paper?

18 A. Yeah.

19 Q. Like a little pink slip?

20 A. Pink slip.

21 Q. And he signed that and you
22 signed that?

23 A. Yep.

24 Q. Do you recall, the mine
25 emergency evacuation program, was

1 that part of that training that you
2 received?

3 A. Well, yes. Like I say, it was
4 in --- showing us every escapeway and
5 how to get out of that mine if
6 anything occurred like that, you
7 know.

8 Q. What about the roof control
9 plan and ventilation?

10 A. Yeah, he went over that, the
11 ventilation plan and the roof control
12 plan. I do remember that.

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

19 A. I don't remember whether
20 he ---.

21 Q. Do you know who the
22 responsible person is for the Sago
23 Mine?

24 A. For the safety?

25 Q. Let me just back up here a

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

5 A. Well, your supervisor.

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

11 Do you know where those are located?

12 A. Yes, I do.

13 Q. Where might that be?

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

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

20 A. Yeah. You just try to get to
21 the primary escapeway. And if you
22 can't do that, the secondary. And if
23 you can't get out and run into gas,
24 you have to try to barricade.

25 Q. Did they discuss barricading

1 with you in the training session?

2 A. Yes.

3 Q. And what did they discuss with
4 you as far as barricading is
5 concerned?

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

12 Q. When was that done?

13 A. When I came over there to the
14 mines.

15 Q. That initial day at Sago Mine?

16 A. Yes.

17 Q. During that training? Okay.
18 Are you certified to make methane and
19 oxygen tests?

20 A. Yeah. I had one for methane.

21 Q. And when was that?

22 A. I don't remember that date
23 either.

24 Q. Do you recall whether the
25 hazards of carbon monoxide have ever

1 been discussed with you at all?

2 A. Oh, yes, it has been.

3 Q. And when would that have been?

4 A. Well, I'm sure it was in
5 probably every training session.

6 Q. But do you recall that ---

7 A. Yes.

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

9 A. Yes.

10 Q. Do you recall the escape --- I
11 think you did mention escapeways were
12 covered as part of the training. I
13 think you mentioned that.

14 A. Yes.

15 Q. That's correct. Have you ever
16 participated in an escapeway drill?

17 A. Yes. I've walked out before,
18 you know, with a certified person
19 from the section outside.

20 Q. And when would that have
21 occurred?

22 A. I don't know those dates
23 either.

24 Q. Was it while you were at Sago
25 Mine?

1 A. I never walked out Sago Mine,
2 I don't believe.

3 Q. That would have been the
4 previous operator then, at Spruce
5 Mine?

6 A. Well, at Spruce, yes. I
7 walked out different times there.

8 Q. And at Sago Mine, you've never
9 done that?

10 A. I've never walked out Sago
11 Mine.

12 Q. Are you familiar with the
13 primary escapeway, the markings ---

14 A. Yes.

15 Q. --- of the primary and
16 alternate ---? What are those?

17 A. Those are green reflectors.

18 Q. That's for the ---

19 A. Primary escapeway.

20 Q. --- primary? And what's for
21 the ---?

22 A. Secondary is red ones.

23 Q. What is the secondary
24 escapeway?

25 A. It's the track.

1 Q. Track. What's the primary?

2 A. It's the intake.

3 Q. The intake, okay. Have you
4 ever participated in fire drills?

5 A. Yes.

6 Q. At the Sago Mine?

7 A. Yes.

8 Q. And when would that have been?

9 A. That was not too long after I
10 was over there on the evening shift.

11 Q. That would have been, you say,
12 not too long after you ---

13 A. I went over to Sago.

14 Q. --- started at Sago?

15 A. Yes.

16 Q. Explain that to me a little
17 bit on how that was conducted?

18 A. Well, we were at either One
19 Right or One Right switch, and we
20 just went through there, if there was
21 a fire over there on the belt, where
22 we would go and how to get out of
23 there, you know, if we ---.

24 Q. Did you all like have
25 different jobs to do?

1 A. Well, if it wasn't too smoked
2 up --- yeah, we was supposed to get
3 rock dust. And of course, I've been
4 through those fire drills on the
5 section, you know. At the time, I
6 was a scoop operator and I was to go
7 get the rock dust and come back to
8 the miner fire or wherever it may
9 have been, you know, was my job
10 there. And with the one down there,
11 like I said, I was outby then, and we
12 just more just went through how to
13 get to the intake from there to get
14 outside if there was a belt fire over
15 there.

16 Q. And I think you mentioned
17 this, but you did receive
18 self-rescuer training?

19 A. Yes.

20 Q. Whenever they did that --- or
21 where would that have been, your last
22 SCSR training?

23 A. I'm not sure whether we done
24 went through the --- when I came to
25 Sago or not for I just went through

1 an annual training not too long
2 before that. I don't remember the
3 date of it. But we'd have to take
4 it, then get out there on the floor
5 and take it apart and put it on.

6 Q. So they used a training-type
7 model for that?

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

14 Q. And where did you say was the
15 last training that you received on
16 SCSRs?

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

24 Q. So at least you haven't had
25 any SCSR training since the first day

1 at Sago Mine?

2 A. Not since then, no.

3 Q. If you did ---?

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

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

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

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

15 A. Yes.

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

18 A. Uh-huh (yes).

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

21 A. Yes, I think it was.

22 Q. Is there any areas that you
23 thought you might --- that need to be
24 as part of that training that are
25 actually not part of that training?

1 A. No. I thought it was a pretty
2 good training ordeal, you know.

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

8 A. No.

9 Q. No? Never involved in
10 construction of seals?

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

23 Q. Going back to barricading for
24 a second, during the training that
25 you had for barricading, did they

1 discuss with you when you should
2 barricade and when not to barricade
3 or ---?

4 A. Well, when there was a fire
5 and smoke and you're trapped that you
6 couldn't get out, try to barricade
7 and keep it away from you and ---.

8 Q. And was there any discussion
9 on when you should not barricade at
10 all?

11 A. I don't remember if we
12 discussed that. I don't remember.

13 MR. SWENTOSKY:

14 Let's take about a
15 five-minute break. Off the
16 record.

17 SHORT BREAK TAKEN

18 BY MR. SWENTOSKY:

19 Q. I have a couple follow-up
20 questions on a couple things here,
21 Mr. Anderson. Speaking about the
22 self-rescuers, you had mentioned that
23 you were told that you should use
24 these whenever --- or don the SCSR
25 whenever you see smoke. Has anyone

1 spoken to you, or have you had any
2 training other than that, meaning
3 what if there isn't any smoke?

4 A. Well, if there's men close or
5 anything, I mean, where there's a
6 chance of carbon monoxide.

7 Q. And has that been discussed
8 with you, ---

9 A. Yes.

10 Q. --- that you should put them
11 on at that time, also, ---

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

13 Q. --- after an explosion?

14 A. Or any time that you know, or
15 you think that there's a fire, there
16 could be any carbon monoxide, you
17 know, whether you seen smoke or not,
18 you know, it could be.

19 Q. Okay. Have you had the
20 opportunity to install belt, conveyor
21 belt, at the mine at all during ---
22 while you were at the Sago Mine?

23 A. No, not Sago Mine, I never
24 done it.

25 Q. You never saw any belt being

1 installed or anything like that?

2 A. Not at the Sago Mine.

3 Q. Okay. You mentioned that you
4 construct stoppings?

5 A. Yes.

6 Q. And have you constructed any
7 Omega stoppings?

8 A. Yes.

9 Q. Could you describe to me how
10 you build those stoppings?

11 A. Well, I do it myself. I just
12 put my bottom row down and make it
13 fit the rib, and take the bottom row
14 all the way across and get it as
15 level and straight as I can. And
16 then ---.

17 Q. How do you level that? Do you
18 use rock dust or ---?

19 A. I dig down to --- if there's
20 any gob or anything, I dig down ---
21 or I have even cut the bottom of some
22 of the Omega blocks off to get them
23 to fit on the bottom so the top of
24 that first row would be level so I
25 could go with it there on up.

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

3 A. No.

4 Q. --- dry mortar or anything
5 like that?

6 A. No. I just dug down and then
7 --- if it's too much of it don't fit,
8 I cut the block off until it fit.
9 But then when I plastered and
10 everything, I'd throw it down on the
11 bottom, too.

12 Q. And those are installed dry
13 stack?

14 A. Yes.

15 Q. They are not mortar joints?

16 A. No.

17 Q. When you put the mortar over
18 the stopping, do you full face it or
19 do you just apply the mortar to the
20 seams?

21 A. On the air side, on the
22 panels, we full faced the air side
23 and seamed the neutral side.

24 Q. When you say panels, what do
25 you mean by that, panels? What's a

1 panel?

2 A. Where we're paneling down in
3 off of the mains.

4 Q. So on the mains, what do you
5 do with those stoppings?

6 A. They were cement blocks. And
7 they were plastered both sides.

8 Q. They're not Omega blocks?

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

11 Q. All right. So in the panels
12 where you use the Omega blocks, you
13 full face the one side, you said?

14 A. Yeah.

15 Q. And what side is that?

16 A. The one on the intake side.

17 Q. Full face the intake side?

18 A. Yeah, and on the return side,
19 on the return stopping.

20 Q. I lost you. So on the intake
21 --- you plaster the intake side, ---

22 A. Yes.

23 Q. --- full face?

24 A. Now, the last panel, we used
25 those Kennedy stoppings on the

1 intake.

2 Q. Okay. But the Omega blocks,
3 you full face plaster the intake side
4 of the stopping?

5 A. Right.

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

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

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

14 A. Right.

15 Q. --- you plaster full face the
16 return side of the stopping?

17 A. Uh-huh (yes).

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

19 A. It was the seams and outer
20 edges.

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

24 A. Well, you just get a handful
25 of it, and whatever --- just make

1 sure the seams are sealed.

2 Q. Like four to six inches or so?

3 A. Not any more. Probably four.

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

8 A. Right.

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

11 A. Uh-huh (yes).

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

14 A. Right.

15 Q. --- is that correct?

16 A. Yes.

17 MR. SWENTOSKY:

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

21 MR. MILLS:

22 No.

23 BY MR. SWENTOSKY:

24 Q. Have you ever been searched
25 for smoking articles?

1 A. Yes.

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

4 A. They looked in your dinner
5 bucket and felt your pockets, see
6 whether you had a lighter or
7 anything.

8 Q. And that's at Sago Mine?

9 A. I don't think I ever was at
10 Sago.

11 Q. Okay.

12 A. I don't remember.

13 Q. You don't remember?

14 A. I don't remember being
15 searched.

16 Q. At Sago Mine?

17 A. Yeah.

18 Q. The entire time you've been
19 there?

20 A. Don't think I've been
21 searched. Of course, I don't smoke
22 or anything, you know.

23 Q. I understand. Have you ever
24 observed anyone smoking - - -

25 A. No.

1 Q. --- in Sago Mine?

2 A. No.

3 Q. Have you ever found any
4 smoking articles underground at Sago
5 Mine?

6 A. No.

7 Q. Has anyone offered you
8 anything or made any promise to you
9 in exchange for your appearing here
10 today?

11 A. No.

12 Q. Do you have anything else that
13 you would like to add that may be
14 relevant to the investigation or
15 actually anything that you would like
16 to say at this time?

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

18 MR. SWENTOSKY:

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

23 Your cooperation is
24 very important to the
25 investigation as we work to

1 determine the cause of the
2 accident.

3 We ask that you not
4 discuss your testimony with
5 any person who may have
6 already been interviewed or
7 who may be interviewed in the
8 future. This will ensure that
9 we will obtain everyone's
10 independent recollection of
11 the events surrounding the
12 accident.

13 After questioning other
14 witnesses, we may call you if
15 we have a follow-up question
16 that we feel we need to ask
17 you.

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
23 contact information that was
24 previously provided to you.
25 And that was the business

1 card.

2 A. Okay.

3 MR. SWENTOSKY:

4 The Mine Act provides
5 certain protections to miners
6 who provide information to
7 MSHA, and as a result, are
8 treated adversely.

9 If at any time you
10 believe that you have been
11 treated unfairly because of
12 your cooperation in this
13 investigation, you should
14 immediately notify MSHA.

15 If you wish, you may
16 now go back over any answers
17 that you have given during
18 this interview and you may
19 also make a statement that you
20 would like to make at this
21 time.

22 Is there anything that
23 you would like to add?

24 A. I don't guess.

25 MR. SWENTOSKY:

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All right. Thank you
very much for your
cooperation.

* * * * *

SWORN STATEMENT
CONCLUDED AT 1:14 P.M.

* * * * *