

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
RICHARD KULCZEWSKI

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
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1 BY MR. TEASTER:

2 Q. Before we get into some questions that we have prepared, I'll give you a little
3 background of what we're all about and why we're here. As you know Richard Stickler,
4 who is secretary for MSHA was on site for most of the rescue effort, and MSHA has,
5 since they had an explosion in 1989 at Piro Mine, they've conducted internal reviews,
6 and the assistant secretary has put those teams together and got people directly
7 working for someone under his supervision. Since he was directly involved, the
8 assistant secretary wanted to conduct a review, but she didn't want it to be from
9 anybody subordinate to the assistant secretary, not that it would have had an impact
10 but it would have the appearance of that. So she decided that she wanted to do an
11 independent review.

12 Joe and I worked for the agency for a long time, you
13 apparently have known Joe from the past, spent time out here in the West. But Joe
14 and I both worked for the agency for over 32 years, we had all the enforcement
15 positions up through inspector to a district manager, and a lot of background in mine
16 rescue and also conducting internal reviews. So they called on Joe and I, Joe retired
17 about three and a half years ago, and I about five and a half years ago. And asked us
18 if we would come back and conduct this internal review and we agreed to do that. Of
19 course we need help to do that, so we have some folks with us here that you've been
20 introduced to, there's two that are currently doing some other duties but they're part of
21 the team. They all have specific expertise to offer and we need that expertise to do
22 our job, and things have changed a lot since Joe and I left so we're not completely up
23 on all the current policies and procedures. We've asked them to help us and they've
24 all accepted to do that.

25 We plan to prepare a report and give it to the secretary's office. She's asked

1 that we do that within a six month time frame, and that's going to be quite an
2 accomplishment if we do that in six months, but we're going to do what we can to
3 meet it, I don't think we're going to fall too short of the mark. We like to keep these
4 interviews as informal as we can. If you don't understand the question we'll feel free to
5 speak up. Joe and I normally ask the questions and then when we completed all of
6 our questioning we'll pass it to the folks here in the room and see if they have any
7 questions. Do you have any questions or concern before we get started?

8 A. No, I'm actually glad that my name was on the list. I consider myself directly
9 involved in a lot of the stuff that went on there, and especially with stuff that came out
10 of the media, and I'm glad that I was asked. Sometimes in a review of what goes on
11 public affairs doesn't get involved and stuff like that, so I'm very glad to be here.

12 Q. The other point I wanted to make that we are taping this conversation and
13 interview if you don't have a problem with that, so that we can refer back to that later.

14 A. No, no problem at all.

15 Q. I have a statement I'd like to read. The secretary has assigned this group the
16 task of evaluating MSHA's performance during the period preceding the August 6,
17 2007 coal bounce at the Crandall Canyon Mine and the subsequent rescue effort, so
18 we're doing both inspection activities prior to and enforcement activities prior to. We
19 will also be evaluating issues that were raised during this time period regarding Bob
20 Murray and his interaction with MSHA. This evaluation will be presented to the
21 secretary in the near future. It's intended that the results of the evaluation will be
22 made public. This interview is being conducted to gather information for this
23 assignment. We also intend to interview a number of other employees within MSHA.
24 So that we may obtain unbiased information from all persons to be interviewed we ask
25 that you not discuss this interview with anyone until all the interviews have been

1 completed. And of course I know you're not an employee of MSHA.

2 A. Uh-huh (yes).

3 Q. All bargaining unit employees have the right to representation during these
4 interviews. Are you member of the bargaining unit?

5 A. No, I'm not.

6 Q. Would you state, Rich, your full name, please?

7 A. My name is Richard J., is the middle initial, Kulczewski, K-U-L-C-Z-E-W-S-K-I.

8 Q. What is your job title?

9 A. I'm the regional public affairs director for the Department of Labor both in
10 Region 8, Denver, Region 7, Kansas City. I took on Kansas City in December of
11 2006.

12 Q. What do your current job duties entail?

13 A. My basic job duties are to handle all media inquires for the Labor Department
14 in those two regions, and all also at the same time have an active publicity program,
15 public affairs program for the department covering all agencies, MSHA included.

16 Q. Who is your supervisor?

17 A. My supervisor is Darlene Hatchett (phonetic), she is in our national office,
18 public affairs office.

19 Q. Do you supervise employees?

20 A. Not at this time. We're hoping to add a deputy position in the region. Well
21 basically since I took on Region 7 over a year ago, that's the plan, it's kind of dragged
22 on a little bit more, but hopefully I will have a deputy in the near future?

23 Q. How long have you been in this position?

24 A. I've been the regional director since 1999 and I've been with Labor
25 Department public affairs since October of 1978.

1 Q. What do you see as your role at a mine emergency situation such as we had
2 at Crandall Canyon?

3 A. In a mine emergency situation and especially with the large one such as
4 Crandall Canyon, of course you have either a good amount or a great amount of
5 media interest and inquiry as to that. Crandall Canyon, being what it was, and we had
6 six trapped miners underground, it not only was a local or regional of interest but a
7 national and international interest. And we had media inquires from basically all over
8 the world, and my job as a regional public affairs officer, and it varies and depends on
9 what my national office asks me to do, but I've had enough MSHA experience I guess
10 they trust me a little bit. They ask me to go out to the mine site. Now I must state that
11 I was not there for the first week. I was on vacation up in Canada, but I kind of
12 monitored the situation with e-mails and voicemails and such, and my counterpart,
13 Mike Shimizu from Seattle, OPA was there for the first week subbing for me. But
14 going back to your basic question, the position in my job there is to handle any and all
15 media inquires coming in to, and act as a buffer between the media and the MSHA
16 personnel there, especially the assistant secretary, Mr. Stickler and the other high
17 level staffers like Mr. Strickland, and Allyn Davis, the district manager. I've worked
18 with AI quite a bit on smaller media inquires that we get from time to time. But I'm the
19 buffer.

20 Q. You mentioned earlier that you had done some previous work with MSHA,
21 could you give us a brief history of your involvement with MSHA events?

22 A. After I came on in October '78 I had to get to know all the different agencies
23 and MSHA was one of them. MSHA has just that year come into the Labor
24 Department from interiors part of MSA. So I came out to what was the federal center,
25 they were over on 730 Sims, and got to know a lot of the different people, kind of the

1 structure of it. It wasn't a day to day type of thing that I would get involved with the
2 regular core Department of Labor agents like agencies like ESA, ETA, OSHA
3 especially, but it has a lot of similarities to what we do with OSHA. So I came out
4 started learning about MSHA. Actually took a MSHA 101 course within the first few
5 years to get used to a lot of the terminology and such.

6 Shortly after that, I forgot the year, was the Dutch Creek accident happened
7 near Carbondale, Colorado. I wasn't on site, but my boss who was the regional
8 director was on site, and I spent the majority of that time working out of the district
9 office handling media calls and acting as a liaison with them, because they had very
10 poor communications out there. Following that I worked on the Willberg Mine
11 accident. They sent one of the MSHA public affairs people from Washington out to be
12 on site and again I kind of road herd in the district director's office for that whole thing,
13 taking media calls, acting as a liaison there. Some other smaller ones until Crandall
14 Canyon, which was a significant situation that involved my onsite work.

15 Q. Did you actually go to the mine site?

16 A. Yes, I did. I arrived on the evening of August 13th. I came back into town
17 late on the night of the 12th, I was gone for that first week. I was on leave up in
18 Canada. I came back late on the 12th, and on the 13th we got some things together
19 so I could get on site, and I got to Price about 11:00 p.m. on the 13th and I was on the
20 mine site on the morning of the 14th.

21 Q. Who did you report to?

22 A. Basically I reported to Mr. Stickler. Since I work in the office for the secretary,
23 he is basically --- if he's the senior person on site then I report to him. I met him a
24 couple of times before when he was first appointed, probably about a year --- it was
25 this October of the previous year, and set up some media interviews locally here for

1 him. So I knew him just a little bit from being around him for an afternoon.

2 Q. Had you had phone conversations with him prior to your arrival?

3 A. No, I didn't. My counterpart in Seattle, Mike Shimizu was asked to come out
4 and handle what would be my responsibilities for that period of time, and did very well
5 with it. He worked with two of the MSHA public affairs personnel that came out from
6 Washington, Dirk Fillpot and Matt Faraci also.

7 Q. You say you were onsite at Willberg?

8 A. No, I wasn't onsite at Willberg. I was working as a liaison in the district
9 directors office here.

10 Q. So this was your first onsite?

11 A. This was my first onsite in a major mine accident. I've been to many mines
12 before, especially when Mr. Lauriski was assistant secretary, he liked to travel a lot
13 and I went with him and did publicity for his travels out there, but this was my first
14 major accident onsite.

15 Q. What was your thoughts about the organization of how MSHA was running
16 things?

17 A. Well, like I said before I even got onsite I was in communication with Mike
18 Shimizu and Dirk Fillpot, who was onsite from MSHA public affairs in Washington, and
19 got some of the idea of what was going on. When I got onsite, since I know most of
20 the people that were here, it was very easy to know who was who and who was
21 running things. I know Al Davis fairly well, and a lot of his staffers, and actually my
22 first --- I didn't even go to the mine site first, that morning we went first to the family
23 briefing and that's usually where we started, because we were having two family
24 briefings, one at about 9:00 a.m. and I think the last one was about 5:00 or 6:00, if I
25 remember. So that's where I ended up on the first morning, and started getting an

1 idea of what the feel of it.

2 From past experience and from this I could see that MSHA was basically
3 taking care of business. I saw very little standing around or down time there. I know
4 most of these people and I know what they do and what they're capable of, and it was
5 actually my biggest challenge was to jump on this moving train, because they were
6 going on full speed and I was trying to get up to speed. So I kind of just interjected
7 myself wherever I could in terms of finding out what was really going on. Dirk Fillpot
8 really gave me a good briefing beforehand in terms of what was going on. I was
9 getting some information from the national office even the week before, but until you
10 really get onsite and see what's going on. But getting up to the MSHA command
11 trailer and finding out how that was situated and who was doing what. I could see that
12 things were running very very well and to see what the different shifts were in terms of
13 personnel and what was going on, who was doing what, where the information was
14 coming in, what my role in that was, and again to act as a buffer, and basically and
15 also the interaction with the people from Murray Energy too. That probably was my
16 biggest challenge was the who's who of that and what goes on there.

17 Q. Who in your opinion was in charge for MSHA when you arrived?

18 A. When I arrived Mr. Stickler was in charge.

19 Q. That pretty much remained throughout?

20 A. I was there the whole time he was there, I mean from the 14th on, and in fact I
21 went back for the miner's memorial in September, I think it was the 9th and 10th.

22 Q. What role did you play in getting Mr. Stickler and others ready for the family
23 briefings?

24 A. For the family briefings not as much as for the media briefing. The family
25 briefing really was very, we tried to run it --- it was almost like a parallel, and the key

1 to the whole thing was whatever we divulge in the media briefings the family needed
2 to know it first. For an example, there was one instance, and I can't remember
3 specifically what it was, but there was something that was divulged in one of the
4 media briefings, and I think it was one of those where we had two a day, and I
5 remember Mr. Stickler saying, I think it was to Al Davis, that he needed to call Bill
6 Denning who was with the family liaison and to make sure they had that same
7 information going. So to me both were --- we tried to really mirror both of them. In an
8 essence you have to bring it what you're telling them, both the families and the media
9 down to a level that they can understand, without getting too technical, without getting
10 too simple.

11 MR. PAVOLVICH:

12 Rich, how do you do that when you go into a family briefing
13 first and you tell them the information that you have, and they might ask you a few
14 questions. Now you go to a media briefing, you basically disseminate the same
15 information, but they ask you another question that you know the answer to but the
16 families didn't ask, so you didn't convey that. What do you do, tell them I'm sorry I
17 can't answer that now or --- I mean how do you handle that type of a situation?

18 A. You know you try to give --- the briefings, I mean I think for everybody,
19 especially myself just going to the family briefing before was so essential to my job in
20 terms of dealing with the media not only just immediately after but on an ongoing
21 basis, there was so much information that was divulged to the families from each
22 briefing, that I mean I wouldn't walk out for five seconds, let alone five minutes
23 because everything there was so important, that they needed to know and I needed to
24 know, and it basically bolstered what I had picked up as where having discussions
25 along the way and things that happened like since the last family briefing. I think

1 those family briefings were so complete, at least I thought they were, and I watched I
2 saw both go on and to see that they were very much the mirror image. I mean I guess
3 you could say in a way the family briefing was almost a dry run for the media briefing,
4 but not really. I mean you knew what had transpired, you know what had happened
5 since the last one, especially when we're drilling a lot of the holes above ground, and
6 what information you could update them with, and that was the same for the media.

7 With the media we knew what was said to the families. I deal with the media
8 on a daily basis, that's my job, but they ask a lot of questions, they ask a lot of what if
9 questions. Most of the time if there's something that we can't answer or let's say not
10 so much can't answer but it's getting into an area that you really don't want to go into
11 or divulge at that time, you'll just say well we'll check on that, we'll get back to you, or
12 we don't know. There was a lot of that. I mean basically they ask a lot of questions
13 that we really don't know what the answer to those were at the time, because they
14 were saying what if, what if, what if they are here, what if they are there, how much
15 air, their minds when you only brief them twice a day they have a lot of down time and
16 they have a lot of time to try to put together different angles, different questions, and
17 I'd do the same thing if I were in their case.

18 BY MR. TEASTER:

19 Q. How would you characterize those family briefings, how would they start and
20 how would they progress though the ---?

21 A. Every family briefing started and ended with a prayer, usually by one of the
22 pastors in the area, and I thought that was an important thing really too with it it really
23 kind of kept the group focused and on. It started usually with MSHA and most of the
24 time Mr. Stickler and sometimes Kevin Strickland doing the briefings, I mean towards
25 the end Mr. Davis was doing the briefings. I know John Kuzar was acting at one time.

1 So usually with an MSHA person giving the briefing, and for the time that we was
2 there, which was almost the entire time I was there, Mr. Stickler gave the initial
3 briefing with the families. He would sometimes go to one of the personnel we had with
4 him in terms of explaining something a little bit more in detail, and if they had
5 questions we would go to other people, but usually Mr. Stickler would start it off.

6 Q. Then the company would come on?

7 A. Then the company would come on. Sometimes that varied at times, it
8 depended on what the situation was, if there was more information that the company
9 had in terms of what was going on, let's say above ground in terms of moving some of
10 the drilling rigs or drilling a different hole. What I can say is I know, and I was on a
11 number of conversations before, is before we walked into that room we had decided
12 exactly what we were going to cover ---.

13 Q. What did you try to cover, Rich?

14 A. Well, no, what was going to be covered by MSHA and both. Now, I never
15 spoke at any of the briefings, well at least at the family briefing, let's talk about there.
16 But it was always decided there was a game plan beforehand, before you walked into
17 the family briefing, because like I said the family briefing pretty much was a mirror
18 image of what went on in terms of the media briefing right afterwards. We knew what
19 was going to be covered, if they had visuals like maps, how that was going to be
20 displayed, what was going to be talked about there, and basically once it got rolling
21 and once there was information, and when we got into the --- really into that above
22 ground drilling even more so with each hole as to what the status was of each hole
23 going down, what was the estimated time of going through or what we had found out
24 since the previous briefing.

25 Q. Was there a lot of discussion about how far they'd advanced underground and

1 how far the supports had been?

2 A. Exactly.

3 Q. Was that the type of information that you went in with, that you had all of that
4 stuff?

5 A. Yeah.

6 Q. Was there any discussion about the extent of that area that was affected by
7 the bump or that bounce that occurred underground?

8 A. In what regard?

9 Q. Well how extensive it was, for example it was massive, it extended for --- a
10 common bump might involve --- a big one might involve three, this one involved
11 numerous pillars. Was that type of information --- one thing that I heard that it shook
12 the bath house out on the surface.

13 A. Now are we talking about the bump on the 6th on the 16th?

14 Q. The 6th?

15 A. On the 6th. Not to my knowledge, I mean it was always the information was
16 asked how big is this, and part of it we were finding out from of course the above
17 ground drilling going in. Obviously because of what they had found in the Number
18 One entryway and how far back they were from where the miners were pinpointed at
19 that time with the continuous miner, they knew that it was quite obviously a large
20 bump and a large amount of debris had been dislodged during that period of time.
21 Most of the questions really were in anticipation, everybody wanted to know what, and
22 there was a speculation of how long can they --- what do you think the miners'
23 condition might be, could they have gotten to fresh air or a safer place. A lot of that
24 went on. I think, and like I said I was not there the first week so I wasn't around what
25 was asked primarily during the first week, but from what I can see from a lot of the

1 news reports it was just how much advancement, I think that was the key thing that
2 they wanted to know. How far have you advanced, how is it going, what's the time
3 table you think for when you might get to where the miners are.

4 Q. Did you get any feel for how much hope MSHA tried to provide or not hope or
5 when they had these briefings, do you think they gave them a sense if there was a
6 good chance of survival?

7 A. I think MSHA gave hope through good information. I think we tried not to
8 embellish it, and after about I'd say two or three family briefings, I could see that the
9 family briefings I think were more stressful than the media briefing itself, and normally
10 I would say the opposite, dealing with the media is one of the most stressful things you
11 can do. I think the family briefing was most stressful because you didn't want to say
12 anything that really took them into another area of getting their hopes up too high.
13 Also you didn't want to squash their hopes in terms of what might be happening. But
14 through trying to explain what was going on, what we knew for sure, and when we
15 started getting some of those seismic, you know, when some of the shafts went down,
16 and I think there was one day there we had a reading that no one knew, Dr. Jeff
17 Crandall, Kravitz, I'm sorry, was showing Mr. Stickler, and actually the governor was
18 there too, of some kind of feedback we got on it. And there was a long discussion as
19 to, before we presented that to the family, as how to approach it in terms of do we say
20 something to the effect that this could very well be some response from underground
21 or we don't know at this time. And basically it was, we didn't know at that time. But
22 it's something we had to be aware of and ---.

23 MR. PAVLOVICH:

24 This was the printout from the seismic equipment that Kravitz
25 had up on the mountain and the geophones.

1 A. Geophones, yeah.

2 MR. PAVLOVICH:

3 So you were actually there when Kravitz was talking to
4 Stickler or was Urosek talking to Stickler?

5 A. I think John was on that, but I remember Kravitz talking primarily, because he
6 was explaining ---.

7 MR. PAVLOVICH:

8 He was actually there?

9 A. Oh yeah, we were in the ---.

10 MR. PAVLOVICH:

11 So what was his explanation as you recall, Rich?

12 A. Well, as I recall it was you can have some hope in this, but it was almost like
13 it's unexplained, we're trying to find, he could show other things on that that say this is
14 probably ground movement of certain kind.

15 MR. PAVLOVICH:

16 So Kravitz was primarily, as you recall, telling Stickler that this
17 could possibly be people?

18 A. It could be, I don't think it was put in that, we got this reading and this was
19 something that was kind of an anomaly from previous same situations, and it was just
20 something that couldn't be explained, and again it wasn't repeated.

21 MR. PAVLOVICH:

22 Did you ever hear him say that he totally excluded the fact
23 that this could possibly be from people?

24 A. No.

25 MR. PAVLOVICH:

1 He never said that?

2 A. Not to my knowledge. I think Dr. Kravitz was trying to be pretty analytical with
3 it in terms of trying to maybe clear out what it isn't rather than saying what it is, trying
4 to find out maybe going from the backside of looking at it, saying well okay, let's
5 eliminate certain things. I think from what I remember there was some talk about
6 could this be like a harmonic vibration in the drill steel perhaps, or in the ---.

7 MR. PAVLOVICH:

8 Was that from Kravitz or from someone else?

9 A. I'm not sure, but I remember it being talked about at that time.

10 BY MR. TEASTER:

11 Q. Do you remember being with Mr. Stickler when John Urosek came down with
12 that information, because we understand that it was given to John and John took a
13 helicopter from off of the drill site and went down and met with Mr. Stickler and they
14 had some discussion. I think Jeff came on to see him later just to be there at the
15 family briefing in case something came up.

16 A. Well we had quite a few of those, I remember a time when John did come
17 down, and I think I remember what you were talking about there. I remember with
18 really getting an idea of when Jeff Kravitz had those charts out there, and he was not
19 only briefing us but the people from Murray Energy was there, I think some of the
20 representatives from the Governor's office were there to about what this might be. I
21 don't remember exact, I don't think I was there when John Urosek briefed Mr. Stickler
22 on that. But I remember that time, they flew him down ---.

23 Q. Did they brief --- well that's probably the same thing.

24 A. Yeah. Yeah, could be.

25 Q. When I seen Mr. Stickler that could've been very well when he was talking

1 about.

2 A. There was ---.

3 MR. PAVLOVICH:

4 What was relayed to the families about those charts?

5 A. I think, you know, it was decided it would be futile to not mention it to the
6 families, because again information gets out, the media will ask the questions too. I
7 mean there was so much information flowing around; there is different subways of
8 information getting around sometimes. I think we were very careful and I think Mr.
9 Stickler was very careful about how it was mentioned. He addressed it that there were
10 some anomalies in the geophones and that we were aware of those and we were
11 trying to get a better idea of what it was and maybe with additional geophone
12 monitoring, but it was something that we feel was of great interest and that it was
13 something that --- I don't think it wasn't hopeful, you talked about hope before and how
14 that was handled. I think we were very, very careful with that information, because we
15 knew how that could really take off if we mishandled it, if we really got very, very
16 upbeat about and started saying things that we really didn't know about.

17 BY MR. TEASTER:

18 Q. Was that issue every revisited during the family briefings, if you can recall?

19 A. I don't think so. I think it kind of had a short shelf life in its own, because there
20 wasn't anything that really came about it afterwards. I think probably the media
21 brought it up again at times, but from what I remember I don't think it really had a long
22 duration of interest, it was something that happened during that one hole that was
23 being drilled and the information that came back. From my knowledge there wasn't
24 any further bolstering of that from anything that came afterwards. We were getting
25 more information from subsequent holes that went down. There was a lot of

1 information ---hope was being put in terms of the robotic camera that was being
2 acquired and ready to go down the holes. It was hope that we could go a little further
3 and maybe get a little bit more information there, and that was really you're into
4 almost week three right there of it. Unfortunately by that time it was really hard to
5 grasp any new additional hope because it was as everyday went on it was a little bit
6 more difficult, and even the families I'd say were a little bit more resigned that if
7 something positive did happen that the percentage chance of that is diminishing.

8 Q. If the families got a little hope from whatever this situation was, seismic event,
9 and it never was revisited and they had --- they'd lose hope from that discussion and it
10 never was brought up again, could you see where the family might use that piece of
11 hope to continue hope and raise their hopes that the chance of survival might be
12 pretty good?

13 A. Well I can see that, and one of the things that I did in all the family meetings
14 was kind of just kind of monitoring the feelings of the families there, and trying to get
15 an idea, because as time went on the families, at first and for the better part of three
16 weeks really just shut out the media totally, and that was actually, I wouldn't say
17 causing me problems, but I had media that were trying to use me as a conduit to the
18 families which we weren't going to do. We just told them. They had various scenarios
19 to try to setup how they could get to the families and we weren't going to be a part of
20 that. But I think the families, one of the things I think that probably got stirred within
21 the families was the talk of a rescue capsule and drilling a 30 inch hole to put the
22 rescue capsule down. That seemed to be a topic of conversation during I would say
23 the tail end of week two into week three, and almost right towards the end. And it was
24 brought up again and again and again, and with a lot of patience Mr. Stickler and the
25 rest, John Urosek, Al Davis, John Kuzar all handled it pretty much the same way.

1 Though you hate to say, no, we're not going to drill a 30 inch hole and put a rescue
2 capsule down there and a person down there unless we have substantial information
3 that there is life down there. It's irregardless of whether an MSHA person would be
4 going down or the person with the mine company, or there was a lot of volunteers
5 from the families that were going down there. It was a tough thing for them to
6 understand and hear that we would not do that unless we had a good idea as to where
7 to put a hole too. And believe me I personally and I know just about every person,
8 every time a hole was drilled you really get your hopes up. When's it going through,
9 and I mean I wanted to know when it was going through for purposes of my job and
10 purposes of the media and briefing them, but you get anticipation of what it's going to
11 show, what are we going to find out in that. I think we all pretty much kept our
12 personal emotions in check during that period of time.

13 Q. Did you pretty much attend all the family briefings from the 14th on and as
14 well as the press briefings?

15 A. I was at every one of them.

16 Q. How would you characterize the press briefings?

17 A. The press briefings, the first one being the morning of the 14th right after the
18 first family briefing I attended was what I anticipated and then some. They really ---
19 the reporters there and some of them I've known before, give you an example, Mike
20 Gorrell with the Salt Lake Tribune, I've known Mike since the Willberg accident. We
21 never met; we finally met at Crandall Canyon. So knowing the expertise, Mike has a
22 really good handle, I mean he's done mining issues. He knows probably as much or
23 more than anybody around the country, he's probably one of the top two or three
24 mining reporters. So you know which ones are going to ask really good questions, and
25 then you've got people in there --- let me say there's almost three, what I call three

1 bands of reporting.

2 You have your local and regional, and that's Salt Lake that has both dailies
3 plus their electronic media has some really good expertise in terms of mining. They
4 don't try to interject themselves, a lot of times you'll watch a reporter there from locally
5 and they'll just be sitting there taking notes on the whole thing. They'll ask a question,
6 but they don't have to get their question out, they absorb the whole thing, that's your
7 first band.

8 Your second band is you've got a lot of regional and national media. We had
9 Fox News, we had CNN, MSNBC, networks in there, and their aspect is a little
10 different in terms of, they're looking for their update, their two minute update, their
11 sound bite and such. Most of them were pretty good. A few of them were people that
12 I would like to wring their neck occasionally, because they want to push the buttons,
13 they want to ask that question that they think they're going to get a response from, and
14 I think being the professionals that all the MSHA people were from Mr. Stickler on
15 down, I mean we knew what to expect with that and we talked about that beforehand
16 on each briefing. You might get a question regarding this, or this reporter let's say ---
17 not necessary but you might watch out a CNN reporter seems to be going on this path,
18 or the AP is interested in this or that. So these were things that we talked about
19 beforehand. Usually sometimes right before between the family briefing and the
20 media briefing we took a little time out and we just kind of digested what came out of
21 the family briefing, some of the questions, and then we kind of brought usually Mr.
22 Stickler up to date in terms of what we thought might be the questions coming out of
23 there and how to handle it.

24 I would say for the most part it was handled as good as be expected, in fact
25 excellently in terms of not getting rattled, when you know your business as most

1 MSHA do. I didn't see anybody getting rattled, and that goes for when Mr. Stickler
2 was there, Al Davis was there, John Kuzar, Mr. Urosek also did a good part of a
3 briefing when he was asked.

4 MR. PAVLOVICH:

5 From the 14th to the 16th, how many hours a day would you
6 spend with discussing what you were going to talk about, going to the first family
7 meeting, discussing again about what you were going to do, going to the first press
8 briefing and then repeating that same process at the evening briefings? About how
9 many hours would you figure that all?

10 A. In terms of let's say interaction?

11 MR. PAVLOVICH:

12 I'm talking with you and Stickler and Al and Kevin, total, that's
13 the preparation, the actual briefings, the standing around talking afterwards, the
14 briefing for the press, doing the press brief, and repeating that again later that
15 evening?

16 A. I would say in relationship to how much time we actually spent at let's say a
17 family briefing and the media briefing to what we did other than that, I'd say if not two
18 or three to one. I mean it was constant ---.

19 MR. PAVLOVICH:

20 Two or three to one?

21 A. Let's say if we spent two hours on the combined family briefing and media
22 briefing, which we didn't, we tried to cut those down especially with the media. With
23 the family briefing however long it took it took. This is a really important point. We
24 went in that without looking at the clock. Whatever came of it, we knew pretty much if
25 it was going to be a lengthy briefing if there was a lot information it would take longer.

1 And especially early on in the first few weeks they were so well attended by not only
2 the families but a lot of other ancillary people, people from the state, and people there
3 with the groups that were working with the families. The bottom line was however long
4 it takes with the family briefing, that's what it takes. I remember Mr. Stickler, and I
5 know this was said before I got there and I know it was said a number of times, we will
6 stay until every question is answered.

7 MR. PAVLOVICH:

8 So about how long would it ---?

9 A. If we took a total of lets say, if the family briefing, the media briefing took a
10 total of two hours, we might have spent four to six hours in terms of beforehand and it
11 was a continuous process that weaved in and out of these. We'd start from the get go
12 in the morning, finding out where we were. When anything came up it was discussed.
13 We had a lot of calls coming in from media, so we had a lot of interaction.

14 MR. PAVLOVICH:

15 So what time would you start say in the morning?

16 A. Well I use to start at 6:00 in the morning from my hotel room.

17 BY MR. TEASTER:

18 Q. So you and Richard and Kevin and Al, what time would you get together in the
19 morning?

20 A. We'd get together before the family briefing, let's see the family briefing was
21 at 9:00 so we'd be probably 8:00 or even before.

22 Q. So 7:30 or 8:00?

23 A. Right.

24 Q. Then you discuss this what you were going to do, gather your information,
25 prepare it, make notes, whatever, then do the family briefing, a couple hours,

1 depending on questions?

2 A. Yeah, I'd say pretty much the family briefings at the start were a good hour,
3 because part of that was we tried to let the media know, well if the family briefing was
4 say 9:00 to 10:00 and given travel time and a little buffer time, we'd do the media
5 briefing at 10:30 or 11:00. We tried to get it as close ---.

6 Q. Because you had to travel from Huntington back up to the mine site?

7 A. Right, right.

8 Q. So you would do your preparation for your family briefing where, at the hotel
9 or at the mine?

10 A. It would start sometimes even at the motel that we were staying at, when we
11 all got up, they had a very small little continental breakfast thing in the lobby of the
12 motel there, the Budget Host, and usually it was most of us there, we'd get together,
13 we'd be sitting out there getting information, calls were being made all the time of what
14 was coming in from national office or if there was a concern here and there. So I
15 mean it started early in the day.

16 MR. PAVLOVICH:

17 So you're talking 6:00, 7:00 in the morning maybe right on
18 through 'til noon, the time you'd finish with the press brief?

19 A. Yeah, because the press briefings they didn't go too much more than that, we
20 tried to keep them to a about a half an hour.

21 MR. PAVLOVICH:

22 You're talking about five or six hours in the morning?

23 A. Yeah, uh-huh.

24 MR. PAVLOVICH:

25 Would that be pretty much representative in the evening

1 also?

2 A. Yes, I'd say after the morning press briefing was over, of course we'd tried to
3 get a little something to eat and keep up on stuff. Most of the time eating was on the
4 fly. If it wasn't for the Salvation Army in there we would've all starved to death. I don't
5 think there was any two days that were the same. I mean even though you've got a
6 timeline that you're going ---.

7 MR. PAVLOVICH:

8 You were basically there the 14th, the 15th, the second
9 accident happened the evening of the 16th. After the second accident I realize there
10 was a lot of things change because there was now no activity underground.

11 A. Right.

12 MR. PAVLOVICH:

13 And you had the drilling of the holes. I guess what I'm getting
14 at is how many hours were spent the 14th, 15th, and 16th, prior to the accident on
15 family briefings, media briefings, that sort of thing a day. You said about five or six
16 hours in the morning, and then you'd grab something to eat and then four or five hours
17 that afternoon?

18 A. Yeah, we'd do the same thing afterwards. Most of the time we tried to end, at
19 least I can talk for myself, but a lot of other people were depending on what they were
20 doing, with the evening media briefing ending 7:00, 7:30 maybe even later than that,
21 that we would head back to Price, most everybody was staying in Price, after that and
22 sometimes afterwards we'd be out in the parking lot if something went right, if
23 something went wrong, we tried to talk about it at that time.

24 MR. PAVLOVICH:

25 That was full shift in itself?

1 A. Oh, yeah. Even before I got there when things were really just, really had
2 started there was some long longer days in fact, but long days don't bother me.

3 MR. PAVLOVICH:

4 Okay. Wasn't really worried about that.

5 A. Yeah, no it's just --- I think the thing is everybody was in the same boat, we
6 were all together and I had no problems in terms of getting information when I needed
7 it.

8 BY MR. TEASTER:

9 Q. Rich, I don't know if you had an opportunity to watch any of the congressional
10 oversight hearings, I think this was the house where Governor Huntsman testified, and
11 he said he kept waiting for MSHA to get this thing organized. He said Mr. Stickler was
12 a great guy, but said he just never did do it. You pretty much had the opportunity to
13 travel probably the same circle that he would've traveled to the mine site to the family
14 briefings, and to the press briefings. Do you know how many times, you got there the
15 14th and he was at some of the family briefings?

16 A. Yes, he was. We had some meetings with him. I remember a few in
17 particular after the 16th, that was on a Thursday evening, there was meeting with him I
18 think on that Friday. I remember one in particular on that Saturday morning.

19 Q. After the 16th?

20 A. After the 16th, yeah.

21 Q. But you remember him there prior to the 16th; right?

22 A. Correct, I do believe. Now again there's a lot of easy come easy go. I
23 particularly remember him being there after the 16th and a number of times after that.
24 He came down I believe to the family meetings over that weekend too. As prior to
25 16th, I don't remember him being there. I know he had representatives there, but I

1 think the first time I saw him was either on the 15th or it definitely was on the morning
2 of the 16th, because we were all down at the governor's command trailer, which was
3 in Huntington.

4 Q. Did he ever give you any indication that MSHA was not very well organized,
5 not handling this situation very well?

6 A. None whatsoever. I think the governor was very --- he wanted information
7 basically, update on what's going on, but I didn't detect anything from him that would
8 say he was putting pressure on or was unhappy with the effort that was going on,
9 whether it was how it was being run, and the meetings, especially on the morning of
10 the 18th was in his trailer, and it was the governor, some of his staffers, probably it
11 was a half a dozen of us. It was Mr. Stickler, Kevin Strickland, I don't think Mr. Urosek
12 was there, I know Al Davis was there, I was there, Matt Faraci was there, maybe a few
13 others, and also Mr. Murray was there, Rob Moore was there from Murray Energy, and
14 Mr. Murray's son was there. That was one that he really wanted to hear from all
15 parties on that in terms of what was going on. It was really basically a briefing for the
16 governor.

17 Q. This is following the accident on the 16th?

18 A. Correct, correct.

19 Q. Was Mr. Murray present at any of the press briefings where he was the
20 primary spokesman for the company?

21 A. Oh a number of them. I would say early on he was the lead for Murray. At
22 times Mr. Moore served that function, but those were the only two really that spoke for
23 Murray Energy.

24 Q. Did Mr. Murray go first or Mr. Stickler go first at the press briefings?

25 A. It varied. I think we pretty much opened up most of the press briefings

1 because we ---.

2 MR. PAVLOVICH:

3 After you got there on the 14th or from the start?

4 A. I can't say from the start, because I don't know.

5 MR. PAVLOVICH:

6 Your colleague that was there, I mean did he stay there and

7 brief you on what had happened, Mike Shimizu?

8 A. Mike Shimizu.

9 MR. PAVLOVICH:

10 Shimizu, did he talk ---?

11 BY MR. TEASTER:

12 Q. Was he still there when you got there to brief you on what happened?

13 A. No, but we talked.

14 Q. So you talked to him somewhere along the line?

15 A. We had phone conversations that started on the 6th.

16 Q. Did you see any of the briefings on TV prior to the 14th?

17 A. Just bits, not a full one.

18 Q. You never saw the whole briefings from the start?

19 A. No.

20 Q. Up in Canada you didn't have TV coverage?

21 A. No.

22 Q. You think that when you got there on the 14th that MSHA was taking the lead
23 on the briefings and starting them and then Murray people would talk afterward?

24 A. Pretty much, and it was like I said beforehand it broke down as to what
25 MSHA's role really was in terms of talking about what we do and what information we

1 have. The mine company had more information in terms of some of the technicalities
2 of what they were doing, what they were planning on in terms of moving some of the
3 drilling rigs and such. Then they were producing the mine maps.

4 MR. PAVLOVICH:

5 Did you get a feel that the press was more interested to hear
6 what Mr. Murray had to say than it was what Mr. Stickler had to say?

7 A. Maybe at times, but again it had to deal with who was asking the question in
8 terms of what kind of media. I think Mr. Murray was very entertaining to the media at
9 times, he's a very interesting person, he's very colorful. You know when you first meet
10 him and he shakes your hand, he says, when you say hello Mr. Murray, and he says
11 well I'm just an old coal miner, and that's kind of the aura that he had with that.

12 Obviously I know what went on before I got there in terms of some of the media went
13 on. In fact for about the three weeks that I was there I saw things that were done by
14 Mr. Murray in terms of the media that I'm glad that we had nothing to do with, in terms
15 of giving impromptu interviews and such like that. It was in the back of our minds, and
16 I mentioned before Mr. Moore, Rob Moore, Rob was one of probably the best people
17 that we had to work with, in terms of Murray Energy. He was the most straightforward,
18 no nonsense, very amenable to working together. We had trailers that were only
19 about 150 feet apart at the mine site, and sometimes if we had a question we'd find
20 Mr. Moore or Mr. Moore would find us, and he would just knock on the door and come
21 in and say I heard this or what do you think about this. It had to do with the operation
22 that was going on, but especially before we got into a family briefing or a media
23 briefing.

24 BY MR. TEASTER:

25 Q. Did you go underground?

1 A. No, I didn't.

2 Q. Did any of the press members ever request to go underground while you were
3 there?

4 A. Yes.

5 Q. What was the response?

6 A. The response was we have an active rescue operation going on --- my
7 response is we have an active rescue operation going on, and of course I was only
8 there ---.

9 Q. Was that request made to you?

10 A. They'd call our national office, they would call us directly once they had their
11 phone numbers, it came different ways, so they would call the district office, they
12 would call the Price office, it just filtered in. Once they had our phone numbers they
13 would call.

14 Q. But the ones onsite there, did any of them every request any ---?

15 A. Uh-huh (yes). Yeah, in different ways, there was one, I think it was an AP
16 reporters, one of the AP reporters really worked me for a couple days. She had a
17 scenario how maybe they could do it. I told her from the get go pretty much this is not
18 something that is a high priority with us; our priority is with what's going on
19 underground. Then after the 16th you didn't any requests for going underground of
20 course.

21 MR. PAVLOVICH:

22 It's amazing, isn't it?

23 A. Yeah.

24 BY MR. TEASTER:

25 Q. Were you aware that the press went underground?

1 A. Yes, yes, I did. I knew that that had happened the week before.

2 Q. Was there any reason why you'd let them go one time and would not let them
3 go another?

4 A. Well I can't say how the decision was made and who made it, that certain
5 instance Mr. Murray had a tour of the mine and I saw that tape quite a bit. I saw it
6 when I was on vacation the week beforehand. I don't know who made that decision
7 and certainly I wasn't part of it, and I don't think I would've gone that route myself. I
8 don't know what it really --- I know there's a lot of pressure to show what's happening
9 but I think there was --- I'm not going to speculate who made the decision, but I don't
10 think the decision was necessarily made onsite.

11 Q. Well the request that was being made while you were there, who was the
12 person telling them that they couldn't go?

13 A. I would tell them through what Mr. Stickler ---.

14 Q. Mr. Stickler would say no?

15 A. Uh-huh, uh-huh (yes).

16 MR. PAVLOVICH:

17 So when you say you don't think that decision to allow the
18 press to go on the first excursion underground, you don't think it was made onsite?

19 A. Let's say totally onsite.

20 MR. PAVLOVICH:

21 What does that mean?

22 A. I think there was a lot of discussion from the national office.

23 MR. PAVLOVICH:

24 You think someone instructed Mr. Stickler to allow it?

25 A. That I don't know, I really don't know.

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MR. PAVLOVICH:

What you're speculating is it was made from somewhere else other than onsite, and if it came from the national office how else would that come about?

A. I would surmise that too.

MR. PAVLOVICH:

Did you ever hear any conversation or discussion that that happened?

A. Not per se, because understand I'm a career Labor Department employee ---.

MR. PAVLOVICH:

You're not political.

A. Exactly right, and when Mr. Fillpot and Mr. Faraci were there, and they were very good to work with, and thank God they were there, but they get information through different channels too in terms of what they --- and they were there primarily for Mr. Stickler too.

MR. PAVLOVICH:

So when you say they're getting information from different channels, what does that mean?

A. I would say through different channels within the Labor Department.

MR. PAVLOVICH:

So from the secretary's office?

A. Could very well be.

MR. PAVLOVICH:

What kind of information would they be ---?

A. I wasn't privy to most of it, but most of it had to do with they were interested in

1 --- and a lot of it had to do with they were interested and they were getting calls from
2 national media and such, a lot of media wasn't going directly to us they were going
3 around, they were going to MSHA in Washington, they were going to Office of Public
4 Affairs, they might even be calling the secretary's office, but I know a lot of those ---
5 I'd even get calls from people in Washington saying, I've got a call and they're really
6 kind of pushing for this information or that information, and I'd tell them exactly if they
7 were onsite or they were getting it from Washington, exactly.

8 MR. PAVLOVICH:

9 So some of this activity that was going on was being driven by
10 Washington or headquarters?

11 A. Well I think from what I saw there everything that I was involved in and we did
12 we did because of what was going on onsite. I know there are certain things that can
13 come about from different areas, from whether it's coming from Washington or such,
14 but there was a lot of interest ---. They wanted constant updates in terms of what was
15 going on, and I can understand that because it's a national story that's going on.

16 MR. PAVLOVICH:

17 Can you understand it from the perspective of the people who
18 are trying to manage the information?

19 A. Say that again.

20 MR. PAVLOVICH:

21 Okay. You said I can understand these people from
22 Washington and people from the secretary's office, they want these constant updates
23 because this is so important?

24 A. Uh-huh (yes).

25 MR. PAVLOVICH:

1 can of what you can possibly do and what do you let go?

2 A. Both, because you have to triage, I mean part of what I do is if you get so
3 many different inquires then you have to triage the most important ones and then you
4 go down from there.

5 BY MR. TEASTER:

6 Q. That's true, but are any of those life and death decision making operation?

7 A. No. Not in terms of what I do, no.

8 MR. PAVLOVICH:

9 Can you understand in terms of what they're doing?

10 A. Sure.

11 MR. PAVLOVICH:

12 How do you triage that?

13 A. You got to have confidence in yourself.

14 MR. PAVLOVICH:

15 A triage is to say I really need to devote my time to what's
16 going on in the mine, but the secretary's office is calling me every five minutes
17 wanting an update, what's the triage there, secretary be quiet or what, how do you deal
18 with that?

19 A. I don't know if I've got that capability in myself to do it, if I was in that situation,
20 but ---.

21 MR. PAVLOVICH:

22 Could anybody do it?

23 A. Yeah, anybody can do it. I think if you have the capabilities --- and that's
24 another thing you find out what capabilities you have in a situation like that, I found out
25 myself personally what capabilities, and I've been doing this for a long time.

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MR. PAVLOVICH:

When you started to say I've been asking you specifically about Mr. Stickler, what were you going to say?

A. I just saw, you handle everything, and like you said you almost have two phones. There were times that --- and it was with all of us depending on really what was going on that we didn't almost have a moment to spare, and I know from talking to some of the people that were there the first week it was even worse, it was harder I should say. Well the afternoon of the 16th was remarkably quiet and we actually did have a little time to breathe and we were actually sitting outside of the Blue Goose there and at that table, and at that table had many different functions, it had official functions of getting people together to talk about stuff that we need to do, we have mine inspectors coming out of the mine, and sitting down, and Mr. Stickler really I remember when they broke there around three o'clock in the afternoon he just wanted to get with them right away to find out what was going on, the ones that were coming out of the mine and the ones that were going in on the next shift too, so we all kind of really tried to stay around that area if we were up at the mine site, just get information there.

Like I said that was an afternoon where things were a little quiet, and I don't know who made the --- probably was me, you know, I said boy this is really nice just to be able to have a little time to stop and think, go back over your notes find out who you forgot to call back and stuff like that, public affairs is like that way just normally. When I'd put out even a release let's say on a \$250,000 OSHA case, I can count on the next two or three hours being with phones coming out of both ears, I'm used to it, but this is day in day out of that. And it starts early in the morning, because I get calls, and this is for everybody, everybody gets calls starting at 6:00 a.m. or before and you

1 get calls later in the day, you just do it.

2 BY MR. TEASTER:

3 Q. So you were starting to say it's awful quiet, and then what happened?

4 A. Well it's awful quiet and then we had the family briefing and then we were
5 back in --- most of us were back in Price and ---.

6 Q. So you were back in Price when the second accident occurred?

7 A. Yes. Dirk knocked on my door and said I just got a call and we've got two
8 unaccounted for underground, gett necessarily miners or MSHA personnel and we've
9 got to get back to the mine, and we did, and that was the start of that.

10 Q. Do you know where Mr. Stickler was at that time?

11 A. I think he was still up at the mine site. I don't think he was back in Price. I
12 know a lot of them would go back up to the mine site from Huntington, but I don't
13 believe he was back.

14 MR. PAVLOVICH:

15 Was he still with the families by any chance?

16 A. I don't think so by that time. I'm trying to think of the timeline, because the
17 accident happened just after 6:30, and usually by that time we had the afternoon
18 briefing wrapped up, because I think we were doing that around five o'clock.

19 MR. PAVLOVICH:

20 So you had already had the press brief for that afternoon?

21 A. Oh yeah, yes.

22 MR. PAVLOVICH:

23 Usually you didn't go back to the families after the press
24 briefing; right?

25 A. No, no. When we got into a period of time, and that was week two the night of

1 the 16th there were occasionally --- even with the media briefing we would
2 occasionally skip a media briefing if we really didn't have anything hard to update at
3 that time, especially then the week after that when we were just doing above ground
4 work, and there was long lapses between starting a hole drilling and the results of it.

5 BY MR. TEASTER:

6 Q. I guess you heard Murray's comments early on or somewhere along the way
7 that this was caused by an earthquake and we were not doing retreat mining here,
8 things that most people will tell you that know anything about mining are absurd, was
9 there an effort made by MSHA to correct that misinformation?

10 A. Constantly.

11 Q. Was it done early on or was it done later or when?

12 A. Like again, I can't speak for the week before, but I know whenever it was
13 brought up in the briefings, whether it was in the family briefing or in the media
14 briefing especially.

15 Q. How was it addressed?

16 A. We made references to the University of Utah's seismic departments. In fact
17 they had a three page paper that I remember that I got a copy of that said they were
18 about 95 percent certain without saying with absolute certainty that this was seismic
19 activity as a result of underground activity and not ---.

20 MR. PAVLOVICH:

21 Bounce because of the mining?

22 A. Exactly.

23 BY MR. TEASTER:

24 Q. So there were efforts made, but ---?

25 A. Constantly. And we'd reiterate that through the media too, in fact ---.

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MR. PAVLOVICH:

Did the media really want to hear that?

A. I think they did. I think they wanted to know really what --- and again I think what we brought out in that too is we're not going to put a lot of time into really finding out what so much is causing this, we know what's happening underground and these bounces, and as this information comes out afterwards in terms of what really caused it then that will be a factor for the investigation team afterwards, but right now when we --- especially when we had underground operation going on and above operation going on, especially with the media we'd make reference that, especially after the University of Utah came out with that assessment on their website, that we would just kind of point people there and say here's an independent source of information, and I'm really surprised that they didn't contact the USGS here in Golden, in terms of whenever you get any kind of seismic activity around the world that comes out and we're kind of do some pinpointing of that. It's something we've tried not to really make a big issue of it as to what was causing it, but when it was mentioned I think we handled it in terms of not relating it to natural occurrences or mining cause. I forgot what the exact terminology that the University of Utah used, but mine related seismic activity, something like that.

MR. PAVLOVICH:

Are you familiar with this primary communicator protocol between the DOL public affairs and MSHA?

A. I've never seen this, though you hear about certain things coming out of ---.

MR. PAVLOVICH:

You've never seen this?

A. I've never seen this I can honestly say.

1 MR. PAVLOVICH:

2 You're the regional public affairs officer for Region 7 and 8
3 and you've never seen that?

4 A. Not in this form, which could you even say what my blood pressure is probably
5 right now.

6 MR. PAVLOVICH:

7 Well I mean the way I read that is that the first hint of a mine
8 accident the people at MSHA should immediately contact you, and you're going to be
9 ready to go, from what that says.

10 A. Uh-huh (yes).

11 MR. PAVLOVICH:

12 And you'll have all your duties lined up and know exactly. I'm
13 not saying you wouldn't be able to handle that, but if you've never seen that how do
14 you even know --- I guess Stickler knew because he happened to sign it.

15 A. And Randy Clerihue was our assistant secretary for a short period of time.

16 MR. PAVLOVICH:

17 I'm sorry I brought it up.

18 A. No, no, I'm glad you brought it up.

19 MR. PAVLOVICH:

20 Would you like a copy of it?

21 A. I would love a copy of it. I want it framed.

22 MR. PAVLOVICH:

23 I guess this is an attachment to a program policy letter from
24 MSHA, Kevin Strickland, and you know Kevin?

25 A. Yes.

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MR. PAVLOVICH:

To everybody in MSHA, PPL goes to everybody, and basically it is discussing MSHA's --- the guidance for MSHA under the family liaison and the primary communicator program, and as a family liaison it says basically MSHA will develop a pool of qualified people to deal with families during the event similar to this.

A. Uh-huh (yes).

MR. PAVLOVICH:

And what their charge will be, what their duties will be, and it also says that there will be a primary communicator; it says a separate MSHA official, which would lead you to believe family liaison is separate from primary communicator. A separate MSHA official, and in parentheses the senior MSHA official onsite and/or media specialist, which will be you, will serve as the primary communicator with the mine operator, miners representative, media, and general public during such mine accidents. What does that mean? I would hesitate to let you read it, but ---.

A. I would say that to me just reading it off hand is that you have one point person for all information.

MR. PAVLOVICH:

With the mine operator.

A. Uh-huh (yes).

MR. PAVLOVICH:

The miner's reps, the media, and the general public, how does one person do that? Does that seem something that's even logical to you, knowing what you went through, and by specifying senior MSHA official onsite and/or media specialist means you and/or Richard Stickler?

1 A. Correct.

2 MR. PAVLOVICH:

3 Or both?

4 A. Correct. I would think that it would be that you would simplify the operation in
5 terms of having one person or the assistant secretary let's say Mr. Stickler along with,
6 whether it's someone from MSHA in Washington or myself as a regional public affairs
7 officer to conduct all briefings.

8 MR. PAVLOVICH:

9 Well I guess some of the questions I have is it might simplify
10 and make it real nice if the same guy does all the briefings, but who runs the
11 operation?

12 A. When I was there Mr. Stickler ran the operation.

13 MR. PAVLOVICH:

14 And did all the briefing?

15 A. Yes.

16 MR. PAVLOVICH:

17 And did all the family briefing?

18 A. Pretty much, pretty much. He didn't until maybe the last few days there and
19 then we were getting into some specialized information, we were giving the family and
20 the media Mr. Urosek, we worked him into a couple of the briefings, I remember the
21 family briefing and the media briefing, it had to do with the drilling and also the robotic.

22 BY MR. TEASTER:

23 Q. Other than being the senior official, what actions by Mr. Stickler gave you the
24 impression that he was in charge?

25 A. Just his demeanor in general, I mean how things were handled. I'll tell you

1 how I knew he was in charge, one time there was some information that he wanted ---
2 I'm trying to remember exactly the situation, and I didn't give him the answer that he
3 was looking for, and he kind of chewed on me for a little bit.

4 MR. PAVLOVICH:

5 He didn't threaten to fire you did he, Rick?

6 A. No, no.

7 MR. PAVLOVICH:

8 Did you ever hear him threaten to fire anybody there onsite?

9 A. No, never.

10 MR. PAVLOVICH:

11 But he did say you or your replacement will provide this
12 information?

13 A. No, no.

14 MR. PAVLOVICH:

15 Was it a little more mundane than that?

16 A. It was very mundane, it was so mundane I can't even remember what it was,
17 but ---.

18 MR. PAVLOVICH:

19 But it sticks in your mind?

20 A. Oh yeah, yeah, and actually later he kind of apologized it for it in a way, he
21 said I'm sorry, and said it's okay. I think it was kind of glossing over after maybe how
22 many hours doing whatever, and he kind of got me back on track with it, and I said,
23 that's okay I said I have no problem with that. I said, if you need something and I'm
24 not tracking with it, you just get me back on track with that. And it was something that
25 he didn't growl or bark or me, he just made his point with it, and he was in charge.

1 Like I said I met him once in October right after he was appointed and he was out
2 here, we did an interview right in this room with Rocky Mountain News, and I had to
3 kind of shift gears. I was used to Dave Lauriski, and Dave and I got along real well,
4 we did a lot of traveling together, and we did a lot media and stuff, and Dave has a
5 certain personality and Mr. Stickler has another one. And I thought boy, this is going
6 to be tough, but the longer I spent with Mr. Stickler onsite in terms of what was going
7 on, how he handled it, I have a real high regard for him I'll have to say, and how things
8 were handles, and that has to come from how he performed. You can talk about
9 somebody works at something behind the scenes and like I said, I had to change from
10 Dave Lauriski was to what Richard Stickler was, but once I understand that he had a
11 wealth of knowledge and he knew his stuff then we could proceed, and what he did at
12 the family briefings and how he handled that.

13 Again, I'll mention that one of the things that I knew was said before I got there
14 and one of the things that was said when I was there was we will do these family
15 briefings until the last question is asked and even afterwards. Like I said, it started
16 with a prayer and ended with a prayer, just because it ended it wasn't everybody got
17 up and left for whether we had a media briefing to go to --- and I agreed with what the
18 policy was, and especially in the morning was who cares if the media has to sit there,
19 well they're up at the mine site anyhow, so what. If we said it's going to come at 11:30
20 or 10:30 and it goes to 11:00, we'll try to make a call up there and tell them we're late,
21 but the thing was we stay and answer every question not only during the official
22 meeting but afterwards, because that's where a lot of people, a lot of those families
23 didn't feel like they can maybe be open in the group and they talked to him more after
24 the meetings and there was a lot of interaction going on after the meetings and
25 questions more specific questions asked, and they got a better feeling for who he was.

1 MR. PAVLOVICH:

2 So you weren't really worried about Ernie and I sitting home
3 when the media says we're going to have a briefing at 9:30 and we're sitting there
4 anxiously awaiting putting off raking leaves something we could be doing for two or
5 three hours waiting on --- didn't care?

6 A. No.

7 MR. PAVLOVICH:

8 I just wanted to get that out.

9 A. I've worked in media, and with media, and on this side of it, and I see the
10 pressures on all sides. I'll tell you if we heard it once we heard it a 100 times, the
11 deadlines that they've got. You say, hey, I understand it, but ---.

12 MR. PAVLOVICH:

13 Was there a lot of pressure from the families from the
14 briefings to continue on with this rescue operation, did you feel that?

15 A. Yes. I would say during the middle part of it. You know you're talking about
16 let's say after the 16th to try to continue underground or every ---?

17 MR. PAVLOVICH:

18 No, I'm saying this was a dangerous operation from day one.

19 A. There was questions ---.

20 MR. PAVLOVICH:

21 There was questions about survivability of the six miners,
22 there were questions about the hazards being encountered by the rescuers, there were
23 issues that miners had withdrawn themselves, you heard that?

24 A. Yeah.

25 MR. PAVLOVICH:

1 What I'm saying is, is I'm going into those family briefings and
2 sitting there with those people for several hours a day, they're in a tremendous state of
3 grief, heartache, concern for their loved one, what kind of pressure does that put on
4 you as a decision maker of an operation with that interaction of family members who
5 are obviously wanting you to do anything you can at all costs at any risk to get their
6 family; what does that do to you?

7 A. I think it just makes you, you try to do your job first of all as well as you can,
8 you have certain skills, and this was to me quite a unique situation because of the
9 interaction with the families. I was not expecting that as much. In fact, in just in my
10 day to day operation, and it's something I kind of lament, because I don't really see
11 what I publicize, whatever agency it is, what happens on the real level. Back when I
12 was with FEMA occasionally you'd get into an interaction with a family that had been
13 dispossessed from their home, lost loved ones and such.

14 MR. PAVLOVICH:

15 You're looking them in the face? It's not somebody reading
16 something you wrote; you're looking these people in the face?

17 A. I had an instance in Loveland with the big Thompson flood when a family
18 came in and they knew that one of their love ones was probably buried in the big
19 Thompson canyon, and that's real. But this was real every time you were there with
20 the families.

21 MR. PAVLOVICH:

22 How difficult is it to maintain your objectivity on your decision
23 making when you're also looking those people in the face twice a day, spending hours
24 with them everyday?

25 A. I think you get a keen sense of --- I think pretty much ---.

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MR. PAVLOVICH:

Is it rational to even ask someone to do that? In your opinion is it? --- when you read this and it says this person shall do this, and this, and this, and this, is it rational to require someone to be able to do that and assume that you can do all three and do all three objectively and to the highest quality?

A. First of all I think we'd all like to say ---

MR. PAVLOVICH:

We'd all like to say we could do it.

A. --- we could do it.

MR. PAVLOVICH:

But how many people could really do it? Well first of all, how many people could any one of those things perfectly, that's a pretty big order?

A. Maybe beforehand if you asked me the question, I'd go boy I don't know. And not even knowing what I know from the operation, but just if you spelled it all out then. But as you go through an operation it's a life long learning situation, you learn as you go along. You have certain skills and you apply those, and you change with what's going on, and I think a lot of people there I think acquired a lot of skills. I would imagine Mr. Stickler on down. You gain from what you're subjected to and you try to do the job that you're there to do, and that was to try to rescue those six miners, and at the best of your ability you're making qualified decisions based on the law and what's reported underground and such, but then with the families the way you talk to the family is very different than the way you talk to the media, and I saw that. Here we've got two different ways of doing it, and I thought from the MSHA perspective, who's ever representing MSHA there from Mr. Stickler on down is how we talk to the families and how we presented information and tried to best answer their questions. The

1 hardest things were when you say we can't do that. No, we can't just put a 30 inch
2 shaft down there with a man in it, and here's why. And even though they're pleading
3 with you, and you've been around these same faces and these same people, and
4 you've learned who is related to which miner that's down there.

5 MR. PAVLOVICH:

6 Don't you think that they really want to hear the truth even if
7 it's bad news?

8 A. Uh-huh, sure.

9 MR. PAVLOVICH:

10 You don't want promises that all these good things are going
11 to happen, just keep hanging on. In the end result everybody tells them down the road
12 there was no chance. Do you think they want to hear the truth no matter how bad it is,
13 or do they want to be continued to be given hope; what's your opinion?

14 A. I think hope stems from what goes on and what they take out of it. I don't
15 think we've provided any false hope in instances, I think we were very careful with
16 that. We're not only careful with how we talk to them and how it was developed in the
17 family briefings and watching how that transpired, but also especially with the media,
18 because the media is a more volatile situation. Because if you kind of pump up
19 something as very hopeful the media is going to take it and run with it and it's going to
20 blossom into something else, so I think in terms of both, you deal here on a very
21 personal level and here you're dealing on a real profession level, but with being very
22 very careful of how you deal with the media in terms of something. Like I said with
23 that seismic activity that was seen under there, we're working on it. It wasn't
24 something that you wanted to hide, but had to address it and you addressed it both to
25 the families and the media. That was brought up a few times afterward there, but I

1 think if we would've just not said anything about it it would've came about.

2 MR. PAVLOVICH:

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

do you have any questions for Ex. (b)(6) and Ex. (b)(7)(C)

4 UNIDENTIFIED SPEAKER:

5 I do not.

6 MR. PAVLOVICH:

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

8 UNIDENTIFIED SPEAKER:

9 I wasn't in here for a lot of it, and you guys might have talked
10 of this, and if you did ---. At any dealings that Mr. Stickler had with the command
11 center do you remember if he every asked for anything to allow to show all the bumps
12 that had happened, did you already ask that question?

13 A. I don't remember that in particular. I know that, like I was saying before on the
14 morning of the 18th we were going over with Jeff Kravitz some of these, and he could
15 go back a certain amount of time. Actually for me the hardest thing was the time
16 aspect of what we were talking about there. But I can't say for sure I wasn't privy to it
17 or I don't remember it. I wasn't in on all conversation of course, but a lot.

18 UNIDENTIFIED SPEAKER:

19 Okay. Just wanted to know about that.

20 MR. PAVLOVICH:

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

22 UNIDENTIFIED SPEAKER:

23 Yeah, I have a couple. Just curious, you made the same
24 meeting with Kravitz that you're referring to, but the one you talked about before when
25 you showed charts, when you were talking about the chart, do you happen to

1 remember if Al Davis was at that particular meeting?

2 A. I'd normally say yes, but I can't be for sure, I mean we had there was a
3 number of them. The ones who stand out was Jeff Kravitz, of course because he had
4 that and was explaining and trying to explain --- and I'm not a mining engineer but I
5 play one really well. I have a slight engineering background, my background started in
6 engineering, I come from a long line of engineers, so I understand and absorb the
7 information and that's why I think I work well with MSHA people, and they learn that
8 I'm not up here with it, I'm kind of down here maybe in terms of how they explain it to
9 me. I can't say for sure, but Al was pretty much in most of everything, I know he was
10 there that morning that we were briefing the governor.

11 UNIDENTIFIED SPEAKER:

12 One other one, I mean you mentioned a couple of times now
13 about Mr. Stickler's insistence that you stick around after the family briefings and all
14 questions were answered. Did that in any way hinder the transition to the media
15 briefings in that Murray or his people would start the media briefings without you
16 because you stayed before for the family briefings?

17 A. No, there was I think one instance where it almost would be, but no, we had
18 an agreement that nobody --- we walked --- the scenario for every media briefing was,
19 no matter who got there when, we learned to park our cars on the other side of the
20 river, this little bridge, and the reason being is it would shield us from having media
21 coming when you're there coming out of a car and asking questions and such,
22 because the sheriff had it blocked off, which really helped. But the scenario was when
23 you get there those that would be participating, those who were in the media briefing
24 we would all go into the sheriff's trailer for five minutes at the minimum, sometimes
25 even longer. If we got there early we'd have more time. It was for two things, one to

1 just kind of have a little buffer there because we just came from a long briefing, drove
2 20 minutes up this wonderful winding canyon road, which is beautiful, and up there,
3 but it would also give us time just to reiterate what we were going to say. If something
4 came out of the family briefing that was very pertinent or we felt that we needed to
5 review or something there, that we'd kind of point that out.

6 As a public affairs officer that's something I would do after listening to what
7 went on in the family briefing. If something was said in a way that I kind of wondered
8 about I'd bring it up in terms of well maybe we don't want to say it exactly that way, or
9 maybe be very careful about when you bring this point up in terms of how ---. Being a
10 public affairs officer I just worry constantly about what might have happen, but after
11 awhile I realized that the people I was dealing with really knew what they were doing,
12 you know, I knew that before, but until you get onsite and you find out what the
13 situation is ---.

14 UNIDENTIFIED SPEAKER:

15 Mostly I was just curious if Murray's group cooperated with
16 whatever agreement you might have had?

17 A. I would say pretty much, going into for either the family briefing or the media
18 briefing was started we had an agreement who would go first, sometimes we even had
19 a few different people, if it was Mr. Stickler, Mr. Murray, and someone else. One time
20 Mr. Murray brought Bodee Allred up there, he's a safety guy with that mine, and he
21 was in his miners gear and he was underground when that happened. And he really
22 told a really good story with that. Again, when John Urosek, we were using him to
23 explain a certain part of that, we knew, it wasn't just we got up there and then who's
24 going to do what. We knew exactly how it was going to transpire, so ---.

25 UNIDENTIFIED SPEAKER:

1 I just have a quick question for you. You say that your sense
2 was that the decision to allow the press to go underground was made offsite, and I was
3 wondering, I know this was before you arrived at the scene, but do you have any
4 reason to think that the decision to allow the family members was also a decision that
5 was made offsite around the same time as the decision to allow the press to go
6 underground, or do you have any reason to believe that they were separate decisions
7 by separate decision makers?

8 A. I don't know about the family decision, though they might have been made on
9 the same level as with the press. I would guess that they might, this is just my feeling
10 that they would be joined in terms of how it was decided. Again I wasn't onsite and
11 privy to any of that information. When I got there part of my briefing was to debrief
12 key people there and just get some information. As time went on I had a couple of
13 questions, as last week something like this happened or what happened here or what
14 happened there, but it really wasn't high on my priority list because you had too many
15 other number one priorities.

16 BY MR. TEASTER:

17 Q. Rich, that's all the questions we have. Is there anything that you'd like to
18 share with us that we haven't asked?

19 A. Yeah, and this is something I've shared with a few people. I've been asked to
20 give a few presentations on Crandall Canyon because I was there, I was involved, I
21 took a lot of pictures, not a lot of pictures, but I took some pictures, and our OSHA
22 people had a regional managers meeting shortly after that, and our solicitors office did
23 too, because obviously they've been involved and they just want to get an idea of the
24 lay of the land was and some of this stuff. The one thing I guess that will forever stick
25 in my mind is the evening of the 16th and getting up to that mine site, and the drive

1 from Price to the mine site used to take 45 minutes, well I don't think it took 45
2 minutes that night, I think we were all just --- luckily we knew the sheriff there, so we
3 could --- but you encountered ambulances a few, there was one on the road between
4 Price and Huntington I saw him hit his lights on, and then especially when you turn at
5 Huntington you go up towards the mine site there was a few more, and then you
6 started to see some helicopter activity and that. So your pulse starts getting going.

7 When I got up there, and I really have no idea of a timeline, but of what I
8 encountered, it was afterwards that I saw a very well staged it's almost like a ballet,
9 everybody was doing what they were there to do. For days there was a small EMT
10 unit there, and all they did was sit around all day under a tarp in the hot sun, but
11 obviously when things started happening --- in fact they got some great recognition
12 recently in one of the --- I think it was the Salt Lake Tribune wrote a story about the
13 two EMTs that were onsite at that time. Over and above what I was doing as my job,
14 which was Dirk Fillpot and I were gathering information and trying to get a handle on
15 just what was going on there and we knew that we were going to have to go down and
16 brief the media.

17 Afterwards I just kind of went over it in my mind, and what I was watching was
18 everybody doing their job. The EMT personnel, which obviously was augmented by
19 many more coming in, the miners, mine rescue teams going in. When I got up there
20 they started just bringing the injured out, and how that went, and as soon as they got
21 out the ambulance was there, they had EMT people with them and how that went.
22 Even before I got up there I was coming up the road there where the pile is on the left
23 side, one of the sheriff deputies said, park your car and walk up there really quick we
24 got another helicopter coming in. At any one time there was three helicopters, either
25 two on the ground or one going up, and constantly going. This whole thing just

1 seemed to work perfectly, and it's something that you don't normally see, I mean you
2 get to something where, I've been involved in a lot of OSHA operations, I've been
3 involved in a number of MSHA operations worse than after the fact type of thing, and
4 you never get to see that type of thing, and I hope I never get to see it ever again, but
5 being witness to that it was pretty incredible.

6 They brought one miner out that was obviously there at the face and he was
7 just kind of in shock, and we got him a plastic chair from the table there in front of the
8 Blue Goose and just sat him down, I was just kind of watching him and he was just
9 totally staring. I don't think he was physically hurt, I think he was just in shock. Then
10 you see one of these a little diesel trucks come by and you see various stages of how
11 they were attending to each person that came out, and then you see one that comes
12 out and the person is wrapped up in a blanket, and then you start understanding really
13 what reality is all about.

14 A post script to that was --- well before I --- post script to that was the next day
15 I asked, we had one sheriff's deputy that was always on the top of the mine site, and
16 he would just kind of sit there, even though they couldn't go past the road down there,
17 and I said, you know, --- we were talking about and I said, last night it was pretty
18 incredible how did you --- I said there was three helicopters, we had EMTs in and out
19 and all that, how did those guys know to do all that, and he just pulled out his radio like
20 that. I went, well of course you did, because you do that all the time if you have an
21 accident on a highway and such, but for that night he was air traffic control at that
22 mine, and kept that going.

23 The real post script to it was after the dust had settled, after all the miners
24 were brought out and things really slowed down later that night, I was just returning
25 media calls like crazy, and I was pretty much done at the site, it was probably about

1 11:00 --- I don't know what time, or 10:30 almost 11:00 at night, and I was actually in
2 the front end of the Blue Goose and I wanted to try to get out, but then everybody
3 starting coming in, and Kevin Strickland had everybody come in and sat down, and
4 that's when he told everybody that Gary Jenson had died, and that was real reality
5 there. But it's something that happens, and everybody, the next morning comes in
6 and you see those same people and everybody was back on the job and back doing
7 what they had to do, and that's professional. I again say I really wish the whole thing I
8 was not there, but I was there, was very very special in getting to know what people
9 can do under adverse conditions.

10 Q. We appreciate you sharing that with us. I think that's been a history in the
11 mining industry, when there's an accident the whole community comes together, the
12 mining people, the government people, all the support people you need there, just
13 weld them together and it's all one common purpose is just do what we need to do to
14 get this situation under control. And when it's close to home, I mean Gary Jenson was
15 a close friend of Joe's and a lot of other people, Joe knew him well. I think there's
16 other's in the room that knew him, but most of the people onsite that worked with him
17 knew him quite well, so when it's someone personally you know --- it's always a
18 tragedy when a miner dies, but when you know that person it brings it a little closer to
19 home. Well we appreciate you sharing that.

20 We ask you again, Rich, if you would not share this interview with anyone 'til
21 we've completed it so we can get unbiased information. If there's something later on
22 that you think of that you want to share that you didn't, well just get a hold of us and
23 we'll do likewise with you. We again, thank you for all your efforts at the mine during
24 this effort and we thank you for coming in and sharing the information with us today.

25 A. Great. Thanks for what you're doing too, thank you very much.

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