

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
CARLA MARCUM

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
NOVEMBER 1, 2007

1 BY MR. TEASTER:

2 Q. First of all, we're going to record this, if that's okay with you.

3 A. Yes.

4 Q. You know, when they had this accident out there, all the top senior MSHA
5 officials from Kohl and from the agency were out at the site. And normally the agency
6 does an internal review following an accident such as the one at Crandall Canyon.

7 But because two top officials from Kohl and from the agency were out at the site, the
8 Secretary decided to get an outside independent review of the agency's actions, so
9 they called on Joe and I. We're both former employees. We retired a few years ago.

10 Joe, as you know, has got an extensive background in mine rescue and mine
11 safety, not only in this country, but he's gone to a lot of other countries. And I've done
12 a lot of work on mine rescue. Well, anyway, we got this group that's sitting behind you
13 and a couple others who are not here to help us. But we need your technical expertise
14 to help us, so that's why we're here. You have some information that we need to help
15 us accomplish what it is that we're trying to do.

16 Before we get started, if I could, I'd like to read this statement into the record.
17 The Secretary has assigned this group the task of evaluating MSHA's performance
18 during the period preceding the August 6th, 2007 coal bounce at the Crandall Canyon
19 Mine and the subsequent rescue effort. We will be evaluating issues that were raised
20 during this time period regarding Bob Murray and his interaction with MSHA. This is
21 not an investigation or review of any individual person. It is an administrative review
22 of MSHA's actions as an agency. The evaluation will be presented to the Secretary in
23 the near future, and it is intended that the results of the evaluation will be made public.

24
25 This interview is being conducted to gather information for this assignment.

1 We also intend to interview a number of other MSHA employees. So that we may
2 obtain unbiased information from all persons to be interviewed, we ask that you do not
3 discuss this interview with anyone until all the interviews have been completed. Are
4 you a bargaining-unit employee?

5 A. Yes.

6 Q. And you've been advised of your right to have one present?

7 A. Yes.

8 Q. I appreciate it. We certainly appreciate you coming up and sharing the
9 information. We appreciate all your efforts at the Crandall Mine during this
10 emergency. What is your full name?

11 A. Carla Baird Marcum.

12 Q. And what is your job title?

13 A. Ventilation specialist.

14 Q. And how long have you been with the agency, Carla?

15 A. Since 04 of 1993, so 14 years and 8 or 9 months.

16 Q. And who's your supervisor?

17 A. Gregory Scott Whitaker.

18 Q. Who assigned you to the Crandall Canyon Mine rescue effort?

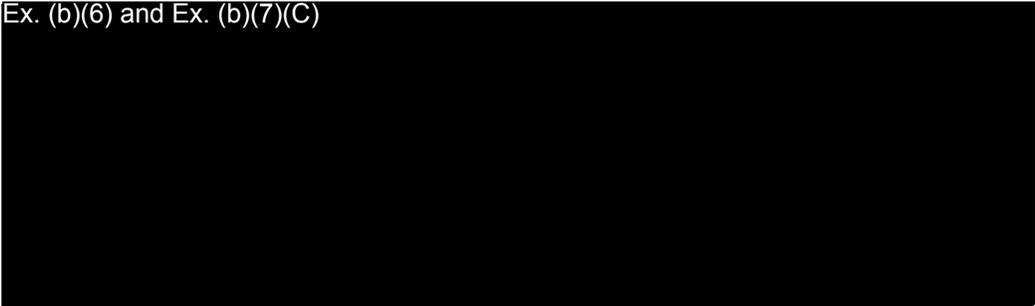
19 A. On 8/6 of '07, my understanding is Mr. Crocco contacted our acting district
20 manager, Charles Grace, and Mr. Grace came and, with my supervisor, Greg Scott
21 Whitaker, informed me of this event and asked if I was available to be sent to Crandall
22 Canyon with regard --- as a family liaison. That was about ten o'clock on 8/6 ---.

23 Q. Ten o'clock on the 6th?

24 A. Yeah, somewhere in that neighborhood.

25 Q. And what did you do after that?

1 Ex. (b)(6) and Ex. (b)(7)(C)



2
3
4
5
6 could be sent out there and then contacted our secretary, and she got to work with
7 regard to the airplane and a rental car, all that E Travel stuff.

8 Q. It's always a pleasant experience.

9 A. Then I found a folder --- well, actually it's more like a little box of stuff that I
10 had gotten together from our initial training in January of 2007 up here, you know, for
11 the family liaisons. And then also in our district we had done a MERD problem
12 coordinated with District Six with family --- you know, unreal --- you know, actors and
13 stuff like that. And so I had gotten together stuff like definitions, ventilation definitions,
14 roof control, you know, just MSHA general stuff, CO and all that stuff about, you know,
15 exposure limits and all the --- just a multitude of things that I could think of that people
16 are going to start asking. Well, how much CO can you be exposed to for a certain
17 amount of time?

18 Q. You want to have all that information together, sure.

19 A. Well, and then, of course ERPS, got a copy of the --- December the 8th, the
20 final rule with regard to emergency --- well, emergency responses and so forth. And
21 we had some templates, some examples there. I mean, I knew that these folks had
22 plans also, but I needed to have something ---.

23 Q. You gathered pretty much what you thought you was going to need at that ---.

24 What kind of training --- you mentioned some training that you had received. What
25 kind of training did you receive as a liaison?

1 A. Well, can I look over here?

2 Q. Sure.

3 A. We --- there's a PPL that came out December ---.

4 MR. PAVLOVICH:

5 Is this it, Carla?

6 A. Yeah, that's it. Okay. And the gentleman that was district manager at the
7 time approached me with regard to a training --- well, with regard to this position and
8 asked if I'd be willing to do it, and I agreed. A number of factors was that in our district
9 we had had a couple of situations, and I knew how important it was for the families to
10 be apprised as quickly and clearly as possible, and so I agreed to do this. And I went
11 to the training. We had a --- he showed me this PPL and we went to a --- we had a
12 training up here, family-assistance training, January the 9th and 10th of 2007.
13 Basically the National Transportation Safety Board folks came in and did a
14 presentation and then they went over this. Because at the back of this --- at least it
15 should be, yeah, it talks about the roles and what our roles are and how we interact
16 with the primary communicator and all those items with regard to --- I believe it's
17 Section Seven of the MINER Act. So --- I mean, this spells it out a whole lot more
18 than those two or three little sentences that's in the MINER Act.

19 BY MR. TEASTER:

20 Q. And what did you think of the training?

21 A. A good start. A good start compared to what we had. I'm sorry, I took yours
22 away. I kept yours. A good start. They have an excellent program with NTSB. They
23 gave us a lot of helpful hints of what not to do. Don't work on assumptions, deal with
24 hard facts with regard to --- for example, the advancement up through here, you know.
25 When I would do my hourly calls or hourly, hour and a half, whatever it was, you

1 know, where they were advanced up to that point or the drill, you know, the different
2 drill holes as to we would know what the base number was, you know, where they
3 started from and where they were going to, and then we would do a little subtraction.
4 We used a white board and kept track of that. That was the actual situation at
5 Crandall Canyon. But, you know, deal in facts as best as you can, you know, the best
6 of your knowledge. Allay as much fears as you can with regard to the media because
7 that was going to be quite ---.

8 Q. When did you first arrive at the mine?

9 A. At the mine? I arrived at the family center somewhere in the neighborhood
10 of --- this would be their time out there, so it would be --- my shift, I was informed by
11 Bill Denning, the family liaison for District Nine, that I would --- by phone call to my
12 cell phone, that I would be on evening shift, basically 3:00 to 11:00. So I arrived there
13 at the family center about 1:20 on Tuesday, 8/7/07, in the afternoon.

14 Q. So you didn't go to the mine when you first reported there? You just had a
15 telephone call to Bill Denning, and he told you to report to the mine at three o'clock on
16 the 8th?

17 A. To the family center, not to the mine.

18 Q. To the family center?

19 A. Yes. Because the family center --- you went by the family center on --- there
20 was no way to get to the mine other than going by the family center. And then we did
21 visit the mine, so he would --- that was later in the evening, maybe three o'clock, four
22 o'clock, something like that. We went up there for a short visit and then came back
23 because there was a family meeting at five o'clock.

24 Q. And what did you do at the mine when you was up at the mine?

25 A. Just get a look at the Blue Goose, the command center, at the phone system

1 and get an idea so that I can picture in my mind when I call up there who I'm talking
2 to. There was --- Bob Cornett, he was my primary communicator for my shift. And I
3 knew Bob, so he was there. And we kind of talked for a few moments as to what my
4 role was with him and set up a schedule, basically hourly to call and get updates so
5 that I could ----.

6 Q. Did you get familiar with the mine? Did they brief you?

7 A. The maps, yes. They were all --- yes. I looked over all of that. I requested
8 maps for us to have at the family center. They had already been requested, but I
9 didn't realize that. But anyway, I requested again, plus a larger scale, so that we could
10 use Wite-Out --- I mean, not Wite-Out, a highlighter and keep track, you know,
11 marking our shifts and stuff like that and, you know, the advancement.

12 Q. Did you get a feel while you were in the command center how the center was
13 organized, organizational structure, who was in charge?

14 A. On that shift, the primary communicator was Bob Cornett.

15 Q. And you got there after three o'clock on Tuesday. So Bob was the senior
16 MSHA official there in the Blue Goose, was in charge?

17 A. Yes, sir.

18 Q. Who else was in the command center, do you recall?

19 A. I do not recall.

20 Q. So after that, then you went back to the family center?

21 A. Yes, sir. Yes.

22 Q. With Bill Denning?

23 A. Yes. And we had a family meeting at --- my very first family meeting was at
24 five o'clock on 8/7/07. It was scheduled for five o'clock on 8/7/07. It was delayed a
25 few minutes. They were a little bit slow getting there.

1 Q. Now, how about explaining what occurred at that briefing, your first briefing.

2 A. The first family ---

3 Q. Yes.

4 A. --- meeting? It was in the auditorium at the junior high school.

5 Q. I'm primarily looking for who was the principal people, giving the ---.

6 A. Mr. Davis, Al Davis, was speaking at that point in time for MSHA . And Mr.
7 Murray was the spokesperson for the company. At that meeting Mr. Murray spoke first
8 and then Mr. Davis spoke. At that point in time, we did not have a translator, and the
9 auditorium was filled with people. Mr. Murray --- there's ---.

10 MR. PAVLOVICH:

11 Carla, do you need your notes?

12 A. Yeah. Well, I don't want to touch yours, your copy. You got a lot of Post-it
13 notes on them, but I got my copy.

14 UNIDENTIFIED SPEAKER:

15 This is the first briefing, is that what you ---?

16 A. Yes, that I was at. Yes, at --- now, I met two other gentlemen, Mr. --- that
17 were interpreters. But as far as them like standing up front with the MSHA folks and
18 with the company folks, no one did that at this meeting. They did at the ensuing
19 meetings, but not at this one. But there were ---.

20 BY MR. TEASTER:

21 Q. Were there more MSHA people other than Al Davis?

22 A. There?

23 Q. Given the --- you know, as part of the briefing.

24 A. I remember Mr. Davis spoke. I remember that Mr. Murray gave out a
25 handout, a little --- they were typed. He gave out this little multiple-page, five-page

1 handout from August the --- let me make sure I'm --- yes, he gave out this handout,
2 this --- let me make sure what page. There was actually two portions to it. Well,
3 actually, three portions. He gave out this handout for Natural Disaster Traps Six
4 Miners. He went over that. He read over that. He also gave this stuff about recent
5 earthquakes in the intermountain west. He also gave out a listing --- a three-page
6 listing of materials and so forth --- equipment that had been brought into the mine or
7 were being brought into the mine.

8 UNIDENTIFIED SPEAKER:

9 Can we see that, Carla?

10 A. Yeah. That was the ---. That was the first one. It was not given --- it was not
11 in Spanish. The ensuing ones were in Spanish, but that one was not. Mr. Murray
12 actually told the families to find an English-speaking friend or reading friend and have
13 them interpret it for them.

14 BY MR. TEASTER:

15 Q. How would you characterize Mr. Murray's briefing, this one in particular?

16 A. This one in particular. Kind of disorganized, kind of ---.

17 Q. Was he thorough in his briefings?

18 A. He covered everything with regard to --- he discussed, for example, this was
19 on Tuesday. Okay. The initial event happened on 8/6/06, early in the morning on
20 8/6/06

21 --- I mean, '07. Excuse me. And then they were over here in entry Number --- One,
22 Two, Three, Four, entry Number Four, and was advancing up through there quite
23 rapidly. And then there was a bump that happened basically early in the morning of
24 8/7/07. And they basically lost all of their ---.

25 Q. Areas that they had cleaned?

1 A. Yes, everything. They lost everything. And so they --- when he talked to the
2 families at that point in time, he was talking to them about what their plans were to do
3 right then and from then on, that it had been evaluated and it wasn't felt that they
4 could really go back in that entry, that they really needed to come over here to
5 Number One. He talked about that. But then he would stray off to things like --- you
6 know, about the media and not listening to it and listen to him. He would be doing
7 okay for a while and then have a little tangent off to the side and then ---.

8 Mr. Davis answered questions. You know, he got up and he spoke and he
9 answered questions. And then Mr. Murray offered to answer more questions at that
10 point in time.

11 Q. Was he pretty responsive to the concerns that the family members were
12 raising?

13 A. I guess it depended on the question that was asked. Some questions he felt
14 really comfortable answering and thought they provided value --- and this is all --- this
15 is my opinion. For example, the one question asked by Ex. (b)(6) and Ex. (b)(7)(C)
16 Ex. (b)(6) and Ex. (b)(7)(C) wanted to know what --- I mean, excuse me, Ex. (b)(6) and Ex. (b)
17 wanted to know what --- it's not this map. It was a map that showed bleeder blocks on
18 it, you know, big Xs --- Xs. But anyway, Ex. (b)(6) and Ex. (b)(7)(C) wanted to know what these Xs meant.
19 And Mr. Murray told him the answer --- in fact, I wrote it down.

20 The answer to that would mean absolutely nothing to you. And I was sitting a
21 few people over from Ex. (b)(6) and Ex. (b)(7)(C) I didn't know who he was, to be perfectly honest.
22 And then after the meeting was over --- that was kind of the end of the meeting. And I
23 leaned over and asked him if I could help him. And he told me no. Then he walked
24 away for a few moments, and then he came back and we went down and looked at the
25 large map and he had a series of questions, which is what I wrote down here.

1 Because as per the liaison, you're supposed to keep, you know, a log of things that are
2 significant. And I felt that that was something significant, was what his questions
3 were, one about ---. Mr. Murray had mentioned about breaching of seals and that
4 there was a mine rescue team that had gone in here. But looking at that map and
5 looking at this, it didn't show a whole bunch of falls. But evidently, --- I mean, it had
6 shown a few falls, but, you know, it looked really pristine. But in reality, when Energy
7 West went in there, they found that, you know, there had been a lot of falls since then,
8 some fresh ones, in their opinion, and so forth. So, you know, just to the naked eye it
9 looked like, well, why in the world they don't just walk right over here and walk right up
10 through here. But anyway, so that was some of his questions. He wanted to know
11 more about the seals. And so I called Bob Cornett and got this information, item
12 number one, about how Number One seal was breached and three breaks. Well, you
13 all can read this as well as I can.

14 And then he also asked questions about ---. Mr. Murray had talked about the
15 roof being in really good condition, but the ribs were really fragile. He wanted to know
16 more about that, and so I asked about that. And he wanted to know about --- Mr.
17 Murray also talked about two holes that were going to be drilled, the small hole, the
18 two inch and then the eight and seven-eighths or eight ---

19 Q. Five-eighths.

20 A. --- five-eighths. It says seven-eighths up there. But anyway, yeah. That's not
21 right. Yeah, it was eight and five-eighths hole. Yeah, that's wrong. Anyway, about
22 whether or not one of those was going to be enlarged, basically the larger hole, the
23 eight and five-eighths, was it going to be enlarged for a chamber.

24 UNIDENTIFIED SPEAKER:

25 You mean like a capsule?

1 A. Yes, for an escape chamber.

2 BY MR. TEASTER:

3 Q. One of the family members raised that?

4 A. Yes. He asked me --- I wrote it down here. He wanted to know if the pilot
5 hole was going to be enlarged. And the answer --- and I got his phone number up
6 here, so I called him back and relayed all this information. And then when I saw him
7 the next afternoon I told him in person to make sure he didn't --- you know how cell
8 phones are, you can't hear sometimes. But anyway, I relayed to him that at that point,
9 you know, no plan at this time to enlarge the pilot hole, whether it be the two-inch hole
10 or any of the holes, for that matter, would take an extensive amount of time, literally
11 take weeks .

12 Q. How would you characterize --- was that briefing primarily a company briefing,
13 an MSHA or was it a joint briefing?

14 A. It was a joint briefing. It was mentioned at the very beginning that it would be,
15 you know --- that statements would be made by both the company and by MSHA and
16 that questions would be answered by both.

17 Q. Do you think the training that you received --- the training that you had
18 mentioned earlier had prepared you for the duties that you were assigned?

19 A. Yes.

20 Q. Would you tell us what you think the duties of a family liaison are in an
21 emergency, such as we had here at Crandall Canyon?

22 A. Well, a lot of it depends on what operator you're dealing with, okay? We have
23 emergency-response plans. Everybody --- every underground mine in this country
24 has one. And it lays out in there about, you know, the assignment of areas with regard
25 to the families, with regard to media and so forth. And if --- some folks have just

1 literally just done that. They have an ERP plan. It says it's going to be at so-and-so
2 church down the road. They have not thought beyond that.

3 And so you get there in that situation, then you're going to be --- as the family
4 liaison, you're going to be helping, actually doing the contacting of such things as the
5 Red Cross, such things as church organizations or whatever to --- fulfilling a larger
6 role, truly, you know, working with the operator to make sure that those bare
7 necessities are met. And then beyond that, you know, the contacting of your State
8 Police or your county officials with regard to --- in Kentucky you have first-responders
9 groups, I mean, that all of us in Kentucky, the liaisons --- I know that Mr. Gray in
10 Western Kentucky, I know that Mr. Webb in Eastern Kentucky and I, we have a whole
11 list of contact people that we've already gotten together just by virtue of going to that
12 training and knowing what we need to do ahead of time.

13 Well, now if you're with an operator who has already kind of planned it out ---
14 and that is the case here. They had already planned --- you know, had already names
15 and numbers and made contacts to Red Cross and to the Salvation Army and stuff
16 like that. So the role that I had more in that was not --- was just making sure that
17 people followed through, that the company followed through with what their obligation
18 was. The company would come and ask me questions. I mean, I asked tons of
19 questions of them, you know.

20 Q. The company? You say the company would come and ask you questions?

21 A. Well, they were right there with me. The company official --- Mike Knolls
22 (phonetic), Mr. Poulson, Jim Poulson.

23 MR. PAVLOVICH:

24 They had a family liaison in there, too?

25 A. Well, there was somebody there all the time from ---.

1 I come from, we have a lot of small operators that have nowhere near the resources of
2 this. So my role as a family liaison would be much more in-depth. I would be making
3 those primary contacts versus ---.

4 BY MR. TEASTER:

5 Q. What was a typical day here for you, other than the family briefings that were
6 given?

7 A. Okay. I would get there --- like I said, my shift was 3:00 to 11:00, but that
8 fluctuated. I would normally --- there was another thing. Mr. --- after that Tuesday,
9 the 7th, on the 8th Mr. Cornett found out --- we were staying in the same motel. He
10 found out that, you know, I had a rental car. He didn't have a rental car. He would
11 ride with me up to the family center. And then a Mr. Ted Farmer, who was living in
12 Castle Dale, would pick him up and take him up to the Blue Goose. So I would --- I
13 started getting there a lot earlier, by virtue of Mr. Cornett needing to go there, and so I
14 would start my shift around one o'clock. And in that initial time there, I would get ---
15 be briefed by Mr. Denning, who was there from basically six o'clock in the morning
16 until I got there.

17 We would go around and, you know, there's six different family units there.
18 And so I'd go and whoever was there, I'd make contact and, you know, check on them,
19 see how they were. The role of a family liaison isn't actually as a counselor, as it
20 spells out there, but we --- you know, you're supposed to be astute and aware of your
21 surroundings and people and so forth. And so, you know, I'd check in. they'd tell me
22 how they were doing. They would --- you know, I'd see how their day had been, if they
23 had any questions. If they had questions or whatever, I'd write them down in these ---
24 you know, in my little log of significant items and check in, give Bob a few minutes to
25 get up there to the Blue Goose and call and check in with him and ---. We would have

1 the family meeting ---. After that first meeting, which I said --- which --- now, the
2 MSHA person was there on time, but the company person was a bit slow, and so it
3 was made aware to him that he need not do that and he was much better. If he was
4 going to be late or if anybody was going to be late, they would call down and the
5 families would be apprised of --- that it wouldn't be at 5:00, it would be at 5:15 or
6 something like that.

7 Anyway, the family meeting would last anywhere from half an hour, 45
8 minutes to an hour sometimes. And then the Red Cross or Salvation --- I have to look
9 at that list to see who was providing food. Anyway, I just referred to them as the Red
10 Cross, but there was other --- there was like a Southern Baptist group and other folks,
11 anyway, that provided food. Yeah, the Southern Baptist ---.

12 Q. Would the Red Cross ---?

13 A. Yes, the Red Cross. The Southern Baptist Disaster Relief Group, they would
14 provide food. So it would be available from somewhere around 5:30, 5:45, and they'd
15 finish up about 6:15, 6:30 and do the cleanup. And the families, some of them stayed
16 there, some of them would go --- some of them lived close by and they would leave.
17 They would --- like I said, we had a white board there. We would keep updates if
18 hourly --- you know, where they were in the advancement of this. We'd mark up a
19 map. And then we would also, you know --- irregardless of whether, you know, you're
20 Hispanic or not, you know, numbers are numbers. So they would know inby crosscut
21 so and so or so far down in the drill hole and ---.

22 Q. How often would you get the updates?

23 A. Well, depending on what was going on, I tried for every hour. Sometimes,
24 based on something going on, if I was meeting with someone or something, it might
25 be a half hour off. Or sometimes you would call up there --- there was a few times I

1 noted in here that the phones weren't working. I couldn't get a call through, so I would
2 --- you know, I'd call back in 15 minutes or something and, you know --- so basically
3 every hour I would call.

4 Q. Carla, when someone asked you a question like I think you mentioned Mr.

5 Ex. (b)(6) and Ex. (b)(7)(C)

6 A. Yes.

7 Q. --- Ex. (b)(6) and Ex. (b)(7)(C) asked you this list of questions, ---

8 A. Yes.

9 Q. --- and then you called the command center and got the answers, would you
10 then get up in front of the group and ---

11 A. I would go around ---

12 Q. --- say these are some questions that were asked to me, and read them and
13 then give the answers, or did you just go to Ex. (b)(6) and Ex. (b)(7)(C)

14 A. I went to Ex. (b)(6) and Ex. (b)(7)(C) but then --- I would go to him first, based on whatever
15 the questions was. Then we would talk to each of the family units. They weren't
16 always --- you know, there wasn't always somebody from each family member at
17 every meeting, so sometimes some of them would show up later, and we'd just catch
18 them --- I mean, after a few days, you'd know who was whom, and so you would ---.

19 MR. PAVLOVICH:

20 You'd try to catch them all --- give them all the same
21 answers?

22 A. Yeah. Uh-huh (yes). Yes.

23 BY MR. TEASTER:

24 Q. Did the Red Cross have any counselors there?

25 A. Oh, yes. Yes, the Red Cross. Also the --- I want to say insurance provider for

1 Mr. Murray's company contracted with a group, some of their --- anyway, they had lots
2 of counselors there, bilingual counselors. The Red Cross had counselors ---.

3 Q. Did they stay there on a full-time basis?

4 A. Yes, they slept there. They slept ---.

5 Q. So you had the American Red Cross, then you had MSHA family liaisons?

6 A. Uh-huh (yes). The Red ---.

7 Q. And the company had representatives there?

8 A. Yes. Yes. The Red Cross stayed there actually on site. They had their own
9 little cots and stayed there around the clock, just like our people did.

10 Q. And did they have a lot of interaction with the Red Cross as well as you folks?

11 A. The families, yes, sir. A lot of --- and then there was also counselors that
12 were, I believe, like I said, independent of the Red Cross, and they were more
13 affiliated as contractors with the insurance --- I want to say ARP or --- no, APS. APS
14 Healthcare. This is a part of the employee-assistance program. They had counselors
15 there also. And they --- there was quite a few of them. They stayed there --- I believe
16 there was a motel down the road that they stayed --- some of them were there around
17 the clock ---. I mean, you know, they shifted out, I guess. And we had a board there
18 also listing the names of the counselors that were there on that shift and, you know,
19 the names of whoever the liaison for MSHA was and whoever the company person
20 was. And there was also --- just right across from us was --- the Governor had his
21 facility over there, so there was people from the Governor's office there all the time,
22 amongst other state representatives and Senators. And all of them had different
23 people that were in and out all the time that was making contact with the families.

24 For example, Ex. (b)(6) and Ex. (b)(7)(C) family, Ex. (b)(6) and Ex. (b)(7)(C)

25 Ex. (b)(6) and Ex. (b)(7)(C) and there was some

1 concerns about whether he could get there and she could get there or whether they
2 had to leave real quick. And there was --- anyway, I was talking to her at one point
3 and kind of hooked her up with a state representative, his assistant. I can't remember
4 the name. But anyway, there was a lady there, and so she helped secure extra time
5 for her to stay there with her mother.

6 Q. Carla, with all those different organizations and people there, was there any
7 problems with family members or yourself identifying who's associated with who, or
8 were they identified, like the Red Cross had ---?

9 A. Well, the Red Cross had their emblems and their shirts on. The people from
10 the company had little name tags and who they were on there. I, by virtue of going to
11 that ERP problem that we had in our district --- well, actually it was in District Six, I
12 had bought some cheap little shirts and my sister-in-law has one of those machines to
13 embroider, so I put --- you know, it said Carla Marcum in great big letters and family
14 liaison and MSHA. And so I wore my little shirts every day, and so that was one way
15 that they, you know, got to know me. When I initially got there, no one did have name
16 tags on, to be perfectly honest, other than me, with my big blazing sign there, and so
17 that was ---.

18 Q. Well, don't you think that it would be nice if the agency had some ---?

19 A. Uh-huh (yes). We talked about that in that meeting with Cheryl with regard to
20 getting vests or something, you know, or --- more than just them little tiny tags.
21 Because you know, we all don't have the best of --- I mean, like what Mr. Pavlovich
22 has there. You can definitely see Six Flags, you know. You can't necessarily see the
23 bottom stuff, but, you know, something big that you can see, you know, and so it did
24 help. And after that initial --- say on Wednesday, let's put it that way, there was name
25 tags all over the place and the big boards with people's names on it. And there was a

1 whole slew more of the translators.

2 Q. Did the family members have name tags, too, ---

3 A. No.

4 Q. --- so that you would know who they were or ---?

5 A. They were afforded the opportunity to put name tags on, but nobody --- you
6 know, you just don't want to ---.

7 Q. I understand. If they don't want them, you can't make them wear them, so ---.

8 A. Well, what they did have was the Sheriff's Department had a --- you had little
9 cards to get in. Now, that wasn't there the first day or so, but had little cards that
10 allowed you to get into the family center, and it was correlated to a number, the little
11 card, you know, and then who that was. And I believe they asked for a picture ID, if
12 you had something, to correlate to that name, you know, something like that. But that
13 was handled --- that was handled by them. That was already in place by the time I got
14 there. But it was a good --- there was --- to my knowledge, there was only one
15 situation, and it was --- the gentleman was a family member. I said a gentleman. It
16 might have been a lady. It wasn't on my shift. But it was technically a distant cousin
17 of one of the trapped miners, but the primary role of that person was as a reporter. So
18 that person --- but the other families told, you know, we don't want them here. They
19 were informed --- family members were informed that if someone within their --- you
20 know, they can't make another family member from a different family --- I mean,
21 family unit leave, but from within their situation they could --- if someone shouldn't
22 have been there, they can tell us about that and ---.

23 MR. PAVLOVICH:

24 Ask that they be removed?

25 A. Yeah. And so the one person was asked to leave. Like I said, it wasn't on my

1 shift, but it was ---.

2 MR. PAVLOVICH:

3 That's the only time, the one time that you heard about?

4 A. Yes, sir.

5 BY MR. TEASTER:

6 Q. Carla, you had mentioned earlier that this training that you received in
7 January here at the Academy was a good start.

8 A. Yes, sir.

9 Q. What additional training would you recommend for family liaisons?

10 A. Well, I think there needs to be more of us. I think I was --- I think it needs to
11 be --- since that initial training, we've had a situation up in District Three where the
12 highwall fell and trapped the two gentlemen there. And Bob Cornett was --- my
13 primary communicator for my shift was dealt with that in --- I believe that was in
14 Maryland. But anyway, so he had --- he and I worked real well together because he
15 had had experience with regard to the primary communicator and also working with
16 the family liaison. We've had --- in our district I've now participated in two ERP
17 situations where actors have been brought in as family members. And I can honestly
18 say I've learned something from each one of those, new things, new helpful hints, new
19 things to just keep updating, keep apprising our people of what not to do.

20 You could have Mr. Denning and me and Bob Gray and the two --- excuse
21 me, the three liaisons that was up in Maryland, you know, their experiences. I know
22 that there was a liaison situation in Illinois or Indiana, wherever, Gibson. I know that,
23 you know, someone --- they've dealt with that. So we have liaisons who have some
24 valuable experience and, you know, they can impart that information and come forth
25 and talk about it.

1 At our initial meeting here was a lot of hypotheticals and how do we --- you
2 know, we listened to the NTSB, and they had a number of years. We had just --- you
3 know, the MINER Act had just come out and this little provision here with this PPL.
4 We really hadn't had anybody acting in that role at the point where we had our
5 training, and so I think it will help. I think we need more of them also. I don't think it
6 needs to be just one person per district. I think they also --- the other thing is the ERP
7 exercise that we had in our district just a few weeks ago with Arch Mineral. Their
8 church --- and it's actually the church in their ERP for the family members. There's no
9 telephone there and there's no cell phone service, so I don't think you need to have a
10 family liaison all by themselves there. Number one, you don't need to leave those
11 family members. And number two, how am I going to get updates unless I have
12 someone there to go and, you know, get it and bring it back. So I ---.

13 Q. Carla, with all of the different types of people there, the American Red Cross,
14 the people from the insurance company, how would they know who to go to? When
15 would they come to you? Would they come --- under what circumstances would they
16 come to you as opposed to going to the Red Cross?

17 A. Well, it was explained to the Red Cross, and of course the company --- there
18 were meetings there with regard to early on if who was who and what was the role.
19 And I was always there, not off --- we had phones, like two phone banks there, and so
20 I was always right around there. So that --- people would come to me as to --- the
21 company, to my knowledge, or at least --- unless you tell me different, they were very
22 open. They never kept --- you know, if someone came and had a complaint about
23 something, they would come tell me about it. I would --- they were always there also.
24 As to prioritizing who was in charge versus, you know, primary, secondary, that was
25 never laid out. But then I was always there. And any time there was a problem they --

1 -.

2 MR. PAVLOVICH:

3 When you say a problem, are you talking about problems with
4 concerns at the mine or problems within the center where everyone was housed?

5 A. Well, one time there wasn't enough food, you know, there was --- they ran out
6 of food. And the company went and got additional --- you know, the Red Cross just
7 came and told them, okay, we've underfixed the food, we need more, what can we
8 do? And so they basically brought out the breakfast food, and then they --- Subway
9 provided sandwiches, you know, stuff like that.

10 Questions from the family meetings or the updates that I was putting up on the
11 board. The company didn't put stuff up on the white board, I did. But --- or you know,
12 the liaisons did. If family members had questions, they wanted to know more, they
13 would --- my experience is they came to me with regard to specifics of the mine. I
14 don't know if I'm helping you at all, ---

15 MR. PAVLOVICH:

16 Yes.

17 A. --- but they came to me. They knew who I was. They knew what my role was,
18 which was more as a --- overseeing and making sure that the company upheld their
19 portion as required by, you know, our laws.

20 BY MR. TEASTER:

21 Q. How do you differentiate between the role of the family liaison and the person
22 who comes down and gives the briefings to the family members?

23 A. The primary communicator?

24 Q. Well, the primary communicator, as I read the MINER Act, primarily
25 addresses the press.

1 A. Uh-huh (yes).

2 Q. And then you got the family liaison that talks about the two of them working
3 together to make sure that there's nothing released to the press before the family, and
4 it's the same type of information.

5 A. Uh-huh (yes). The role that was taken in this one was that as far as --- and it
6 was established before I got there that there was a senior MSHA person at the family
7 briefings doing the talking. After the family briefings or prior to the family briefings,
8 either way, any questions that they had they would bring to me. We would --- there
9 were a few times that we made broad announcements to everyone there. There was
10 --- Mr. Davis, I recall, called one day and said that CNN was going to announce ---
11 that's in my notes here somewhere, that CNN was going to announce that they had
12 found ---. Anyway, that was one of those broad announcements where I brought
13 everyone in and --- that I could find and we did --- you know, rather than going from
14 family unit to family unit. Mr. Denning was still there also at that time.

15 Anyway, it was established that a senior MSHA person would be doing the
16 family meeting with regard to informing them of information that was taking place
17 underground. A lot of times it was just reiterating and giving more information than
18 what we had put on our little white board. You know, they would have more
19 information than that.

20 Q. More information and more in-depth detail?

21 A. Elaborating, yes, about conditions underground and so forth because, you
22 know, I didn't --- I couldn't really tell them any more than what --- you know, I would
23 ask, you know. I kept track of when bumps happened underground. We put that, you
24 know, there was, you know, an event to explain --- because sometimes stuff went
25 really, really slow. And the family members wanted to know why we were going slow.

1 MR. PAVLOVICH:

2 So when other people came and said, we're going to do the
3 briefing, they've basically taken away your job, is that ---? You're looking around, but
4 do you agree with that or not?

5 A. As set ---.

6 MR. PAVLOVICH:

7 According to what the policy says.

8 A. As set forth in that PPL, yes, sir.

9 MR. PAVLOVICH:

10 Okay. And you being a liaison, okay, and know that you're
11 charged with doing this, then how does that make you feel, that these other things are
12 occurring?

13 A. Me, personally, I looked at it the same way as I did with regard to the role of
14 the liaison in securing the comforts for the families as far as food and shelter and so
15 forth. It's a role that had to be performed. It was already established by the time I got
16 there. I thought it worked well. To be perfectly honest, the people that came there
17 were better versed in answering some of the mine-specific questions than I would be
18 able to.

19 UNIDENTIFIED SPEAKER:

20 Well, but there's a reason for that. They didn't have any
21 intention of giving you that information because they were going to come and give it;
22 right? I mean, if you were going to give the briefing, you would have had that
23 information; right?

24 A. Yes.

25 MR. TEASTER:

1 Understand now, we're not being critical of anything.

2 MR. PAVLOVICH:

3 No.

4 BY MR. TEASTER:

5 Q. We're trying to get an understanding of what the role is. And Joe and I come
6 in, we just see the Act, we've not had any involvement. We know how it was done
7 there. And looking at that, it did seem to be maybe, the way we viewed it, the family
8 liaison's role might be a little bit different than what was there, but we don't know that
9 yet. We're just trying to find out exactly what the role of the family liaison was at that
10 operation and how it measured up with the intent of the Act.

11 MR. PAVLOVICH:

12 And I think, you know, there were a lot of comments, Carla,
13 because --- and I think you had a wonderful rapport with the families, by the way, and
14 we've certainly heard that, and we commend you on that. But there were family
15 members, and you probably watched the reports, ---

16 MR. TEASTER:

17 Senate hearings, Oversight House ---.

18 MR. PAVLOVICH:

19 --- the Senate hearings, that family members said, you know,
20 MSHA, ---

21 A. Actually, I didn't see that.

22 MR. PAVLOVICH:

23 --- okay, but they said, MSHA let us down, the company let us
24 down. And I guess, you know, they hated Mr. Murray coming in and giving these
25 briefings. And I guess they even told people --- maybe they told you, we don't like that

1 man. Did they ever tell you that?

2 A. Yes.

3 MR. PAVLOVICH:

4 Okay. So what we're saying is, if the policy --- and you tell
5 me if you think --- you know, if this policy says the liaison is the one that disseminates
6 this information, you've gone through the training to do that, you've gone through the
7 right means to do that so as not to offend those people, because we don't want to
8 offend them. And with these other briefings, do you think that possibly they were
9 offended?

10 A. That is possible. I do not believe --- I do not believe that anyone from MSHA -
11 -- I do not think Mr. Davis offended them. I do not believe Mr. Stickler offended them.
12 I never heard that.

13 MR. PAVLOVICH:

14 Okay.

15 A. I personally thought that from the --- basically the first meeting Mr. Davis
16 talked a bit. I was in and out of that meeting. There were some questions a couple of
17 family members --- I did not personally see Mr. Stickler at the 8/7/07 meeting. He
18 could have been there, but I remember Mr. Davis. I'm not saying that Mr. Stickler was
19 not there. I do recall Mr. Stickler at the next meeting on 08/08/07. And Mr. Stickler
20 was the person that spoke for MSHA at those family meetings. Sometimes he spoke
21 first. Sometimes Mr. Moore, from --- very quickly on, Mr. --- on 8/7 and 8/8 Mr.
22 Murray spoke. And then Mr. Moore fulfilled that role for the company. In my opinion,
23 Mr. Moore did a very good job.

24 MR. PAVLOVICH:

25 Okay.

1 A. Occasionally, Mr. Murray would say a few things from that point on. Also, on
2 08/08, that would be Wednesday, there was two family members, Ex. (b)(6) and Ex. (b)(7)(C)
3 Ex. (b)(6) and Ex. (b)(7)(C) and Ex. (b)(6) and Ex. (b)(7)(C) starting taking a role also
4 with regard to --- they went underground and then they came back. And me
5 personally, I don't know about, you know, the issue of taking family members
6 underground, the safety aspect of it. However, I will say that there was a calming
7 effect. I don't know if I'd ever like to see that happen again. But in that instance, at
8 that very moment, it did make a huge difference. As far as taking media underground
9 and so forth, I don't know about that. We talked --- the family members had a lot to
10 say with regard to that. They liked seeing the video. Whether or not it would be one
11 of MSHA's people taking a video camera under there, I think it would have served the
12 same purpose.

13 MR. PAVLOVICH:

14 I don't know if you asked this, but was there ever --- I mean,
15 you've got some notes here in the first thing about Mr. Murray saying, oh, this was an
16 earthquake.

17 A. Yes, sir, he certainly did.

18 MR. PAVLOVICH:

19 Was there an attempt then by MSHA to correct that?

20 A. That was said on 8/7/07. That was in correlation with his little handout that ---.
21 What was said by Mr. Davis that I recall is something along the lines, our experts are
22 looking at it with regard to the seismic event.

23 MR. PAVLOVICH:

24 Which doesn't say ---.

25 A. Well, ---.

1 MR. PAVLOVICH:

2 Just terminology in Harlan.

3 A. As Mr. Pavlovich knows, at C-2 we had a significant seismic event in 1996.
4 And also we've had several at one of Arch's mines and also at Harlan Cumberland
5 Number 19. So our part of the world, nowhere near what this part of the world in
6 District Nine. But as far as east of the Mississippi, we have more seismic events than
7 anyone else, and so, yes. That was also something, as me being a liaison, I could talk
8 about that, and I did. People asked questions. Within this family structure there you
9 had some family members that knew a lot about mining and so were easy to
10 communicate ---. I'll use Ex. (b)(6) and Ex. (b)(7)(C) who I --- I mean, who contacts me all the time.
11 In fact, I need to put that on the record. Ex. (b)(6) and Ex. (b)(7)(C) contacted me in September
12 about you, Mr. Pavlovich, and wanted to --- when you go out there he wants you to,
13 you know, speak to him .

14 MR. PAVLOVICH:

15 Okay. Thank you.

16 A. That's Ex. (b)(6) and Ex. (b)(7)(C) And so --- and his phone number is within this --- within
17 these ---.

18 MR. PAVLOVICH:

19 In your notes here?

20 A. Yeah, in --- there's a page, so ---. He also --- Ex. (b)(6) and Ex. (b)(7)(C) was traveling
21 with me. And I did not know Mr. Teaster, but my brother did, so he relayed to me
22 some information to pass on to him with regard to Mr. Teaster, so ---. Yes, here's the
23 phone numbers here.

24 MR. PAVLOVICH:

25 You mentioned when you looked at that map, in your opinion

1 as a geologist --- and I guess you are now ventilation/roof control specialist; is that
2 true?

3 A. Yes.

4 MR. PAVLOVICH:

5 What is your opinion of mining those barriers?

6 A. Well, my experience in our part of the world, with that amount of cover, we
7 wouldn't have allowed it, I mean, because we have experience with Harlan,
8 Cumberland and, you know, ---.

9 MR. PAVLOVICH:

10 And with Arch?

11 A. Yes, with Arch.

12 MR. PAVLOVICH:

13 And did Arch have similar conditions with thick sandstone and
14 also cover near this same amount?

15 A. Yes. Uh-huh (yes). We had a situation at Harlan Cumberland 19 where
16 several rows of blocks were blown out in 2002. And at that mine we don't allow them
17 to mine --- they can't go under 1,500 feet of cover.

18 MR. PAVLOVICH:

19 Were you involved in the investigation or in the mine after the
20 bump at C-2 that you mentioned earlier where two miners were killed?

21 A. Yes. I was brought in as far as for my geological background to converse with
22 regard to the --- I believe it was in the neighborhood of a 2.9 or 3.1 on the Richter
23 scale and explained what that was and so forth, so, yes.

24 MR. PAVLOVICH:

25 And how many pillars bumped out there, do you remember?

1 A. No. It was several. It was nothing like this.

2 MR. PAVLOVICH:

3 Four, maybe five?

4 A. Yes. Yes. And the one at Harlan Cumberland 19, I believe, was in the
5 neighborhood of ten pillars, something like that. Nothing --- this is just ---.

6 MR. PAVLOVICH:

7 So when you saw how far back and how many pillars bumped
8 out here, did you formulate any opinion that all --- and without saying you told anyone
9 or discussed it, ---

10 A. No.

11 MR. PAVLOVICH:

12 --- but in your mind about the possibility of survival here?

13 A. Well, you know, our first holes that went down, they --- there was some
14 good-sized voids there, decent-sized. So I was actually very hopeful. And then when
15 the holes went down in the back and the quality of air was 16 percent, you know, in
16 that neighborhood, I was still very hopeful. As far as making an opinion, ---.

17 MR. PAVLOVICH:

18 What about the hole that went down and showed seven
19 percent, the number one hole?

20 A. Well, in that case, just me personally, I was hoping that --- I mean, something
21 like this, you're going to --- you know, the oxygen has to go --- you know, the air has to
22 go somewhere, so I was --- obviously it's a trapped area, so it went back. My feeling
23 was that if they were able to get back in there, then they would be okay if it was still
24 standing, and lo and behold it was. But seven percent, that's, you know --- someone
25 would get trapped in that, I mean, you know, they're alive for, you know, a minute, ten

1 minutes, something like that.

2 MR. PAVLOVICH:

3 So as you were ---?

4 A. But no, I never told anyone. They asked questions with regard to levels of
5 oxygen and what was --- you know, what will sustain life. I mean, everyone was well
6 aware of what happened in seven-percent oxygen. But the potential was there that it
7 was trapped back in here. And if they could have got back in there, then they would
8 have had --- you know, had a chance.

9 BY MR. TEASTER:

10 Q. Was you in with the families when they first got the reading that there was 20
11 percent-plus oxygen when the first hole went down?

12 A. Yes, sir.

13 Q. And were you there when that correct reading was passed back to them that it
14 was seven percent, approximately seven percent?

15 A. What happened on that one was, we called the families because the first hole
16 that went through, I mean, we had everyone --- MSHA had everyone removed from
17 the mine. They called the family members. There's a sheet in here that has my
18 signature on it, because I was there by the phone bank and so forth, this sheet here,
19 that --- this is a notification sheet. So that was later in the evening. I don't know if
20 there's a time on it. Did I write --- yeah, I did.

21 Q. 11:05, ---

22 A. 11:05.

23 Q. --- 8/9/07.

24 A. Okay. That's --- we contacted all those family members. The two --- the
25 lawyer, the gentleman from the consulate, wrote that he is acknowledging that those

1 family members are informed, but this is not a legal document. That's all that that
2 says. Or at least that's what our interpreter --- one of the interpreters said. But
3 anyway, this was to inform them all --- make sure that everyone was informed that
4 there was at least --- there was a representative from each family when the
5 information with regard to the --- what samples they had pulled from that hole and
6 what they could --- you know, what they could disseminate.

7 MR. PAVLOVICH:

8 How long did it take MSHA or someone to correct the fact that
9 there was 21-percent oxygen in the hole and then shortly thereafter the bottle analysis
10 showed 7 percent? How long did that take to go from 21 to 7 to the families? Was it
11 a ---?

12 A. I don't know that. I just know that at this point right here ---.

13 MR. PAVLOVICH:

14 It was just to notify them that you were notified there was 21
15 percent?

16 A. No, that they were there at the meeting to hear all of the information with
17 regard to the hole.

18 MR. PAVLOVICH:

19 Okay.

20 A. And that's where the 21 percent ---.

21 MR. PAVLOVICH:

22 Okay. So you don't know when the seven percent ---?

23 A. No. But when I got back the next day for my next shift --- because this was at
24 --- basically at the end of my shift when --- this was at night, 11 o'clock at night. So we
25 had that meeting with them. They were informed as to --- I have no idea.

1 MR. PAVLOVICH:

2 You don't know how long it took ---?

3 A. But I know that it was not on my shift and I know that it was ---

4 MR. PAVLOVICH:

5 Corrected.

6 A. --- corrected.

7 MR. PAVLOVICH:

8 Because the next shift, you came back, now they knew it was
9 only seven percent?

10 A. Yes.

11 BY MR. TEASTER:

12 Q. What kind of reaction did the family members have when they received that
13 news that it was 21-percent oxygen?

14 A. It was very elated. And it was also --- they were also informed that there was,
15 you know, a sizable void there, you know, so ---.

16 Q. So optimism is high at that point?

17 A. Yes. There were several points throughout this --- for example, the unnamed
18 noise --- later on --- I got that in here somewhere.

19 MR. PAVLOVICH:

20 Right, where they thought there was some ---.

21 MR. TEASTER:

22 Thought they heard something.

23 A. The unidentified repetitive for several minutes, you know, thinking that that
24 was --- basically I believe it was about one-and-a-half seconds to two seconds
25 continuation, you know.

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MR. PAVLOVICH:

Do you know what they later determined that tapping may have been?

A. No.

MR. PAVLOVICH:

So how had the attitude of the people changed when they came back from the next shift and they had learned that the true oxygen reading was somewhere around seven percent?

A. Well, they --- by that time, they were informed with regard to this hole up here, that it was going further back, that, you know --- the basic physics of movement of air was explained, you know, something coming in in a gush that it just --- unless there's voids for it to escape, it had to go somewhere. So the hope was that they, the miners, were able to get back there because that's logically where the air --- you know, where the oxygen went. So they weren't --- you know, they were a little down, but they weren't ---.

MR. PAVLOVICH:

So they were having a lot of hope?

A. Yes. Yes. Yes. Very much so.

BY MR. TEASTER:

Q. Did you ever hear why they made that --- got those readings wrong, the first reading wrong?

A. It was --- see, what happened also was these holes --- there was additional sampling that took place, you know. And then at one point in time the seven --- I mean, excuse me, the number two hole, they started pumping, you know, ---.

Q. Pumping air in?

1 A. --- pumping air in. But they did continue to take samples. And it was
2 explained to the families --- I don't know about the morning shift, you know, the 8:30
3 briefing, but it was also explained on my shift that basically the line wasn't cleared that
4 they were getting an infusion from the surface, you know. It just --- it was not
5 encapsulated properly to isolate the environment from the outside to the inside, and so
6 there was a leakage, and so they were getting --- that first reading was erroneous.

7 Q. Was there ever any discussions in your presence about the air readings they
8 were getting at that bore hole and some of the air readings they had gotten behind the
9 seals?

10 A. Yes.

11 Q. And what were those discussions?

12 A. There was discussions with the family of a potential breaching of this barrier
13 here that, as we all knew from the bleeder examinations from --- you know, the intent
14 of a bleeder to dilute and render harmless whatever is in this pillared area here, that
15 none of the readings up to that point had had any kind of low oxygen. So in order for
16 the low oxygen to show up it had to come from somewhere. And by virtue of what
17 Energy West found over there, there was the possibility of communication in some
18 shape --- or you know, form or fashion. And so that was discussed.

19 MR. PAVLOVICH:

20 With the families?

21 A. Yes.

22 MR. PAVLOVICH:

23 Do you remember when that was discussed?

24 A. The families were told what Energy West found over here, including the
25 quality of the air that Energy West found over there, also with regard to that

1 intersection there falling in. Now, that happened --- you know, that happened like on
2 that --- early in the situation, 8/6, 8/7. I'm not exactly sure when that happened, but it
3 did not happen later than 8/7. And then when this bore hole went down, there was a
4 question from someone with regard to the seven percent being, in their memory, close
5 to what Energy West found over here. And ---.

6 MR. PAVLOVICH:

7 Did they ask you that question? Was that asked on a family
8 briefing?

9 A. It was a family briefing. It --- now, we talked about different family members
10 that are --- such as Ex. (b)(6) and Ex. (b)(7)(C) [REDACTED] phonetic), have
11 extensive mining backgrounds and have good --- you know, a firm knowledge of what
12 happens with bumps that, you know, either something raises or something lowers.
13 And then if you have a separation, then you can have intrusion from another
14 environment. So we did discuss, you know, just as a passing comment. But as far as
15 me getting in front of anyone and actually saying that, I never did that. But there was -
16 -- there was a comment made, and I don't know if it was on 8/9, I'm not really sure, but
17 it was later on that said that there is a possibility that there could have been either a
18 breach or when either the activity of --- okay. The roof was in a pristine situation. And
19 my understanding is that the bottom was pretty hard, too, and that the coal itself was
20 kind of, you know, the more fragile of the three entities there. And so whether it was a
21 raising or a lowering, whether the low oxygen came in from the bottom or came in
22 from the top or whether it --- you know, there was a breach or if it was just a breathing,
23 those kind of things were discussed. Now, whether or not, you know, everybody
24 absorbed that, I don't know, but yes, it was mentioned.

25 MR. PAVLOVICH:

1 Was there any time with like the maximum number of family
2 members present that you felt like that you could not adequately address the concerns
3 of the family?

4 A. Well, my biggest --- well, heck, there's a lot of concerns. You know, you just
5 have --- you know, day in/day out being hopeful. But I did not know personally --- I

6 didn't --- I didn't know if our ---. Okay. You had Ex. (b)(6) and Ex. (b)(7)(C) family, you had Ex. (b)(6) and Ex. (b)(7)(C)
7 Ex. (b)(6) and Ex. (b)(7)(C) family, you had Ex. (b)(6) and Ex. (b)(7)(C) family, and you Ex. (b)(6) and Ex. (b)(7)(C) family.

8 Those four families speak as well, as far as English is concerned, as I do. The Ex. (b)(6) and Ex. (b)(7)(C)

9 family and the Ex. (b)(6) and Ex. (b)(7)(C) family, I had --- I wasn't for sure that when you bring
10 translators in --- okay, mining, there's so much jargon, you know. You know, we ---
11 you know, inby, outby. Out there they call shuttle cars buggies, you know. Okay. You
12 get a translator to interpret a buggy to someone, it's not quite the same. And I literally
13 spent hours and drew pictures. That was part of some of my little notes here and so
14 forth --- on the white boards and so forth, with Ex. (b)(6) and Ex. (b)(7)(C) --- let me see what her
15 name was. Ex. (b)(6) and Ex. (b)(7)(C) was a contractor that was the primary translator that would stand
16 up in front of the room with Mr. Murray and Mr Stickler and whomever else. She was
17 there just about the entire time. I was trying to --- I thought I had something that had
18 her name in it, but maybe not. But anyway, she --- we literally spent hours. Like drill
19 pad, okay. A pad and a drill is not the same to take and convey to someone what is
20 actually going on, you know, prepping a pad. It's not --- it doesn't come across. So
21 she needed to try and figure out and draw and envision what we were talking about.

22 MR. PAVLOVICH:

23 Would we have served a better purpose if we had a translator,
24 bilingual person, that was knowledgeable in mining and could interchange terms, like
25 our Ukrainian translator?

1 A. Yes.

2 MR. PAVLOVICH:

3 If you say gob, they know the word for gob in Spanish, but if
4 they're not a miner ---

5 A. Right.

6 MR. PAVLOVICH:

7 --- they don't know the word. And so however they translate
8 maybe doesn't make any sense.

9 A. Yes. In fact, you would --- they'd be going along and she'd translate
10 something, and everybody would just break out laughing. And, you know, I'm looking
11 around and I don't know what's funny, you know. Some things just didn't go --- I
12 mean, you know, and sometimes it --- that was a concern.

13 MR. PAVLOVICH:

14 Maybe that was some of their complaints, even though, you
15 know, they said they can't communicate with the Hispanic community. Even though
16 you had a translator there that could talk to them, they couldn't communicate any
17 mining terminology. Do you think that maybe was where that came from?

18 A. Maybe that is. That was a concern of mine. I mean, I know that I --- like I
19 said, I know I spent hours with that lady. And there was a minister, Ex. (b)(6) and Ex. (b)(7)(C)
20 believe his name is. He and his wife have done a lot of missionary work, and they
21 were there and they translated quite a bit also. And they still didn't have mining --- so
22 they would all --- we'd all just huddle around and I'd draw pictures and they would
23 remember words from the morning briefing. And, you know, Mr. Stickler would get
24 with the translator prior to the meeting and try and give them a heads up on anything
25 new or different. But you know, sometimes when he was answering questions, you

1 know, he had no way of prepping her as to what might be going on, so he --- later on
2 she would look over at me, you know, and so she'd write it down and we'd cover it
3 later because, you know, things often got revisited, so ---.

4 MR. PAVLOVICH:

5 How long did it take to get a translator there for the Spanish
6 people?

7 A. There were translators there on 8/7. Like I said, Mr. Sanchez --- oh, heck
8 make sure I'm saying that ---.

9 MR. PAVLOVICH:

10 He works for MSHA?

11 A. Yes.

12 MR. PAVLOVICH:

13 So he's fluent ---?

14 A. In his own words, he's not --- he's about three-quarters of the way there.

15 MR. PAVLOVICH:

16 Okay.

17 A. There's some things that he's kind of rusty on, and so he was a great deal of
18 help. So he was there. Also there were two other names, and Ex. (b)(6) and Ex. (b)(7)(C) (phonetic)
19 and Ex. (b)(6) and Ex. (b)(7)(C) (phonetic). I guess that rhymes. But anyway --- I'm sure I got that wrong,
20 but there was two there. But as far as them standing up front and actually doing that,
21 that did not happen. But they set --- see, at the time you basically just had two family
22 units there, which would be the Ex. (b)(6) and Ex. (b)(7)(C) They basically sat amongst
23 them, their core units. But now you got to remember, sometimes we had 150 plus
24 sometimes. The Red Cross made arrangements to fix 180 meal items per evening
25 family --- you know, following the family meetings. There were times when all the

1 food was gone, and so --- you know, like me and the police folks, we never ate until
2 everybody was done. And then sometimes, like I said, I'd give them money and they'd
3 go buy me food and bring it back because it had been such a large --- you know,
4 families knew when bore holes were getting ready to pop through because they could
5 gauge it. They were --- you know, initially starting out, they were averaging
6 somewhere in the neighborhood of 60 --- you know, one foot per hour. And then as it
7 got deeper, then it would slow down. You know, you'd go to 40 feet an hour, then
8 you'd go to 20 feet. They knew that. They knew that after hole number two, so they
9 could figure out when to show back up. You would have some of them just walk in,
10 see the board, talk to me a little bit, and then, you know, use the phone and head on
11 out, you know. So when things were popping through, they came --- they were more --
12 - there was more presence.

13 MR. PAVLOVICH:

14 There were some people from the Office of Information and
15 Public Affairs. Did they participate in the family briefings any that you're aware of?

16 A. Not on my shift, not --- I know that that's part of the PPL there. I believe that's
17 who you're referring to. I'm not a hundred percent sure.

18 MR. PAVLOVICH:

19 Yes.

20 A. Okay. I don't --- but ---.

21 MR. PAVLOVICH:

22 That's part of the ---.

23 A. Right.

24 MR. PAVLOVICH:

25 It's a ---

1 A. An agreement thing.

2 MR. PAVLOVICH:

3 --- protocol, an agreement. But you didn't see them?

4 A. I did not see them. But I'm not saying that they weren't there. I never heard
5 anyone from MSHA speak, other than, like I said, the very first day was --- I personally
6 listened to Mr. Davis. And then from every day on after that, it was Mr. Stickler.

7 MR. PAVLOVICH:

8 But it appears from this guidance that they would be working
9 as the primary communicator, not the family liaison.

10 MR. TEASTER:

11 Right.

12 BY MR. TEASTER:

13 Q. Maybe it wasn't that --- just if they attended in the public --- or the family
14 briefing ---?

15 A. I don't --- I was never introduced to anyone with that title.

16 Q. Okay. Carla, on August the 11th you indicated in your notes that it went
17 something like this, MSHA failed the miners, the company failed the miners,
18 something broke down. The truth is that they are still down there. Could you
19 elaborate a little bit exactly what your concerns were here?

20 A. That would be Ex. (b)(6) and Ex. (b)(7)(C) Let me find it. Ex. (b)(6) and Ex. (b)(7)(C) if I'm --- if I had a
21 calendar I'd be able to tell you for sure, but I believe this was a Saturday.

22 MR. PAVLOVICH:

23 It says at the top, Saturday, 8/11.

24 A. Okay Ex. (b)(6) and Ex. (b)(7)(C)
25 Ex. (b)(6) and Ex. (b)(7)(C)

Ex. (b)(6) and Ex. (b)(7)(C)

Ex. (b)(6) and Ex. (b)(7)(C)

1 [REDACTED] I believe --- just from talking to him, I believe [REDACTED] was at the morning
2 meeting, at the 8:30 meeting. He approached me --- oh, here it is. He approached
3 me and, like I said, I had my big shirt on there. And he said, so you're with MSHA.
4 And he just basically --- these are his ---.

5 MR. PAVLOVICH:

6 His statements?

7 A. His statements. I wrote them down as --- and also present from the company
8 was a Mr. Whitmire (phonetic), Rich Whitmire. He would be the --- like I said, it was
9 right around the phone banks there. There was an area there where we were at. And
10 he just came up and he said, I want to say this, and he said, MSHA failed the miners.
11 The company has failed the miners. Something has broke down. The proof is that
12 they are still down there. Our approach to --- in the rescue effort is basically inept.
13 And he wanted us to know that he was going to start asking tougher questions, that the
14 family members, in his opinion, had been lobbing softballs up there, and it was
15 unacceptable.

16 Those things that I wrote right there was happening, I asked him --- actually, I
17 asked him if I could write those things down, if that would offend him if I wrote those
18 things down, because ---. That's another thing, you don't want to be at these family
19 centers, walking around with a little pad, writing everything down, because they're
20 already suspicious of us anyway as what our role is with regard to are we reporting on
21 them or are we --- you know, so I asked his permission to write stuff down at that
22 point. I asked also --- I underlined and put a blank there because I didn't know what his
23 name was, and then I asked him if he would give me his name, and he did. And I told
24 him that --- he was quite irate. I did not feel threatened or anything. He didn't do
25 anything like that, but he ---.

1 MR. PAVLOVICH:

2 How did you respond to his comments?

3 A. Calmly. I told him, you know, I reiterated where we were, went over, you
4 know, what the progress had been. He said he wanted to talk to who --- you know, he
5 wanted this to be --- you know, what he was saying to me, he wanted it to be relayed
6 further on up. He actually said that he felt that he would get a greater response from
7 the Governor. See, the Governor had an office right across the road there, so he left.
8 He said these things --- I mean, he kind of blew up. And then at the end of his --- it
9 was about 15 minutes or so, and then, you know, he kind of calmed back down and he
10 said, you know, I'm not meaning to attack you personally, but this is just unacceptable.

11 And, you know --- I mean, you risk --- I can't just go, you know, hey, buddy, you're
12 right, you know. It don't work that way. You know, you can't be condescending or, you
13 know, talk --- you know, that would come across as sarcastic and unprofessional. So I
14 kept my nodding to --- you know, I nodded to the fact that I was acknowledging what
15 he was saying and I was writing it down and I was showing him. And I told him that I
16 would pass it on to the primary communicator, which was Bob Cornett. I called and
17 told him. I also --- at the same time as I was going to the --- because he --- actually,
18 he shook --- Ex. (b)(6) and Ex. (b)(7)(C) shook my hand and walked on away. And he was going in
19 search of the Governor's group. And a gentleman named Brian Coddam (phonetic),
20 he's the --- the Governor introduced him to me as his right-hand man. He --- lo and
21 behold, he just walked out of the bathroom and walked by, and I told him, I said ---. I
22 informed him that he was going to get a visitor. And he came back to me --- let's see.
23 Confronted about ---. I put it more in time frame because this is also what I copied
24 down, and I gave a copy to --- for Mr. Denning. Well, I shared it with the liaison
25 coming on, which was Richard Laufenberg. And then I wanted him to also pass it on

1 to Mr. Denning and --- yeah, Brian Coddam from the Governor's staff.

2 And then I went on down through there, confronted, called, told Bob Cornett,
3 spoke to Brian Coddam from the Governor's Office. I got a call back from Bob
4 Cornett at 9:06 --- excuse me, at 9:20, telling me that at 9:06 there had been a
5 significant bump underground and that --- also I called Mr. Davis, woke him up and
6 told him --- you know, because I wanted him to be apprised at the --- you know, at the
7 8:30 meeting I didn't want him to be blindsided in case Mr. Denning wasn't there or
8 something, that he would know that [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C) was going to have some --- you
9 know, have --- he was wanting to express his feelings with regard to some things.

10 I walked around and told --- just like I always did when something happened,
11 I'd put it up on the board, but then I'd walk around and find out who --- you know, go
12 out in the parking lot because some of the families stayed out there. It was kind of
13 nice weather. And so I'd go tell everybody, and then I came back. In the meantime,
14 while I was doing that, the gentleman from the Governor's Office, in the midst of that,
15 said that he had been contacted by [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C) and he had talked to him for about an
16 hour and he --- you know, he had said some of the same things to me --- to him,
17 excuse me.

18 MR. PAVLOVICH:

19 Were you getting a lot of reports from the command center
20 that bumps were occurring underground on a regular or frequent basis?

21 A. If one had --- if something --- some event had occurred underground, whether
22 it be somebody knocking over props or --- you know, accidentally or if they needed to
23 go up and roof bolt some place, whatever they had in their books from their last
24 update I was informed about. And then I informed --- I wrote things on the white board
25 and went from there.

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MR. PAVLOVICH:

Was there any discussions of what these bumps might have meant to family members?

A. There were questions --- you know, we would go several days and there would be absolutely no activity whatsoever, and then you'd have a bit. They had been informed from early on about the release of energy with regard to --- the dynamics of stored energy after a bump and the releasing of it of going too fast and how it was going to be a slow, methodical process and so forth. They were told about that and they understood. Sometimes I had family members if it showed that they were getting --- you know, in the last hour they had gone further than they had in a while, they would bring up, well, know we know they got to go slow because we don't want anything to happen. They were apprised of how tedious it was going to be, how slow it was going to be and that it was imperative that all precautions be taken so that no one was injured. Because they had been informed about that also, that if something happened to a rescuer, then it would have far-reaching effects.

MR. PAVLOVICH:

So that was discussed, if some of the bumps had some effect on the rescuers, then ---. Well, let me ask you, from your experience with bumps and being a geologist, I'm not sure how much you're aware of the bumps and what happened, but let me just share a little bit of something that can come to mind. I think when they were cleaning up Number Four entry there was a significant bump that knocked two miners down and basically covered the miner up. There was a bump, and I'm not sure it was the same one, that broke the motor shafts. It may have been that same one.

But I could go back then to the morning of the 16th, and at ten

1 o'clock or shortly thereafter they had a significant bump that disrupted ventilation.

2 Then there was about four other bumps, and these seemed to be more outby. When I
3 say outby, I'm talking about like 120. These were like 119 to 112. Then at 12 o'clock
4 or shortly thereafter, the time is 12:52, but --- they had another significant bump. And
5 they had differentiated between some of these small, large, some just a thump, and
6 they described the thump as being something that was higher up in the roof. What
7 would that mean to you when you had that type of information, these bumps going on?
8 Do you have any feel for what they might have been indicating?

9 A. You know, within this event --- for example, obviously the large situation on
10 8/6, and then 8/7 there was more activity and then 8/8 there was some activity, and
11 then it would get quiet. And as far as --- you know, there was just times, like I said, it
12 would get active and then it would quiet down and then get active again and quiet
13 down. As far as some huge red flag that said, you know, stop, something --- you
14 know, some disaster is impending, the history of what was going on there, it fell in line
15 with the lull --- you know, with the ebb and rise of what was being seen. I mean, that's
16 just me being a far outsider. It ---.

17 MR. PAVLOVICH:

18 Well, I appreciate you sharing that. Me, being totally unaware
19 of mine bumps --- I mean, I know that they do occur, but I've never had any personal
20 experiences with them, and I was just trying to get in my own mind what was going on.

21 Some of these were significant enough, if they covered the miner up or partially
22 covered the miner, the miner is only ---. It could have caused some severe injuries
23 had someone been in that immediate area. I'm just trying to get a handle of was there
24 some indication here of a more significant type bump coming, such as the one on the
25 night of the 16th, the evening of the 16th. Were you in the command center on the

1 16th, when that accident occurred?

2 MR. TEASTER:

3 Command center? You mean the family ---?

4 MR. PAVLOVICH:

5 The family center.

6 MR. TEASTER:

7 Family center.

8 A. Yes, I was in the family center. We --- well, on 8/15, that was the saddest
9 dinner that we had had with the Red Cross. It wasn't --- they apologized to us, and it --
10 - the rice stuck together, and so they were quite embarrassed. And they told us ---
11 they said, sorry about this one, but tomorrow night is going to be an excellent meal.
12 There's a contractor coming in that they were affiliated, I believe, with whoever was
13 the drill rig people, and they did a barbecue. It was a huge event. They had all this
14 stuff outside, and they did Dutch oven brownies and all this kind of stuff. So there was
15 a whole lot more family members there for that meal than there had --- you know,
16 everyone knew when it was coming. And so we were there. And I --- we had our five
17 o'clock meeting just as normal, nothing --- they were progressing underground, nothing
18 --- like I said, they had been having some events, but small ---. But even then, those
19 weren't keeping the miner down for, you know, extended periods of time. It would be
20 down for a half an hour or so, and then they were back --- you know, back loading.

21 And the meal started about 5:45. Mr. Stickler stayed for the meal. There was
22 also some upper --- you know, not Mr. Murray, he didn't stay, but there was other
23 people from the mine that I hadn't seen for a while. They stayed and had the meal.
24 And then Mr. Stickler --- he stayed a number of times and would sit amongst the
25 families and talk to them and so forth. And he was in the midst of a big group of them

1 and he had just finished his dessert. And I went to the bathroom, and I came back out
2 and he passed me in the little hallway going to the outside and he told me to --- just in
3 passing, just --- you know, we've had an event, stay by the phones, we'll be in contact,
4 and he left. And it wasn't just him leaving. There was other phone calls to --- you
5 know, to the other company people that were in that area there.

6 And so family members, of course, you know, were aware that something had
7 happened, so they started, you know, coming around and was asking. And I told them
8 what had been told to me by him was that something had happened, don't know what,
9 but, you know, just be aware and more information will be coming. So anyway, I
10 called Mr. Denning, Bill Denning. I told him I didn't know what was going on, but he
11 needed to come because I didn't --- you know, didn't know what was going on. So he
12 came.

13 And I remember there was a phone call that came from the President of
14 Mexico. He was on the phone with his consulate person and he found out real quick.
15 I'm not sure how he found out. Maybe it was CNN. I don't remember. But anyway,
16 because --- yes, because they had video of Mr. Stickler and other people rushing up to
17 the --- up the hill. And the President wanted to know if any more of his citizens were
18 involved. And we --- I told the gentleman from the consulate that we would be --- we
19 would inform him as soon as we knew and to --- you know, just --- as soon as we knew
20 something we would tell him.

21 And then quickly after that, you know, I was talking with the company. And I
22 called up to the Blue Goose, the numbers I had, but those were --- you know, those
23 were all busy. And so I --- the company --- they were getting information. And, you
24 know, Mr. Denning came. He had a cell phone. I believe he had a cell phone number
25 to someone else up there, and he had some information, very vague. The company

1 quickly had a list of names. And I say quickly, heck, it seemed quickly. It may have
2 ben an hour and a half, two hours, for all I know. But they gave --- I told them as soon
3 as they had a list of names to provide it to me, and they did. It's in here.

4 Anyway, like I said, Mr. Denning got here. We looked at the list of names.
5 We informed the consulate --- the gentleman from the consulate that simply based on
6 the ethnicity of the names, we do not believe his citizens were involved. But by no
7 means take that to heart, you know, as firm --- but we would get back to him as soon
8 as possible. This was the name. This is the list, you got it, of what it was.

9 It's further on back there. It's close to the cards that the --- this from the family
10 members that gave them to me. But anyway, family members were very sullen in the
11 fact that it's almost like, you know, some of them were related to some of these people
12 here. We never released these names, but there was names that started popping up
13 because people were at hospitals and stuff. We never released anything like that.
14 But some of the family members of some of these people injured here were at the
15 family center and left. And I recall, you know, other people volunteering to drive
16 people to the hospital and, you know, it was --- I didn't have to coordinate. You know,
17 there wasn't anybody there that --- I felt they were being saw to as far as, you know,
18 safely driving. You know, police --- the police volunteered to take people to the
19 hospital, give them escorts and stuff like that. A lot of the family members there had
20 cell phones of where they were talking to other family members that was involved with
21 this from the hospital and giving us --- you know, had quite a bit of information.

22 Like I said, Bill Denning, he was there. He was making contact with the Blue
23 Goose. By that time, you know, the phones had --- you know, there was additional
24 phone lines. As far as our family members, the initial six, very sullen ---. It kind of
25 just all --- some of --- you know, there was a lot of tears, and they were --- some of

1 them even said, you know, this is it, isn't it, you know. This is what we've been scared
2 of all along. You know, I never said yes or no, but I mean, they certainly did talk about
3 things like that. It was ---.

4 MR. PAVLOVICH:

5 You had discussed that before, ---

6 A. It had been mentioned ---.

7 MR. PAVLOVICH:

8 --- about this happening. It did happen, and they knew that
9 that probably wasn't good news.

10 A. It had been mentioned with regard to what was going on in entry four over
11 here and how fast they had gone up and the facts that there wasn't any support or ---
12 you know, and that it was just really a load and go kind of --- you know, get it going
13 and going out and how there was the potential of --- that they may have released so
14 much energy that they may have induced that event by, you know, hurrying, you
15 know. And then after that they were extremely --- you know, much more cautious, had
16 the additional materials with regard to support and protection for the miners and so
17 forth like that. And, you know, family members over here knew how fast they were
18 moving. I mean, they were --- I mean, it's just rubble. They were just, you know, not
19 even --- you know, basically not even turning the heads on, just the gathering arms,
20 and just shoveling it out. And here --- you know, some of the people initially, you're
21 going really slow. Well, it was explained to them.

22 Mr. Stickler did a very good job, you know, here is the reality of this. We have
23 --- you know, your loved ones --- we want to do what is right, but we have got to
24 protect the rescuers and it has to go slow. It is methodical. It is --- you know, we have
25 got to be careful.

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MR. PAVLOVICH:

So going back to the President from New Mexico (sic) making the call, is that --- he called before you ---.

UNIDENTIFIED SPEAKER:

Mexico.

MR. PAVLOVICH:

From Mexico. What did I say?

MR. TEASTER:

New Mexico.

MR. PAVLOVICH:

I'm sorry, from Mexico.

MR. TEASTER:

Didn't know we had a President in New Mexico.

MR. PAVLOVICH:

Well, we don't. But there's one that would like to be. There's one down there that I understand would like to be. From Mexico, when he called the consulate there, did that information get there now before you was able to contact the command center and learn what had happened?

A. It seemed to happen --- no. No, it was --- it was right there at --- basically at the same time. Like I said, I was calling --- because I had the two --- I guess they were satellite phones. Those were the two phones numbers that I had that I had been contacting all along. I did not have anybody's personal --- well, that's not true. There were cell phone numbers listed on this list. I did not try calling anyone else other than those numbers there. Maybe that's a failing of mine, but I did not think to call Bob Cornett's cell phone. I'm not sure I had Bob Cornett's cell phone, but I'm --- but it

1 happened within minutes of when Bill Denning got there. And he came in the door
2 and he was talking --- I believe he was talking to a Mr. Farmer. I'm not a hundred
3 percent sure on that. But Bill had --- was in contact with someone up there. And I did
4 not call any other numbers other than the --- as far as the Blue Goose. I did not call
5 any other numbers other than the satellite numbers that we had there. But now I did
6 call Mr. Denning.

7 And I also did not know as far as --- because like I said, the potential of me
8 being the only one there and not being in contact, I ended up --- on a personal note,
9 Ex. (b)(6) and Ex. (b)(7)(C)

10
11 And he gave me Terry Bentley's (phonetic) phone number and phone numbers for
12 Amy Louviere. And I knew that Mr. Fillpot was up there and ---. And there's another
13 thing about cell phones out there. You can't get through sometimes, so --- they don't
14 pick up the best, and so --- but anyway, no, I didn't try any other cell phones. I tried
15 calling Ms. Louviere, because I figured they would be in contact with those kind of
16 people also. And like I said, Mr. Stickler had said, you know, just in passing --- I don't
17 even know that he recognized that it was me. I'm sure he recognized it was me or he
18 wouldn't have said anything, but he said, you know, we've had an event, you know,
19 we'll be in contact or, you know, stay in contact or something like that.

20 MR. PAVLOVICH:

21 I'm just trying to clarify in my mind how --- who informed the
22 family members that a bump had occurred underground and if we had injuries and
23 possible fatalities?

24 A. I informed them that an event had taken place and that --- the company came
25 and said that they were aware that ambulances had been called. And so I was leery of

1 the fact that ambulances were going to go by there, making noise, so that was --- you
2 know, I told them that I would --- as soon as I found out more information, something
3 had happened up there, but I did not elaborate.

4 Now, when Bill Denning got there, like I said --- it was really quickly when he
5 got there, but --- and I'll be honest, I never heard any ambulances go by going up
6 there. I heard them when they came back. But they actually turned the --- I mean, I
7 was outside. They turned the lights off when they went by the school. I never saw an
8 ambulance go by the school. I thought --- it's like a canyon situation you hear. I
9 thought I heard one and we were kind of all looking out, but there were ambulances
10 that went by, but they were very aware of the situation, so they just turned their ---
11 they turned their lights and the noise off when they went by there.

12 MR. PAVLOVICH:

13 And what was your role for the families after the 16th?

14 A. Well, family meetings after that took, you know --- they were informed that ---
15 this is when the talk about the additional experts from industry and academia were
16 going to be solicited and brought in to give their opinion with regard to a continuation
17 of the underground efforts. That kind of stuff was told to them. It --- no one --- the
18 drilling continued. They told them that --- you know, Mr. Stickler told the families that
19 the drilling was --- you know, that they had plans for these other holes and basically
20 that they would be looking for signs of life because, you know, they were going to get
21 this information from these additional outside sources, what they thought, you know,
22 kind of critiquing. And then also kind of --- well, no, what they did --- he did apprise
23 them of the fact that there is potential that those people --- those experts would say
24 that nothing more can be done underground. And then in order --- you know, that's ---
25 the reiteration of the questions with regard to the capsule, you know, enlarging the

1 hole, doing a 30 inch or 36 or whatever size hole it was. Those questions started to
2 come up more and more.

3 And then there was discussions with regard to Quecreek versus this one, how
4 Quecreek was just a couple hundred feet deep versus this one being, you know,
5 1,600, 1,800 feet or something like that. And the time frame of that and how --- how
6 many people can go down in a capsule and what kind of resources they would have on
7 them and potential for exposure. And it was brought up --- it was told to them that
8 there had to be signs of life, there had to be. So it --- you know, there was some
9 family members that had kind of already --- you could see it in their face and kind of
10 what they said. At that point in time was when --- see, the Ex. (b)(6) and Ex. (b)(7)(C) had stayed
11 there every night.

12 MR. PAVLOVICH:

13 Even after the 16th?

14 A. Even after the 16th, yes. It was when that conversation --- those kind of
15 conversations came out, that they ---. I don't know exactly what day it was, but it was
16 after we had moved to the desert --- to the church versus being at the junior high.
17 They --- that's another item, the company's --- because we discussed with them about
18 a reduction of amenities. Because they could stay there. They had showers
19 available, stuff like that. And this was not the time to just jerk all that away from them.
20 And the company, they said they were very well aware of it. Mr. Denning went with
21 the company to visit different sites around there. And also arrangements were made
22 for like those vacation trailer --- anyway, that you sleep in when you go camping, you
23 know, that had, you know, beds and tables where they could be isolated and stuff like
24 that. There was ---.

25 MR. PAVLOVICH:

1 So they brought them in, like trailers ---?

2 A. Yes. Uh-huh (yes). They were afforded. And like I said, the Ex. (b)(6) and Ex. (b)(7)(C)
3 was the one --- and then there was --- at that church there was other rooms that --- like
4 little rooms that like Sunday school classes were in. So some different family
5 members were --- they could sleep in there and stuff, and they had --- those trailers
6 were afforded to them and stuff like that.

7 MR. PAVLOVICH:

8 How long did you stay there at the mine?

9 A. At the family center, I departed on Monday the 21st, I believe. Let me check.
10 Twentieth (20th), I'm sorry. Monday, the 20th.

11 MR. PAVLOVICH:

12 Was you with the families when they were notified that the
13 experts had determined it was not safe to go underground?

14 A. I was there on the morning --- my last --- I was there for the family meeting on
15 the morning of 8/20. And that was --- okay. The day before was when the family
16 members had brought a lawyer as a representative, as a speaker for them. And I just
17 kind of backed away. That wasn't my --- you know, I didn't want them to feel like I was
18 spying on them or anything, so I just kind of went away. They walked down the road
19 to the media and came back and, you know, some of them came in and --- we never
20 really talked about that. And then on --- that was on --- my recollection, that was on a
21 Sunday.

22 Monday, they --- Mr. Stickler came and talked about how the gentleman --- or
23 it might have been a lady, heck, I don't know, that the expert folks, they had actually --
24 - he told them that they actually declined to go underground for a visual inspection.
25 He

1 --- I mean, I was just sitting there in the sanctuary and I wrote down some of the stuff
2 he said. He said he had not seen a situation such as this. And he had not --- it was
3 not said point blank --- they were still evaluating. Those experts were still evaluating
4 at that point in time. They did not want to go underground, but they were evaluating
5 information that had been secured from underground.

6 The other thing was he invited them --- I believe it was four family members,
7 three from the company, I believe, and three from MSHA, to participate about 12
8 o'clock or so in a --- yeah, that was it, a small group, a small --- you know, he wanted
9 four representatives from the families that were --- you know, had mining backgrounds
10 or something that could offer input. I know that [REDACTED] had mentioned --- [REDACTED]
11 [REDACTED] had mentioned that he had an idea for a design of a capsule,
12 something that --- some way to carry more oxygen, you know, more tanks or
13 something like that. Anyway, that was discussed during that family meeting. I
14 departed prior to that 12 o'clock meeting.

15 MR. PAVLOVICH:

16 Carla, on August the 12th, I'm referring to your notes, about a
17 suicide cut.

18 A. That was something that was on --- if you look through here, these are little
19 drawings and stuff. And we had TVs --- gosh bless them, they were all over the place.
20 And they --- CNN or one of those TV shows had an illustration up there about ---
21 actually, it showed an inlet --- I mean, it showed a dozer going underground as a
22 representative of retreat mining. And anyway, it --- and then they said stuff like --- you
23 know, they used words like suicide cut and stuff like that and how dangerous it was.
24 And there was a gentleman from --- they were quoting stuff from a gentleman from
25 Kentucky. And anyway, there was some --- just words thrown out there. And you

1 know, family members --- you know, how ---. It was also indicated to them that we
2 give plans and by virtue of a plan that you could pull any pillar in that mine at any time
3 without any sort of sequence or any thought process at all, that a plan was just a
4 blanket. And anyway, these words were thrown out there and wanted to know what
5 that meant, what was that cut, what did --- was every cut a suicide cut? Was it all
6 suicide, you know?

7 And it was --- that's --- anyway, this was my sad rendition to them to show that
8 it was --- you know, this was cut one and cut --- you know, this was previously cut over
9 here, and it's all orchestrated, and you can't cut this one and then run over there and
10 cut that one. You know, it's --- it is sequenced. It is orchestrated. And they ---
11 anyway, that was some of that. Some of these other little sad drawings as to what is a
12 rib versus a roof. And just depending on who you were talking to at the time, you ---
13 whether I had a white board or a blackboard available or my little notepad thing, you
14 know, I just --- a lot of it --- a whole lot of questions came literally from what CNN was
15 saying. Later on, as time went by, the family members didn't put as much in stock to
16 what was on --- what the media was saying. But you got to remember, it had been six
17 days into this, and they were kind of --- their well was going dry, so they were getting
18 more elaborate with their coverage. So like I said, it ---.

19 MR. PAVLOVICH:

20 We have a few more questions. Would you like to take a
21 break or would you like to continue?

22 A. Go right ahead.

23 MR. PAVLOVICH:

24 Your notes on the 17th, August 17th, you referred to the 8/16
25 bounce and you talk about the risk versus values. Would you share with us your

1 thoughts on the risks versus value?

2 A. That was the family meeting. Hang on.

3 MR. TEASTER:

4 So was this your notes from the briefing that Richard Stickler
5 was doing?

6 A. I'll have to look at the page. Let's see.

7 MR. TEASTER:

8 It's the one right after where you say the President in his
9 office now.

10 A. The President --- oh, yeah. Yeah, that was to Mr. --- I was on the phone ---
11 and I believe that was to Mr. Denning, to tell him that --- you know, to help secure that
12 list of those names to find out --- I think I was trying to call the Blue Goose, and I think
13 it was ringing at that point in time. But I wrote it and I was pointing that --- the
14 gentleman from the consulate, that gentleman, as soon as we could we needed to try
15 and help that. Let's see. I may have messed these pages up. Let me look at my
16 pages.

17 MR. PAVLOVICH:

18 Here, Carla. Here's the highlighted version.

19 A. This is the next day where Mr. Stickler was talking to them, to the family
20 members, with regard to --- could you go back and ask me again what you're saying
21 because I'm not sure I'm following exactly? This is where he was saying ---.

22 MR. TEASTER:

23 Risk versus value.

24 A. Risk versus value.

25 MR. PAVLOVICH:

1 Well, it doesn't actually say that.

2 A. Oh, okay.

3 MR. PAVLOVICH:

4 You have a discussion there concerning the riskiness of it
5 appears to be continuing operation, the fact that unless we know people are alive ---

6 A. Right.

7 MR. PAVLOVICH:

8 --- or we get an indication, we're not going to do that, which
9 we've been ---.

10 A. Okay.

11 MR. PAVLOVICH:

12 Risks versus value philosophy.

13 A. Okay.

14 MR. PAVLOVICH:

15 We were just wondering, were those your notes, your own ---

16 A. No.

17 MR. PAVLOVICH:

18 --- feelings, or was that something you copied from a
19 discussion Mr. Stickler was having?

20 A. This is what he was saying to him. No, I didn't remember writing the word
21 value anywhere.

22 MR. PAVLOVICH:

23 He was explaining that risk versus value principle to them,
24 that we need to find signs of life before we risk anybody else?

25 A. Yes.

1 was being relayed to the families that it would take seven days, including the family
2 members that went underground. They came back and told the other folks that in their
3 estimation it would take about a week, maybe quicker, you know. So the fact that the
4 chamber would take weeks to do, you know, that really didn't come back up again until
5 this point here.

6 And it was explained, in my opinion, as gently as possible, but it was
7 explained. It had also --- like I said, it had been explained to them earlier on how
8 imperative it was for them to go slow and methodical and make sure that nobody was
9 injured.

10 BY MR. TEASTER:

11 Q. During the Senate oversight hearings, Governor Huntsman of Utah, he
12 characterized MSHA didn't have control of the situation. And I realize you weren't at
13 the mine, but how would you characterize that comment as it relates to the family
14 center?

15 A. Well, I can only speak directly for my shift. I did not hear anything from the
16 other shifts. But as --- there was --- it was open to all family members. You know,
17 information was provided there. They were able to come and stay. There were ---
18 other than the one family member who was a media person, which, like I said, the
19 family members, you know, told, you know, the folks in charge about it, and that
20 person was asked to leave, I felt that it was a secure environment. It is true, you
21 know, they wanted --- the reality of the situation was, in my belief, explained to them
22 as gently and thoroughly as possible. You know, you just can't miraculously make
23 their loved members appear, you know.

24 And I think as far as food and counseling and shelter and, you know, the basic
25 intents behind your ERP plan there, I believe those were handled well. There was an

1 established time frame for meetings at 8:30 and at 5:00, and then you had hourly
2 updates. They --- you know, they felt free to come in and ask all kinds of questions.
3 You know, maybe early on, at one of the first family meetings or something, maybe
4 Mr. Huntsman didn't feel that it was as organized as it needed to be, but I'm not really
5 sure what he was getting at. Now, he was there ---.

6 MR. PAVLOVICH:

7 But as far as you're concerned, this family center was well
8 organized and run efficiently, as far as MSHA was concerned?

9 A. Yes. I believe so. Mr. Huntsman was there quite a bit. He never --- at the
10 family center, I mean. He never brought anything up to me. Neither did any of his
11 assistants, Mr. Coddam or --- and he had Mr. Baza, B-A-Z-A. He was there quite
12 often, too. It was never --- you know, it was never brought up to me that you all are
13 failing these people in this aspect.

14 MR. PAVLOVICH:

15 I kind of asked my questions. Do you guys got any?

16 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

17 Yeah, a couple. Carla, when Mr. Stickler was giving these
18 family briefings, I suppose he took questions at the end. And since some of the family
19 members had some mining experience, did any of them ask him some direct
20 questions like why did MSHA allow the miners to mine in the barrier like this?

21 A. Yes. And what would happen is --- and Mr. Stickler realized this, as everyone
22 in here realizes that there are certain folks that do not feel comfortable speaking up in
23 a large arena, such as that. I mean, we had cases of 150, maybe more, people there
24 at times. And so every time Mr. Stickler would say, and I will stay here later to answer
25 all of your questions ---. And he did, at least at the --- you know, I don't know about

1 the 8:30 meeting, but he did. He would stay. He ate with them several times.

2 In fact, he lost one of his caps, and a family member went to Castle Dale and
3 bought him some Fixodent for his tooth that he lost in the mashed potatoes. Here's
4 the little bag from the pharmacy. And he was quite sad about that he would put that
5 Ex. (b)(6) and Ex. (b)(7)(C) that he would put her out like
6 that. And as she was leaving, she told him, we need you to stay healthy. We want
7 you to be here. And she actually volunteered to get him a dentist to come up here
8 and work on him, you know, but he just used his Fixodent. But anyway, he was there.

9 He answered. He stayed. He --- you know, as questions did rise with regard to plans
10 and was that approved and what process do you go through to get that approval. He
11 talked to them about things like ARMPs and numbers, and he talked to them about ---
12 he talked to them about Sago and Aracoma and Kentucky Darby, because family
13 members brought that up, about failings from those situations.

14 And he talked to them about the MINER Act. He talked to them about how ---
15 a long conversation with Ex. (b)(6) and Ex. (b)(7)(C) - I mean, Ex. (b)(6) and Ex. (b)(7)(C) with regard to plan
16 approvals and how numbers are, you know, plugged into the ARMPs system and
17 evaluations are --- you know, readouts, you know, as to minimum barriers and stuff
18 like that. He --- anybody that asked a question, he would answer, I thought, quite
19 thoroughly. Now, I was not there with him every second, you know. I'd be off doing
20 something else. But, yes, family members did ask questions, and his answer to them
21 would be that there would be a thorough investigation. He went into --- like I said, with
22 --- the one I remember was Ex. (b)(6) and Ex. (b)(7)(C) was that he told him --- explained about the
23 accident investigation and then the internal review and what their roles were. He
24 talked quite extensively about that and what --- you know, he gave them assurances
25 that those kind of investigations would be thorough, and he ---. I recall that distinctly.

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MR. TEASTER:

Anything else?

UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

We was talking about all the bumps that were occurring, the 8th and 9th and prior to the 16th, and that there was some discussion that if something happened to the rescuers, it would have far-reaching effects?

A. Uh-huh (yes).

UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

Did that mean that if someone got hurt on a rescue, that the operation would stop or ---?

A. It was never verbalized as to what that line would be with regard to whether, you know, somebody had --- you know, it never was --- in my presence, was never verbalized with regard to, okay, somebody gets, you know, injured, and that's it. It never was cut and dry like that at all. Even after it happened on the 16th, which would be --- the 17th, when it was met with the family members, the input, additional input from these outside entities, you know, he said, our folks have gone in there and they've looked at it. We made an assessment. This is how we approached it. We're bringing more people in to see if they can think of another alternative. And it never --- it was just that --- you know, that big white elephant over in the corner that was, you know --- we know we've got to go slow. We don't want to take and incur the same situation that we had in Entry Number Four, where we lost everything. They were --- you know, they all knew they had to go slow, but it was never point black said, that's the end of it if someone is injured. But it was alluded to.

UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

You said that you participated in the MERD exercises and

1 training ---.

2 A. Uh-huh (yes).

3 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

4 When you did that one, would the family liaison be the
5 primary communicator with the families or was a senior MSHA person brought in to
6 hold briefings?

7 A. No. The senior MSHA person stayed at the command center, and I briefed
8 the families in this MERD exercise. And I did the same at the exercise in --- at
9 Holmes Mill just a couple weeks ago. But, you know, there was no senior MSHA
10 person available to come down there, so --- you know, me, personally, I looked at it in
11 the same way as --- for example, in this definition here, it also says that the primary ---
12 I mean, excuse me, the family liaison would make all these contacts with securing this
13 facility and doing all this stuff. Well, heck, the families had --- I mean, excuse me, the
14 family center was already established and so forth by the company prior to even Mr.
15 Denning getting there. So he didn't have to reinvent that wheel.

16 And on this one here, I didn't --- I did not and I do not now feel that it is my
17 place to go up to Mr. Stickler and tell him, sir, I need to be the one doing this
18 conversation with these family members in front of him. I do not. I think the man did
19 an excellent job under the circumstances. He was more --- you know, he went
20 underground. He saw it. I personally --- I think, you know, we got PPLs out there for
21 ever and ever. And if it would be possible to refine that one to include the role of
22 someone, you know, other than the family liaison, if there's someone there that's more
23 attuned and more aware, then I don't think we should stop them from coming to talk to
24 the families. That's just me.

25 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

1 That's all. Thanks.

2 UNIDENTIFIED SPEAKER:

3 Carla, I have a couple. One following up on that. If you --- if
4 the families --- I guess this is your opinion, obviously, but if the families saw Mr.
5 Stickler on site via the media, and he didn't come to them and brief them, do you think
6 they would have an expectation that the senior MSHA on site would come to them?

7 A. Yes.

8 UNIDENTIFIED SPEAKER:

9 Do you think that's their ---?

10 A. I do believe that's an expectation. In fact, they asked me at a number of --- I
11 remember the day when one family member came, and it's Ex. (b)(6) and Ex. (b)(7)(C) --- I'm sorry, I
12 misspoke. It was Ex. (b)(6) and Ex. (b)(7)(C) I believe. Anyway, he came up and
13 he said, now, Richard is over MSHA; right? Buddy, I couldn't figure out who Richard
14 was. I said, oh, Mr. Stickler? Yes. Yes, yes. He is definitely --- he's our boss. He is
15 as high as it goes up to Ms. Chao and then from, you know, on up to whatever. Yes,
16 he's --- you know, I guess his --- and there was a lot of people around. They felt good
17 that the person from MSHA, the highest-ranking person in MSHA was there, that he
18 came and spoke to them.

19 I do believe there were some times when Mr. Murray would speak to the
20 media later on, but not --- but then Mr. Moore, his nephew, would come and speak to
21 the families. Now, I don't know that they loved having Mr. Murray down there, but
22 they --- there were times that if he would just come in and do a little sound byte, some
23 of the ladies actually --- you know, they kind of liked him and hugged him and stuff.
24 And they would see him on CNN, but he wouldn't come back. So they were actually
25 concerned that he might be mad at them or something. And so they actually solicited

1 --- you know, and so he'd come visit them. This is way prior to the 16th, you know.

2 And then, you know, the 16th, I didn't see Mr. Murray back there. He just
3 stayed --- from what we were told, he just stayed up on the hill. But there were times
4 when family members would ask Mr. Moore, you know, could you have him come
5 back, we just want to check on him, and stuff like that.

6 But anyway, back to the other side. Mr. Stickler, they liked him, too, and they
7 liked talking to him. They liked the fact that he stayed later, that he'd eat with them
8 and stuff, and he would convey ---. And he was very truthful. There was no --- I'm not
9 alluding that any of us were dishonest with anyone, but he never sugarcoated
10 anything. And they liked the fact that he was the senior person, you know. And I agree
11 that if he had just shown up on TV and not come to them, then they would have felt, in
12 my opinion, like he was an elitist and, you know, he was separated and they were
13 lesser than him.

14 So I do not find --- I do not feel that it served --- like I said, you know, it wasn't
15 my place to tell Mr. Stickler he can't talk to anyone he wants to talk to. And there were
16 times when he went first in the family meetings. Sometimes Mr. Moore went first. It
17 started with a prayer. They ended with a prayer.

18 UNIDENTIFIED SPEAKER:

19 I have one other one. As far as the notification sheet that you
20 showed us there, when you were talking about the bore hole and you had signed it, I
21 guess is that part of your kit? How was that arrived at? Who came up with that and
22 did everybody --- you know, Bill Denning and --- did all the family liaisons use that as
23 part of the system?

24 A. This was the only meeting that was not per schedule. Everything was 8:30
25 and 5:00, okay? This one was when the first bore hole went through. And we told the

1 family --- we, MSHA, whomever, told the family members at that five o'clock meeting
2 on that day that --- to, you know, either stay around or give us phone numbers. So
3 that's where I ended up getting all these other additional phone numbers for the
4 different families. That's how I found out that **Ex. (b)(6) and Ex. (b)(7)** was a boy and
5 not a girl, as Mr. Denning had --- it was a bit of a shock to him, too. Anyway, yeah, I
6 even see it in my notes there. He was a very nice young man. But anyway, he --- I
7 was getting cell phone numbers and so forth, additional contact numbers from people
8 so that we could make sure that their unit --- their entity was informed. And that was
9 just --- and Mr. Stickler, Mr. Stricklin, Mr. Davis, they all came for that ---- I don't know,
10 11 o'clock. It was later in the evening. It was much later. We ---.

11 UNIDENTIFIED SPEAKER:

12 Was that your idea, though, or was that something that you
13 picked up from training, that when you deviated from the norm, you wanted to
14 document that? I mean, I think that was a good thing. That's why I'm just curious
15 where it came from.

16 A. I'll be honest with you, it just seemed like commonsense. I don't recall them
17 saying anything about that. But anything --- it says in that PPL, you know, any
18 significant events or whatever, then you keep a log of it. So I don't know, that seemed
19 like the best one. And we talked amongst the company folks there, Mr. Poulson. He
20 was the gentleman there at the time. And he had --- that was like his e-mail or --- or
21 he had that list. That was not a list that I have. And he --- yeah. Yeah. To Jim
22 Poulson, that's who this was from. So he had that list. And he --- see, it says **Ex. (b)(6) and Ex. (b)(7)(C)**
23 a girl on there. But anyway, he had that list, so we used that as a basis for someone
24 signing, you know, that we informed them ---

25 UNIDENTIFIED SPEAKER:

1 Of the meeting.

2 A. --- of the meeting and that somebody was there or --- you know, this was a
3 representative from each of those --- there was people there from each of those
4 families. Because the other side of that coin is if we didn't have somebody there from
5 that families, then we needed to call them and inform them over the phone of any
6 additional --- anything extra, which happened another time, and I noted that in here ---
7 well, or whatever book. Is that the --- where's the book that Mr. Denning started us
8 later on? Do you all have that? Never mind. Anyway, there was an additional time
9 when Mr. Davis called to say that CNN --- and it was a quick turnaround. He said ---
10 Mr. Davis said that CNN was going to announce that they --- something about finding
11 the bodies or something.

12 MR. PAVLOVICH:

13 Oh, I read that note in here.

14 A. And so anyway, we got --- we did not have time to make that formal, you
15 know, calling them all in. It was imperative that we tell people according --- Mr. Davis
16 called and said tell them now. Get them in there, tell them now, because there's TVs
17 around. And then also whoever it was --- like Ex. (b)(6) and Ex. (b)(7)(C), they had
18 gone home. I knew that. So I called them. I informed them. I informed Ex. (b)(6) and Ex. (b)(7)(C)
19 Ex. (b)(6) and Ex. (b)(7)(C) but she wasn't,
20 so I called her and told her. That was one of these days. I'm not sure what it was.
21 But anyway, that was another thing listed. Okay. Did I answer your question?

22 UNIDENTIFIED SPEAKER:

23 Yes. Thank you.

24 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

25 A couple of quick questions. Carla, I know you deal with

1 ERPs in District Seven.

2 A. Yes.

3 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

4 Is food and water provisions part of the breathable air
5 extension?

6 A. Yes. And I'll say it's just a blanket statement. It doesn't say we'll have this,
7 you know --- one pint for every miner for every six hours or anything like that. It's just
8 a comment. On a different level, we have contacted Mr. Bentley via e-mail to ask for
9 more clarification with regard to that. But the answer to that is yes.

10 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

11 Well, actually my question, when the plans come out
12 somewhere around June 14th, you said everything's got to be implemented except the
13 breathable air.

14 A. Post accident, yes.

15 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

16 Okay. Would that mean that if it said you want to have food,
17 you want to have water, that food and water had to be implemented immediately or
18 could it be extended along with the breathable air?

19 A. That's a good question, ^{Ex. (b)(6) and Ex. (b)(7)(C)} I'll have to look that one up. Let me see what
20 I --- you know, my understanding is that the PABA, the post accident breathable air
21 items, was where the barricading materials --- where you could have your quick
22 deployable stoppings and so forth. That based on what you were going to do at your
23 mine, if you were going to do a safe haven versus a shelter, that when you had your
24 skid of materials for barricading, it depended on what you said, then the food had to
25 be --- it had to be there with the --- you know, the hammer and the nails and that stuff.

1 So my recollection of that plan --- of those plan items was that the food --- for
2 example, Jurissa (phonetic) has beanie-weenies in there. So yes, I do know that they
3 have not got their --- they have the beanie-weenies now, but they do not have their
4 rescue chamber. It is on order. they have a purchase order for that. But yes, they do
5 have the food items there. I do know that at that time, because I saw them.

6
7 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

8 One other quick question. Just kind of expounding on what
9 you talked about earlier, you said that during the 17th meeting when they said that
10 they were halting the underground operation, it was too risky, until they found signs of
11 life.

12 A. Well, they said also at that time that he had called in those experts and was
13 going to get a response from them. It was not a definitive statement at that point that
14 underground work would be stopped forever. It was just halted at that point until they
15 got some more input.

16 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

17 Well, my question, though, is there were no signs of life
18 before the accident on the 16th.

19 A. Correct.

20 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

21 I mean, was there any talk --- I'm just trying to get an idea of -
22 -- I mean, I know it changed because people got killed, but that's the only thing that
23 changed. Why didn't they bring these experts in before then and say, is there a better
24 way of doing it? Why was that risk that Ernie was talking about allowed to go on
25 when, you know, as far as they know, there was no signs of life? I mean, you might

1 not know where you was at, but what were you thinking? Did you hear anything from
2 anybody?

3 A. Well, yes, there were rumblings as to --- from --- you know, people would say
4 in passing things like --- and I can't remember who said things, but they were like,
5 doesn't MSHA already have experts? You know, haven't they already tapped into
6 them? I remember someone asking me and I said, well, you know, in my job I will
7 review something, but sometimes I request additional --- you know, from our technical-
8 support unit. I said --- I just said, perhaps our folks were wanting to make sure that we
9 had thought of everything.

10 Now, you know Ex. (b)(6) and Ex. (b)(7)(C) beside of that, you know, there was no signs of life, but
11 then yet there was --- you know, nobody tapped on anything, other than that
12 mysterious thumping that took place for five minutes at one-and-a-half-second
13 intervals, you know. But then, you know, those holes had gone down and there were
14 voids back there. They had also found, you know, enough oxygen to sustain life.
15 There was the possibility. No one had ever, you know --- maybe in someone's mind it
16 was there, but nobody had ever out and out broached the subject that, you know, this
17 is a wasted effort, not in my presence, not in what was conveyed to the families. So in
18 my understanding, how it was explained, they brought, you know, someone else to
19 come in and look at what our folks had done to make sure that they had --- you know,
20 and this additional input from these other, you know, outside entities that our folks had
21 done everything that was possible, and maybe someone could think of another way of
22 working underground, you know, another route, another passageway, you know, some
23 way else to do it. But when it came down to talking about the chambers and so --- I
24 mean, excuse me, the cylinder, using a cylinder or something like that, things were
25 brought up about how many --- you know, how much time it was going to take to lower

1 that down and, you know, you're going to have a rescue --- you know, a person getting
2 out of that chamber down there and waiting potentially for hours for the rest of them to
3 get down there and then not having enough oxygen himself potentially. Those were
4 the kinds of things that was brought out that if we're aware that there were, you know,
5 someone down there alive, then they felt that the risk was something to entertain. But
6 at this point in time it wasn't if they didn't have some signs of life. I don't know how to
7 answer other than that.

8 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

9 Thanks, Carla.

10 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

11 I just have a couple questions. And I'll make it quick because
12 we're running short on time here. The handouts that you showed at the beginning of
13 this interview, was that --- those were the only handouts that Bob Murray ever
14 provided to the families or distributed to the families?

15 A. I got copies of everything that had ---.

16 MR. PAVLOVICH:

17 I have them here.

18 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

19 Okay. I just want to make sure he didn't hand out anything
20 other than what you ---.

21 A. Well, I'm not positive that he did not hand out more things because there were
22 times --- like I said, there was a hundred and --- there was a lot of people there, so
23 sometimes I would come --- okay, it didn't seem reasonable to me to go take
24 something away from a family member, ---

25 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

1 Right.

2 A. --- so I am not saying for sure that there were not other handouts that I didn't
3 get copies of. After this first release, the one I know for sure on August the 7th of
4 2007, that one was only in English because I distinctly recall him telling the Hispanic
5 folks to take and find a friend and have them interpret it. Then after that --- that went
6 over like a lead brick. And they --- at that point in time, every handout was also in
7 Spanish.

8 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

9 Okay.

10 A. And I did not collect any of those. Those were gone real quick. I thought
11 about --- you know, if I found one, I was going to keep it. But I would collect stuff that
12 was put on the table after everybody had already gotten theirs. So Mr. Denning may
13 have other handouts, but these were the only ones that I secured copies from.

14 MR. PAVLOVICH:

15 He appears to have about five more.

16 A. There is a time that they stopped ---.

17 MR. PAVLOVICH:

18 There are similar --- it looks like a Murray news release, ---

19 A. Yeah.

20 MR. PAVLOVICH:

21 --- kind of like that first one is.

22 A. Yeah.

23 MR. PAVLOVICH:

24 And Denning has like four or five more.

25 A. Yeah. There is a point, and I don't know where that point was, but there is a

1 point where they stopped --- you know, he stopped bringing handouts.

2 MR. PAVLOVICH:

3 There's not many more.

4 A. Yeah, I don't know. I mean, I really just don't know. But there is the potential
5 that there could be a day or two more on there that I did not get copies of.

6 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

7 Okay. With respect to your communication with Ex. (b)(6) and Ex. (b)(7)(C)

8 on the 11th, do you have --- did you get any sense or did you hear him say anything
9 as to what prompted him to make those statements about being failed by MSHA and
10 the company and no signs of life?

11 A. It just appeared to me, no, that there was no singular event that just happened
12 to him. He just --- he was just walking by and he saw me standing there, and he just
13 came over and said, I want you to know this. And so I asked him if it was okay to write
14 it down, and he said yes. Then I asked him what his name was, and --- because
15 obviously my name was there for the world to see. I did not know his. And he said, I
16 have nothing to hide. My name is this. He did not tell me what --- I did not ask him
17 what family member he was related to.

18 Later on I received a card, this card here, which you've got a copy of, from
19 Ex. (b)(6) and Ex. (b)(7)(C) family, telling me how sorry they were and that they would ---
20 they did not feel that way, that they felt that we were doing everything that he --- they
21 felt he was out of line and they apologized.

22 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

23 Okay.

24 A. I saw him later on. He would --- we never really spoke. He just kind of
25 nodded and, you know --- I think he just --- you know how people have moments. I

1 don't know of anything specific that caused him to have a bad moment there, but, you
2 know, it happens to all of us.

3 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

4 Okay. Under the PPL, the family liaison is supposed to have
5 --- or they're supposed to remain accessible to the family members after the
6 immediate rescue or recovery. You mentioned that you have spoken to Ex. (b)(6) and Ex. (b)(7)(C)
7 Have you spoken to anybody else?

8 A. Yes.

9 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

10 Did Ex. (b)(6) and Ex. (b)(7)(C) contact you or did you contact him?

11 A. Ex. (b)(6) and Ex. (b)(7)(C) contacted me to ask about Mr. Pavlovich. Ex. (b)(6) and Ex. (b)(7)(C)

12 Ex. (b)(6) and Ex. (b)(7)(C) he called me at home one day. He was asking --- Ex. (b)(6) and Ex. (b)(7)(C)

13 Ex. (b)(6) and Ex. (b)(7)(C) and so he was calling to check on me and --- yes Ex. (b)(6) and Ex. (b)(7)(C)

14 Ex. (b)(6) and Ex. (b)(7)(C) he competed --- from two years ago he was our defending national
15 champion with the biopacks, and he --- I talked to him extensively there. I had been
16 one of his judges at a different contest. He was at the national --- he placed second
17 this time. His protégé finished first. He came up and his wife and he's e-mailed me
18 and I've e-mailed him back, talking about just general stuff and also getting extra
19 copies, because he's down at San Juan. They're kind of remote. They don't have a
20 lot of extra mine rescue problems, and so I've been gathering those up for him. And
21 we talk, you know, on different levels.

22 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

23 And you provide updates on the accident investigation report
24 as well?

25 A. No, that's Mr. Denning.

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1 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

2 Okay.

3 A. No. No. My understanding was that --- and I believe that's within the PPL,
4 that the liaison that is within that district is to be --- to follow up. But, you know, I
5 mean, I --- and oh, I've called Ex. (b)(6) and Ex. (b)(7)(C) back. I mean, I've talked to Ex. (b)(6) and
6 And like I said, I've talked to Ex. (b)(6) and Ex. (b)(7)(C) he called me and then I called him back. I've
7 called him back --- Ex. (b)(6) and Ex. (b)(7)(C) so I haven't been
8 around as much. It has been my intent to --- well, with Ex. (b)(6) and Ex. (b)(7)(C) although I e-mailed him
9 earlier in the week about something, not related to this, related to mine rescue.

10 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

11 Two final questions. Under the MINER Act, MSHA has the
12 responsibility to be the primary communicator with the families, as you know, and to
13 be as responsive to the requests of the families as possible. Do you believe that
14 MSHA, one, was the primary communicator, and two, was as responsible as possible
15 to the requests of the families?

16 A. It's a judgment call. I hope we did. I think that --- I think it came across to the
17 family members, you know, that we were very sincere. Me, I was very sincere. As far
18 as communicating, I do not --- I never felt --- I never got a feeling or an indication from
19 them that the families felt we were withholding anything from them. I had the feeling
20 that they thought that we were following the stipulations within the MINER Act of
21 Section Seven that we do communicate, that we communicate to them prior to
22 communicating with the media. I think they --- you know, at the time I felt that we held
23 true to that. We did not --- we did not veer from that. I felt comfortable with it.

24 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

25 That's all I have.

1 BY MR. TEASTER:

2 Q. Carla, we've covered a lot of area. We've asked all the questions that we
3 have concerns with. Is there anything that you'd like to share with us that we've not
4 brought up?

5 A. Well, you know, when I said there at the beginning as far as the family
6 liaisons, I think it's an excellent concept. If you had been in Harlan County in
7 Cumberland, Kentucky, in August of 2005 and you saw those family members
8 standing on the side of the road, as Mr. Burns (phonetic) and I was driving through
9 there, obviously at separate times, seeing those signs where they were holding them
10 up, you know, why did you let them kill my daddy, we're leap years from that. And it
11 will get better. You know, I think --- I think I was lucky --- I can't speak for the other
12 liaisons, but like I said, Mr. Cornett, I think he did an excellent job as far as
13 communicating to me. Maybe we, as an agency, need to define this whole --- I know
14 what a family liaison is. Maybe we need to define a little bit better what the primary
15 communicator is and not limit their roles just to talk to media. Because as this
16 gentleman said, that would have --- that would have set --- I'll tell you what, it would
17 have been just unreal if Mr. Stickler had only spoke to the media, I'll tell you what.
18 You know, it was a very tenuous situation out there on a whole bunch of different
19 levels. But if that had happened, I don't even want to think of it.

20 MR. PAVLOVICH:

21 So you think maybe the primary communicator should --- their
22 role should be to brief the families and the media?

23 A. Or can. Has that option, has that ability to do that, not to be limited just to talk
24 to the media. I think by virtue of this portion of the Act, it says that we --- you know,
25 we're going to talk to the families first, then to the media. If that --- whoever talks to

1 the media is not there and hearing the questions. And I think the questions that come
2 from the families help refine --- and I think it helped with Mr. Stickler, helped refine his
3 delivery to the media. Now, whether or not the media --- you know, family members
4 brought that up to me, said, you know, that they --- some of them drove by up there,
5 and, you know, at the start of press conferences you'd see Mr. Stickler there. But lo
6 and behold, when it came on TV, Mr. Stickler wasn't there, Mr. Murray was there, and
7 then Mr. Stickler again. It didn't --- there was --- you know how media is. You could --
8 - and the families knew that. After a few days, they caught on to how, you know, the
9 media would come to people's front yard and the police have to make them go away,
10 and they try and sneak in at the family center, you know, or come up to the gate and
11 want to deliver flowers from Katie Couric and so forth, you know. I mean --- seriously.

12
13 And so these --- you know, the families became jaded in the sense to seeing
14 some of the stuff on CNN and some of the other TV stuff. But if that communicator
15 with that media wasn't privy to the kind of questions that the liaison --- if the liaison
16 was the only one talking to the families, wasn't aware of that and they got up there and
17 kind of went on a different angle, there's the potential of having some continuity
18 problems there, some continuation of information. And I think --- that's just me, but I
19 think it should --- you know, it's a Program Policy Letter. It has an expiration date on
20 it. I think we can refine that, so ---. That's just me.

21 MR. TEASTER:

22 Well, Carla, we appreciate you coming here. We appreciate
23 your being candid with us in your responses. You've been very helpful. We've
24 received some good comments about your efforts out there and how you developed a
25 good, close relationship with the families. So you've done well. You represented the

1 agency real well.

2 Ex. (b)(6) and Ex. (b)(7)(C)
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5 That's all the questions we have. If there's anything that we
6 think of that we may need some further information, why we'll be back in touch with
7 you. If you think of something that you think would be beneficial for the Committee
8 that we've not asked, feel free to get ahold of us, and we'll try to get that information.
9 Again, we would ask you not to share this interview with anyone else until we've
10 completed it so that we can get unbiased information. Thanks again.

11 A. Sure thing.
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