

STATEMENT UNDER OATH

OF

GARY ROWAN

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia, on
Wednesday, February 15, 2006, at 9:01
a.m.

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A P P E A R A N C E S

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

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is James B. Crawford from the Solicitor's Office, Brian Mills with the West Virginia Office of Miners' Health, Safety and Training and Mr. Dave Stuart with the State of West Virginia.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006 in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West

1 Virginia Office of Miners'
2 Health, Safety & Training to
3 gather the information to
4 determine the cause of the
5 accident. And these
6 interviews are an important
7 part of the investigation.

8 At this time, the
9 accident investigation team
10 intends to interview a number
11 of people to discuss anything
12 that may be relevant to the
13 cause of the accident. After
14 the investigation is
15 completed, MSHA will issue a
16 written report detailing the
17 nature of the causes of the
18 accident.

19 MSHA accident reports
20 are made available to the
21 public in the hope that a
22 greater awareness about the
23 causes of the accidents can
24 reduce their occurrence in the
25 future. Information obtained

1 through witness interviews is
2 frequently included in these
3 reports. Your statement may
4 also be used in other
5 enforcement proceedings.

6 I would like to thank
7 you in advance for your
8 appearance here today. We
9 appreciate your assistance in
10 this investigation. The
11 willingness of miners and mine
12 operators to work with us is
13 critical to our goal of making
14 the nation's mines safer.

15 We understand the
16 difficulty for you in
17 discussing the events that
18 took place and we greatly
19 appreciate your efforts to
20 help us understand what
21 happened.

22 This interview with Mr.
23 Gary Rowan is being conducted
24 under Section 103(a) of the
25 Federal Mine Health and Safety

1 Act of 1977 as a part of an
2 investigation by the Mine
3 Safety and Health
4 Administration and the West
5 Virginia Office of Miners'
6 Health, Safety & Training into
7 the conditions, events and
8 circumstances surrounding the
9 fatalities that occurred at
10 the Sago Mine, owned by
11 International Coal Group in
12 Buckhannon, West Virginia on
13 January 2nd, 2006. This
14 interview is being conducted
15 at the United States
16 Bankruptcy Courthouse in
17 Clarksburg, West Virginia on
18 February 15th, 2006.

19 Questioning will be
20 conducted by representatives
21 of MSHA and the Office of
22 Miners' Health, Safety &
23 Training. This is not an
24 adversarial proceeding.
25 Therefore cross examination

1 will not be permitted.

2 Mr. Rowan, this
3 interview will begin by my
4 asking a series of questions.
5 If you do not understand a
6 question, please ask me to
7 rephrase it. Feel free at any
8 time to clarify any statements
9 that you make in response to
10 the questions.

11 After we have finished
12 asking questions, you will
13 also be given an opportunity
14 to make a statement and
15 provide us with any other
16 information that you believe
17 may be important.

18 If at any time after
19 the interview, you recall any
20 additional information that
21 you believe may be useful in
22 the investigation, please
23 contact Richard Gates at the
24 phone number or e-mail address
25 provided to you. And there's

1 a business card with Mr.
2 Gates' phone number and e-mail
3 address.

4 Your statement is
5 completely voluntary. You may
6 refuse to answer any question
7 and you may terminate your
8 interview at any time. If you
9 need a break at any time, just
10 please let me know.

11 The court reporter will
12 record your interview and will
13 later produce a written
14 transcript of the interview.
15 Please try and respond to all
16 questions verbally since the
17 court reporter cannot record
18 non-verbal responses. Also
19 please try to keep your voice
20 up. Copies of the written
21 transcripts will be made
22 available at a later date. If
23 any part of your statement is
24 not based on your own first-
25 hand knowledge, but on

1 information that you learned
2 from someone else, please let
3 us know.

4 Please answer each
5 question as fully as you can,
6 including information you have
7 learned from someone else.

8 We may not ask the
9 right questions to learn the
10 information you have, so do
11 not feel limited by the
12 precise questions that we ask.
13 If you have any information
14 about the subject area of a
15 question, please provide the
16 information to us.

17 At this time, Mr.
18 Mills, do you have anything
19 that you would like to add on
20 behalf of the Office of
21 Miners' Health, Safety &
22 Training?

23 MR. MILLS:

24 Yes. Mr. Rowan, here's
25 a card we can be reached at.

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MR. ROWAN:

Okay.

MR. MILLS:

The West Virginia
Office of Miners' Health,
Safety & Training is
conducting this interview
session jointly with MSHA and
are in agreement with the
procedures outlined by Mr.
Swentosky for these interviews
that will be conducted here
today.

But the Director
reserves the right, if
necessary, to call or subpoena
witnesses or require the
production of any record,
document, photograph or other
relevant materials necessary
to conduct this investigation.

MR. SWENTOSKY:

Mr. Rowan, are you
aware that you may have a
personal representative

1 present during the taking of
2 this statement?

3 MR. ROWAN:

4 Yes.

5 MR. SWENTOSKY:

6 Do you have a
7 representative present here
8 today?

9 MR. ROWAN:

10 Yeah, Joe Yuhas.

11 MR. SWENTOSKY:

12 Has anyone suggested to
13 you that you use this
14 representative?

15 MR. ROWAN:

16 No.

17 MR. SWENTOSKY:

18 Are you aware that your
19 representative may have a
20 conflict of interest in
21 representing you while being
22 provided by someone else, such
23 as the company?

24 MR. ROWAN:

25 Excuse me?

1 MR. SWENTOSKY:

2 Okay. Are you aware
3 that your representative may
4 have a conflict of interest in
5 representing you while being
6 provided by someone else, such
7 as the company?

8 MR. ROWAN:

9 Yes.

10 ATTORNEY YUHAS:

11 To clarify the
12 question, are you aware that
13 the company may be paying me
14 to represent you?

15 MR. ROWAN:

16 I'm aware of it, yes.

17 MR. SWENTOSKY:

18 Okay. With this
19 understanding, do you still
20 want Mr. Yuhas as your
21 representative?

22 MR. ROWAN:

23 Yes.

24 MR. STUART:

25 May I? Pardon me. Is

1 it your understanding, Mr.
2 Rowan, that Mr. Yuhas is here
3 to represent your interests?

4 MR. ROWAN:

5 Yes.

6 MR. STUART:

7 He's been retained to
8 represent your interests?

9 MR. ROWAN:

10 Yes.

11 MR. STUART:

12 And is it your
13 understanding that he does not
14 represent the interests of
15 anyone else, such as the
16 employer in this matter?

17 MR. ROWAN:

18 Well, I know, you know,
19 he's just provided if I want
20 him and I know that.

21 MR. STUART:

22 And is it your
23 understanding that he does not
24 represent the interests of the
25 employer, but that he

1 represents your interest?

2 MR. ROWAN:

3 He's for my interests,
4 yes.

5 MR. STUART:

6 Okay.

7 MR. SWENTOSKY:

8 Have you been pressured
9 in any way to accept this
10 person as your representative?

11 MR. ROWAN:

12 No, I haven't.

13 MR. SWENTOSKY:

14 With this
15 understanding, do you still
16 choose Mr. Yuhas as your
17 representative?

18 MR. ROWAN:

19 Yeah, I do.

20 MR. SWENTOSKY:

21 Thank you. Do you have
22 any questions regarding the
23 manner in which this interview
24 will be conducted before we
25 start?

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MR. ROWAN:

No.

MR. SWENTOSKY:

Would you please swear
in Mr. Rowan, please?

GARY ALLEN ROWAN, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

MR. SWENTOSKY:

Thanks.

BY MR. SWENTOSKY:

Q. Could you please state your
full name and spell your last name
for us, please?

A. Gary Allen Rowan, R-O-W-A-N.

Q. Okay. Could you give us your
address and phone number, please?

A. HC-61 Box 19A, Mabie, West
Virginia, 26278. Phone number?

Q. Yes.

A. 636-5235.

Q. Are you appearing here
voluntarily today?

A. Yeah.

1 Q. How many years of mining
2 experience do you have, Gary?

3 A. I got my card in '78, I've
4 been a miner my whole life, probably
5 27, 28 years, something like that.

6 Q. Okay. Could you just kind of
7 give us a brief description of your
8 mining employment history, like where
9 you started and then how you
10 progressed?

11 A. I started at facing timber on
12 a Wilcox miner, load coal. I've
13 worked at probably 16, 18 different
14 mines, something like that. I did a
15 little bit of everything, everything
16 from facing timber and run shuttle
17 car, run bridge carriers, scoops, but
18 most of the time in the mines I've
19 been a roof bolter.

20 Q. How long have you been
21 employed at Sago Mine?

22 A. I think at Sago Mines, I've
23 been --- I think March maybe closer,
24 March maybe two years.

25 Q. Would that be you would have

1 started March of 2004?

2 A. Yeah, I think that's what it
3 was, somewhere around there. Exact
4 dates, I'm not sure.

5 Q. That's fine. That's fine.
6 What is your present position at the
7 Sago Mine?

8 A. I run the operator side on the
9 rim head flat trip roof bolter.

10 Q. And did you hold that same
11 position on January 2nd, 2006, the
12 day of the accident?

13 A. Yes.

14 Q. And how long have you worked
15 as a roof bolter operator? The
16 position that you held on that day,
17 how long have you had that?

18 A. I've roof bolted the whole
19 time I've been at Sago Mines.

20 Q. Okay. From the beginning?

21 A. Yeah.

22 Q. Do you have any mining
23 certifications, such as mine
24 examiner, mine foreman?

25 A. No.

1 Q. Who is your immediate
2 supervisor?

3 A. Owen Jones.

4 Q. How long has Owen been your
5 supervisor?

6 A. Let's see, I'm not sure exact
7 date. It's probably been over a year
8 or something. I've worked with him
9 at other mines, over at Carter Roag
10 and stuff. I've worked with him
11 several years before.

12 Q. Okay. And when you started at
13 Sago Mine, was he your supervisor
14 when you first started?

15 A. No. I've had two or three
16 different ones. I've been on
17 different sections.

18 Q. Okay. What time do you
19 normally start your shift?

20 A. Normally we start over the
21 hill at quarter 'til 6:00.

22 Q. Okay. And you were working on
23 the day of the accident, ---

24 A. Yes.

25 Q. --- January 2nd, 2006? Okay.

1 I wonder if you could just kind of
2 describe to us from the time you
3 arrived on mine property until the
4 time you left on January 2nd, 2006,
5 the day of the accident --- and I
6 won't interrupt you --- just kind of
7 go through what you did and from the
8 time you arrived until the time you
9 left the property. Could you do that
10 for me, please?

11 A. Normally I arrive anywhere
12 from 30 to 45 minutes before my shift
13 starts. Go in, change my clothes,
14 get ready, I get a light and where I
15 work a roof bolter, I have to get my
16 drill steels and bits, get stuff like
17 that gathered up. And went and got
18 the spotter that we use on the
19 bolter.

20 After you get everything
21 ready, you know, just stand around
22 there talking to everybody and stuff
23 that are waiting to go under the hill
24 And we went over the --- everybody
25 went over the hill. We got down ---

1 both mantrips was ready to go in and
2 there was a couple, three other guys
3 that was wanting to ride in with us.
4 And we had already got in the mantrip
5 --- the other trip was sitting in
6 front of us. We had already got in a
7 mantrip and there wasn't enough room
8 in ours for we was taking extra
9 people.

10 So they had to switch it out
11 and Owen took the trip back over to
12 the barn there and swapped it out and
13 got --- swapped around and got a
14 bigger trip and brought it back over.
15 The other trip went ahead and went
16 in.

17 And it took, I'm guessing,
18 five --- probably about five to eight
19 minutes or something like that for
20 him to swap the trip out. And then
21 he brought it over, everybody got it
22 in again and started in. But the
23 other trip had already left, that far
24 in front of us.

25 And I think we stopped --- we

1 stopped at I think it was the Four
2 drive and let Pat Boni off.

3 Well, we stopped before that
4 at the One Belt or something to let
5 John Boni off first. Then we let Pat
6 off. And everybody was in --- Ron
7 Grall was still in our mantrip with
8 us. He was the only one that was in
9 the trip, I think, that wasn't
10 actually in our section.

11 And we got up to first Left
12 switch, where we turn in. Roger
13 Perry got up out of the trip. He was
14 sitting in front. I was sitting in
15 front of the trip. And he was on the
16 end and he got out to throw the
17 switch so we could go into One Left.
18 And he got out and we was just
19 sitting there talking and stuff and
20 he got out and throwed the switch and
21 just --- had just barely got sat back
22 down in the seat and like I said, I
23 didn't hear anything, nothing, it
24 just --- just went off, you know,
25 explosion.

1 For first --- as soon as it
2 started and then it just --- a real
3 hard wind hit us. The first couple
4 seconds, I thought it was a roof fall
5 in front of us. But then it just,
6 you know, kept blowing and after a
7 few seconds you felt the heat off of
8 it.

9 It kind of throwed us around
10 in the trip. I ended up in the ---
11 when it stopped, I was on the floor
12 of the trip. As soon as the dust
13 hit, and the dust was immediately,
14 you couldn't see anything. I shut my
15 eyes as tight as I could and throwed
16 my arms up over my head like that. I
17 had a jacket on with a hood on and it
18 --- I ended up out of the trip by
19 hanging from my waist down was out of
20 the trip. And the wind blowed my
21 coat over the top of my head and
22 that's the only thing, I guess, kept
23 my glasses on. I remember Roger was
24 hollering that the mines are blowed
25 up.

1 Like I said, from there you
2 couldn't --- you could put your hand
3 up to your nose, you couldn't see it.
4 Because of the dust, you couldn't ---
5 couldn't hardly breath or anything.

6 We was trying to get out of
7 the trip and we was just taking our
8 shirts and coats or whatever trying
9 to put over the top of our mouths and
10 stuff until we got out of the trip.
11 We was trying to breath under them.
12 We was trying to get everybody
13 gathered up and some --- soon as we
14 got in behind --- I got in behind the
15 trip and stuff and I felt around the
16 ground and stuff and I found rail in
17 behind me, behind the trip. I got
18 ahold of it and I knew where it was
19 at. Then we was trying to get
20 everybody gathered up there. And
21 some of them was putting their
22 rescuers on right there.

23 A couple of the guys tried to
24 get to the intake door. There was a,
25 I think, a man door right there in

1 behind us and they went to the door
2 and came back and said they got hold
3 of the door and said it was hot. So
4 we didn't try to go in there. We got
5 --- tried to get everybody --- Owie,
6 I guess, Owen Jones, our boss, was
7 operating the mantrip and I guess it
8 pretty well just blowed him off. He
9 tried to get up. He said he thought
10 a water line had blowed at first. He
11 jumped up to get out of the way of
12 it. There's a big water line running
13 beside the track there, but he said
14 it just blowed him, I guess, off the
15 back of the trip, what I understand.
16 But it blowed my hat off, but my
17 light held on. And I guess several
18 of the guys lost, you know, glasses
19 and hats and everything over it.

20 I got off the trip. When I
21 first got off of it, I tried to grab
22 for my dinner bucket. I'd set it on
23 the back of the trip --- or on top of
24 the trip there, you know. I
25 couldn't find nothing. We had --- I

1 had three drill steels taped up and
2 stuff and when I felt the car, I
3 couldn't feel anything on top of it.

4 But we was trying to get
5 everybody --- trying to get everybody
6 gathered up and we was trying to head
7 up --- down the track or behind us.
8 We got so far, you could feel stuff
9 around on the track and stuff in
10 behind us. We was trying to get over
11 into the intake.

12 And me and two other guys
13 helped Hoy Keith. He was having a
14 lot of trouble breathing and stuff
15 and we kind of stuck behind a little
16 bit and was helping him. He had a
17 lot of trouble with his knees and
18 stuff like that. He didn't have any
19 air and we was kind of holding off
20 and helping him out.

21 And there was a couple other
22 guys, Roger Perry, he --- it pretty
23 well filled his eyes up and stuff,
24 because he could hardly see anything.
25 There was --- I think there was a

1 couple guys with him helping him out.

2 And I'm not sure exactly how
3 many blocks we went back. The farther
4 we went back, you could see a little
5 bit better and stuff. We got back
6 and we finally did get swapped over
7 and got into the intake. And there
8 was some --- there was some air and
9 stuff coming up the farther we went
10 back and you could see a little
11 better.

12 But we just kept on with Hoy.
13 Like I said, the rest of them was
14 just kind of up ahead of us. But we
15 stayed in behind with him. He kind
16 of kept going down and stuff where he
17 had to stop and sit down against the
18 ribs and stuff there. We kept trying
19 to get him up to go with us and
20 stuff.

21 We kept working him back
22 through there and stuff there and the
23 rest of us --- the rest of them, they
24 was a few blocks ahead of us or
25 something. You could see their

1 lights at the time and stuff. But
2 somebody hollered there's a mantrip
3 up there.

4 We went back --- I know there
5 was debris, there's blocks and
6 everything on the track and stuff
7 however far we had walked back. But
8 we got over into the intake and we
9 walked up --- walked up it and stuff
10 there. Like I said, someone hollered
11 about a mantrip. So we got up ---
12 got up to it and got everybody loaded
13 up inside on it and headed outside.

14 I guess Owie and I'm not sure
15 who exactly, but they was --- they
16 was trying to get some air and stuff
17 back up that way. His brother was
18 one of them that was up there. But
19 the rest of us, I'm not sure exactly
20 who, I'm pretty sure most of us all
21 got in the trip and we got back
22 outside and got out and stuff and got
23 up over the hill.

24 Everybody that needed it was
25 taken care of. A few of them,

1 Roger's eyes was filled up and stuff
2 there and I guess they give him ---
3 they had the ambulance and stuff
4 there, they gave some of them oxygen
5 that needed it and stuff there a
6 little bit. I think they took Roger
7 to the hospital or something to get
8 his eyes straightened out.

9 And we stayed up there on top,
10 up at the bathhouse up there waiting
11 to see about the other guys in there.
12 And after a while everybody started
13 arriving and stuff there, the rescue
14 teams and everything like this and
15 all the state and federal mine
16 inspectors and everybody was coming.

17 And we was talking to some of
18 them and stuff like that, like I
19 said, waiting around trying to find
20 out something about the other guys in
21 there. And inside, they tried ---
22 Owie got to the phone and stuff, he
23 tried to holler them and stuff. He
24 got to the phone and just hollered
25 outside and told them, I guess, what

1 happened or something. He was trying
2 to get ahold of the guys up on the
3 other section. He couldn't do it.

4 But we stayed outside and
5 stuff there and waited. And then
6 some --- I'm not sure exact time, but
7 somewhere around noon or something
8 there, they thought that the gas was
9 building up too much coming out of
10 the --- coming out that they had
11 everybody leave the property, except
12 the ones that just had to be there.
13 And we left the property and we went
14 ahead and went up to the --- up where
15 we had our retraining classes and
16 stuff before and stuff. We went up
17 in that building and stayed up there
18 for the rest of the day there. Then
19 the guys, when they kind of found out
20 anything, they'd come by and tell us
21 and stuff.

22 Q. Okay. Thank you. If we could
23 kind of then back up a little bit and
24 we'll start at the beginning again.
25 We'll kind of try and fill in some of

1 the blanks; okay?

2 And did you begin your shift
3 on the day of the accident, did you
4 begin it at the normal time?

5 A. Yeah. Like I said, we was a
6 few minutes late where we had to swap
7 trips out, is the only reason we
8 didn't go in right behind the other
9 trip.

10 Q. And what time did you arrive
11 at the mine that day, do you recall?

12 A. Like I said, normally it's a
13 half hour to 45 minutes before my
14 shift starts is usually when I get
15 there.

16 Like I said, I went one of the
17 days --- some of the days, we would
18 start at 15 'til 6:00 and stuff and
19 some of the time we would start at
20 6:00. I'm not sure exactly which day
21 that was.

22 Q. When you say start, you mean
23 go underground?

24 A. Yeah.

25 Q. Sometimes 15 'til 6:00,

1 sometimes six o'clock?

2 A. Yeah. But what it was, the
3 other trip, we're second --- we leave
4 off section. They was getting --- we
5 was getting out a little before our
6 time was up so sometimes there we was
7 going in 15 to 6:00 so we would have
8 the full ten hours working in there.

9 Q. I see. And your assignment on
10 the day of the accident was to be a
11 roof bolter, you had already ---?

12 A. Yeah.

13 Q. Okay.

14 A. But like I said, we never made
15 it past the First Left switch.

16 Q. Okay. And whenever you
17 arrived at the mine and you went to
18 the --- you mentioned you went to the
19 bathhouse and got dressed and then
20 you went over --- then you went over
21 to the lamp house to get your
22 spotter. And what type of methane
23 detector?

24 A. I got the one that's got the
25 big letters on it. The big letters

1 so we can put it on a probe and so we
2 can see it ---

3 Q. Yeah.

4 A. --- when you put it up into
5 the face.

6 Q. So you were carrying that that
7 day?

8 A. It was in my dinner bucket. I
9 never --- I went there to get my
10 dinner bucket but I guess they found
11 mine.

12 Q. Okay. When you went over to
13 the lamp house to get your cap lamp
14 and your spotter, okay, was there any
15 conversations that you can recall
16 that might have been going on between
17 the dispatcher? Was there any phone
18 calls? Who did you speak to over
19 there? Can you tell me a little bit
20 about that?

21 A. I'd say other than the ---
22 nothing out of the ordinary, you
23 know, just normal talking. All the
24 guys were --- we was all friends and
25 everything and we was just normal

1 talking back and forth.

2 Q. Okay. The dispatcher, you
3 have any conversations with him?

4 A. I'm not positive.

5 Q. Okay.

6 A. Like I said, anybody you see,
7 you speak to them and stuff, but ---.

8 Q. Okay. There wasn't anything
9 out of the ordinary that ---?

10 A. No, nothing that I can recall.
11 Just like I said, just normal
12 conversation.

13 Q. Okay. After you got your
14 light and your spotter, then you went
15 down to the --- into the pit from
16 there?

17 A. Yeah. After --- yeah, after
18 it was time --- time for the hill,
19 usually everybody just waits and goes
20 over about the same time, gets in the
21 trip.

22 Q. Okay. And I believe you had
23 mentioned that the Two Left trip left
24 before you?

25 A. Yeah. Like I said, we was ---

1 they was in front of us and our trip
2 was right behind. We had already got
3 in the trip. Like I said, there was
4 a couple three other guys wanting to
5 ride in. It wasn't big enough so we
6 had to swap the trip out and get a
7 bigger mantrip.

8 Q. And they left approximately
9 how long before you?

10 A. Probably five to eight minutes
11 or something like that. I mean, ---.

12 Q. Was the --- do you recall
13 whether the belts were operating when
14 you --- when you went down?

15 A. I'm not real sure. I couldn't
16 say for sure.

17 Q. Okay. And you had to switch
18 out to a different mantrip because
19 there was not enough room. Is that a
20 normal number of people that go in
21 with you?

22 A. Yeah, normally I think there's
23 like 13 on our crew. But like I
24 said, there was Ron Grall was extra
25 on the trip and Pat and John Boni.

1 Three extra ones. Some of the trips
2 are just, we just barely got enough
3 room to get everybody in with just
4 the crew and that. But that was one
5 of the small ones so we had to swap
6 it out.

7 Q. Okay. Where were you
8 positioned in the mantrip?

9 A. I was sitting in --- the
10 mantrip we had was one of the larger
11 ones. It's got double seats on each
12 end of it. So you're sitting facing
13 each other sitting in the front of
14 it.

15 Q. Okay.

16 A. And I was sitting in the outby
17 part of --- you know, in front of the
18 mantrip and I was facing straight
19 forward.

20 Q. Okay. You were on the --- did
21 you say the inby end or the outby?

22 A. I was on the inby ---

23 Q. End of the mantrip?

24 A. --- side of the mantrip, like
25 it was ---.

1 Q. And you were facing inby?

2 A. Yeah. There was a seat in
3 front of me, people sitting there and
4 they were looking --- looked at me
5 and I was facing going inside.

6 Q. Okay. And I interrupted you
7 but let me just restate that. You
8 were on the inby side of the mantrip
9 and you were sitting facing inby?

10 A. Yeah.

11 Q. Okay. When you left the
12 surface, and started into the mine,
13 what was the first stop that you
14 made?

15 A. Like I said, I think it was at
16 Four Drive --- or no, excuse me, I'm
17 not sure exactly where it was at. I
18 know we stopped somewhere and John
19 Boni got out. I'm not sure exactly
20 where it was at. And then we made
21 another stop to let Pat Boni out.

22 Q. And where was that?

23 Four Drive I think is where it was
24 at, but I wasn't --- I'm not positive
25 because they were both sitting in the

1 other end of the trip. We was just
2 --- you know, everybody just carried
3 on conversations. It was something
4 you don't really pay much attention
5 to. It's just normal, you know.

6 Q. Why were they dropped off?
7 What were they going to do? Do you
8 recall?

9 A. Well, I'm not sure exactly
10 what they was going to do or
11 anything. Now, Pat, now he works on
12 the belts and stuff. I know that. I
13 think he had told me he had to rock
14 dust or something there, but he just
15 had to rock dust or something there.

16 Q. And that was Pat?

17 A. Yeah.

18 Q. Okay. Do you recall, was
19 there any phone conversation that you
20 recall like from when you were on the
21 surface preparing to go in? Do you
22 recall any phone conversation that
23 someone might have had over the --- I
24 believe you call it a trolley phone,
25 that's the phone that is on the

1 mantrip and they use that for
2 dispatching ---

3 A. Yeah.

4 Q. --- and for whatever other ---
5 do you recall any conversations --?

6 A. I don't recall any. Like I
7 said, I never paid any --- if there
8 was, I don't know whether it was or
9 not because like I said, I was just
10 talking to some of the other guys
11 that was in there, just normal ---
12 normal routine.

13 Q. Okay. And so you left Pat
14 Boni off and that was the second stop
15 that you had made. Did you make any
16 additional stops?

17 A. No, not that I'm aware of, not
18 'til we got up to the First Left
19 switch.

20 Q. Okay. Do you recall like
21 approximately what time they may have
22 exited the mantrip, Pat Boni and John
23 Boni?

24 A. I'm not real sure. I couldn't
25 say exact time or anything.

1 Q. Okay. And your furthest point
2 of travel into the mine was the One
3 Left switch; is that correct?

4 A. Yeah. Yeah, we left the trip
5 right there.

6 Q. Okay. Whenever you arrived at
7 the One Left switch and you had
8 mentioned someone got out, kind of
9 pick it up from there, then.

10 A. Roger Perry. He was sitting
11 facing me but he was sitting on ---
12 whoever sits on the outside in the
13 mantrip gets out and gets the switch
14 and throws it.

15 Q. Okay. Go ahead.

16 A. He just got out, he got out
17 and throwed the --- throwed the
18 switch and got back in --- got back
19 in the trip.

20 Q. Okay. One other question
21 about your position in the mantrip,
22 and you had said you're on the inby
23 side facing inby and what position
24 were you in as far as, were you over
25 against the solid side of the

1 mantrip? Were you on the open end?

2 A. If I'm not mistaken, Denver
3 Anderson was sitting on my left. He
4 was the first one in the trip.

5 Q. He was against the solid
6 steel?

7 A. Yeah, he was facing like I
8 was, the same direction I was at.
9 And I think Randy Helmick was setting
10 right beside me. He was the guy that
11 --- me and him roof bolted together.

12 And I was sitting there and Joe
13 Ryan, if I'm not mistaken, was
14 sitting on my right side.

15 Q. And he was the last --- next
16 to the outside of the mantrip?

17 A. Yeah, he was next ---.

18 Q. Right next to the door?

19 A. And then on the other seat
20 facing us on the other seat, I think
21 it was Gary Carpenter was on the
22 inside and Eric Hess and then Roger
23 Perry was on the outside. I think
24 --- I'm pretty sure that's how
25 seating was.

1 Q. Okay. And whenever Mr. Perry
2 sat down after throwing the switch
3 that is when you felt the rush of
4 air?

5 A. Yeah. Like I said, we were
6 just sitting there talking and stuff
7 and just all of a sudden something
8 just hit and just instantly you was
9 completely blinded, you couldn't ---
10 you couldn't see, heard --- just
11 heard a big roar. And I'm not sure
12 how long it lasted, just felt like it
13 kept blowing and blowing, and then
14 I'm not sure how long it lasted. It
15 didn't seem like it was going to
16 quit.

17 Q. Yeah. Did you feel any heat?

18 A. Yeah, after. Like I said,
19 when it first happened for the first
20 couple seconds I thought we had a ---
21 you know, I worked in pillar lines
22 and they had --- you know, a pillar
23 line, it will fall and stuff and
24 you'll have a big rush of air when it
25 falls like that. And that it wasn't

1 nothing like that, but for the first
2 couple seconds I thought we had a
3 roof fall right in front of the
4 mantrip. But then, you know, when it
5 didn't quit and then after a few
6 seconds, we felt the heat come
7 across.

8 Q. Okay. And what was the
9 intensity of the heat? Could you
10 describe it in some fashion?

11 A. I mean, it wasn't nothing
12 that, I mean, would burn you or
13 anything like that, but you could
14 definitely tell there was heat coming
15 off of it. It was like a few seconds
16 you felt air hitting and then blowing
17 across you real hard and then you was
18 just --- you felt the heat come over.

19 Q. Okay. And with the heat, was
20 also the --- the air was continuing
21 to rush across you?

22 A. Yes.

23 Q. What about smoke?

24 A. Well, like I said, I'm not
25 real --- you couldn't breath or

1 anything. I threw my shirt, coat
2 or something up over my face like
3 most of us did until we got out of
4 the mantrip. And I probably didn't
5 say a while ago that I put my rescuer
6 on after we tried to get over into
7 the intake stuff and after I got over
8 in the intake, I could halfway see
9 and stuff, I put my rescuer on.

10 Q. Okay. So you didn't smell any
11 smoke or what did it smell like, put
12 it that way?

13 A. Well, actually I was trying to
14 hold my nose.

15 Q. Okay. All right. And of
16 course you said all the dust, but you
17 said you heard something. What did
18 you say you heard?

19 A. You mean when it first went
20 off?

21 Q. Yes.

22 A. Just sounded like a big roar
23 and it just --- I guess, the sound of
24 air coming across us.

25 Q. Did you see any flame at all

1 or anything?

2 A. No. I didn't see anything,
3 but like I said, as soon as the dust
4 come in, I shut my eyes as tight as I
5 could and throwed my arms up over top
6 of my head, but I know that when it
7 did finally stop, my glasses was
8 pushed out like this and they was
9 completely full of dust and dirt and
10 everything, completely full in
11 between my glasses and eyes. And it
12 just completely covered us up.

13 Q. And pushed your glasses down,
14 further down on the end of your nose,
15 so to speak?

16 A. Yeah. Well, I didn't --- like
17 I said, I didn't lose mine because I
18 had my arms up over my head.

19 Q. And you didn't lose your hat?

20 A. Yeah, my hat, I lost it, but
21 my light kept it. You know, I got it
22 back on and several of them had lost
23 their hats completely in there.

24 Q. And your light was still on?

25 A. Yeah, my light stayed on my

1 hat.

2 Q. Did you ever feel a second
3 rush of air?

4 A. No. It just --- after it
5 finally --- like I said, it took ---
6 I'm not sure how long it took for it
7 to blow like that, but at the time, I
8 didn't think --- it didn't seem like
9 it was ever going to stop.

10 Q. Okay. Were you still in your
11 seat or did it blow you off the seat
12 or anything?

13 A. Well, I ended up --- when it
14 finally stopped blowing, I don't
15 exactly know how I ended up there,
16 but I was on the floor of the mantrip
17 and about from my waist up, I was
18 hanging out of the mantrip.

19 Q. Okay.

20 A. I think Joe who sat beside me
21 and I think he said he has his feet,
22 or one of his foot, feet on my back
23 and the other against Roger's chest
24 or something like that's what he told
25 me.

1 Q. Was there anyone injured? I
2 mean, at that time, was there anyone
3 saying that they were injured or
4 anything like that?

5 A. No. I think Owie was
6 hollering, asking if anybody --- if
7 anybody was hurt or anything like
8 this. But I think --- like I said,
9 the worst of it, Roger was --- he
10 couldn't see anything because it got
11 in his eyes and stuff.

12 Q. Detectors, do you remember any
13 detectors going off, beeping or
14 anything like that?

15 A. I'm not sure about that,
16 except I had a --- I had a spotter
17 but I put it in my dinner bucket to
18 carry in and out of the mines with
19 me. I grabbed for my dinner bucket
20 and everything, I couldn't find
21 anything on the mantrip. But like I
22 said, you couldn't even see anything
23 or see if anything was there.

24 Q. So you didn't hear any
25 detectors going into alarm or

1 anything?

2 A. Well, I know when we was on
3 --- when we started on down in,
4 Owie's, I think, was beeping and
5 stuff there. But that was later.
6 Now, it could have went off right
7 there, but like I said, I'm not sure,
8 everybody was --- it was a pretty
9 panicked situation and everybody was
10 trying to --- trying to get out of
11 there, you know.

12 Q. Okay.

13 A. It could have been going off,
14 like I said, but I couldn't really
15 say for sure.

16 Q. All right. Did anyone attempt
17 to make any calls or did you --- at
18 the point there? When this occurred,
19 immediately after, did anyone attempt
20 any calls or did anyone call you?

21 A. What do you mean, call me?

22 Q. The One Left crew. I mean,
23 did you hear anyone trying to make a
24 phone call or ---?

25 A. Well, like I said, when we got

1 out of the mantrip, I'm not sure, but
2 I know Owie was trying to get to a
3 phone when we was going down and
4 stuff --- going up, going out the
5 intake and stuff, he was trying to go
6 to a phone and he did get to one
7 there somewhere.

8 Q. Okay. And what was that
9 conversation?

10 A. Oh, I wasn't --- I wasn't
11 there right there beside him so I'm
12 not sure. Like I said, me and a
13 couple other guys spent our time
14 helping Hoy get out.

15 Q. Okay. Whenever you --- okay,
16 you're hanging out of the mantrip and
17 then kind of pick it up from there,
18 then what occurred?

19 A. Like I said, I remember the
20 blow and I remember Roger was
21 hollering the mine's blowing up.

22 Q. That would be Roger?

23 A. Perry.

24 Q. Perry. Okay. Go ahead.

25 A. And like I said, everybody was

1 trying to get together and stuff and
2 we all kind of --- like I said, it
3 just hit us. You know, we didn't
4 really know what happened.

5 Q. Okay.

6 A. Knew something was blowed up.
7 We didn't have any idea what or
8 anything. We was all trying ---
9 stumbling out of the mantrip and I
10 think a couple of them was --- got
11 behind the mantrip, was trying to get
12 their rescuers on right there and
13 stuff.

14 We was trying to --- I got to
15 the back of the mantrip, I felt
16 around, I found a rail behind it, so
17 held onto it there for a second. I
18 stood with my foot on it so I knew
19 where it was at for right then.
20 Somebody was hollering that everybody
21 needs to stick together, you know.
22 We was trying to get a head count and
23 stuff.

24 Q. Did someone kind of take
25 charge at all?

1 A. Yeah. I mean, I'm not
2 positive. I mean, I don't know if it
3 was Owie or somebody, but somebody
4 asked --- I think it was Owie, but
5 somebody --- you know, is anybody
6 hurt, you know, anybody hurt?

7 Q. Okay. And then did you put
8 your self-rescuer on?

9 A. I didn't right then. I waited
10 until I got over into the intake
11 there.

12 Q. Okay. Did some put their
13 self-rescuers on at the mantrip?

14 A. Yeah. I'm pretty sure they
15 did. At least somebody said they was
16 trying to. You couldn't see anything
17 there.

18 Q. Okay.

19 A. I know a couple of them had
20 went to the door and I remember
21 someone said they got ahold of the
22 man door and said it was hot. So we
23 didn't try to go through right there.
24 But I didn't --- I don't know how far
25 we made it, you know, how many blocks

1 we went or anything on the track and
2 stuff like that, but I know there was
3 debris on the track. I do know where
4 we crossed over into the intake,
5 there was blocks and everything out
6 on the track, was blowed out on them.

7 Q. Okay. And you put your
8 rescuer on after you got to the
9 intake, I believe you said?

10 A. Yeah. As soon as we got by
11 there and got out.

12 Q. And why did you wait until
13 then? Or just kind of explain that
14 to me.

15 A. Well, I never --- should have
16 put it on, but like I said, it was
17 just a pretty panicked situation. We
18 was --- we was hoping to get to fresh
19 air when we got to the intake. But
20 you know but by the time we got over
21 in there and stuff there was still a
22 lot of dust and everything over there
23 and stuff so I put mine on then.

24 Q. Did you say you should have
25 put it on?

1 A. Yeah, I should have put it on
2 as soon as it happened.

3 Q. And why was that?

4 A. Well, that's what you're
5 supposed to do.

6 Q. Okay. When you put your
7 self-rescuer on, did you have any
8 problems putting it on or ---?

9 A. No. Didn't have any problems
10 at all putting it on.

11 Q. Did it activate properly?

12 A. Yeah.

13 Q. And did you have any problems
14 breathing or getting it started?

15 A. No, no problems at all with
16 it.

17 Q. Did anyone else have any
18 problems getting it started or
19 problems putting it on?

20 A. No, I don't think anybody that
21 put them on had any trouble putting
22 them on, but I'm not sure whether
23 Hoy's was working completely or not,
24 but I don't if it was that or just
25 --- he was, you know, pretty panicked

1 and stuff. I know he had said he had
2 a cold and stuff and he didn't have
3 his air and stuff like that. But I
4 don't know whether his was working
5 completely or not. But we was trying
6 to get him up and stuff. I took my
7 mouth piece out and let him take, you
8 know, deep breaths so he could take
9 some air and stuff out of mine and
10 stuff because he said he wasn't sure
11 that his was working or not. But I'm
12 thinking it may have just been him.

13 Q. And did he ever get it started
14 or was he ever able to breathe?

15 A. I'm not sure. Like I said, I
16 was just taking mine and I was giving
17 him breaths out of mine and stuff
18 like that every few times and stuff
19 there.

20 Q. Okay. Was that --- when you
21 were doing that, was that during your
22 travel ---?

23 A. That was just ---.

24 Q. Just the one time?

25 A. Yeah. Well, maybe a couple

1 times or something when he got up
2 against the rib and stuff like that.
3 But like I said, there were several
4 times he just kind of give up and
5 stuff. I don't know what it was, but
6 he was just actually just trying to
7 do anything to get him back up on his
8 feet, is what he was doing.

9 Q. Whenever you left the mantrip
10 then, there was people out ahead of
11 you, you had mentioned and they were
12 checking the stoppings.

13 A. Yeah.

14 Q. Who was that, do you recall?

15 A. I know Roger and Joe and
16 Alton. I know Ron Grall and Paul,
17 they was all out ahead of us.

18 Q. And that would have been Paul
19 Avington?

20 A. Yeah.

21 Q. Okay.

22 A. Like I said, Owie was running
23 back and forth there trying to keep
24 track of everybody and he was, you
25 know, trying to get to a phone

1 somewhere. I know he was back and
2 forth a lot.

3 Q. Okay. The SCSR, when did you
4 remove it or how long did you keep it
5 on?

6 A. Excuse me?

7 Q. How long did you keep your
8 rescuer on?

9 A. I left it --- when I put it
10 on, I left it on until I get outside.

11 Q. Okay. Other than helping Mr.
12 Hoy (sic), whenever you let him
13 breathe yours, ---?

14 A. Yeah, I just --- like I said,
15 I was doing that. Like I said, I'm
16 not sure whether his was working. I
17 think it was working but I think it
18 was just --- like I said, I was just
19 trying to do anything to --- he was
20 having a rough time getting back on
21 his feet.

22 Q. So basically it performed as
23 it was expected to perform or to your
24 satisfaction?

25 A. Oh, yeah. Oh yeah. Mine

1 worked very good.

2 Q. So once you got in the intake
3 and then you traveled in the outby
4 direction in the intake, okay, and
5 kind of take it from there. You got
6 up to the --- well, I'll let you tell
7 me?

8 A. Well, like I said, I don't
9 know exactly how many blocks or what
10 stopping we come out. I'm not sure.
11 I know we come up some --- they was
12 up ahead of us a few blocks and stuff
13 and someone yelled that there was a
14 trip coming in. They could hear it
15 or something. And we got up to there
16 and like I said, we was kind of
17 lagging behind the rest of them a
18 little bit.

19 Q. And who was through the
20 mantrip first?

21 A. I'm not sure. Like I said, we
22 was in behind. I'm not sure who got
23 to it first.

24 Q. When you got to the --- who
25 was operating the mantrip?

1 A. I'm not --- I couldn't really
2 say that for sure.

3 Q. Okay. When it arrived there,
4 when you got there, do you know if it
5 came from inby or did it come from
6 outby?

7 A. Well, it had to come from
8 outby there.

9 Q. Okay. And you're not sure who
10 was operating it?

11 A. No, I'm not sure.

12 Q. What other conversations do
13 you recall that may have occurred at
14 the mantrip?

15 A. I can't really recall
16 anything. Like I said, everybody was
17 just --- you know, we was just trying
18 to get in, to get in the trip and
19 stuff and get outside.

20 Q. Okay. Do you recall any
21 telephone conversations that may have
22 occurred at that time?

23 A. I couldn't say really if there
24 was any or not because like I said,
25 we was -- we was just all concerned

1 with getting outside.

2 Q. Okay. After you got in the
3 mantrip then and you --- who drove
4 the mantrip out? Who took you, all
5 you guys, out?

6 A. I'm not even sure. I was
7 sitting in the outby end going out.
8 I'm not sure who was operating it.

9 Q. When you got to the surface
10 then, who was on the surface down in
11 the pit to meet you or --- when you
12 arrived? Anyone?

13 A. I'm not even sure about like
14 --- like I said, everything --- I
15 wasn't really paying much attention
16 and stuff like that. Everybody ---
17 we just trying to get out of the
18 mantrip. You know, like I said, some
19 of the guys, they needed some air,
20 you know, and stuff like that. And
21 we was --- several guys on the crew,
22 you know, they were getting up a
23 little bit of age and stuff on them,
24 we were just, you know, kind of more
25 worried about them and stuff. We was

1 just getting in to the top of hill
2 and everything. I do remember Hoy
3 --- they went out, they went up ---
4 to get him to the top of the hill and
5 stuff, they went up and got the ---
6 they got a truck and come back and
7 got him.

8 Q. All right. Is that when you
9 removed your SCSR?

10 A. Yeah, after I got outside.

11 Q. After you got outside. Okay.
12 Did you talk to anyone on the way out
13 or did you hear or speak to anyone or
14 anything?

15 A. No. I just --- no, I didn't
16 really. Like I said, we had the
17 rescuers on until we got outside and
18 stuff and when we got out there,
19 everybody was just trying to get
20 everybody at the top of the hill.
21 And at that point there, did you hear
22 anyone other than Mr. Hoy that had
23 trouble with the SCSR at all?

24 Q. No. Like I said, I'm not sure
25 that he actually even had any trouble

1 with his. Like I said, he just kind
2 of --- I know that the bag was out on
3 his and everything like that. I
4 mean, it looked like it was working.

5 I mean --- but you know, like I
6 said, he was just --- he was panicked
7 pretty bad and he --- I mean, he told
8 us just leave him in there. I mean,
9 he was just kind of
10 --- almost out of his head a little
11 bit I guess. Like I said, I was just
12 giving him, offered him air out of
13 mine just for something more or less
14 just trying --- trying to get him
15 back on his feet so he could get out
16 of there.

17 Q. Okay. Then did you walk up to
18 the surface --- from the pit?

19 A. Yeah.

20 Q. Well, you were on the surface.
21 Did you walk from the pit up to the
22 lamp house then?

23 A. Yes.

24 Q. And when you got up there
25 then, did you go in the lamp house?

1 A. Yeah. We went in and I
2 remember someone, I'm not sure who it
3 was, but they was handing out a tab
4 of paper and stuff and everybody to
5 write their name and everything and
6 make --- they said make sure we tall
7 tag out and everything. And make ---
8 they wanted everybody that came
9 outside to make sure that we signed
10 the paper and stuff there.

11 Q. Did you speak to the
12 dispatcher at all when you were ---
13 when you arrived on the surface?

14 A. I don't really recall whether
15 I did or not.

16 Q. Okay. I mean, what was going
17 on there in the lamp house whenever
18 you arrived up there?

19 A. Well, I was kind of --- I'm
20 not even sure who it was, but Denver
21 he was having a little bit of trouble
22 and stuff. Like I said, we was kind
23 of concerned with several of the guys
24 and stuff.

25 Q. Sure.

1 A. Everybody was trying to look
2 out for them and see what --- get
3 what they needed and what all. And
4 after we left out of the lamp house
5 and over into the --- where we got
6 dressed and stuff.

7 Q. Well, did anyone talk to you
8 about what you thought might have
9 happened or any conversation to that
10 or did anybody sort of debrief you
11 and kind of review with you what went
12 on?

13 A. Well, I couldn't really
14 recall. I mean, I know that when we
15 got outside, I'm not even sure --- I
16 know somebody come around and they'd
17 ask us if anybody was hurt and this
18 and that and everything. Anybody
19 needed anything or anything like
20 this. But we was all more concerned
21 and stuff. We was trying to find out
22 where the rest of the guys was.

23 Q. Were there any attempts to
24 contact the Two Left crew at all?

25 A. Well, after we got outside, I

1 remember when we was sitting outside,
2 there was somebody on the phone
3 almost just every couple minutes was
4 yelling on the phone and stuff for
5 the other crew.

6 Q. Going back to underground, was
7 there any discussion or --- I know it
8 was pretty chaotic at that time, but
9 any discussion about using the
10 mantrip to come back outside?

11 A. Excuse me?

12 Q. The mantrip that you went in
13 on at the One Left switch, was there
14 any discussions about possibly using
15 that mantrip to come outside or you
16 just ---?

17 A. No. We didn't really --- I
18 mean, I never had any conversation
19 about them and I'm not sure whether
20 anybody else did or not. Ours
21 couldn't have --- the track was
22 blocked and stuff in behind us. We
23 couldn't have got it out anyway.

24 Q. Okay. Back to the surface
25 there. Did anyone give you any

1 assigned duties or ask you to go
2 maybe make some checks down in the
3 pit for CO or anything like that or
4 did anybody assign you any duties at
5 all?

6 A. No. When I got outside and
7 stuff, some of us we was using ---
8 people had them and stuff, guys just
9 had them, had cell phones and stuff,
10 we was --- you know, we got them and
11 was using them and stuff calling our
12 houses and stuff ---

13 Q. Sure.

14 A. --- because we knew, you know,
15 things were going to hit the scanners
16 and stuff real quick and stuff like
17 that. I know the rescue teams and
18 stuff was --- we was setting tables.
19 It's like a two-part bathhouse, the
20 part we get dressed in and stuff, we
21 went ahead, we set tables up and
22 stuff like that for them guys to come
23 in to put their equipment and
24 everything set up. And they was ---
25 anything that was in the way in other

1 part of it, stuff there, was --- you
2 know, anybody --- people's families
3 and stuff that was coming in there
4 and stuff. They had them come in and
5 stay on the other side out away from
6 the rescue teams so no one was ---
7 trying to keep everybody, you know,
8 out of everybody's way and stuff.

9 Q. Okay. And so you were not
10 assigned any duties or anything like
11 that, other than that? I mean, to
12 make any examinations or test for CO
13 down in the pit or anything?

14 A. No. Now, whether anybody else
15 was, I don't know. I mean, myself
16 ---.

17 Q. But you weren't?

18 A. Myself, I wasn't.

19 Q. Then after you did --- the
20 medical people, did they examine you
21 or check you out or anything?

22 A. Yeah. Soon as they got there,
23 everybody that come outside, at least
24 all of them that were standing around
25 me and stuff, they was checking

1 everybody and stuff. They --- well,
2 I'm not sure who got oxygen. I know
3 they kept offering, come around, you
4 know, they was trying to get it to us
5 and stuff. I know they checked ---
6 was taking your pulse and then I
7 guess sticking that other thing on
8 your finger or something. I'm not
9 sure what all they was checking for
10 really.

11 Q. Okay.

12 A. They was in there the whole
13 time. They just kept going --- the
14 whole time that we was there, they
15 was --- some of them going around and
16 they kept checking on us and what
17 not.

18 Q. Then after you set these
19 tables up and then what happened?

20 A. Everybody was just --- you
21 know, just waiting around and stuff
22 trying to --- trying to find out
23 where the other guys was at.

24 Q. Okay. And then you left the
25 mine property at some point?

1 A. Yeah. I'm not sure exact time
2 on it. I'm thinking somewhere around
3 noon or something, but I'm just
4 guessing there. But I guess they
5 thought the levels was getting too
6 high and stuff there coming out of
7 the return down there, so they wanted
8 everybody off of the property, except
9 the ones that had to stay there.

10 So we left --- we left and
11 went up to where we've had classes
12 and stuff before up at the cleaning
13 plant up the road a few miles. We
14 stayed there and stuff and like I
15 said, somebody came around every so
16 often and stuff just trying to let us
17 know what was going on.

18 MR. SWENTOSKY:

19 Brian, do you have
20 anything at this point?

21 BY MR. MILLS:

22 Q. Mr. Rowan, are you a certified
23 underground coal miner in the State
24 of West Virginia?

25 A. Oh, yes, sir.

1 Q. Do you carry a hand-held radio
2 with you?

3 A. Hand-held radio? No.

4 Q. You talked a little bit about
5 Owen Jones trying to communicate.
6 Was that on the trolley phone, mine
7 phone or hand-held?

8 A. I'm know he was trying to ---
9 trying to get to another phone and
10 stuff. You know, I know that he did
11 get to a phone somewhere. I'm not
12 sure exactly where it was at, but
13 somewhere along the way walking out
14 and stuff, he got to a phone.

15 Q. A mine phone?

16 A. I'm not sure whether, you
17 know, they tried on any other system
18 or not. I couldn't really say.

19 Q. Would that have been a mine
20 phone he was trying to get to?

21 A. Yeah.

22 Q. Not a trolley phone on the
23 mantrip or ---?

24 A. Like I said, you know, he
25 possibly could have been --- tried on

1 it, I'm not real sure about it. I
2 couldn't really say.

3 Q. You mentioned you let Mr.
4 Keith take a few breaths of your ---?

5 A. Yeah.

6 Q. Did that seem to make him
7 better?

8 A. I don't really think it did.
9 Like I said, but actually all that
10 was, we was just trying to get him on
11 his feet and he just --- like I said,
12 he just told us to leave him in there
13 or someone come after him. But we
14 wasn't going to do that.

15 Q. Did he make any comments, man,
16 yours works a lot better than mine or
17 ---?

18 A. No. Like I said, I can't
19 really say his was working for sure,
20 but it looked like it was working.
21 But like I said, I couldn't really
22 say for sure. I was just trying to
23 --- you know, like I said, we was
24 just trying to do something to get
25 him on his feet and out of the mine.

1 MR. MILLS:

2 That's all for now,
3 Denny.

4 BY MR. SWENTOSKY:

5 Q. On the self-rescuer, you had
6 mentioned you didn't put the SCSR on
7 until you got to the intake and why
8 was that or why didn't you put it on
9 immediately?

10 A. Well, the first thing, you
11 know, we was trying to communicate
12 back and forth and stuff. We was
13 trying to get everybody out of the
14 trip and trying to get everybody
15 together and stuff there. You can't
16 talk with it on. There's just nothing
17 --- you don't have any way to
18 communicate once you put them in.

19 Q. Whenever you arrived on the
20 surface, did you need any medical
21 attention, such as --- like maybe
22 oxygen or anything like that?

23 A. No. No.

24 Q. Some of the others did?

25 A. Like I said, I'm not sure who

1 did, somebody said something about
2 it, but I know they kept coming
3 around offering oxygen to us and
4 stuff like that. I think --- I
5 wasn't positive, but I think that,
6 you know, they give it to them and
7 stuff. Like I said, you know, a lot
8 of them --- everybody there, it just
9 scared everybody.

10 Q. Have you needed any subsequent
11 medical attention since that, since
12 the accident? Have you needed
13 anything, attention, medical
14 attention because of that?

15 A. No. The only thing that I
16 just --- I've been having back
17 problems, my back comes out, the
18 lower part of it and stuff there. I
19 kind of throwed it back out a little
20 bit in there, but up 'til now, that's
21 just going back to the chiropractor a
22 few times, getting it straightened
23 out. I mean, I was having trouble
24 before that, so ---.

25 Q. Okay. Are you familiar with

1 the old Two, what they call the Old
2 Two Left area that's inby the seals?
3 I'm sure you know where those are by
4 now, ---

5 A. Yeah.

6 Q. --- the seals.

7 A. Well, actually no, I hadn't
8 --- hadn't really been up on that
9 section. It would have been a long
10 time since I've been --- I was down
11 on the One Left section. In other
12 words, probably ten blocks in between
13 the switches, you know, we always
14 just went to First Left and that was
15 our section. The other guys went to
16 --- up there to theirs. We didn't
17 really --- you know, we wasn't back
18 and forth on the sections ourselves
19 like that.

20 Q. Were you ever at the seals
21 after they were installed or ---?

22 A. No.

23 Q. Did you have any --- did you
24 have an opportunity to assist in
25 building those seals at any time?

1 A. No.

2 Q. You weren't up there whenever
3 they were being constructed or
4 anything?

5 A. No.

6 Q. Did you ever see the seals?

7 A. No. Like I said, I never much
8 went past our switch there. You
9 know, we stayed on our section and
10 stuff. I guess I probably could have
11 went up there and worked on them if I
12 wanted to work over on the weekends
13 or whenever they done it and stuff
14 but I didn't do it.

15 Q. Okay. And you've been at the
16 mine since around March of 2004?

17 A. Yeah.

18 Q. And I didn't quite understand
19 a moment ago. You say you did or did
20 not work up in the Old Two Left area
21 prior to going up to One Left?

22 A. I worked when they had the
23 super section up there.

24 Q. You've been ---?

25 A. Yeah, up past where the seals

1 --- up that area and stuff. I've
2 worked when they had their super
3 section. You know, they've done
4 swapped around and stuff and changed
5 crews and stuff like that.

6 Q. And that would have been the
7 mains, the mains area inby Two Left?

8 A. It would have been a long time
9 since ---.

10 Q. Yeah, I understand. But you
11 were up --- you did work up in the
12 mains?

13 A. Yeah.

14 Q. And that was prior to turning
15 the old Two Left off?

16 A. Uh-huh (yes).

17 Q. And you were not in the
18 section when they turned the Two Left
19 area off?

20 A. No.

21 Q. Okay.

22 A. No. Like I said, it was back
23 when they was just running, they had
24 what they called a super section up
25 there that they was running three

1 bolting machines on it.

2 Q. And you were a roof bolter up
3 in that area?

4 A. Yes.

5 Q. Okay. Do you recall seeing
6 any streaks on the roof prior to
7 drilling and installing roof bolts?
8 Streaks meaning anything unordinary
9 that you have seen up in that area?

10 A. What exactly do you mean,
11 streaks?

12 Q. Yeah, right. What do I mean?
13 Any type fossils or any --- like a
14 scar on the roof?

15 A. I don't recall any.

16 Q. Any fossil-type indications on
17 the roof at all?

18 A. You'd see fern, a little small
19 fern leaf something here and there
20 and stuff, but ---.

21 Q. But nothing that would look as
22 --- like two double lines with maybe
23 a little chipping in a straight line?

24 A. No, I don't recall seeing
25 anything like that.

1 Q. Do you know who may have done
2 any roof bolting up in the actual Two
3 --- old Two Left area? Do you recall
4 who might have done that, a roof
5 bolter operator?

6 A. You mean on the Two Left
7 section?

8 Q. The Old Two Left section, yes.

9 A. I'm not sure who all was ---
10 who exactly was --- I know Jesse
11 Jones and Dave was on the one bolter
12 up there I know.

13 Q. Have you ever --- and I know
14 you have done a lot of roof bolting
15 and that was your main job. But did
16 you ever have an opportunity to
17 construct Omega-type stoppings,
18 assist on stopping? I'm not talking
19 seals now, I'm talking about just
20 Omega stoppings.

21 A. Yeah, just build them out of
22 Omega blocks.

23 Q. You've done that?

24 A. Just regular stoppings.

25 Q. Yes. Not seals.

1 A. Yes, I've built regular
2 stopping. If something happened, you
3 know, like break down or something.

4 Q. Okay.

5 A. If something needs done.

6 Q. And you've used Omega blocks
7 for that?

8 A. Uh-huh (yes).

9 Q. Can you kind of describe to me
10 how those were built?

11 A. Just regular ---?

12 Q. Yeah, the stoppings, right.

13 A. Well, just stack them up and
14 get them as tight as you could using
15 the wedges and a lot of times, we'd
16 just take Omega blocks themselves and
17 you could take a saw and cut them,
18 really. A lot of times you'd just
19 take --- you just cut --- a lot of
20 times just cut wedges out of them and
21 use them instead of regular wedges.

22 Q. Use ---?

23 A. Tighten them down, you know,
24 as tight as you can and just use the
25 plaster and stuff either out of

1 buckets or just mix up out of the
2 bags and stuff there, seal them up
3 real good.

4 Q. You say you would tighten them
5 up with --- you would make wedges out
6 of the Omega blocks ---

7 A. Yeah.

8 Q. --- and then use ---?

9 A. A lot of times they would use
10 regular wooden wedges or something or
11 the space was a little bit big or
12 anything, instead of using the wooden
13 wedges, you know, we'd take the Omega
14 blocks and we could just cut them in
15 the shape of a wedge or something and
16 use them to take a lot of the space
17 you could.

18 Q. You dry stacked these blocks?

19 A. Yeah. And then after we, you
20 know, put them up like that, then
21 like I said, then you would mix up
22 the plaster and stuff, make sure you
23 got --- all the holes is sealed and
24 everything with --- and mix it up and
25 seal them up real good, make sure it

1 don't leak.

2 Q. Okay. Would you full face
3 plaster them when they were
4 completed?

5 A. Uh-huh (yes). Yep.

6 Q. On both sides or just one?

7 A. Sometimes depends on where it
8 was at and stuff, they would just do
9 lines and stuff on them. The one
10 side would be full faced and then the
11 other side, they'd seal the lines or
12 anything. Most times if I was doing
13 it, I just full faced both sides. It
14 was as about as easy, just covering
15 the whole block with it.

16 Q. Okay. When you would do just
17 one side full face, what side was
18 that?

19 A. Well, I said, the whole time I
20 was doing --- it was more of a job to
21 try to seal the seams and stuff.
22 Anytime I did them, I just done both
23 sides. Hadn't really done a lot of
24 them and stuff. Most times I was on
25 bolter and stuff. But like I said,

1 unless it just broke down for a long
2 time or something, and they'd have to
3 have stoppings built was about the
4 only time I was ever --- ever fooled
5 with them.

6 Q. Did you ever install concrete
7 block stopping or assist in that at
8 all?

9 A. Yeah, I've built them out of
10 concrete blocks, too.

11 Q. And how did you do --- how did
12 you do that?

13 A. Oh, it was basically the same
14 thing, stack them up and wedge them
15 down as tight as possible, seal them
16 up.

17 Q. And you used the B-Bond for
18 that, too, or BlocBond?

19 A. Yeah, most times we'd use that
20 fiberglass B-Bond or something to mix
21 it up and stuff.

22 Q. Would you full face coat those
23 also?

24 A. Yeah.

25 Q. Not just the seams, full face

1 them?

2 A. Any of them I ever done. Like
3 I said, it's just easier just to
4 cover the whole thing up with it.

5 Q. Belt hangers, have you ever
6 bolted those to the roof?

7 A. It's been a long time but I've
8 put them into the roof before. But
9 most of the time, the midnight crew
10 would go back there because back
11 there where they had to be put in and
12 stuff there, you'd be in buggies rows
13 and stuff back there like that. So
14 they're usually doing it on midnight
15 shift. We always just concerned
16 ourselves with bolting what was ---
17 what was down.

18 Q. Okay. But you have installed
19 some of them at different times?

20 A. Yeah. It's been a long time
21 since I've put them in but yeah, I
22 have. Like I said, if you break
23 down, you might --- and nobody was
24 running or nothing, you might go back
25 to bolt.

1 Q At Sago mine?

2 A. No. I don't think I have put
3 them in. I've put them in at Spruce
4 Mines over there, but I don't think I
5 have put them at Sago.

6 Q. Have you had an opportunity to
7 assist in installing belt, conveyor
8 belt, at all during your breakdowns?
9 When you had a breakdown or something
10 like that, did you assist in
11 installing belt?

12 A. No, not over there I haven't.

13 MR. SWENTOSKY:

14 Brian, do you have any?
15 Let's take a five-minute break
16 or so. Go off the record.

17 SHORT BREAK TAKEN

18 BY MR. SWENTOSKY:

19 Q. On the belt hangers, have you
20 ever seen like --- or does it occur
21 like equipment will run into hangers
22 when they're down, bend them or
23 anything like that?

24 A. Not unless they'd be low
25 enough for maybe a buggy or something

1 to catch or anything. I don't really
2 think there's anything in there low
3 enough for that to happen.

4 Q. So you've never seen that
5 happen?

6 A. Not at this mines. Now, I've
7 worked a lot of places with low coal
8 and stuff, you had that problem, but
9 not here.

10 Q. Okay. Thank you. When you
11 were up in the old Two Left --- well,
12 actually it wasn't the old Two Left
13 area, but the mains inby the seals,
14 when you were in that area, did you
15 encounter or do you recall any
16 additional methane problems or any
17 additional methane being liberated
18 during your work activity up there?

19 A. Very, very seldom we ever
20 picked any methane up. I mean, just
21 every once in a while there was some
22 but it never --- never hardly ever be
23 more than like two-tenths of one
24 percent or something like that. I
25 mean, you just --- them mines there,

1 we never really had hardly any
2 problem at all with methane and that.

3 Q. So the highest you got was
4 two-tenths?

5 A. Yeah. Maybe two, three-tenths
6 of one percent or something like that
7 is about the most you ever picked up
8 and that wasn't --- that was very
9 seldom.

10 Q. Okay. Do you recall anyone
11 ever talking about or maybe you knew
12 about cutting into any uncharted
13 boreholes, charted or uncharted
14 boreholes? Did you ever hear any
15 discussions to that effect?

16 A. Never heard anybody say
17 anything about it.

18 MR. SWENTOSKY:

19 Brian, did you have
20 anything else?

21 MR. MILLS:

22 I'm good.

23 BY MR. SWENTOSKY:

24 Q. I want to talk to you a little
25 bit about training. Do you recall

1 when the last annual retraining class
2 that you participated in?

3 A. Last Friday.

4 Q. Okay. At the Sago Mine?

5 A. I'm not sure what the date
6 was. I know they were always real
7 good about having them. You always
8 had them when you're supposed to and
9 everything like that.

10 Q. I mean, do you recall
11 participating in one, though?

12 A. Oh, yeah.

13 Q. You do. And do you recall
14 like approximately how long that
15 might have been?

16 A. I'm not sure how long. I know
17 they would give --- they had a thing
18 there since ICG took over, we've had
19 --- for a while and stuff there we'd
20 have meetings and stuff down at their
21 office once a month and stuff. They
22 take us in classes and discuss
23 different things, anything, you know,
24 concerning safety. They was wanting
25 our input on anything we could think

1 of to tell them or anything like
2 that. We've had several of those,
3 too, besides our regular classes
4 we're supposed to have.

5 Q. Okay. The eight-hour
6 retraining, I mean, you do recall
7 having that, ---

8 A. Oh, yeah.

9 Q. ---- participating in a
10 retraining class? Okay. Can you
11 give me kind of an estimate, how long
12 you think it might have been since
13 you had --- for the Sago Mine?

14 A. I couldn't really say. It's
15 been several months and stuff. I'm
16 not sure exactly what month it would
17 be.

18 Q. Okay. Can you describe those
19 training sessions a little bit. What
20 was covered during those training
21 sessions?

22 A. Well, they cover and make sure
23 you're --- you know, checking your
24 escapeways, your primary and
25 secondary escapeways and they explain

1 everything out and they ask if any
2 problems, and you know, anything
3 anybody had. And we discuss the roof
4 or --- you know, they give us about
5 laws and anything like that telling
6 us about it.

7 Q. Do you recall ---?

8 A. Just, you know, your normal
9 stuff they had at them and other
10 things, some of the stuff they'd go
11 over, you know, first-aid and stuff
12 like this.

13 Q. Do you recall who conducted
14 that training?

15 A. Let's see, I'm not --- I'm not
16 sure, but Johnny Stempler. I not
17 really sure exactly who did give the
18 last one.

19 Q. Well, whenever that training
20 was conducted, do you recall getting
21 a training slip from them that you
22 had to sign?

23 A. Yeah, we always get a training
24 slip when they have that type of
25 stuff.

1 Q. And you signed it and the
2 trainer signed it?

3 A. Yeah.

4 Q. And they give you a copy of
5 that?

6 A. Yes.

7 Q. Do you recall whether the mine
8 emergency, evacuation and
9 firefighting plan was discussed?

10 A. Well, they ---.

11 Q. The procedures --- oh, I'm
12 sorry.

13 A. Go ahead.

14 Q. The procedures that you would
15 use in case of a fire or explosion,
16 water inundation or a plan that's
17 called the firefighting --- emergency
18 evacuation and firefighting plan? Do
19 you recall that being discussed
20 during that training session?

21 A. Yeah. They --- like I said,
22 anything that you first were supposed
23 to discuss or anything like that on
24 that, you know, they gave you
25 procedures and, you know, stuff what

1 to do, you know, where to go and ---
2 you know, to get out and everything
3 like this. Like I said, in ours,
4 they were kind of normally and then
5 if you've got a explosion like that
6 or something, you expect it at the
7 face, you know, not clear back where
8 we was at.

9 Q. Okay. There's a responsible
10 person at the mine who directs the
11 evacuation procedures whenever an
12 explosion or a fire or inundation
13 occurs. Do you know who that
14 responsible person is?

15 A. Well, on a the section it
16 would be our boss and stuff.

17 Q. And so it would be the --- the
18 section foreman, you say that's the
19 person, that's the responsible
20 person?

21 A. Yeah, then they'd have
22 somebody at the phone and everything
23 taking care of that and then
24 everybody else would be around doing
25 their jobs, taking care of the

1 ventilation, everything like that if
2 you had something like that happen on
3 the section.

4 Q. Okay.

5 A. Everybody would get the rock
6 dust, fire hoses or whatever else you
7 need.

8 Q. Do you recall who --- during
9 your training session, anyone tell
10 you who the responsible person is to
11 conduct a complete evacuation of the
12 mine?

13 A. I know like the mechanic, the
14 electrician was the one that was
15 supposed to be at the fire and stuff
16 and then my job, you know, was taking
17 care of the ventilation and they had
18 --- they'd appointed other people and
19 stuff for taking care of the --- get
20 the dust or whatever needed to be
21 taken care of it in order to do
22 whatever you needed to do.

23 Q. Okay. Are you familiar with
24 the location of the mine emergency
25 materials such as the boards and

1 curtain and saws and hammers, nails?

2 A. We keep them up right close to
3 the section.

4 Q. Is there any other place in
5 the mine where you have that store of
6 materials?

7 A. They was --- some of that
8 stuff back --- I believe it was
9 around Four Head, there's somewhere
10 in that area in an intake system.

11 Q. Are you familiar with the
12 evacuation procedures in case of an
13 explosion or fire?

14 A. Yeah. I mean, get everybody
15 gathered up. I mean, like this, to
16 get a headcount on everybody and try
17 to take care of what --- if we could
18 contain it or not. I mean, if it was
19 enough that we couldn't, you know,
20 you have to evacuate. Like I said,
21 most of the stuff and everything is
22 for you expect something like that up
23 at the face, you know, not going in.

24 Q. Do you recall the --- during
25 your training session, someone or an

1 instructor explaining to you the
2 procedures to follow in case of an
3 explosion?

4 A. Well, evacuating them and
5 their escapeway and everything like
6 this.

7 Q. What about for barricading,
8 did anyone ever discuss to you about
9 barricading, when and --- when you
10 should and when you shouldn't
11 barricade and what the procedures
12 were?

13 A. Well, basically it was just
14 about what --- probably what the
15 other crew run into. I mean, the
16 fire and smoke --- well, the smoke
17 and stuff was behind them and they
18 couldn't --- if they couldn't get to
19 fresh air, can't get to fresh air and
20 stuff, I mean, that's what you're
21 supposed to do. It's what --- as a
22 last resort, go up and barricade.
23 Try to seal it off the best you can.

24 Q. And they've explained those
25 --- they, meaning the instructor, you

1 recall them explaining that to you?

2 A. Yes.

3 Q. When and where?

4 A. Like I said, as a last resort
5 if you can't get fresh air, it's what
6 you're supposed to do.

7 Q. Are you certified to take
8 methane and oxygen tests?

9 A. Yes, sir.

10 Q. And where and when were you
11 certified, do you recall?

12 A. I just had another one here
13 a month --- we always have ---
14 usually have them on our refresher
15 courses and stuff, annual training
16 stuff. I got --- well, I use a
17 spotter on my bolter all the time.

18 Q. For the Sago Mine, do you
19 recall when that was, when you were
20 certified and who did that?

21 A. I don't exactly recall but
22 that may have been --- probably was
23 Al Schoonover.

24 Q. But you don't recall when?

25 A. Not exactly when or anything

1 like this. I know we was, but as far
2 as time and date, I'm not very good.

3 Q. All right. Do you recall
4 about the hazards of carbon monoxide
5 being discussed?

6 A. Yeah, I mean, they discussed
7 that type of stuff with me. That's,
8 you know, what your self-rescuer and
9 everything is for.

10 Q. Were the escapeways part of
11 the training that you received also?

12 A. They always make sure you know
13 where your primary and secondary
14 escapeways are.

15 Q. And how is the primary marked?

16 A. Huh?

17 Q. How is the primary escapeway
18 marked?

19 A. Green markings.

20 Q. Green markings. What about
21 the alternate?

22 A. Red. Like I said, you know,
23 different mines are just different
24 escapeways.

25 Q. Did you ever participate in

1 any escapeway drills, meaning where
2 you traveled with, say, the section
3 foreman out of the section to the
4 surface?

5 A. Alternate escapeways?

6 Q. Yes.

7 A. I've done it down there before
8 and I'm not sure exactly when I did
9 it or anything like this. At other
10 mines, I've just --- working at
11 Sentinel Mines there, I just walked
12 to the secondary and went out on it
13 for about four, four and a half miles
14 there last Thursday.

15 Q. You did that at Sago Mine
16 though, while you were at Sago Mine
17 you walked out of the section?

18 A. Yeah. I did at Sago.

19 Q. And who would be ---.

20 A. When we first started at Sago
21 Mines, they never had the track ---
22 didn't have tracks set up or nothing
23 real good or anything there for quite
24 a while and stuff and we walked in
25 and out for quite a while until they

1 got stuff straightened out.

2 Q. Did you ever walk the --- you
3 and, say, the section foreman, did
4 you ever walk the primary escapeway
5 out of the Sago Mine as a drill or he
6 just ---?

7 A. Yeah, I did it before. Now
8 when --- I mean, it's been several
9 months probably, but I'm not sure
10 exactly when.

11 Q. Do you recall what section
12 that was that you traveled out to the
13 surface with him?

14 A. It's been since I was on First
15 Left up there.

16 Q. Okay. Did you ever --- did
17 you have any opportunity to
18 participate in fire drills on the
19 section while you were up there?

20 A. Yeah, there have been
21 occasions and stuff there, you go
22 across --- or go --- when we get to
23 the --- Owie usually wait 'til we get
24 up on the section to read the roof
25 control plan or part of it to us the

1 other day and stuff. But he usually
2 waits 'til we get inside and get ---
3 everybody just gathers at the power
4 center. After we get off the
5 mantrip, he reads the roof control
6 part of the plan to us and stuff.
7 Part of them, they'll discuss what
8 you're supposed to do on the fire
9 drill. And Al Schoonover outside
10 safety director and stuff, he's gone
11 over that stuff with us and
12 everything.

13 Q. Well, did you ever --- on the
14 section, did you ever have like a
15 simulated fire and someone would go
16 over with you on what you were
17 supposed to do or something else, or
18 did you ever do anything like that?

19 A. Yeah, we --- it's been a
20 while, but we did have a simulated up
21 there at one time. It's been a
22 while, though.

23 Q. Okay. The self-rescuer, did
24 you have --- do you recall having
25 training on the self-rescuer, on how

1 to don the self-rescuer, put it on?

2 A. We always had that. That's
3 just your normal training and stuff
4 anytime you have your refresher
5 courses or you know, anything, annual
6 training, whatever, you always ---.

7 Q. And while at the Sago Mine,
8 you had that training?

9 A. Oh, yeah.

10 Q. A couple times?

11 A. Yeah. Like I said, whenever
12 we --- down here, I mean, like I
13 said, they have other --- it's the
14 only mines I've ever worked at that
15 they actually had other classes you
16 went to and stuff there on safety and
17 stuff like this. We have them down
18 at the office, everybody come in.

19 Q. The SCSR training, how to don
20 that, how did they do that, or how
21 was --- how was that performed?

22 A. Well, they --- first they go
23 up there, you know, one of them would
24 sit in front of the --- in front of
25 everybody, you know, and show them,

1 go across everything and all the
2 stuff there. And a lot of times they
3 would have each person come up and
4 don it and do everything except for
5 put the mouthpiece in. You're
6 supposed to show them you was going
7 to put it in, which they didn't make
8 you put it in.

9 Q. Have they used a training
10 model for that one that you would
11 actually take apart?

12 A. Yeah, one that was all --- you
13 know, they kind of stick it back
14 together.

15 Q. And you did that?

16 A. Yes.

17 Q. Was first-aid training covered
18 as part of the training?

19 A. Yeah. Most of the time they
20 have the first aid. They went over
21 the basics, basic stuff on it and
22 stuff, but no --- it's not quite as
23 much as what I've had before and
24 stuff there, but they go over your
25 basic things.

1 Q. On the SCSR, as part of that
2 training, were you told when you
3 should don your SCSR?

4 A. Yes.

5 Q. And what did they tell you?

6 A. Any time you encounter smoke
7 or you know, any kind of thing like
8 that. Like I said, I should have put
9 it on as soon as that happened there.
10 I mean, I know I should have, but I
11 didn't.

12 Q. And they --- during the
13 training, they covered the roof
14 control plan? I believe you did say
15 that?

16 A. Well, we with Owie, that's
17 just a normal thing. Every day we go
18 in, you have the roof --- he reads
19 part of the roof control plan to you.

20 Q. I mean, as part of our annual
21 retraining?

22 A. Oh, they go over everything on
23 it.

24 Q. Ventilation plan?

25 A. Uh-huh (yes). And as far as

1 the safety and stuff like this, like
2 I said, I've worked at several mines
3 and stuff, ICG and anybody down
4 there, I mean, it's not just one does
5 the safety, there's mine foreman,
6 your superintendent, anybody tell us
7 on the roof bolting stuff, and
8 anything whatsoever it needs, you
9 know, take your time, anything extra
10 it needs in the roof, you know, put
11 it in. You know, if we've got any
12 problems with anything at all, let
13 them know about it. If we need
14 anything at all, someone will go get
15 it for you.

16 Q. The training that you
17 received, do you feel it was
18 adequate?

19 A. Yes.

20 Q. Are there any other areas in
21 the training that you feel that
22 should be covered that maybe were not
23 covered during those training
24 sessions?

25 A. Uh-uh (no). No, not really.

1 It seemed like they covered about
2 everything that really should have
3 been.

4 Q. Do you recall instances where
5 ventilation changes were going to be
6 made and the operator reviewed those
7 with you?

8 A. Yeah. If they done
9 ventilation changes or anything, that
10 was always discussed. Al Schoonover,
11 they do that before we ever went
12 inside or anything like this. And
13 then Jeff Toler, and all of them
14 outside would tell you all that.

15 Q. Okay. Have you ever been
16 searched for smoking articles at the
17 Sago Mine?

18 A. Yes.

19 Q. And how did they do that?

20 A. Just, you know, check you and
21 pick your bucket up you or something
22 like that and have you move your
23 stuff around and pat your, check your
24 pockets, stuff like that.

25 Q. And how often do they do that?

1 A. I'm not sure how often they do
2 it and stuff. I have had it done
3 there. They're just checking
4 everyone. When they do it, they just
5 check everybody when they're ready to
6 go over the hill or something like
7 that.

8 Q. Have you ever observed anyone
9 smoking underground?

10 A. No.

11 Q. Have you ever found any
12 smoking articles underground?

13 A. No. If I did, I'd tell
14 somebody about it.

15 Q. That's good. Okay. Has
16 anyone offered you anything to --- or
17 made a promise to you in exchange for
18 your appearing here today?

19 A. No.

20 Q. Do you have anything else that
21 you would like to add or provide us
22 that may be relevant to the
23 investigation?

24 A. No, not really. The one thing
25 I have a question about is, about

1 this sounding device that they've got
2 out and stuff for like them guys
3 that's trapped in there and what
4 happened, I mean, that that wasn't
5 used.

6 Q. Well, I really can't --- I
7 can't tell you that right now because
8 I really don't ---.

9 A. I know you can only --- we was
10 always trained, you know, you pound
11 on the roof bolts and stuff, but I
12 mean, ---.

13 Q. I really can't tell you that
14 right now because I don't know. And
15 you know, certainly we'll be looking
16 into that and --- but at this point
17 here though, I don't really know so I
18 can't really tell you.

19 A. I know someone said there was
20 just one of them to cover for
21 everywhere. I mean, if that's the
22 case, then they may need them
23 scattered around a few more places so
24 they can get ahold of them.

25 Q. Sure. But I don't really know

1 the answer to those questions right
2 at this time. Anything else?

3 A. No.

4 Q. Sorry I can't give you an
5 answer.

6 A. I guess that's all.

7 MR. SWENTOSKY:

8 Okay. On behalf of
9 MSHA, I would like to thank
10 you for appearing here and
11 answering the questions today.
12 Your cooperation is very
13 important to the investigation
14 as we work to determine the
15 cause of the accident.

16 We ask that you not
17 discuss your testimony with
18 any person who may have
19 already been interviewed or
20 who may be interviewed in the
21 future. This will ensure that
22 we obtain everyone's
23 independent recollection of
24 the events surrounding the
25 accident. After questioning

1 other witnesses, we may call
2 you if we have any follow-up
3 questions that we feel we need
4 to ask.

5 If at any time you have
6 additional information
7 regarding the accident that
8 you would like to provide to
9 us, please contact us at the
10 contact information that we've
11 previously provided to you,
12 and that was the business
13 cards.

14 The Mine Act provides
15 certain protections to miners
16 who provide information to
17 MSHA, and as a result, are
18 treated adversely. If at any
19 time, you believe that you've
20 been treated unfairly because
21 of your cooperation in this
22 investigation, you should
23 immediately notify MSHA.

24 If you wish, you may
25 now go back over any answer

1 you have given during the
2 interview and you may also
3 make any statement that you
4 would like to make at this
5 time. Do you have anything
6 else, Mr. Rowan?

7 A. No. I just hope I, like I
8 said, give everything as close as I
9 could to it, because it's been a
10 while and I hope I didn't forget
11 anything.

12 MR. SWENTOSKY:

13 That's fine. You've
14 done very well. Thank you.
15 Again, I would to thank you
16 for your cooperation. Thank
17 you, Mr. Rowan.

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SWORN STATEMENT

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CONCLUDED AT 10:46 A.M.

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