

1                   **WEST VIRGINIA MINE SAFETY AND HEALTH**  
2                   **ADMINISTRATION**

3  
4  
5                   **IN THE MATTER OF:**

6                   **THE INVESTIGATION OF THE**  
7                   **APRIL 5, 2010 MINE EXPLOSION**  
8                   **AT UPPER BIG BRANCH MINE.**

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15                   The interview of **RON WOOTEN**, taken upon oral  
16                   **examination, before Robin M. Large, Court Reporter**  
17                   **and Notary Public in and for the State of West**  
18                   **Virginia, Tuesday, February 1, 2011, at 10:09 a.m.,**  
19                   **at the Comfort Inn, 903 Industrial Drive, North,**  
20                   **Summersville, West Virginia.**

21  
22                   **JOHNNY JACKSON & ASSOCIATES, INC.**  
23                   **606 Virginia Street, East**  
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**WEST VIRGINIA GOVERNOR'S INDEPENDENT TEAM**  
**James Beck**  
(b) (7)(C)  
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**(No exhibits were marked.)**

1 MR. BABINGTON: My name is Matt  
2 Babington. I'm an attorney with the  
3 Department of Labor. Today is February  
4 1st, 2011. With me is Alvin Brown, an  
5 accident investigator with the Mine Safety  
6 Health Administration and MSHA and the US  
7 Department of Labor.

8 Also present are several people  
9 from the State of West Virginia. I ask  
10 that they state their appearance for the  
11 record.

12 MR. TUCKER: Bill Tucker with

13 MR. KOERBER: Barry Koerber with  
14 the West Virginia Attorney General's  
15 Office representing the West Virginia  
16 Office of Mine and Health Safety Training.

17 MR. BECK: Jim Beck with the West  
18 Virginia Governor's Independent  
19 Investigation Team.

20 MR. BABINGTON: Bill Tucker of  
21 the state will be conducting initial  
22 questioning.

23 All members of the Mine Safety  
24 and Health Accident Investigation Team and

1 all members of the State of West Virginia  
2 Accident Investigation Team participating  
3 in the investigation of the Upper Big\_  
4 Branch Mine explosion shall keep  
5 confidential all information that is  
6 gathered from each witness who voluntarily  
7 provides a statement until the witness  
8 statements are officially released.

9 MSHA and the State of West  
10 Virginia shall keep this information  
11 confidential so that other ongoing  
12 enforcement activities that are  
13 prejudicial aren't jeopardized by a  
14 premature release of information.

15 This confidentiality requirement  
16 shall not preclude investigation team  
17 members from sharing information with each  
18 other or with other law enforcement  
19 officials. Team member's participation in  
20 this interview constitutes their agreement  
21 to keep this information confidential.

22 Government investigators and  
23 specialists have been assigned to  
24 investigate the conditions, events and

1           circumstances surrounding the fatalities  
2           that occurred at the Upper Big Branch  
3           South on April 5th, 2010. The  
4           investigation is being conducted by MSHA  
5           under section 103a of the Federal Mine  
6           Safety and Health Act and the West  
7           Virginia Office of Miners' Health, Safety  
8           and Training.

9                     We appreciate your assistance in  
10           this investigation, Mr. Wooten.

11                    After the investigation is  
12           complete, MSHA shall issue a public report  
13           detailing the nature and causes of the  
14           fatalities in hope that greater awareness  
15           about the causes of accidents can reduce  
16           their occurrence in the future.

17                    Information obtained through  
18           witness interviews is frequently included  
19           in these reports. You should know that if  
20           you request confidentiality,  
21           confidentiality will only be granted on a  
22           case-by-case basis. Your statement will  
23           also be used in other proceedings.

24                    You may have a personal

1 representative present during the taking  
2 of this statement. You may consult with  
3 the representative at any time.

4 Do you have a representative with  
5 you here today?

6 THE WITNESS: No, I do not.

7 MR. BABINGTON: Thank you.

8 Your statement is completely  
9 voluntary. You may refuse to answer any  
10 questions and you may terminate your  
11 interview at any time or request a break  
12 at any time.

13 A court reporter will record your  
14 interview. Please speak loudly and  
15 clearly. If you do not understand a  
16 question, please ask the interviewer to  
17 rephrase it. Please answer each question  
18 as fully as you can, including any  
19 information you've learned from someone  
20 else.

21 We'd like to thank you in advance  
22 for your appearance here. We appreciate  
23 your assistance in this investigation.  
24 Your cooperation is critical in that

1 making the nation's mines safer.

2 After we finish asking questions,  
3 you'll have an opportunity to make a  
4 statement and provide us with any  
5 information you believe to be important.  
6 If at any time after the interview you  
7 recall any additional information that you  
8 believe might be useful, please contact  
9 Norman Page at a contact number that I can  
10 provide to you.

11 THE WITNESS: Okay.

12 MR. KOERBER: Mr. Wooten, the  
13 court reporter is with a court reporter  
14 firm known as Johnny Jackson &  
15 Associates. It's located on Virginia  
16 Street in Charleston, West Virginia.  
17 Johnny Jackson & Associates is operating  
18 under a three-day turnaround time on the  
19 transcripts, which would mean since today  
20 is Tuesday, the transcript would be  
21 available for your review come next Monday  
22 morning.

23 If you would choose to want to  
24 read your transcript and make any changes



1           that might be applicable on an errata  
2           sheet, you can go to Johnny Jackson &  
3           Associates court reporter firm in  
4           Charleston, West Virginia. I can supply  
5           you with that address after the interview.  
6           You would be provided a conference room at  
7           Johnny Jackson & Associates where you can  
8           go in and review your transcript privately  
9           and make any corrections on an errata  
10          sheet that you might need to make. You  
11          will not be permitted to take a transcript  
12          with you, at least at this time.

13                         So I just want to make you aware  
14                         of that.

15                                 THE WITNESS: Thank you. I  
16                                 understand.

17   - - -

18           Thereupon,

19                                 RON WOOTEN,

20           a witness having been first duly sworn, was  
21           questioned and testified as follows:

22   - - -

23           BY MR. TUCKER:

24           Q. We'll go ahead and get started.

1 I would just, again, like to thank you for  
2 coming today and letting us interview you. Would  
3 you state your full name and spell your last name,  
4 address and phone number where you can be reached.

5 A. Ronald Lee Wooten, W-O-O-T-E-N, and my  
6 address is (b) (7)(C)

7 (b) (7)(C) . Two phone numbers,  
8 the first is a (b) (7)(C) ; (b) (7)(C)  
9 (b) (7)(C) .

10 Q. Thank you. Would you mind just starting  
11 when you first got introduced to the mining  
12 industry and just kind of go through your work  
13 history, where you've been, what type of jobs that  
14 you've had?

15 A. In 1972 I was hired at United States Steel  
16 Corporation's Frick District, being a number one  
17 mine, column and shaft. I went in as a white hat  
18 in PA as a midnight shift roof bolter. I worked  
19 for US Steel for about three years, part of the  
20 time as a member of local 6321 in the United Mine  
21 Workers of America for approximately a year, maybe  
22 a little more than that, and then went to Maple  
23 Creek Mine as what US Steel called a mine operating  
24 engineer. I was responsible for putting the first

1 belt in at Maple Creek Mine.

2 In '75 I went to Washington DC as  
3 assistant legislative counsel with the American  
4 Mining Congress. In 1978, I was recruited by  
5 CONSOL Energy -- it's now CONSOL Energy. At that  
6 time it was Consolidation Coal Company -- to run  
7 the Washington office in conjunction with Conoco,  
8 which was CONSOL'S parent company.

9 In 1982, '81, I was asked to come back to  
10 Pittsburgh as assistant vice president of safety.  
11 In '82 I became vice president of safety for  
12 CONSOL. I stayed in that position until my  
13 retirement in '98, at which time I opened my own  
14 business and ran my own business for a period of  
15 time and consulted under the name of Mountain State  
16 Mine Safety Associates.

17 In 19 -- I'm sorry. In 2005, I took a job  
18 for a company that needed some help, Mountain State  
19 Bit Corp. in Morgantown, West Virginia as a safety  
20 director.

21 Later that summer the governor called me  
22 and asked me to take the job as director. That  
23 would have been in 2006. Actually -- director of  
24 the West Virginia Office of Miners' Health, Safety

1 and Training, which I took until -- and stayed  
2 there until my retirement in November of last year,  
3 which would have been 2010.

4 Q. Thank you. Quite an extensive career  
5 there.

6 A. I'm not a young guy, Bill.

7 Q. Where are you currently employed?

8 A. Western Coal Corp. here in Summersville as  
9 the senior manager of health, safety and  
10 environment.

11 Q. Thank you. I'd just kind of like to go  
12 back now to April the 5th, the day of the  
13 explosion, just kind of go through slowly as to  
14 what happened at the UBB. And starting out with,  
15 you know, how did you first learn that something  
16 had happened?

17 A. I was at my apartment in Charleston. And  
18 for some reason, I'd gotten a bug and the first  
19 call I received, I believe, was around 4:20, 4:30  
20 from Terry Farley. He had indicated that he had  
21 gotten a call -- this is to the best of my  
22 recollection. I don't have any notes to verify it  
23 or confirm it. He indicated that he had gotten a  
24 call from Homeland Security that they had had a --

1 if I remember correctly, an air reversal on a belt  
2 line and people were missing. About that time  
3 Elizabeth Chamberlain, the vice president of safety  
4 for Massey beeped in. I remember telling Terry,  
5 "Hold on; Elizabeth's calling."

6 I couldn't get to her before she hung up.  
7 She left a message. The message -- she obviously  
8 was in an area on a cell phone where the service  
9 was coming and going. The only thing I heard her  
10 say was, "It's serious."

11 At that point, I told Terry to meet me at  
12 the office. I got in touch with Jama Jarrett. Got  
13 in touch with C.A. Phillips, who was with our mine  
14 rescue teams in Logan, to find out what he knew and  
15 what was going on. I found out that the mine  
16 rescue teams were -- our mine rescue teams, the  
17 state teams, were on their way to the UBB. Terry,  
18 Jama and I met in the office. Others came into the  
19 office, other state employees of the agency, who  
20 heard what was going on on the radio or whatever  
21 that they just came in and started to work. The  
22 phones were ringing off the hook. E-mail was going  
23 crazy. We weren't answering any of them, but we  
24 were trying to find out where the teams were and

1 what our next move was going to be. We knew we had  
2 to get to the mine as quickly as possible, but we  
3 also had to make sure that things were covered at  
4 the office. Once we did that, we departed the  
5 office and headed toward the UBB. I can't recall  
6 the time. We got to the UBB -- it was dark and it  
7 was raining, thunder and lightning -- I remember  
8 that. We went to the Ellis Portal initially and  
9 were told that the command center was at the UBB  
10 portal. Traffic was with horrendous. It was very  
11 difficult to move around. We got some assistance  
12 from the state troopers and were able to get up to  
13 the portal.

14 When I got there, Sara Payne, the  
15 governor's communication specialist, was there and  
16 she said that the governor needs to talk to you  
17 right away; he's in Florida, if I remember  
18 correctly. So I got on the phone with the  
19 governor, spoke with him briefly, nothing of any  
20 significance other than that he was going to get  
21 back as quickly as I could. Went into the command  
22 center and spent the rest of the evening in the  
23 command center up until when it had been  
24 predetermined that we needed to visit with the

1 families and the press and I don't recall what time  
2 that was. Could have been midnight; could have  
3 been one; could have been two. I know that we were  
4 delayed in making that visit because we had a  
5 difficult time at that point determining precisely  
6 how many fatalities we had discovered, that the  
7 mine rescue teams had discovered. There was some  
8 confusion in the command center relative to that as  
9 well as the CO reading at Bandytown fan. Once we  
10 got those items squared away, then we went ahead  
11 and visited with the families and then visited with  
12 the press.

13 Q. Do you recall who all was in the command  
14 center when you arrived?

15 A. I'm sure I won't be able to recall  
16 everyone, but I know that Chris Adkins was on the  
17 mine phone and the headset from Massey. I don't  
18 recall who else was there from Massey. Elizabeth  
19 Chamberlain was in and out. Don Blankenship, I do  
20 believe, was in the command center. Bob Hardman  
21 from MSHA district four, MSHA manager district  
22 four. Kevin Stricklin was there. I believe Kevin  
23 had been in the area to begin with and had actually  
24 beaten me to the mine. I think -- for some reason,

1 I'm thinking he was in the Beckley area. There may  
2 have been someone else from MSHA there -- I'm sure  
3 there was -- whose names I can't recall. I know  
4 that Terry Farley was there, John Cruise was there  
5 and Steve Snyder and myself.

6 Q. At the time you left to -- you mentioned  
7 about going to meet with the families. Where did  
8 you meet with families at?

9 A. We met with the families at the training  
10 center on Massey property.

11 Q. Who all was with you when you all first  
12 met with the families?

13 A. Don Blankenship, Chris Adkins, Kevin,  
14 myself. Jimmy Jennette may have been with us; the  
15 governor's rep, the local rep, Steve Poletto, I  
16 believe, is his last name. I can't recall anyone  
17 -- well, the communications folks from the state.  
18 That would have been Sara Payne and Jama Jarrett  
19 were both there. They were not meeting with the  
20 families. They were just there. Okay.

21 Q. At that first meeting you had with  
22 families, was -- when you all left to go to that  
23 meeting, was the team still underground?

24 A. The teams were still underground, yes.



1 Q. Okay.

2 A. That's my recollection. The -- let me  
3 back up a little bit on that, Bill. At some  
4 point -- and I can't recall whether it was before  
5 or after -- I know that the teams were pulled out  
6 because of high concentrations of methane. And it  
7 may have been that we got that word either in route  
8 or while we were there or possibly even before we  
9 left. I can't recall.

10 Q. Okay. Can you recall if the -- if before  
11 you left the family meeting if you knew or -- that  
12 the teams had to be pulled out or --

13 A. I'm not going to guess. I can't  
14 remember. I can't remember. That was a nasty  
15 night, probably one of the worst nights of my life,  
16 when we had to tell that there were 18 fatalities.  
17 I mean, there was people throwing up in the floor.  
18 It was almost a riot.

19 Q. After the family meeting, I mean, what did  
20 you next do?

21 A. We went over to the -- I'm sorry. I  
22 didn't let you finish.

23 Q. After the family meeting, what did you do  
24 at that point?

1           A.    At that point, the standard practice that  
2 evolved is that we would meet with the families,  
3 give them an update, and then we would go over to  
4 the grade school which was on the other side of the  
5 creek and down the road a couple of miles. We  
6 would meet with the press and basically give them  
7 the same information that we had given to the  
8 families, and then, of course, take their  
9 questions.

10           Q.    Okay.

11           A.    And that's what we did. And I don't have  
12 a clue what time it was. I can't remember.

13           Q.    So what about -- I mean, from that point  
14 on do you remember what your role was or what  
15 happened after that initial --

16           A.    Sure. From that point, it was every two  
17 hours we were doing the same thing, every two  
18 hours. And we would come back. We would get  
19 additional information. We'd go to the command  
20 center. We'd visit with our mine rescue team  
21 members, get whatever information we could. We'd  
22 debrief the team captains when we were available to  
23 do so.

24                    It just seemed like it was just a constant

1 get information and relay information. There was  
2 little else that we did at that point other than  
3 gather information. Obviously, if any of our  
4 people, particularly our mine rescue team people,  
5 had a problem with anything, then we would address  
6 it. We didn't have much of that. We pretty much  
7 stayed with the mine rescue team vehicles. That's  
8 where we sort of camped out. I'm talking about  
9 state people.

10 The governor got -- the next day he had  
11 his communication center with the Homeland Security  
12 which was up at the other end of the parking lot.  
13 He stayed up there. We stayed down at the mine  
14 rescue with the mine rescue trucks and basically  
15 did the same thing day in and day out.

16 I mean, I couldn't tell you one day from  
17 the next. We were doing the same thing. Sometimes  
18 it was daylight; sometimes it was dark. That's the  
19 only difference. I mean, it was the same thing.  
20 And we were all running on adrenaline pretty much.  
21 Slept a little bit in the car.

22 Q. Just backing up a little bit, you  
23 mentioned that Chamberlain tried to contact you to  
24 let you know that something had happened and she

1 had bad cell coverage.

2           Once you left or you went to the  
3 Charleston office, did you eventually talk to  
4 someone from the company about the event?

5           A. From the Charleston office?

6           Q. Or on your way to the mines.

7           A. I don't recall that we did.

8           Q. So the next information you got was once  
9 you got to the command center pretty much?

10          A. Once we got to -- we stopped at Ellis  
11 Portal pretty much. We thought that there was  
12 where we needed to be. I got information at that  
13 point about the fatalities on the man trip, the  
14 fact that they had been brought out.

15                I'm sorry. Let me back up. We knew that  
16 there were fatalities before we got there. We knew  
17 of the man trip fatalities before. I don't recall  
18 how we knew that, but we did know that. We stopped  
19 at Ellis. I remember talking to Carl Baisden. I  
20 don't remember talking to C.A. I know that C.A.  
21 had been at Ellis and I think he may have still  
22 been there at that point and he later came up to  
23 the UBB portal. But we were informed that the  
24 command center was at the UBB portal, so that's

1 where we went and that's where we got the majority  
2 of our information.

3 MR. TUCKER: I'll pass on to  
4 someone else and follow up with some  
5 additional questions here shortly, give  
6 someone else an opportunity to weigh in on  
7 this part.

8 EXAMINATION

9 BY MR. BROWN:

10 Q. I think it's pretty clear already. You  
11 don't have any information from the command center  
12 or the family meetings?

13 A. That is correct.

14 MR. BROWN: I don't know that I  
15 have anything else at this time.

16 MR. TUCKER: Jim?

17 MR. BECK: Let's see here.

18 EXAMINATION

19 BY MR. BECK:

20 Q. Ron, when you went into the command  
21 center, who was in charge of the command center  
22 when you were there?

23 A. Chris Adkins was on the mine phone. It  
24 was pretty clear that obviously he was doing the

1 majority of the communication. Bob Hardman was  
2 sitting right next to him and Terry was right  
3 behind him, so there was nothing -- I would not say  
4 that anyone was -- if anyone were in charge, it  
5 would have been Chris, but I would only say that  
6 because he was on the mine phone. He didn't make a  
7 move without concurrence from both the federal and  
8 the state. I can tell you that.

9 Q. And how many times were you in and out of  
10 the mine or the command center during the whole or  
11 deal there?

12 A. During the entire week?

13 Q. Yes.

14 A. I couldn't tell you. I mean, it was  
15 either we went to the command center -- whenever  
16 something was going on -- now, during the period of  
17 time when our teams were withdrawn, we did not go  
18 to the command center until we had -- we were more  
19 interested in the gas readings, chromatograph  
20 readings from MSHA to see when we could get our  
21 teams back in.

22 Once our teams were in, then we would go  
23 to the command center, get information, visit with  
24 the families, visit with the press. I mean, that

1 was just the way it went. And while we were --  
2 when we were not in the command center, we were at  
3 the mine rescue vehicles. And, as you recall,  
4 there was a good period of time where our mine  
5 rescue teams -- none of the mine rescue teams would  
6 enter the mine, not only that first night but  
7 thereafter as well.

8 Q. Right. To your knowledge, was mine rescue  
9 protocol followed during the rescue?

10 A. When I was there, as best I could  
11 determine, while I was there, it was.

12 Q. And did you ever get a chance to talk to  
13 Elizabeth Chamberlain again after she left you a  
14 message?

15 A. Not via phone. I did speak with her at  
16 the mine.

17 MR. BECK: That's all I have for  
18 right now.

19 MR. BABINGTON: Bill, we have one  
20 follow-up.

21 EXAMINATION

22 BY MR. BROWN:

23 Q. You said you spoke with Elizabeth and it  
24 was sketchy; you really didn't get much from the

1 conversation.

2 A. Let me correct that, Mr. Brown. I didn't  
3 speak with her. She left me a message.

4 Q. She left you a voice mail?

5 A. Yes.

6 Q. At what point in time did you actually  
7 learn that this was an explosion?

8 A. You know, I'd like to give you a good  
9 profound answer, but I can't. It was sometime  
10 either on my way to the office from my apartment or  
11 at the office, and I can't recall. I think the  
12 information -- I'm not going to speculate here. It  
13 was either on my way to the office or once I got to  
14 the office.

15 Q. Okay. Do you recall who you got that  
16 information from?

17 A. No, I don't.

18 MR. BROWN: Bill, you got  
19 anything else at this time?

20 EXAMINATION

21 BY MR. TUCKER:

22 Q. Is there anything you want to share with  
23 us, maybe questions we haven't asked, anything that  
24 comes to mind that may be helpful as far as the



1 investigation goes?

2 A. Off the top of my head, Bill, I really  
3 can't think of anything.

4 As I think about the questions that we've  
5 been looking at here this morning, you know, you  
6 can look through the retrospectoscope [sic] on a  
7 lot of things and perhaps find some things that  
8 should have occurred.

9 I know that I have thought often since  
10 that investigation, since that explosion, that --  
11 without knowing whether it would have made any  
12 difference, I sure wish that the state had had the  
13 authority to look at ventilation more than it does,  
14 and I have made that point several times. I made  
15 it before the explosion and I continue to believe  
16 that that's vitally important.

17 As you well know, the ability of the state  
18 to look at ventilation plans, request changes in  
19 ventilation plans, et cetera, is extremely,  
20 extremely limited. And I don't know that it would  
21 have made any difference, but it seems to me if  
22 you've got more people looking at the ventilation,  
23 then perhaps someone may have seen something.  
24 Because the state -- and I don't mean any

1     disrespect to my friend at Federal Mine Safety and  
2     Health Administration, but the state inspectorate  
3     is comprised, for the most part, of miners who have  
4     been around a good while and have a lot of  
5     experience. And I think they could have weighed in  
6     on ventilation more heavily than they were allowed  
7     to.

8             Q.     Just as far as the mine rescue, the  
9     coordination of the event, you know, I mean, we all  
10    hope and pray we're never involved in anything like  
11    that again. You know, we had Sago, and I know that  
12    was a thought then, we hope and pray we never go  
13    through anything like that. Two weeks later we had  
14    Aracoma and then now we've had the UBB.

15            When you have a situation like that, you  
16    would hope to gain and be better at what you do and  
17    how things are handled at a disaster. And there is  
18    a lot of resources that come together during a  
19    disaster like that.

20            Q.     But just looking at the overall mine  
21    rescue part of that, would you have any ideas of  
22    things that could be looked at to make us better at  
23    what we do?

24            A.     In this situation, I felt that everything

1 went about as well as it possibly could. It went  
2 -- from the time I got into the command center the  
3 effort was aggressive, but it wasn't aggressive in  
4 the face of dangerous conditions in my mind based  
5 on the readings.

6 You know, I've been in that mine as many  
7 of you have and you saw the devastation. And when  
8 you recognize what the mine rescue teams had to put  
9 up with and go through in order to just explore --  
10 and no one got hurt. I mean, at one point I think  
11 there were over a hundred mine rescue team people  
12 underground and no one got hurt even. I mean,  
13 that's pretty incredible.

14 The push was as aggressive as any mine  
15 rescue I've ever heard of or been around until  
16 there was an explosive mixture of methane and air.  
17 Then everything slowed down. But until then -- and  
18 I remember mentioning to the families and  
19 mentioning to the press that I had never been  
20 around anything that was progressing as quickly as  
21 this as far as the mine rescue effort was  
22 concerned.

23 I know there have been some questions  
24 raised about what transpired initially. I wasn't

1 there initially. Just based on what I saw, I  
2 didn't have a problem with it.

3 MR. TUCKER: Okay.

4 EXAMINATION

5 BY MR. BROWN:

6 Q. Ron, what experience did you have with the  
7 UBB mine prior to April the 5th, 2009?

8 A. I really didn't have any experience with  
9 them other than to visit with their people, their  
10 safety people when they would come in to conference  
11 special assessments. That was it. And really  
12 there weren't that many of those at that time prior  
13 to April 5th.

14 Q. So none of those meetings dealt with any  
15 kind of ventilation issues or specific problems  
16 they may be having at the mine?

17 A. Not that I recall. I remember on one  
18 occasion -- and I don't recall. No. I'm not going  
19 to go there because I'm not sure it was the UBB.

20 So I don't recall anything with any  
21 specificity.

22 Q. Do you remember who it was that you  
23 visited with on safety conferences?

24 A. Usually it would have been counsel

1 representing Massey, Dave Hardy in some instances.  
2 I can't remember. I haven't thought about these  
3 guys in several months and their names escape me  
4 but Dave Hardy, the law firm he's with. And I  
5 believe that -- well, I know that the safety  
6 director, Jonah Bowles -- was that his name -- came  
7 in on one conference. And the only reason I  
8 remember that was because he had mentioned he had  
9 just been transferred to Performance Coal. I think  
10 he had been at Marfork, but he mentioned he had  
11 been transferred to Performance Coal within the  
12 past week.

13 Q. So there's no management person that you  
14 remember having contact with from UBB?

15 A. At that time, yes. And I don't remember  
16 whether -- I remember having contact in a  
17 conference with Jason Whitehead, but I don't  
18 believe he was at the UBB at the time. I know  
19 later he was. I think he may also have been at  
20 Marfork or one of those operations in that  
21 vicinity, but I don't believe he was at the UBB at  
22 that time.

23 EXAMINATION

24 BY MR. BECK:

1 Q. Did Elizabeth Chamberlain ever come in for  
2 any meetings, whether it's the UBB --

3 A. Conferences. Jim are you asking about  
4 conferences or other meetings?

5 Q. Conferences, anything relating to the law  
6 pertaining to Massey?

7 A. We had -- we had meetings from time to  
8 time with a number of operators, including Massey,  
9 and the last recollection that I had that involved  
10 Elizabeth in the office was dealing with TRYING to  
11 get a handle -- they had a number of different  
12 contractors, in-house contractors and they wanted  
13 to find a way -- I mean, this is so far removed,  
14 but they were trying to find a way to contact with  
15 contractors through one assessment procedure, if I  
16 remember correctly. And we were sending letters of  
17 assessments out and they weren't going to the right  
18 place, so they were becoming delinquent and that  
19 would jeopardize their permits. So it was a matter  
20 of trying to streamline that exercise.

21 Q. Did you ever get any complaints about any  
22 of your inspectors from the UBB or any Massey  
23 operation?

24 A. Sure. We had complaints about Massey

1 operations. We had complaints about Patriot. We  
2 had complaints about CONSOL.

3 Q. How about the UBB?

4 A. I don't recall that we had anything  
5 specific about the UBB with the exception of Jerry  
6 Pauley one time mentioned to me that he felt that  
7 the management team there was too young.

8 Q. The complaints would come from operators,  
9 management from the mine?

10 A. I'm sorry. I don't understand your  
11 question.

12 Q. When you would get a complaint about one  
13 of your inspectors, would it be somebody from  
14 management calling you from the mine or the  
15 corporate office?

16 A. I'm sorry. I didn't realize that you were  
17 talking about inspectors. The only person that I  
18 ever remember complaining about an inspector was  
19 Elizabeth Chamberlain. Okay. And she was  
20 complaining about Clarence Dishman, and her  
21 complaint was that he was talking to their  
22 employees about the fact that they would be better  
23 off working in union mines and that they should go  
24 to work at Patriot or someplace like that.

1           At that point, I met with Steve Snyder,  
2 Clarence, C.A. Phillips.

3           Bill, were you in that meeting?

4           MR. TUCKER: No, sir.

5           THE WITNESS: And asked Clarence  
6 what was going on. He told me that wasn't  
7 true. I said, "Okay. Let's get it on the  
8 table. Let's get the accusers together  
9 with you and Steve and C.A. and myself and  
10 let's get to the bottom of it." I called  
11 Elizabeth and told her that's what we  
12 wanted to do. She said, "Just drop it,"  
13 and that's what we did.

14 BY MR. BECK:

15           Q. In your opinion, the resources available  
16 to the Office of Miners' Health, Safety and  
17 Training, that being manpower, equipment, material,  
18 whatever you needed to do to do the job, do you  
19 think it was adequate prior to the explosion at the  
20 UBB or --

21           A. No, I don't, Jim. And I think the record  
22 will bear this out, that in ever appropriation  
23 cycle, every single legislative session that I was  
24 involved with, I asked for more people, I asked for



1 more money.

2 I know that -- I can't even tell you how  
3 many years ago it was agreed that we needed to have  
4 a mine rescue station in West Virginia.

5 Pennsylvania has several. Virginia has one. Ohio  
6 -- West Virginia has more underground mines but not  
7 a mine rescue station.

8 It was agreed -- and we had the money to  
9 pay for it. Do we have a mine rescue station? The  
10 answer is, no, to this day we do not have a mine  
11 rescue station, although it was agreed that, yes,  
12 this is a good idea and we need to move forward on  
13 this.

14 This is a great way -- and the way we were  
15 going to pay for it was out of the internal revenue  
16 account which was the assessments, all assessments  
17 that were collected by the agency. This was a way  
18 to give back to the industry and the coal miners in  
19 the state.

20 Secondly, I asked for people every single  
21 legislative session and I asked for money for the  
22 people. It's very difficult to retain an  
23 inspectorate when -- and they're good. Believe me,  
24 I was very impressed when I came to the state and

1 found out how good the agency people were. They're  
2 good and they're hard to keep because they can go  
3 right out the front door and make almost twice as  
4 much. So it's very difficult to keep them.

5 I asked for more money for our  
6 inspectorate. I asked for more inspectors. I was  
7 told, right or wrong, when I took the job, yeah,  
8 inspections were important, but we'd never really  
9 held our feet to the fire. I asked the question --  
10 I said, These inspections are legislative mandates;  
11 how can we not take them seriously?

12 And I was told by one of the people who  
13 was an inspector at large in one of our regions  
14 that at one point they were told not to inspect by  
15 one particular director even in the face of a  
16 legislative mandate that you have to do  
17 inspections.

18 It was as though -- in my opinion, if you  
19 were going to get anything, you had to blow  
20 something up first. That's just the way it was  
21 before the legislature was going to act or react to  
22 do something about resources. And I'm just being  
23 brutally honest, but that's the way I feel.

24 Q. Appreciate it. Do you know if the Sidney

1 mine rescue team made it to UBB before the state  
2 mine rescue teams? If I recall, you said they were  
3 in Logan. Do you know if Sidney was there before  
4 they were?

5 A. I've heard that, but I don't know that.  
6 It was my understanding that in talking with --  
7 principally with Eugene White that they were  
8 underground first.

9 Q. They being?

10 A. The state.

11 Q. Okay. In your opinion -- if you care to  
12 answer, do you have an opinion as to what happened,  
13 what caused the explosion?

14 A. No, not at this point. I have --  
15 obviously it was something terribly catastrophic.  
16 You know, that goes without saying. I think it's  
17 pretty obvious that there was a combination of  
18 methane gas and coal dust.

19 I mean, where it started, I can't tell  
20 you. I know that there have been theories put out  
21 there about what may have happened. I'm not  
22 convinced that that's what happened. I'm not  
23 convinced that's not what happened either. I just  
24 don't know.

1           And I'll be honest here. I put a lot of  
2 faith in the deliberations and the work product of  
3 Monte Hieb from the state, and I have discussed  
4 this with him and he's not convinced, so neither am  
5 I.

6           Q. Now, you had stated that the state's role  
7 in ventilation plans is really limited compared  
8 specially to MSHA.

9           Were you aware of any ventilation problems  
10 at the UBB through any of your inspectors and the  
11 number of revisions that Massey was submitting to  
12 MSHA?

13          A. I remember at one time, Jim -- and this  
14 may have been -- you know, I hesitate to even go  
15 here, but I'm going to anyway. I know that there  
16 was a problem with belt air at one point.

17           And I don't know when I became aware of  
18 it. It could have been after the explosion, but  
19 it's my recollection and there is a provision in  
20 the statute for the state's involvement in belt  
21 air, belt air issues. And my recollection was that  
22 the air was going the wrong direction on the belt.

23           MR. BECK: That's all right now.

24           EXAMINATION

1 BY MR. BROWN:

2 Q. Ron, going back to the complaint that you  
3 said you received from Jerry Pauley, and you  
4 basically made the statement that management at the  
5 UBB was too young --

6 A. Let me correct -- if I misspoke, let me  
7 correct it. I wouldn't call it a complaint.

8 Q. Okay.

9 A. Rather, a statement --

10 Q. Okay.

11 A. -- that he felt that. He felt that the  
12 mine was very complicated and that he wasn't sure  
13 that the management at that mine had the  
14 experience, the requisite experience to manage it.

15 Q. Did he give you any specific details of  
16 why he felt that way?

17 A. Not that I recall.

18 Q. Do you remember when he made this  
19 statement to you approximately?

20 A. Maybe -- no, I don't remember  
21 specifically. I know it was before the explosion.  
22 Okay. I can't tell you how far back in front of  
23 the -- before the explosion. I want to say it was  
24 in the fall, but I can't say for sure.

## EXAMINATION

1  
2 BY MR. BECK:

3 Q. Ron, if a company or a mine wants to get a  
4 variance, say, for clearance along a belt or track,  
5 what's the process they follow to get that  
6 variance?

7 A. Well, pursuant to the statute, first they  
8 have to have a citation for it. Okay. So once a  
9 citation is issued, then the mine operator can  
10 petition the technical review committee, which is a  
11 part of the West Virginia Board of Coal Mine Health  
12 and Safety.

13 That review committee is made up of two  
14 individuals, Fred Tucker and Chris Hamilton, Fred  
15 Tucker from the union, Chris Hamilton from the coal  
16 association. If they agree to the petition, then  
17 it goes to the Board of Coal Mine Health and Safety  
18 for review and it's finally determined whether or  
19 not the petition for variance -- I think they call  
20 it site specific rule making, if I'm not mistaken.  
21 That determination would then be made by the Board  
22 of Coal Mine Health and Safety.

23 Q. But they're the ones that issue final  
24 approval?

1           A.    The board does, yes.

2           Q.    Do you know of any case where Massey might  
3 have got a variance without going through the  
4 board?

5           A.    The only -- I think there is one area in  
6 the statute where the director can grant a  
7 temporary -- some temporary relief and that -- I  
8 don't recall specifically, but I think it has  
9 something to do with ventilation of seals. I'm not  
10 positive. I'd have to look it up, Jim.

11          Q.    Okay.

12          A.    And I recall meetings on that subject, but  
13 they were always -- if I'm not mistaken, TRC was  
14 there. At least Fred Tucker was and he was  
15 involved. I don't recall of any other -- they  
16 couldn't get one from the state unless it was  
17 granted by -- I mean, I -- no.

18          Q.    Okay.

19          A.    No. It had to go through the TRC and the  
20 board.

21                   MR. BECK: That's all I have.

22                   MR. TUCKER: I don't have  
23 anything.

24                   Can we go off the record for a

1 second?

2 MR. BABINGTON: Let's take a  
3 two-minute break.

4 (Brief recess.)

5 MR. BABINGTON: Bill, do you have  
6 anything else?

7 MR. TUCKER: No.

8 MR. BABINGTON: Alvin, do you  
9 have anything else?

10 MR. BROWN: No.

11 MR. BABINGTON: Jim? Barry?

12 MR. BECK: No.

13 MR. BABINGTON: On behalf of MSHA  
14 and the Office of Miners' Health, Safety  
15 and Training, I want to thank you for  
16 appearing and answering questions today.  
17 Your cooperation is very important in the  
18 investigation as we work to determine the  
19 cause of the accident.

20 We request that you not discuss  
21 your testimony with any person aside from  
22 your personal representative. After  
23 questioning other witnesses, we may call  
24 you if we have any follow-up questions.



1                   If at any time you have  
2                   additional information regarding the  
3                   accident that you'd like to provide to us,  
4                   please contact us at the contact  
5                   information previously provided.

6                   If you wish, you may now go back  
7                   over any answers your given during this  
8                   interview. You may also make any  
9                   statement that you'd like to make at this  
10                  time.

11                  THE WITNESS: Thank you for the  
12                  opportunity. And, no, I don't want to  
13                  make a statement.

14                  MR. BABINGTON: Okay. Well,  
15                  thank you, Mr. Wooten. And, again, I want  
16                  to thank you for your cooperation in this  
17                  matter.

18                  Off the record.

19                  (The interview of RON WOOTEN  
20                  concluded at 11:05 a.m.)

21  
22  
23  
24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Robin M. Large, a Notary Public within  
3 and for the State aforesaid, duly commissioned and  
4 qualified, do hereby certify that the interview of  
5 RON WOOTEN was duly taken by me and before me at  
6 the time and place specified in the caption hereof.

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

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

19 My commission expires the 31st day of  
20 December, 2019.

21 Given under my hand and seal this 2nd day of  
22 February, 2011.

23 \_\_\_\_\_  
24 Robin M. Large, Notary Public