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**Also Appearing: Eric Sherer and Patrick McGinley**

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1                   MR. WILSON: Good afternoon. My  
2 name is Bob Wilson. I'm with the Office  
3 of the Solicitor and the United States  
4 Department of Labor. With me is Eric  
5 Sherer, an investigator with Mine Safety  
6 and Health Administration.

7                   Today is October 20th, 2010.

8                   We're here to conduct an  
9 interview of Kevin Stricklin.

10                  Mr. Stricklin, thank you for  
11 coming in today.

12                  There are several individuals  
13 present with the State of West Virginia.  
14 I'll ask that they state their appearance  
15 for the record.

16                  MR. FARLEY: Terry Farley with  
17 the West Virginia Office of Miners' Health  
18 Safety and Training.

19                  MR. O'BRIEN: John O'Brien with  
20 the West Virginia Office of Miners' Health  
21 Safety and Training.

22                  MR. MCGINLEY: Patrick McGinley  
23 with the Governor's Independent  
24 Investigation Panel.

1 MR. WILSON: There are also  
2 several other members of the investigation  
3 teams present in the room. I'll remind  
4 everyone that all members of the Mine  
5 Safety and Health Administration accident  
6 investigation team and all members of the  
7 State of West Virginia accident  
8 investigation teams participating in the  
9 investigation of the Upper Big Branch mine  
10 explosion shall keep confidential all  
11 information that is gathered from each  
12 witness who voluntarily provides a  
13 statement until witness statements are  
14 officially released.

15 MSHA and the State of West  
16 Virginia shall keep this information  
17 confidential so that other ongoing  
18 enforcement activities are not prejudiced  
19 or jeopardized by premature release of  
20 information. This confidentiality  
21 requirement shall not preclude  
22 investigation team members from sharing  
23 information with each other or with other  
24 law enforcement officials. Everyone's

1 participation in this interview  
2 constitutes their agreement to keep the  
3 information confidential.

4 Government investigators and  
5 specialists have been assigned to  
6 investigate the conditions, the events and  
7 circumstances surrounding the fatalities  
8 that occurred at the Upper Big Branch Mine  
9 South on April 5th, 2010.

10 The investigation is being  
11 conducted by MSHA under Section 103(a) of  
12 the Federal Mine Safety and Health Act and  
13 by the West Virginia Office of Miners'  
14 Health Safety & Training. We appreciate  
15 your assistance in this investigation.

16 After the investigation is  
17 complete, MSHA will issue a public report  
18 detailing the nature and causes of the  
19 fatalities in hope that greater awareness  
20 about the causes of accidents can reduce  
21 their occurrence in the future.

22 Information obtained through witness  
23 interviews is frequently included in these  
24 reports.

1                   Mr. Stricklin, you may have a  
2                   personal representative present during the  
3                   taking of this statement. You may consult  
4                   with your representative at any time. Do  
5                   you have a representative with you?

6                   THE WITNESS: I do not.

7                   MR. WILSON: Your statement is  
8                   completely voluntary. You may refuse to  
9                   answer any question. You may terminate  
10                  the interview at any time.

11                  If you need to take a break at  
12                  any time, please just let me know and we  
13                  can go off the record.

14                  This is not an adversarial  
15                  proceeding. Formal cross-examination will  
16                  not be permitted; however, each of the  
17                  parties will have an opportunity to ask  
18                  follow-up questions.

19                  A court reporter will be taking  
20                  down the interview and transcribing it  
21                  later, so please articulate your answers  
22                  out loud and speak loudly and clearly. I  
23                  don't think that will be a problem;  
24                  however, if you do not understand a

1 question that is asked, please ask that  
2 the question be rephrased so that you're  
3 answering the question that the questioner  
4 intended.

5 I want to thank you in advance  
6 for your appearance here today.

7 After we have finished asking  
8 questions and before we go off the record,  
9 we'll provide you an opportunity to add  
10 anything else to the record that you think  
11 would be helpful.

12 And if at any time after the  
13 interview you recall anything else that  
14 you would like to provide, you know where  
15 to find us.

16 Terry, is there anything that you  
17 wanted to add?

18 MR. FARLEY: No, I don't think  
19 so.

20 MR. WILSON: First, if would you  
21 face the court reporter, I'll have her  
22 swear you in.

23 KEVIN STRICKLIN, WITNESS, SWORN

24 MR. WILSON: Would you please



1 state your full name for the record.

2 THE WITNESS: My name is Kevin G.  
3 Stricklin, S-t-r-i-c-k-l-i-n.

4 MR. WILSON: Thank you, Kevin.  
5 We'll turn it over to Eric for the  
6 questioning.

7 EXAMINATION

8 BY MR. SHERER:

9 Q. Good afternoon, Mr. Stricklin. Thank you  
10 for coming down.

11 What's your current job title?

12 A. I'm the administrator for Coal Mine Safety  
13 and Health in Arlington, Virginia.

14 Q. How long have you been the administrator?

15 A. Approximately four years.

16 Q. Roughly, how many years' experience do you  
17 have in the mining industry?

18 A. My total MSHA experience is approximately  
19 30 and a half years, and I have probably nine  
20 months as an underground mine worker.

21 Q. Thank you.

22 Do you have any mining related degrees?

23 A. I have a B.S. degree in mining  
24 engineering.

1 Q. Are you a professional engineer?

2 A. I am not.

3 Q. Let's switch now from background to Upper  
4 Big Branch. Had you had any contact with Upper Big  
5 Branch mine prior to the April 5th disaster?

6 A. Not with Upper Big Branch, per se, but  
7 naturally Massey is a big coal operator, so I have  
8 had a number of discussions and meetings about  
9 Massey.

10 Q. But nothing specific to Upper Big Branch?

11 A. No, sir.

12 Q. Had you ever been to any of the other  
13 mines around Upper Big Branch?

14 A. I had been underground at the Harris mine,  
15 which abuts up against Upper Big Branch, as well as  
16 a mine that has been sealed, Montcoal No. 7 that  
17 Peabody ran in the area in close vicinity to where  
18 Upper Big Branch was located.

19 Q. Now, Harris was also a Peabody mine,  
20 wasn't it?

21 A. Yes, it was.

22 Q. Where were you at when you first heard  
23 about the disaster at Upper Big Branch?

24 A. I had just landed in Charleston, West

1 Virginia on a flight from Washington, D.C.

2 Q. Who contacted you?

3 A. I had a phone message from Charlie Thomas,  
4 who is the acting deputy administrator, saying that  
5 there appears to be a pretty major issue at the  
6 Upper Big Branch mine, all the CO monitors had  
7 pegged, and there may be some people unaccounted  
8 for.

9 Q. Approximately what time did you get that  
10 information?

11 A. Somewhere in the vicinity of 4:20 to 4:30.

12 Q. What did you do at that point in time?

13 A. Well, after I listened to the message, I  
14 called headquarters and got some more information  
15 from Charlie, and it was sketchy. You know, I was  
16 asking probably more questions of him than he had  
17 the answers to of how can this be and why would it  
18 peg all the CO monitors.

19 Then I decided that my plan for that  
20 evening was to drive to Pikeville, Kentucky, and  
21 the next day the district manager, Norman Page and  
22 myself, had a meeting with the State of Kentucky,  
23 but I just felt like I needed to get out to the  
24 mine and lend any support I could. I talked to my

1 secretary and asked her to put a Mapquest together  
2 to send to me so I could get to the mine as quickly  
3 as possible.

4 Q. How did you get up to the mine?

5 A. I went down Route 119, and I got off I  
6 believe it was Route 3, and I followed a bunch of  
7 state vehicles. They passed me flying to the mine,  
8 and I was sure that's where they were heading. So  
9 instead of using the Mapquest, I just trailed them.

10 Q. I assume you had a rental car or  
11 something?

12 A. I did.

13 Q. Approximately what time did you arrive at  
14 the mine?

15 A. Probably somewhere in the vicinity of 5:30  
16 to a quarter until 6 p.m.

17 Q. What was your initial impression once you  
18 got on the mine site? What was happening?

19 A. Well, I stopped at the Ellis portal.  
20 That's where everybody was pulling into, and  
21 naturally there's a lot of traffic already in  
22 place, a lot of paramedics, a lot of emergency  
23 vehicles. I gave them my ID and told them that I  
24 was with MSHA and I'd like to go up to the mine.

1 They let me in, and I parked my car before I even  
2 got up to the portal.

3 Bob Hardman was walking back down the  
4 road. And I said, Bob, what's going on? And Bob  
5 says, we've got six people that are dead, and we  
6 got at least 20 or so people unaccounted for. And  
7 he said, we're going over to the Upper Big Branch  
8 portal to set up the command center. We're going  
9 to go over there instead of the Ellis portal.

10 At the time I was asking him, you know,  
11 what happened? How do you know there's six dead?  
12 He said, well, they brought them outside on a  
13 mantrip. I think at that time he had told me that  
14 they were going to transport three additional  
15 individuals to the hospital they already had. And  
16 I says, are you leaving someone here at the Ellis  
17 portal? And he said, yes, Mike Dickerson and I  
18 came down together. I'm leaving Mike here, and I'm  
19 going over to the command center.

20 Q. Just for the record, who's Bob Hardman?

21 A. Bob Hardman is the district manager out of  
22 Mt. Hope, West Virginia.

23 Q. What was his function at the disaster when  
24 he arrived?

1           A.    Bob was in charge of the rescue  
2 operation.    I guess Bob and I had a conversation.  
3 I'd been in enough of these to know it's an  
4 overwhelming feeling when you're in charge of this  
5 and also to try to deal with the media and the  
6 families.    I think at that time I suggested to Bob,  
7 I says, Bob, you need to run this operation here, I  
8 said, and let me take care of talking to the  
9 families, and if there's any media presence, which  
10 I assumed it was coming, that I would handle that.

11           Q.    So based on that conversation, you  
12 basically supported Mr. Hardman?

13           A.    I did, but I wanted him to know that if he  
14 had any questions or guidance or anything he wanted  
15 to bounce off of someone that I was there for him  
16 in that capacity as well.

17           Q.    What happened next?    What did you do after  
18 that?

19           A.    Well, we all left the Ellis portal, and we  
20 went over to the Upper Big Branch portal.    And  
21 there were very few people at the Upper Big Branch  
22 portal when we got there.    It was very almost quiet  
23 like.    That was the first time that I had been to  
24 that location.

1           We went up to the second floor where the  
2 offices were located, and in one of the rooms up  
3 there, there was naturally mine maps on the wall.  
4 I think he may have been there when we arrived. It  
5 was Chris Adkins from the company that was present,  
6 and I know the state had a representative shortly  
7 thereafter as well. I believe it was Mr. Snyder.  
8 Bob Hardman naturally went in the room for the MSHA  
9 representative.

10           Q. Do you recall who the responsible person  
11 was that was directing the evacuation?

12           A. I don't know who was in charge of the  
13 evacuation. I know Chris Adkins was in charge of  
14 the rescue operation. I asked a number of people  
15 from Massey. Really, I didn't know a whole lot of  
16 the people who worked for Massey by name, other  
17 than Elizabeth Chamberlin, but I was trying to get  
18 a good number of how many people were unaccounted  
19 for.

20           Q. Sure.

21           A. They didn't do a very good job with that  
22 for a couple of reasons. I don't know if they had  
23 people coming out of two different portals. They  
24 had people that had already started underground

1 when this explosion occurred, and the Pyott-Boone  
2 system seemed to be pretty useless in my opinion.  
3 As the evening went on, it frustrated me more and  
4 more, because I wanted to go down and give the  
5 families definite information of how many people  
6 were unaccounted for, and it seemed like I was  
7 having a very hard time getting that from Massey.

8 Q. Did you ask them if they had a traditional  
9 tag in, tag out system?

10 A. You know, I think I may have asked them  
11 that. I think my answer that I received was I  
12 don't know. That was, I believe, from Elizabeth  
13 Chamberlin who didn't work at that mine. They kept  
14 saying that they were working on the Pyott-Boone  
15 system to get me an exact number, and I'm not sure  
16 that number ever came, from the Pyott-Boone system.

17 Q. So at some point in time, it transitioned  
18 from an evacuation exercise to a rescue operation.  
19 Had that happened by the time you got up to the UBB  
20 facility, or when did that seem to occur?

21 A. I don't know that I ever really discussed  
22 it, but I guess in my impression when I got up to  
23 UBB, it was already a rescue operation, and I  
24 thought that everybody had been evacuated from the



1 mine at that time.

2 Q. When you got to UBB and they were  
3 establishing a command center, was there anyone  
4 underground attempting any rescue?

5 A. There was. I guess probably we got  
6 some -- my recollection of getting up to the UBB  
7 and getting established and having phone  
8 conversations with people underground was probably  
9 somewhere in the vicinity of 6:15 to 6:30,  
10 somewhere in that area, I would guess.

11 Again, I didn't know any of the people  
12 that worked at the mine, and I knew we were  
13 staging. Bob was staging mine rescue teams to go  
14 underground. It was at that time that I heard the  
15 conversation about two individuals, Chris Blanchard  
16 and Jason Whitehead, who were underground and that  
17 they would have been individuals that would have  
18 been under as not part of a rescue team but as part  
19 of just Massey employees who were underground  
20 during the initial explosion, I guess,  
21 investigation or exploration.

22 Q. Do you understand if they were in the mine  
23 initially, or did they go into the mine after the  
24 explosion?

1           A. My understanding is they went into the  
2 mine after the explosion or they were just shortly  
3 into the mine when the explosion occurred, went up  
4 and tried to assist in the mantrip that was located  
5 near crosscut 78. And there were two mantrips that  
6 brought the deceased miners and the injured miners  
7 out. I don't know if they came out and went back  
8 in or if they stayed in there.

9           Q. When were you informed that those two  
10 individuals were underground?

11          A. Probably somewhere when I heard them on  
12 the mine phone, somewhere around 6:30 or so, I  
13 guess, is when I first became aware of it.

14          Q. Do you know if those individuals were  
15 qualified mine rescue personnel?

16          A. I didn't know right at that moment, but I  
17 knew shortly after that they were not, and they did  
18 not have apparatuses with them.

19          Q. So they were just bare faced?

20          A. Bare faced or I assumed they would have  
21 SCSRs with them if they went into an area where the  
22 air was irrespirable.

23          Q. Are SCSRs meant for use like that?

24          A. No.

1 Q. Thank you.

2 A. Again, when I found out that they weren't  
3 mine rescue trained and they were on their own, I  
4 told Bob Hardman, I said, we need to get these  
5 people out of here. I think I expressed that same  
6 concern to Chris Adkins. When this is going on, I  
7 mean, these guys are inby where a phone location is  
8 working as well. So you either had to get rescue  
9 teams in there to get them out, or when they came  
10 back to a phone to report, you had to tell them  
11 don't go any further is what it came down to.

12 Q. Do you recall when those two individuals  
13 exited the mine?

14 A. I think they exited the mine in the early  
15 morning hours of April the 6th. My concern was to  
16 get them back to the fresh air base. I was  
17 concerned for their safety, number one, that  
18 they're in there with SCSRs. When I got up to the  
19 mine site, when I got up to UBB, I was hoping that  
20 what we saw in the six guys that died was some kind  
21 of high spot in the track entry on the way out and  
22 we still had people alive inby.

23 When I got up to UBB and the first reading  
24 that I saw at Bandytown fan was 7,000 parts per

1 million, I knew that I was dealing with more than a  
2 high spot in the track entry. If these two  
3 individuals were going inby where that mantrip was,  
4 somewhere between there and that fan, I had as much  
5 as 7,000 or greater parts per million, and I knew  
6 that that's not the type of atmosphere we would  
7 want anybody in with a SCSR.

8           So we had a conversation that we needed to  
9 get these people out. I thought they could add,  
10 because they were knowledgeable in the mine, to  
11 help the rescue teams at the fresh air base go and  
12 know where people may have been. So that's, I  
13 guess, our reasoning for pulling them back to the  
14 fresh air base but not pulling them entirely from  
15 the mine at that time.

16           Q. Do you know if either of those two  
17 individuals assisted the mine rescue teams and  
18 effort from the fresh air base?

19           A. I reviewed the log, and when you say  
20 assisted, I think they may have given verbal  
21 assistance, saying they thought people were  
22 underground or what they had come in contact with  
23 when they went on their own, but I don't think they  
24 ever went inby the fresh air base with rescue teams

1 after that.

2 Q. Now, did anyone debrief those two  
3 individuals when they came out of the mine?

4 A. I believe Linc Selfe was one of the  
5 individuals and John Urosek, and rescue team  
6 members may have been the other representatives  
7 from MSHA. I'm sure the state and the company also  
8 had representatives there, but as I said, shortly  
9 after that, I got tied up in talking to the  
10 families and the media, and my role at the mine  
11 site kind of dwindled to that respect.

12 Q. Now, about what time did you first start  
13 meeting with the families?

14 A. Probably somewhere around 8:30 would have  
15 been our first family meeting. I got to  
16 apologize. I had a notebook that I kept, and I  
17 don't have it anymore. I don't know how to explain  
18 it, but the last night when we had told all the  
19 family members that there were no survivors, it's  
20 hard to put into words the feeling of talking to  
21 the families and the number of people that were  
22 going down. I mean, and I sat my notebook down,  
23 and I was trying to help some family members up,  
24 and I never got my notebook back. But in that

1 notebook I did have times written down. I don't  
2 know. I doubt if anybody would have ever turned it  
3 in.

4 But it was probably somewhere around  
5 8:30 p.m. It was myself, Elizabeth Chamberlin, and  
6 there was another individual that Elizabeth brought  
7 with us from Massey. His first name was Brian. I  
8 don't know what his last name was. But we went  
9 down there and we met with a lady at the training  
10 center who was like a human resources person. I  
11 believe her name was Jennifer. What we asked her  
12 to do when we went down there the first time, by  
13 the time we got down there, I believe there were  
14 seven fatalities. One of the other individuals had  
15 died. We made a decision that we were going to ask  
16 those seven families to come into a separate room  
17 and make them aware that their loved one had died  
18 in the explosion, and that was our first meeting  
19 when we went down there.

20 Q. So you met with those seven families. Did  
21 you later meet with the families of the missing  
22 miners?

23 A. Could you repeat that, please?

24 Q. You met with the seven families of the

1 deceased miners that you knew of at that point in  
2 time. Did you meet later with the families of the,  
3 at that point in time, missing miners?

4 A. Yes. After a period of time, we left the  
5 room where the seven deceased miners' families  
6 were, and we went into a bigger meeting area with  
7 the rest of the family and friends of the other  
8 miners that were missing. At that time, I still  
9 didn't have a finite number of miners that were  
10 missing, and that really bothered me, to go into  
11 the room and -- but we went in, and we basically  
12 gave them an update of just preliminary information  
13 on what had occurred and that there were already  
14 fatalities involved in this.

15 Q. About roughly when did you get out of that  
16 meeting with those families?

17 A. Approximately 10:30. It was a pretty long  
18 meeting, and there were a lot of questions. My  
19 experience in these things, I mean, is you just let  
20 the families ask anything they want, and you try to  
21 answer as much as you can. You be as honest as you  
22 can, but you also try to be as positive as you  
23 can. So they were asking questions, do you think  
24 my loved one is alive and that he was on a certain

1 section. It's very difficult without really  
2 spending much time looking at a map to try to  
3 figure out what people may be where.

4 We basically spent a couple of hours with  
5 the families there. I shared with them what I  
6 knew, and I believe Massey may have talked a little  
7 bit, but it was more of me talking than Massey at  
8 that time to the families.

9 Q. So about 10:30 you got out of that  
10 meeting. Was the mine rescue team still  
11 underground at that point in time?

12 A. Yes. I don't think we went to any media  
13 briefings. We typically would go to the families  
14 and have a briefing with them and then go over to  
15 the media center that was set up at Marsh Fork.  
16 But I think after that first family briefing, I  
17 believe we went back up to the mine site, which was  
18 probably somewhere in the vicinity of 10:30 or so.

19 Q. Do you recall about when you had the first  
20 media briefing?

21 A. It would just be a guess on my part.  
22 Somewhere around one or two in the morning. I  
23 believe we went back down and talked to the  
24 families again later that night, and then we went



1 and had a media briefing. I was getting some  
2 information from my headquarters office that after  
3 you talk to the families, you needed to go brief  
4 the media. And I believe at that time, then, the  
5 state had enough people on site that they  
6 participated in the briefing as well as -- some of  
7 the briefings Massey came to and some of them they  
8 didn't.

9 Q. Now, we understand the mine rescue teams  
10 were pulled out of the mine, I think, sometime  
11 around midnight that night.

12 A. I thought it was a little later than that  
13 but, I mean, the record will speak for itself. I  
14 was at the mine when they were pulled out. I  
15 believe John Urosek had come on site by this time,  
16 and we had started having continuous monitoring at  
17 different locations on the surface, as well as our  
18 rescue teams underground.

19 I remembered we pulled them out when they  
20 were up in 22 headgate. They had just gotten to  
21 the mantrip, and we found explosive mixtures of gas  
22 and smoke. Bob Hardman made the correct decision  
23 to, and I think everybody was in agreement based on  
24 the readings that we needed to evacuate the mine.

1 Q. So explosive gas plus smoke, which  
2 indicates a fire, was a potential hazard to the  
3 mine rescue teams?

4 A. Yes.

5 Q. So you pull the teams out. Do you recall  
6 roughly when the teams went back into the mine?

7 A. I'd have to look at the log again. I  
8 believe it was a number of hours, and it was  
9 dependent on -- I think we put a borehole in at the  
10 top of 22 headgate. When I got to the mine, there  
11 was already discussions about where do we need to  
12 put boreholes in, and 22 headgate naturally up at  
13 the top end was a good choice, because we had a  
14 dead end area.

15 We assumed we were going to have stoppings  
16 knocked out the whole way, so it was kind of like  
17 if you put a borehole in there, you can bring your  
18 intake air and ventilator the entire way towards  
19 the Bandytown fan as an intake shaft. I think  
20 after that borehole went in and monitoring was done  
21 is when the rescue teams were allowed to go back  
22 underground.

23 Q. Was there any resources that you thought  
24 may have been useful in this rescue attempt that

1 was not available to you?

2 A. I thought the phone system was very poor.  
3 Once I got on Route 3 behind the state guys, I  
4 mean, that was it for my cell phone. It wasn't  
5 going to be used anymore. I was under the  
6 impression that our emergency operations had phones  
7 that was going to be of use to me, and I have heard  
8 Joe Main say, and I agree, that him and I could be  
9 10 feet apart from each other with the phone and we  
10 wouldn't be able to talk. The phone system was  
11 something that was really lacking, in my opinion.

12 I would have liked to have had a  
13 chromatograph set up a lot earlier than what we had  
14 it. We had a chromatograph. We were taking  
15 samples back to Mt. Hope, but the hand-held  
16 readings, sometimes they don't always match up with  
17 the bottle sample analysis because of interfering  
18 gases, and when you're making life and death  
19 decisions, I guess you want as much information  
20 available to you as you can have. So if I had a  
21 magic wand, those would be the two things that I  
22 would have wanted that I didn't have.

23 Q. Now, you indicated that there was a  
24 chromatograph at the mine at some point in time.

1           A.    I believe it came in sometime during the  
2 day on the 6th.

3           Q.    Where did that chromatograph come from?

4           A.    It came from technical support's Bruceton  
5 location near Pittsburgh.

6           Q.    Did you ever get any better way to  
7 communicate, any satellite phones or anything like  
8 that?

9           A.    Probably after three or four days, we  
10 finally got some phones that worked. I think also  
11 Massey or somebody must have put up a tower that  
12 allowed cell phones to be used that gave us a  
13 signal on our cell phones. But early on, I mean --  
14 I have seen this before, it's nothing new -- but  
15 you get into a situation where you have an  
16 emergency at a mine, and the mine has two lines,  
17 and the state is trying to get on it, MSHA is  
18 trying to get on it, the union is trying to get on  
19 it, and the company is trying to get on it. As a  
20 mining industry, we need to do better with our  
21 communication services when an emergency happens.

22           Q.    Now, we understand there were several  
23 forays into the mine, but the mine rescue teams and  
24 the last victim wasn't found until almost a week,

1 several days later.

2 A. It would have been on Friday evening, into  
3 Saturday morning would have been when the last  
4 victim was found. It would be from late in the  
5 night on the 9th to the morning of the 10th.

6 Q. At that point in time, the effort switched  
7 from a rescue attempt to a recovery attempt.

8 A. Yes. So I guess we held out hope. There  
9 were three or four people unaccounted for, and we  
10 held out hope, and you always do until you find the  
11 victim that maybe someone could have gotten to a  
12 refuge chamber. We knew that there's no way that  
13 anybody could have lived and sustained themselves  
14 in the type of atmospheres of 7,000 parts per  
15 million, but if someone would have been away from  
16 the explosion, had the opportunity to put an SCSR  
17 on and crawl into a refuge chamber, they might have  
18 been able to sustain themselves for a period of  
19 time. So up until that Friday night, into Saturday  
20 morning, I mean, it was a slim hope, but it's  
21 something that you got to go for, and it's a rescue  
22 operation until you find the last body.

23 Q. You mentioned that Joe Main was on site.  
24 About when did he arrive?

1           A.    He arrived somewhere in the morning on  
2 April the 6th.

3           Q.    What was Mr. Main's role in this entire  
4 operation?

5           A.    I think he's a hands-on guy to begin  
6 with.  He's always been that way in his entire  
7 career, and I think he wanted to come to the mine  
8 site and lend any support that he could, whether it  
9 was to talk about rescue operations or speaking to  
10 the media or just being senior MSHA official on  
11 site; just talking to his own MSHA people and the  
12 company people.  He basically let Bob handle the  
13 rescue operation, and sometimes he talked to the  
14 media, and other times he asked me to speak to the  
15 media.

16          Q.    Now, was there any mechanism to relieve  
17 Mr. Hardman?  Was there backup someplace?

18          A.    There was.  I mean, again, I'd been  
19 through enough of these to know that it looked like  
20 it was going to go on for an extended period of  
21 time.  So that evening, the evening of April the  
22 5th, I'd called back to headquarters and told them  
23 to make arrangements to get some personnel from  
24 other districts down to support District 4, not

1 only Bob Hardman, but his ADMs and the folks that  
2 were out there. So we had contacted both the  
3 district managers in Morgantown, West Virginia, Bob  
4 Cornett and the district manager in Norton, Ray  
5 McKinney, to come up with a couple of his ADMs,  
6 their ADMs, and to spell Bob out.

7           When you're in these types of situations  
8 and you're the district manager, they've got to  
9 kind of pry you away from the mine, because you  
10 want to stay, but there comes a period of time  
11 after you'd been there so long that you just don't  
12 function properly or you're almost falling asleep  
13 while you're standing up. I knew that Bob would be  
14 in that situation, and I wanted to have some people  
15 there so we would have an opportunity for them to  
16 be briefed in what was going on before Bob left and  
17 just to try to let Bob get a little rest.

18           Q. Was there anything that you asked for that  
19 you didn't get?

20           A. Again, I think Bob was more the person  
21 asking for stuff from Massey. My impression is  
22 when Bob asked for something, they would get it,  
23 but then it didn't seem to me like they followed  
24 through on making sure it was implemented. As an

1 example, I mean, I think we had more drills there  
2 than we would need, but when you finally followed  
3 up to see what was going on with the drills, they  
4 would just be sitting there until someone forced  
5 them to start drilling, to the point that Bob  
6 Hardman had to go up on top of the hill a couple of  
7 times himself and say, you need to get this drill  
8 operating. Tell Massey we had an agreement you  
9 were going to put a borehole in here. It seemed  
10 like they had the money to spend, but they just  
11 didn't have the oversight to know that things were  
12 getting done the way they were planned, in my  
13 opinion.

14 Q. Do you think that there was a sufficient  
15 turnout of mine rescue teams?

16 A. Yes. They worked hard. I mean, we put  
17 them into conditions that probably none of us in  
18 the room here will ever be in, and the way that  
19 they had to recover bodies and the distance they  
20 had to carry people, both the state rescue team and  
21 MSHA rescue teams as well. I mean, I don't think  
22 we could have asked any of these individuals to do  
23 more than what they did.

24 Q. When did you leave the accident scene?



1           A.    It would have been Saturday afternoon on  
2 April the 10th.  I went up to Charleston to stay  
3 overnight, and I flew back to D.C. on Sunday, April  
4 the 11th.

5           Q.    When did you start the accident  
6 investigation process?

7           A.    I was already thinking when I was on site  
8 at the mine about the accident investigation and  
9 thinking of people to participate in the accident  
10 team.

11          Q.    Anything else that you would like to add  
12 to this?

13          A.    I can't think of anything.

14                   MR. SHERER:  Thank you.  Do you  
15 have any questions, Terry?

16                   MR. FARLEY:  I have none.

17                   MR. WILSON:  Pat?

18                                   EXAMINATION

19 BY MR. MCGINLEY:

20          Q.    Just a couple of questions.  There have  
21 been rumors about why you were in Charleston on  
22 April 5th.  It wasn't for a meeting with Massey; is  
23 that correct?

24          A.    Well, no.  On that Thursday morning of

1 that week, I had planned to meet with Massey.

2 Q. It would have been the 8th?

3 A. Yes, sir. The week prior to Upper Big  
4 Branch blowing up, our District 4 office had  
5 received a couple of hazardous complaints at other  
6 mines of Massey in the area, and we had gone to  
7 both of those mines probably 8:30 in the evening,  
8 captured the phones and went underground, and both  
9 locations that we went to, we had found mining  
10 without any ventilation curtains in the face, no  
11 airflow, a lot of visible dust.

12 Bob Hardman and I, it was probably the  
13 Friday before Upper Big Branch occurred, I says,  
14 Bob, I says, I'm coming down in the area to meet  
15 with the State of Kentucky, and I said, I'd like  
16 for you and me to go meet with Massey. We were  
17 having some other issues with Massey over low  
18 weight gain samples, the use of scrubbers had been  
19 an ongoing problem with Massey. I says, let's meet  
20 at their Chapmanville headquarters office on  
21 Thursday morning of that week.

22 Now, Bob was planning on coming down to  
23 Pikeville, Kentucky on Wednesday evening. Bob,  
24 myself and Norman Page were having a meeting on

1 allowing the use of scrubbers and making sure that  
2 we were consistent within District 4 and 6 and  
3 looking at how we can be consistent not only at  
4 Massey mines but all mines. But I was concerned  
5 about those two hazard complaints, and I wanted to  
6 make sure that I met with Massey personally over  
7 those issues, and unfortunately, we never got to  
8 that date.

9 Q. Was there a meeting set up, do you know?

10 A. Yes, there was. It was Thursday morning,  
11 I believe, at 8 a.m.

12 Q. Do you know who you were going to meet  
13 with?

14 A. It was at least Chris Adkins and Elizabeth  
15 Chamberlin. I do not know if Don Blankenship was  
16 going to be at that meeting or not.

17 Q. Given that background and the experience  
18 with the two other Massey mines immediately before  
19 the explosion, when you learned about UBB, you got  
20 there and you realized it was an explosion, was  
21 there any connection you made between those  
22 ventilation problems with the other mines?

23 A. At that time, there wasn't, other than the  
24 -- I guess when you go out on a situation like

1 that, whether it's right or wrong, I try to stay,  
2 in my mind, in a rescue mode until I know it's not,  
3 and then I get into the recovery and investigative  
4 mode a little later.

5 Q. So that would have been something that  
6 occurred to you after you --

7 A. Yes.

8 Q. -- the rescue and recovery, which is  
9 obviously the primary goal of what you had to do?

10 A. Well, and just mention one other thing,  
11 and I don't know that it adds to it, but it was  
12 probably a week after this, we had another hazard  
13 complaint at another Massey mine for them doing --  
14 this is after UBB occurred, and we went into the  
15 Cook mine, and we found the exact same thing,  
16 mining without curtains, without air in the face.  
17 It really ate me alive, after UBB happened, that  
18 we're still finding these kind of things. That  
19 played a role when we started establishing these  
20 impact inspections.

21 Besides UBB, we saw that there were mines  
22 that just were blatantly not complying with the  
23 law, and we thought it was important to, I don't  
24 want to say sneak into the mines, but to go in on

1 off times to see what was going on, if it was going  
2 on more often than not. So, yeah, there were a  
3 number of issues that we wanted to speak to Massey  
4 about on that Thursday morning and the meeting had  
5 been set up.

6 Q. We just had a witness testify basically  
7 that Massey was informed of the inspection, when  
8 inspectors were coming into the mine that they took  
9 steps to avoid citations, that when they get  
10 citation or closure orders, they would make  
11 whatever response would satisfy the inspectors, and  
12 then the inspector's gone, they'd go back and do the  
13 same thing as just as a matter of course over an  
14 extended period of time. So it seems consistent  
15 with what you're saying here today, not just  
16 isolated to UBB.

17 A. Yes, sir.

18 Q. I just have a couple of more questions.  
19 The MINER Act requires MSHA to assign individual  
20 special responsibilities during mine emergencies,  
21 family liaisons. Do you know anything about how  
22 that works at UBB?

23 A. Yes, sir. I mentioned a gentleman's name  
24 earlier, Mike Dickerson. Mike was a family liaison

1 from District 4, and he came to the mine site,  
2 originally was at Ellis portal. I believe he was  
3 exchanged up at Ellis portal and went down to spend  
4 time with the families. In addition, just like  
5 that evening we decided to bring other district  
6 managers in, we brought additional family liaisons  
7 in, because we knew this was going to go around the  
8 clock. So we brought in Jim Pointer and Ken  
9 Fleming from District 6, which was located close  
10 by. We wanted to keep a family liaison with the  
11 families through this entire operation.

12 Q. Is your impression looking back on the  
13 experience -- you were really, I guess, the primary  
14 communicator to families from MSHA's standpoint and  
15 with the press. Do you feel like you got the  
16 information out as well as you'd like or anything  
17 you would do differently?

18 A. No, I think we got it out. I mean, it was  
19 a joint effort between the state and MSHA more so  
20 than the company. I mean, the governor was there.  
21 Ron Wooten spoke for the state, and myself and  
22 Mr. Main, but we basically made a commitment that  
23 we would brief the families and spend as much time  
24 with them until we answered all of their questions

1 before we went to the media.

2 In these situations, it's always important  
3 that the families don't hear it from the media. I  
4 don't have any regrets on how we talked and dealt  
5 with the families. I think we tried to be honest  
6 with them, but we still tried to be hopeful that  
7 there was a chance that maybe someone could have  
8 gotten to a refuge chamber, even though it was  
9 small, and I don't have any regrets of that.

10 Q. Just one more thing. Of course, rock  
11 dusting has become a focus of concern, and MSHA are  
12 involved in explaining the results of the rock dust  
13 survey as part of the investigation. Can you  
14 explain just sort of briefly what MSHA's policy is  
15 with regard to determining when rock dust surveys  
16 should be done, other than this sort of post  
17 disaster explosion situation?

18 A. Yeah. Every quarter an MSHA inspector is  
19 supposed to look at a mine map, basically look at  
20 the previous quarter inspection that was just  
21 completed, and our inspectors are supposed to draw  
22 a line on a mine map indicating how far they  
23 sampled up to. As the section advances, they are  
24 to use that point as their zero point and take rock

1 dust surveys up to the tail piece. If the areas,  
2 and we find this in a lot of cases, are too wet to  
3 be sampled, the next inspector should come back and  
4 go back to those locations and collect a sample at  
5 the places that were too wet.

6 They also had the ability or if they feel  
7 the need to take spot samples. If they are in an  
8 outby area that has already been sampled, they had  
9 the ability to take a sample and have that analyzed  
10 or cited if they feel that the rock dust is  
11 inadequate in that area. So I guess in a way, what  
12 you're looking at is a mine, or at any mine that  
13 would be sampled one time in its entirety as it is  
14 being developed and then the use of spot samples in  
15 areas that may need additional rock dusting.

16 Q. We've heard some testimony from people who  
17 worked in the mine basically say, well, rock  
18 dusting was good. You know, it was good because we  
19 didn't get citations. We just had a witness who  
20 said -- he had quite a bit of experience and was a  
21 management person -- that said, I thought it was  
22 inadequate a lot of the time. Is there any reason  
23 why companies can't or shouldn't take their own  
24 samples rather than relying on Massey?



1 MR. WILSON: You mean MSHA.

2 Q. I'm sorry. MSHA. Thank you.

3 A. There is no reasons why they shouldn't do  
4 that. I mean, that would probably be a smart thing  
5 that a company could do to ensure that the area is  
6 well rock dusted. They don't need MSHA to come and  
7 do it. They can do that on their own as well.

8 Q. We have had witnesses say, you know, that  
9 rock dusting was good, and then you ask them, well,  
10 how do you know that? What kind of training do you  
11 have? They invariably say, well, we eyeball it.  
12 Well, I understand that to a point.

13 A. Yeah. What's their baseline to know when  
14 it's good or not?

15 Q. Exactly, and they don't have any.

16 A. Yeah. I don't disagree with what you're  
17 saying.

18 Q. Do you know of any companies that actually  
19 do their own rock dust sampling?

20 A. I think the only time they normally take  
21 samples is when we take samples to get ready to go  
22 to court against us and to combat us in court to  
23 see if their numbers look the same as ours. I  
24 don't know any that do it proactively.

1 Q. Is that the only way one can determine for  
2 sure whether there's compliance or not, is by  
3 taking the samples or --

4 A. Well, NIOSH has now come up with -- and  
5 it's still in the testing phases, but it looks  
6 promising -- a piece of equipment that you can do  
7 it basically hands-on right when you measure the  
8 rock dust rather than having to send it away. If  
9 NIOSH or somebody else could perfect something  
10 similar to that, I think that would go a long way  
11 in helping in making sure mines are well rock  
12 dusted. But right now, you have to send it away.

13 MR. MCGINLEY: That's all the  
14 questions I have. Thank you.

15 MR. WILSON: Let's go off the  
16 record for a second.

17 (Break.)

18 EXAMINATION

19 BY MR. WILSON:

20 Q. Kevin, earlier you had made a statement  
21 about the Pyott-Boone system when you were at the  
22 mine wasn't working the way you thought it should.  
23 Do you want to elaborate on that a little?

24 A. Yeah. I think I may have used the terms

1 that I thought it was useless, and I guess that's  
2 out of frustration, because I was really wanting to  
3 know how many people were unaccounted for, and  
4 Massey says that the Pyott-Boone system wasn't  
5 working correctly. So when I used the term  
6 useless, it was meant at the time of the explosion  
7 in trying to determine how many people were  
8 unaccounted for.

9 MR. WILSON: Okay. Pat, did you  
10 have a few follow-ups?

11 MR. MCGINLEY: Yeah. Just a  
12 couple of other questions I  
13 overlooked.

14 RE-EXAMINATION

15 BY MR. MCGINLEY:

16 Q. Mr. Stricklin, do you know when the Massey  
17 teams, I think it's the southwest mine rescue team,  
18 the Sidney teams, arrived at UBB after the  
19 explosion, and secondly when they went  
20 underground? Do you have a sense of that?

21 A. I don't know. I recollected somewhere  
22 around 6:45 p.m. that evening is when the first  
23 teams went underground.

24 Q. I meant to say the southern West

1 Virginia. I said southwest.

2 A. I knew what you meant, sir. It was  
3 somewhere around a quarter until seven. I know  
4 they got up to the fresh air base and we were set  
5 up at 7:15 at that location.

6 Q. Do you know which one was the first one  
7 between the Sidney and the southern West Virginia  
8 team?

9 A. I believe it was the southern West  
10 Virginia team that was the first one up there.

11 Q. So the first one went underground around  
12 7:30, you think?

13 A. I thought it was before 7:30.

14 Q. You said before 7:30.

15 A. Yeah. I think they were at the fresh air  
16 base at 7:15.

17 Q. Would that have been the southern West  
18 Virginia team?

19 A. Yes, and I believe MSHA and the state also  
20 had a representative with those teams when they  
21 went underground, I believe. Jerry Cook was one of  
22 the individuals and maybe Mike Hicks from MSHA, and  
23 I'm not sure who the state were, but they supported  
24 it right away as well, and I think they may have

1    been with the teams underground.

2           Q.    One final question.  At what point, if you  
3 recall, did you learn an accurate number about with  
4 regard to how many people were still underground  
5 that were unaccounted for?

6           A.    It was probably somewhere around  
7 midnight.  It took that long.

8           Q.    Partly because the tracking system didn't  
9 give accurate information, I assume?

10          A.    I don't think the tracking system ever  
11 gave us that information.  It was almost like  
12 process of elimination.  It was a head count more  
13 so than it was the tracking system that ever gave  
14 us that information.

15          Q.    Right.  We've seen some of the  
16 investigation, that people were supposed to be one  
17 place, according to the tracking system were in  
18 other places.

19          A.    Yes.

20                   MR. MCGINLEY:  I don't have any  
21 other questions.  Thank you.

22                   MR. WILSON:  Mr. Stricklin, on  
23 behalf of MSHA, the Office of Miners  
24 Health Safety & Training, and the

1           governor's independent team, I want to  
2           thank you for appearing today and  
3           answering questions. Your cooperation is  
4           very important to the investigation.

5                       We will be interviewing  
6           additional witnesses, so we ask that you  
7           not discuss your testimony with anyone  
8           else.

9                       After questioning other  
10          witnesses, we may have some follow-up  
11          questions and we will let you know. If  
12          you think of any additional information,  
13          please contact Norman Page.

14                      Before we finish, I do want to  
15          give you an opportunity, if there's  
16          anything else that you would like to add  
17          to the record, you may do so now.

18                      THE WITNESS: I don't have  
19          anything to add.

20                      MR. WILSON: Again, thank you for  
21          your cooperation. Go off the record.

22                      (The interview of KEVIN STRICKLIN  
23          concluded at 3:12 p.m.)  
24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lisa Marie Short, a Notary Public and  
3 Certified Court Reporter within and for the State  
4 aforesaid, duly commissioned and qualified, do  
5 hereby certify that the interview of KEVIN  
6 STRICKLIN was duly taken by me and before me at the  
7 time and place specified in the caption hereof.

8 I do further certify that said proceedings  
9 were correctly taken by me in stenotype notes, that  
10 the same were accurately transcribed out in full  
11 and true record of the testimony given by said  
12 witness.

13 I further certify that I am neither  
14 attorney or counsel for, nor related to or employed  
15 by, any of the parties to the action in which these  
16 proceedings were had, and further I am not a  
17 relative or employee of any attorney or counsel  
18 employed by the parties hereto or financially  
19 interested in the action.

20 My commission expires the 8th day of  
September 2018.

21 Given under my hand and seal this 25th day  
of October 2010.

22 -----  
23 Lisa Marie Short  
24 CCR  
Notary Public