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Transcript of the Testimony of **Jeffrey Richards**

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STATEMENT UNDER OATH
OF
JEFFREY RICHARDS

taken pursuant to Notice by Danielle Ohm, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Monday, July 12, 2010.

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

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ATTORNEY WILSON:

Good afternoon. My name is Bob Wilson.

I'm with the Office of the Solicitor, United States Department of Labor. Before me is Erik Sherer, an investigator with the Mine Safety and Health Administration. Today is July 12, 2010, and we're here to conduct the interview of Jeffrey Richards. Also present are individuals with the State of West Virginia. I'll ask that they state their appearance for the record.

MR. FARLEY:

I'm Terry Farley with the West Virginia Office of Miners' Health, Safety and Training.

MR. O'BRIEN:

John O'Brien with the West Virginia Office of Miners' Health, Safety and Training.

MS. SPENCE:

Beth Spence with the Governor's independent investigation.

ATTORNEY WILSON:

All members of the Mine Safety and Health Administration Accident Investigation Team and all members of the State of West Virginia Accident

1 Investigation Teams participating in the investigation
2 of the Upper Big Branch Mine explosion shall keep
3 confidential all information that is gathered from
4 each witness who voluntarily provides a statement
5 until witness statements are officially released.
6 MSHA and the State of West Virginia shall keep this
7 information confidential so that other ongoing
8 enforcement activities are not prejudiced or
9 jeopardized by a premature release of information.
10 This confidentiality requirement shall not preclude
11 investigation team members from sharing information
12 with each other or with other law enforcement
13 officials. Everyone's participation in this interview
14 constitutes their agreement to keep this information
15 confidential.

16 Government investigators and specialists
17 have been assigned to investigate the conditions,
18 events and circumstances surrounding the fatalities
19 that occurred at the Upper Big Branch Mine-South on
20 April 5th, 2010. That investigation is being
21 conducted by MSHA pursuant to Section 103(a) of the
22 Federal Mine Safety and Health Act and by the West
23 Virginia Office of Miners' Health, Safety and
24 Training. We appreciate your assistance in this
25 investigation.

1 You may have an attorney or a personal
2 representative present with you during the taking of
3 your statement. Do you have an attorney present with
4 you?

5 MR. RICHARDS:

6 No, I do not.

7 ATTORNEY WILSON:

8 Okay. Your statement today is completely
9 voluntary. You may refuse to answer any question or
10 you may terminate your interview at any time. You may
11 also request a break at any time. Just let me know.
12 This is not an adversarial proceeding.

13 Formal Cross Examination will not be permitted, but
14 follow-up questions will be allowed as appropriate.
15 Your identity and the content of your
16 conversation today will be made public at the
17 conclusion of the interview process and may be
18 included in the public report of the accident unless
19 you request that your identity remain confidential or
20 your information would otherwise jeopardize a
21 potential criminal investigation. If you request us
22 to keep your identity confidential, we will do so to
23 the extent permitted by law. That means if a judge
24 orders us to reveal your name or if another law
25 requires us to reveal your identity, we may do so.

1 Also, there may be a need to use the
2 information that you provide to us in other
3 investigations or hearings concerning the explosion.
4 Do you have any questions concerning your right to
5 request a confidential statement?

6 MR. RICHARDS:

7 No.

8 ATTORNEY WILSON:

9 Okay. After the investigation is
10 complete, MSHA will issue a public report detailing
11 the nature and causes of fatalities in the hope that
12 greater awareness about the causes of accidents can
13 reduce their occurrence in the future. Information
14 obtained through witness interviews is frequently
15 included in those reports. We will be interviewing
16 other individuals, so we ask that you not discuss your
17 interview here today with anyone outside of this room.

18 A court reporter will be recording the
19 interview, so please speak loudly and clearly so that
20 she can take down everything that is said. If you do
21 not understand a question that is asked, please ask,
22 please ask that the question be rephrased. If you do
23 not hear a question, please ask that it be rephrased.
24 Please answer each question as fully as you can,
25 included any information that you may have learned

1 from someone else.

2 After we have finished asking questions,

3 we will provide you an opportunity to make a statement

4 or to provide any additional information that you

5 think might be helpful to the investigation. If at

6 any time after the interview you recall additional

7 information that you would like us to know about,

8 please contact Norman Page, who is MSHA's accident ---

9 lead accident investigator. And his contact

10 information is contained in the letter copy, which I'm

11 handing you now, requesting your appearance here

12 today.

13 I'd like to thank you in advance for

14 appearing here today. We appreciate your assistance

15 in the investigation. Your cooperation is important

16 and critical in making the nation's mines safer.

17 Terry, did you have anything you wanted to add?

18 MR. FARLEY:

19 Yes. Mr. Richards, on behalf of the

20 Office of Miners' Health, Safety and Training, I'd

21 like to advise you that the West Virginia Coal Mine

22 Health and Safety Regulations, specifically West

23 Virginia Code Chapter 22(a), Article 1, Section 22,

24 provide protection against discrimination for miners

25 who participate in these type interviews. I want to

1 give you some contact information where you can file a
2 claim if you should experience any such treatment,
3 along with my business card and one for Bill Tucker.
4 He's our lead underground investigator. You can call
5 us if you have a problem such as that, and you need to
6 file a complaint within 30 days. Okay.

7 ATTORNEY WILSON:

8 Beth, was there anything? Okay. At this
9 time, Mr. Richards, I'll ask that you face the court
10 reporter and she will swear you in.

11 -----
12 JEFFREY RICHARDS, HAVING FIRST BEEN DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 -----

15 ATTORNEY WILSON:

16 Would you please state your full name for
17 the record?

18 A. Jeffrey Lynn Richards, Jr.

19 ATTORNEY WILSON:

20 Okay. And you can put your hand down.

21 A. Oh.

22 ATTORNEY WILSON:

23 And would you state your address and your
24 telephone number?

25 A. It's (b) (7)(C)

1 (b) (7)(C) Phone number is (b) (7)(C)

2 ATTORNEY WILSON:

3 Okay. Thank you. At this time I'll turn
4 it over to Erik Sherer to begin the questioning.

5 EXAMINATION

6 BY MR. SHERER:

7 Q. First of all, I want to thank you for coming down
8 this afternoon. It is very important for us in this
9 investigation. Are you appearing here today
10 voluntarily?

11 A. Yes, sir.

12 Q. Has anyone else interviewed you or reviewed the
13 accident with you?

14 A. Yes, sir.

15 Q. Who is that, please?

16 A. Massey attorneys.

17 Q. Okay. Do you recall when they did that?

18 A. It's been about a month ago, probably.

19 Q. Okay. So do you recall where they did that at?

20 A. It was at the Marfork's office.

21 Q. Okay. You say attorneys. Were there more than
22 one?

23 A. There were two.

24 Q. Two. Do you recall what sort of questions they
25 asked you?

1 A. Yeah.

2 Q. Anything in particular?

3 A. They asked me where I worked, where all I had
4 worked the whole time I've been at UBB.

5 Q. Okay.

6 A. They asked me about gas on the section that I was
7 on.

8 Q. Uh-huh (yes).

9 A. They asked me about ventilation on the section.
10 They asked me about conditions on two of the sections
11 that I was working on.

12 Q. Okay.

13 A. That's about it.

14 Q. Okay. Sounds like we're going to ask you about
15 the same questions this afternoon. Did they give you
16 any instructions concerning this interview?

17 A. No, sir.

18 ATTORNEY WILSON:

19 You're going to need to speak up so that
20 she can ---

21 A. Oh, okay. I'm sorry.

22 ATTORNEY WILSON:

23 --- get it.

24 A. I'm sorry.

25 BY MR. SHERER:

1 Q. How many years of mine experience do you have?

2 A. About four.

3 Q. About four. Has it all been with UBB?

4 A. No, sir.

5 Q. All right. Can you take me through that history?

6 A. I started out as a red hat at River's Edge Mine.

7 It's Patriot Coal.

8 Q. Okay.

9 A. And then I went to Harris Number One Mine, and
10 then I came to UBB.

11 Q. And when did you come to UBB?

12 A. It was summer of 2008.

13 Q. Okay. So you've been there about two years?

14 A. Yes, sir.

15 Q. What'd you do when you first went to work at UBB?

16 A. I worked on the outby crew, building overcasts and
17 just setting timbers and jacks and stuff like that.

18 Q. Sure. Did you have any electrician's papers then?

19 A. No, sir.

20 Q. So you've gotten those since you've been working
21 at UBB?

22 A. Yes.

23 Q. When did you get your papers?

24 A. I got them in April of this year.

25 Q. Okay. You got them right before the explosion. I

1 guess you were in a training, electricians training
2 program?

3 A. Yes, sir.

4 Q. Where did you work immediately prior to the
5 explosion?

6 A. Headgate 22.

7 Q. Okay. How long had you been on Headgate 22?

8 A. Probably --- I want to say two months.

9 Q. Okay. So you started there about the 1st of
10 February?

11 A. Yeah, sounds good.

12 Q. Okay. Where have you worked prior to that?

13 A. I worked outby on the communications on the leaky
14 feeder ---

15 Q. Okay.

16 A. --- system.

17 Q. If I remember the gentleman's name, because we've
18 talked to a couple of people that worked on that. Who
19 else worked on that?

20 A. Derek Kiblinger is who I worked with.

21 Q. Oh, okay. Yeah. And how long have you done that?

22 A. I worked with him for a couple months, roughly two
23 months.

24 Q. Okay. Was that about when you started the
25 electrician program?

1 A. No, sir. When I first started in the electrical
2 program I was --- they put me on Three section.

3 Q. Okay. Down by the UBB Portal?

4 A. Yes, sir.

5 Q. How long did that electrical training program
6 take?

7 A. It took me 14 months.

8 Q. Okay. Do you have to go to any schools associated
9 with that?

10 A. Yes, sir.

11 Q. Where'd you do that at?

12 A. At Elk Run's --- I guess it was their safety
13 building.

14 Q. Approximately how much time did you spend in that
15 school?

16 A. I went two eight-hour days every other week.

17 Q. Okay. How long did you do that?

18 A. For about 14 months.

19 Q. Okay. Any other certifications other than the
20 electrical firer?

21 A. No, sir. Just my black hat.

22 Q. Okay. So you worked on the 22 Headgate for a
23 couple of months prior to the explosion. What shift
24 did you work?

25 A. Third shift.

1 Q. When did that shift start?

2 A. 11:30.

3 Q. Okay. Was that primarily a maintenance shift?

4 A. Yes, sir.

5 Q. When did that shift get over then?

6 A. It was about 8:30, I guess.

7 Q. Okay.

8 A. Nine-hour shift.

9 Q. You guys run any coal on that shift?

10 A. No, we never did.

11 Q. It was just working on the ---. Who was the boss
12 on that shift? Do you recall?

13 A. The section boss or, like, my supervisor?

14 Q. How about both of them?

15 A. Okay. Andrew Lucas was my supervisor, and I'm
16 trying to think of the gentleman's name.

17 Q. That's okay.

18 A. I can't remember.

19 Q. I'm getting that way. I can't remember anybody.

20 And you say Andrew Lucas was your boss. Was he, like,
21 a chief electrician?

22 A. Yes.

23 Q. Okay. And did he assign the work for you to do?

24 A. Primarily, yes.

25 Q. Okay. You're familiar with the electrician or

1 electrical boss; the nickname was Snowman?

2 A. Yes, sir.

3 Q. Who's that?

4 A. Keith Snow, I believe is his name.

5 Q. Keith Snow.

6 A. Is his name.

7 Q. Okay. What's his title? Do you know?

8 A. He was just a third shift electrician ---

9 Q. Okay.

10 A. --- when I worked with him.

11 Q. Okay. You recall where he worked at?

12 A. I called it Four section. I don't know.

13 Q. Okay. That was the barrier section?

14 A. Yeah, I believe so.

15 Q. Okay. How many people were on your crew? Do you
16 recall?

17 A. On my maintenance crew there was four of us.

18 Q. Okay. And who was that, please?

19 A. Andrew Lucas, me, Mike Dickens, ---

20 Q. Okay.

21 A. --- and we had another trainee electrician.

22 Q. Okay. So you guys would get up to the section and
23 then work on equipment. How did you know what
24 equipment to work on?

25 A. We usually had a work list ---

1 Q. Okay.

2 A. --- that Andrew got.

3 Q. Who prepared that work list? Do you know?

4 A. Rick Nicolau.

5 Q. Now, who's he?

6 A. He's the maintenance chief.

7 Q. Okay. Would that be printed out for you or
8 written out for you or was it up on the whiteboard or
9 how did that work?

10 A. I mean, I'm not for sure. Andrew usually got it.

11 Q. Okay. You just know he got, had the list
12 somewhere?

13 A. Uh-huh (yes).

14 Q. Okay.

15 A. Probably were handwritten, I'd say, but I'm not a
16 hundred percent sure.

17 Q. Okay, sure. How'd you get to this section? Which
18 portal did you go in at?

19 A. The Ellis.

20 Q. Okay. Did they have the facilities finished up at
21 the Ellis Portal? Did they have a bathhouse?

22 A. Yes, sir.

23 Q. Okay. As you came into the section, did you go
24 through any equipment doors, track doors?

25 A. Yes.

1 Q. What condition were those doors in?

2 A. It depend on what day it was. They were beat ---
3 you know, beat up.

4 Q. Sure.

5 A. Sometimes --- well, most of the time, you know,
6 you'd have to get out and open them and shut them and
7 ---. You know, they had dents in them and ---.

8 Q. Sure. I imagine you guys had the red hat get them
9 most of the time.

10 A. Not all the time.

11 Q. Not all the time, okay. Did you open or close
12 those doors?

13 A. Yes.

14 Q. You notice before you open them up if there was
15 much wind whistling through or around them?

16 A. No, I really didn't pay attention. No.

17 Q. Okay. Were any of them hard to open or close?

18 A. Not really.

19 Q. Okay.

20 A. Not that I can remember.

21 Q. Now, you say they were kind of beat up. Did they
22 fix those as eth got beat up or ---?

23 A. I do remember them being changed, you know, but
24 usually they would stay beat up.

25 Q. Yeah, beat up for a while?

1 A. Yeah.

2 Q. It's like most miners stuff. You wait until it
3 totally falls apart and then you fix it.

4 A. Yeah.

5 Q. Did you ever come up on those doors and find one
6 of them open?

7 A. Not that I can remember.

8 Q. Okay. Did you ever close one and had it come back
9 open on you?

10 A. Yeah. I'd just redo it, work it to where it would
11 stay shut, you know?

12 Q. Sure. Okay. On 22 Headgate did you ever notice
13 any floor hooving?

14 A. Yeah.

15 Q. Was it bad?

16 A. I mean, it was hooving, but it wasn't anything out
17 of the ordinary?

18 Q. Was it a foot or less?

19 A. A foot or less hoove?

20 Q. If you know.

21 A. Probably.

22 Q. Okay. Was it six inches or less?

23 A. I'd say around there.

24 Q. Okay.

25 A. Around there, close to six inches or so.

1 Q. Was there much water on that section?

2 A. There was some water, yeah.

3 Q. Did you notice if there was any bubbles coming up
4 through the water?

5 A. Not that I can remember, but ---.

6 Q. Did you carry a methane detector?

7 A. I usually didn't, no.

8 Q. Did your boss carry one?

9 A. Yes.

10 Q. Okay. Was there always sufficient air on that
11 section?

12 A. As far as exactly how much air we had, I have no
13 idea.

14 Q. Okay.

15 A. But I mean, I can tell you this. You know, our
16 intake was in the track entry and sometimes you could
17 be going down through there and reflectors or spad
18 tags ---

19 Q. Sure.

20 A. --- would be waving.

21 Q. Sure.

22 A. And then sometimes they wouldn't.

23 Q. Do you remember if there was a sign over the power
24 center?

25 A. A sign?

1 Q. Yeah.

2 A. Like a high voltage sign?

3 Q. Uh-huh (yes).

4 A. Yeah.

5 Q. Would that flap sometimes and sometimes not flap?

6 A. I don't remember.

7 Q. Okay.

8 A. Like I say, I don't remember.

9 Q. That's a good way to ---

10 A. Yeah.

11 Q. --- just check the air coming on the section. You
12 ever hear anybody, your boss or someone else, mention
13 that there was any methane on that section?

14 A. Yes.

15 Q. Do you recall approximately how much he measured?

16 A. There was one time that I do remember getting
17 methane, and I believe it was in Number Three up in
18 the face, and it was, like, 0.6 or 0.8.

19 Q. Okay.

20 A. And that's really the only time I remember.

21 Q. Okay. Were you guys working up around there?

22 A. Yes.

23 Q. What'd you do when you found that?

24 A. We tightened up the curtain and we had the miner.
25 We backed it up behind the brattice wing curtain.

1 Q. Uh-huh (yes).

2 A. And I believe we were cutting or welding or
3 something.

4 Q. Okay. Now, did you ever weld or cut?

5 A. Very little.

6 Q. Okay. Did you boss do most of the welding or
7 cutting?

8 A. Yeah, him and the trainee. I can't remember his
9 name.

10 Q. Okay.

11 A. He did a lot of it, too.

12 Q. Sure. Do you remember what they did as far as
13 methane checks when they were doing that?

14 A. Every time they cut and weld or just that one
15 time?

16 Q. Anytime.

17 A. I mean, they would turn the spotter on and leave
18 it, you know. It was a continuous spotter.

19 Q. Okay. Did they go around before they started
20 welding to check the --- say, up against the roof and
21 the floor and under the equipment?

22 A. I can't say what they did every time. They
23 usually --- you know, you turned it on and held it up
24 and ---.

25 Q. Okay. How about rock dust? Did they spray any

1 rock dust before they cut or welded?

2 A. Yeah, usually.

3 Q. Okay. I guess you had fire extinguishers.

4 A. Yes, we had fire extinguishers on the maintenance
5 ride.

6 Q. Okay.

7 A. And that's what we used to cut and weld.

8 Q. Did you take them off the maintenance ride?

9 A. Not usually.

10 Q. Okay. How far out did you park your rides? Did
11 you take them all the way up, say, the last open
12 break?

13 A. Yeah, that was a permissible scoop, maintenance
14 scoop on the miner.

15 Q. Oh, okay.

16 A. Yeah.

17 Q. Okay. Did you take that scoop all the way in or
18 did you go on the rail part of the way and then get on
19 the scoop part of the way? How'd you get to the
20 section?

21 A. Usually --- I mean, well, all the time we rode the
22 rail in and then the scoop would be parked in the,
23 like, the scoop roadway.

24 Q. Oh, okay.

25 A. And then we'd bring the maintenance ride up.

1 Q. Okay. So it had your tools and stuff like that on
2 it?

3 A. Yeah.

4 Q. The ride?

5 A. Okay.

6 Q. Okay. And I guess you left it on charge when you
7 weren't --- when you left the section?

8 A. In the cut.

9 Q. Okay. Was that scoop used for anything else? Do
10 you know?

11 A. Just hauling, or --- you know, our parts.

12 Q. Okay.

13 A. It had a crane on it, use it, you know, pull
14 motors and stuff like that.

15 Q. Sure. Have hydraulic wenchers you used off the
16 scoop?

17 A. Air.

18 Q. Air; okay. So you had a compressor?

19 A. Right.

20 Q. Okay. Did you maintain the methane monitors on
21 the miners? Did you calibrate those?

22 A. We did calibrate them?

23 Q. Okay. Did the roof bolters have methane monitors
24 on them?

25 A. No, sir.

1 Q. Okay. You ever hear of a miner gassing off on
2 this section?

3 A. No, not that I can remember.

4 Q. Okay. What does an F-4 on the methane monitor
5 mean?

6 A. It's like a fault. I guess it means not detecting
7 anything in the air, ---

8 Q. Okay.

9 A. --- like methane.

10 Q. You ever, ever seen a methane monitor that was in
11 a fault condition?

12 A. Yeah.

13 Q. What'd you do to it?

14 A. We calibrated it.

15 Q. Did that fix it?

16 A. Yeah.

17 Q. Okay. What about an F-9? Did you ever see that?

18 A. No, not that I can ---.

19 Q. Do you ever bridge out a methane monitor?

20 A. No, sir.

21 Q. Did you ever hear of anybody doing that?

22 A. Not on my section or anybody that I've worked
23 with.

24 Q. Okay. Do you know if a methane monitor was
25 bridged out, what --- do you know what it would show?

1 A. No.

2 MR. SHERER:

3 Okay.

4 ATTORNEY WILSON:

5 Just to clarify, you said that you had

6 not heard of anyone on your section or anyone that you

7 worked with bridging out a methane monitor. I mean,

8 did you ever hear of anything concerning something

9 like that?

10 A. No, I've just --- I know that you can, but you

11 know, that I've never heard of any in particular

12 person doing it at any in particular time.

13 ATTORNEY WILSON:

14 That makes sense. Okay.

15 BY MR. SHERER:

16 Q. Will these miners --- can you override the methane

17 monitor and tram them out of, say, an area where they

18 gas off? Do you know?

19 A. Yeah, like I say, I believe that that's how you

20 can do it like that, by bridging out the methane

21 monitor.

22 Q. Do you know if there's some way to override the

23 methane monitor using the control for the --- the

24 remote control?

25 A. I've heard about that, too, yes, but I don't know

1 how to do it.

2 Q. Okay. Did you ever see a State or Federal
3 inspector up on that section?

4 A. Not on third shift, that I can remember.

5 Q. Okay. Do you ever hear that there was an
6 inspector on the property?

7 A. Yeah.

8 Q. How'd you hear it?

9 A. Just, like, if they're going in with us or, I
10 think they would call in and tell them, you know,
11 coming up to the belt section or ---.

12 Q. Okay. Did you ever hear anybody on the radio say
13 something like, we got company here or ---?

14 A. Yeah.

15 Q. Okay. You ever been injured while you were
16 working at UBB?

17 A. No, sir.

18 Q. Okay. You ever hear of any ventilation problems
19 at this mine prior to the explosion?

20 A. Yeah, but I don't really know particular, so ---.
21 I know I've heard of it, but I don't really know
22 exactly what all ---.

23 Q. Okay. Did you ever have to come out of the mine
24 or not go into the mine or where you're asked not to
25 even show up because of a ventilation issue?

1 A. No, sir.

2 Q. Okay. Do you know of people making changes to the
3 ventilation system on the third shift? Anybody ever
4 say anything about that?

5 A. Not that I know of, not that I can remember.

6 Q. Okay.

7 A. I do know that they did send them out one night
8 whenever I was in class.

9 Q. Okay. You recall roughly when that was?

10 A. I would say maybe a month, roughly, a month before
11 the explosion.

12 Q. Okay. So it would be sometime in March?

13 A. Maybe.

14 Q. You ever get up on the section and find that the
15 ventilation curtains were all, all rolled down?

16 A. They were all rolled down?

17 Q. Uh-huh (yes).

18 A. Yeah.

19 Q. Okay. Ever get up on the place and find that
20 there just wasn't any ventilation curtains?

21 A. No.

22 Q. You ever hear of anybody mining without
23 ventilation curtains?

24 A. I mean, I've heard about people doing it, but you
25 know, not at UBB that I know of.

1 Q. Okay. And you say that you never heard of methane
2 monitors being bridged out, covered up or otherwise
3 interfered with at UBB?

4 A. No.

5 Q. Do you know if anybody's ever had any problem
6 reporting a safety-related concern or problem, any
7 retaliation or threats or anything like that?

8 A. Not that I am aware of, no.

9 Q. Did you study PLCs?

10 A. I don't know much about them, no.

11 Q. Okay. You have any PLCs on the miners?

12 A. There are, I think, but like I said, I don't know
13 much about them.

14 Q. Okay. Didn't study how to program them or
15 anything?

16 A. Can you explain to me what a PLC is?

17 Q. Programmable logic controller.

18 A. Yeah, I don't know how to do it. No.

19 Q. Okay. You never --- you ever heard of the ladder
20 logic?

21 A. I've heard of it.

22 Q. Did they cover that in that course you took?

23 A. I think there was a class when I first started
24 that covered ---.

25 Q. But you just don't remember much about it?

1 A. No, sir.

2 Q. Did you ever have to change out a PLC core?

3 A. Let's see. I don't think I've ever changed one
4 out.

5 Q. You ever see your boss change one out?

6 A. Not that I'm aware of, no.

7 Q. Okay. Where were you when the explosion took
8 place?

9 A. I was at home just asleep.

10 Q. What was the last shift you worked prior to the
11 explosion?

12 A. The shift before.

13 Q. So you worked on the hoot owl Sunday night?

14 A. Yes, sir.

15 Q. Did you notice anything, and then I mean anything
16 that smelled different or did you see anybody that
17 normally wasn't at the mine on the hoot owl that
18 night?

19 A. I mean, basically it was just a normal night. The
20 only person --- I do remember seeing a fire boss there
21 that I hadn't seen before.

22 Q. Do you know who that was?

23 A. I have no idea what his name is.

24 Q. Okay. Had the section been idle up until that
25 shift? Was it down for the long weekend?

1 A. Yeah, I believe so. Yes.

2 Q. Okay. Was everything in good shape when you got
3 on the section?

4 A. Yes.

5 Q. So you just did your normal maintenance and P.M.
6 work?

7 A. Uh-huh (yes).

8 Q. Did you have to repair anything that night?

9 A. I can't remember what we worked on that night.

10 Q. Were you involved in the rescue and recovery
11 effort?

12 A. No, sir.

13 Q. And where'd you go to work after the explosion?

14 A. Hunter Peerless, Elk Run.

15 MR. SHERER:

16 Okay. That's all the questions I got,

17 Terry.

18 EXAMINATION

19 BY MR. FARLEY:

20 Q. Okay. Mr. Richardson, just bear with me. I'm
21 going to be working backwards on some of this stuff.
22 You worked the owl shift from sometime in February up
23 until April 5th on 22 Headgate. Before you were
24 coming to the mine for your shift or after you arrived
25 at the mine or anywhere in between, did you ever have

1 any conversations with the Headgate 22 evening shift
2 crew?

3 A. I wouldn't myself. But usually the evening shift
4 electrician would talk to Andrew Lucas or Mike Dickens
5 if Andrew wasn't there.

6 Q. Okay. Now, do you know what they might've talked
7 about?

8 A. Equipment being down. That's usually about it,
9 and just maintenance stuff.

10 Q. All right. Do you know if the --- you never had
11 any conversations with the evening shift miner
12 operators and bolter operators?

13 A. Before we came in?

14 Q. Yeah, before you came in or after you arrived
15 inside the mine, anywhere?

16 A. Yeah.

17 Q. Did you have any conversations about ventilation?

18 A. No.

19 Q. You know, did any of them ever say to you, we
20 don't have enough air on the section?

21 A. No. No, sir, not that I can remember.

22 Q. Okay. Do you know who the evening shift section
23 foreman was on the 22 Headgate section in the month or
24 month and a half prior to the explosion?

25 A. Let's see. Oh, gosh.

1 Q. Would it have been a guy named Hilbert maybe?

2 A. I'm not for sure.

3 Q. Okay, all right. You told Eric earlier that
4 sometimes the tags and so forth that were hanging in
5 the track entry on 22 Headgate track where the intake
6 was, sometimes those things would flap and wave.

7 A. Uh-huh (yes).

8 Q. And other times they hung limp; am I correct?

9 A. Yes, sir.

10 Q. Now, how often did you notice that change?

11 A. I just remember it --- a couple times I do
12 remember just paying attention to it. And actually
13 maybe, like, once paying attention to it and seeing it
14 flap, and then maybe once or twice seeing it not.

15 Q. Okay.

16 A. Two different instances.

17 Q. Now, just to make sure I understood your meaning,
18 if they were hanging limp, I would understand you to
19 mean that the air velocity was not as great?

20 A. Right.

21 Q. Correct?

22 A. That's what I would assume.

23 Q. Okay. Now, from the early part of March as
24 compared to the end of March in the week or two before
25 the explosion, did you notice an increase in the air

1 velocity coming to 22 Headgate section? Did it appear
2 that the ventilating current was stronger toward the
3 end of the month?

4 A. I didn't notice it.

5 Q. Okay, all right. Erik also asked a question about
6 man doors throughout the track entry there. Were
7 those track doors constructed so that they also had a
8 smaller man door in the side panel or in the door
9 itself for people on foot to pass through?

10 A. Let's see. I believe they did, but I'm not a
11 hundred percent sure about it.

12 Q. Okay. You identified a person known as Snowman as
13 Keith Snow.

14 A. Yes, sir.

15 Q. Now, do I understand you correctly, he was an owl
16 shift electrician on what section?

17 A. On the barrier section.

18 Q. Four barrier section. Was he a supervisor? Was
19 he a maintenance foreman?

20 A. He might've been, but I didn't know of him being
21 one.

22 Q. Okay. And did you ever ---?

23 A. When I worked with him he wasn't.

24 Q. Okay. When did you work with him?

25 A. It was, I'd say, probably, maybe six months prior

1 to the explosion, maybe, something like that.

2 Q. Okay. Now, would that have been before you became
3 an electrician?

4 A. Yes. I was a trainee.

5 Q. Okay.

6 A. He worked with Terry Claypool at the time. Terry
7 Claypool was the chief whenever I worked with Keith
8 Snow.

9 Q. Okay. Now, would that have been on the barrier
10 section?

11 A. We called it Four section. I don't know exactly
12 where it --- you came in the portal, the main portal
13 and it was the first section you came to on the left.

14 Q. Okay, all right. Okay. I don't think you've
15 identified who the shift foreman or section foreman
16 was on the midnight shift; is that correct? You
17 couldn't remember his name?

18 A. No, sir, I can't remember.

19 Q. Okay.

20 A. If I think about it I'll remember.

21 ATTORNEY WILSON:

22 Okay. Well, you can contact us ---

23 A. Okay.

24 ATTORNEY WILSON:

25 --- later if it comes to you. Do you

1 have questions?

2 RE-EXAMINATION

3 BY MR. SHERER:

4 Q. Yeah, I got one. In the two or three weeks before
5 the explosion did you ever recall it being hot on the
6 section?

7 A. Not anything to get my attention.

8 Q. Okay. So the temperature was about the same most
9 nights?

10 A. As far as I can remember, yes.

11 MR. SHERER:

12 Okay. That's all I got.

13 ATTORNEY WILSON:

14 Okay. On behalf of MSHA and the Office
15 of Miner's Health, Safety and Training I want to thank
16 you for appearing today and answering our questions.
17 Your cooperation is very important to the
18 investigation as we work to determine what happened.
19 Again, we request that you not discuss your testimony
20 with anyone else, because we will be interviewing
21 additional witnesses. After questioning other
22 witnesses, we may call you if we have any follow-up
23 questions. And if at any time you think of additional
24 information that you believe would be helpful, please
25 contact us at the contact information that was

1 provided.

2 I do want to inform you of your rights
3 under the Mine Act. Any statements given by miner
4 witnesses to MSHA are considered to be an exercise of
5 statutory rights and protected activity under Section
6 105(c) of the Mine Act. If you believe that any
7 discharge, discrimination or any other type of adverse
8 action is taken against you as a result of your
9 cooperation with this investigation, you should
10 contact MSHA and file a complaint under Section 105(c)
11 of the Act.

12 And remedies under the Mine Act include
13 immediate temporary reinstatement to your position
14 pending a complete investigation and also back wages.
15 If you feel that you ever need to file such a
16 complaint, you would contact the local MSHA office.
17 There's an office in Mount Hope and you can get all
18 the contact information at MSHA's website, which is
19 www.msha.gov.

20 At this time before we finish and close
21 the record, I do want to give you an opportunity. If
22 there's anything else that you would like to add to
23 the record, you may do so now.

24 A. I have nothing really to say.

25 ATTORNEY BABINGTON:

1 Okay. Then again, thank you for your
2 cooperation today. We'll go off the record.

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CERTIFICATE

I, Danielle Ohm, a Notary Public in and for
the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Danielle Ohm