

STATEMENT UNDER OATH  
OF  
ROGER LEE WORKMAN

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 Monday,  
March 27, 2006, at 3:24 p.m.

Any reproduction of this transcript  
is prohibited without authorization  
by the certifying agency.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

JAMES BROOKS CRAWFORD, ESQUIRE  
Mine Safety and Health Division  
U.S. Department of Labor  
Office of the Solicitor  
1100 Wilson Boulevard  
Suite 2211  
Arlington, VA 22209-2296

DENNIS J. SWENTOSKY  
Supv. MS&H Specialist (Ventilation)  
U.S. Department of Labor  
Mine Safety & Health Administration  
CMS&H, District Two  
Paintersville Road  
RR #1, Box 236  
Hunker, PA 15639

DAVE STUART  
1507 Stonehenge Road  
Charleston, WV 25214

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MICHAEL RUTLEDGE  
Safety Director  
West Virginia Office of Miners'  
Health, Safety & Training  
142 Industrial Drive  
Oak Hill, WV 25901

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS: ROGER LEE WORKMAN

INTRODUCTION 6 - 13

QUESTIONS

By Mr. Swentosky 14 - 26

By Mr. Rutledge 26 - 28

By Mr. Swentosky 28 - 30

CONCLUDING REMARKS 30 - 32

CERTIFICATE 33

EXHIBIT PAGE

PAGE

NUMBER      DESCRIPTION      IDENTIFIED

NONE OFFERED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 Crawford from the Solicitor's office and Mike Rutledge and Dave Stuart with the West Virginia Office of Miners' Health, Safety & Training.

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 Virginia Office of Miners' Health, Safety & Training to

1 gather information to  
2 determine the cause of the  
3 accident, and these interviews  
4 are an important part of that  
5 investigation.

6 At this time, the  
7 accident investigation team  
8 intends to interview a number  
9 of people to determine  
10 anything that may be relevant  
11 to the cause of the accident.  
12 After the investigation is  
13 completed, MSHA will issue a  
14 written report detailing the  
15 nature and causes of the  
16 accident. MSHA accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the  
20 cause of accidents can reduce  
21 their occurrence in the  
22 future. The information  
23 obtained through witness  
24 interviews is frequently  
25 included in these reports.

1           Your statement may also be  
2           used in other enforcement  
3           proceedings.

4                       I would like to thank  
5           you in advance for your  
6           appearance here today. We  
7           appreciate your assistance in  
8           this investigation.

9                       This interview with Mr.  
10          Roger Workman is being  
11          conducted under Section 103(a)  
12          of the Federal Mine Safety &  
13          Health Act of 1977 as part of  
14          an investigation by the Mine  
15          Safety & Health Administration  
16          and the West Virginia Office  
17          of Miners' Health, Safety &  
18          Training into the conditions,  
19          events and circumstances  
20          surrounding the fatalities  
21          that occurred at the Sago Mine  
22          owned by International Coal  
23          Group in Buckhannon, West  
24          Virginia, on January 2nd,  
25          2006. This interview is being



1           conducted at the U.S.  
2           Bankruptcy Court in  
3           Clarksburg, West Virginia on  
4           March 27th, 2006.

5                        Questioning will be  
6           conducted by representatives  
7           of MSHA and the Office of  
8           Miners' Health, Safety &  
9           Training. Mr. Workman, this  
10          interview will begin by me  
11          asking you a series of  
12          questions. If you do not  
13          understand a question, please  
14          ask me to rephrase it. Feel  
15          free at any time to clarify  
16          any statements that you make  
17          in response to the questions.  
18          After we have finished asking  
19          questions, you will also have  
20          an opportunity to make a  
21          statement and provide us with  
22          any other information that you  
23          believe may be important. If  
24          at any time after the  
25          interview you recall any

1 additional information that  
2 you believe may be useful in  
3 the investigation, please  
4 contact Richard Gates at the  
5 phone number and e-mail  
6 address that will be provided  
7 to you. Your statement is  
8 completely voluntary. You may  
9 refuse to answer any question  
10 and you may terminate the  
11 interview at any time. If you  
12 need a break for any reason,  
13 just let me know.

14 The court reporter will  
15 record your interview and will  
16 later produce a written  
17 transcript of the interview.  
18 Please try to respond to all  
19 questions verbally, since the  
20 court reporter cannot record  
21 nonverbal responses. Also,  
22 please try to keep your voice  
23 up. Copies of the transcripts  
24 will be available at a later  
25 date.

1                   If any part of your  
2                   statement is based not on your  
3                   own firsthand knowledge, but  
4                   on information that you  
5                   learned from someone else,  
6                   please let us know. Please  
7                   answer each question as fully  
8                   as you can, including any  
9                   information that you have  
10                  learned from someone else. We  
11                  may not ask the right question  
12                  to learn the information that  
13                  you have, so do not feel  
14                  limited by the precise  
15                  question asked. If you have  
16                  information about a subject  
17                  area of a question, please  
18                  provide us with that  
19                  information.

20                         At this time, Mr.  
21                         Rutledge, do you have anything  
22                         that you would like to add on  
23                         behalf of the Office of  
24                         Miner's Health, Safety &  
25                         Training?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. RUTLEDGE:

Mr. Workman, I have a quick statement for you. The West Virginia Office of Miners' Health, Safety & Training is conducting this interview session jointly with MSHA. We are in agreement with the procedures outlined by Mr. Swentosky here for the interviews that will be conducted today. However, the Director of the Miners' Health, Safety & Training reserves the right, if necessary, to call or subpoena witnesses or to require the production of any record, document, photograph or other relevant materials necessary to conduct this investigation.

We appreciate your being here. If you have any questions concerning the State part of this, you can use that

1 contact information there.

2 MR. SWENTOSKY:

3 Mr. Workman, are you  
4 aware that you may have a  
5 personal representative with  
6 you during the taking of this  
7 statement?

8 MR. WORKMAN:

9 Yeah, I was informed of  
10 that.

11 MR. SWENTOSKY:

12 Okay. And do you have  
13 a representative with you  
14 today?

15 MR. WORKMAN:

16 No.

17 MR. SWENTOSKY:

18 Okay. And do you have  
19 any questions regarding the  
20 manner in which the interview  
21 will be conducted at this  
22 time?

23 MR. WORKMAN:

24 No.

25 MR. SWENTOSKY:

1                                   Okay.    Could you swear  
2                                   in Mr. Workman, please?

3   -----  
4   ROGER LEE WORKMAN, HAVING FIRST BEEN  
5   DULY SWORN, TESTIFIED AS FOLLOWS:

6   -----  
7   BY MR. SWENTOSKY:

8   Q.           And could you provide us with  
9   your --- or state your name and spell  
10 your last name for us, please?

11 A.           My name is Roger Lee Workman.  
12 And my last name's spelled  
13 W-O-R-K-M-A-N.

14 Q.           And could you state your  
15 address and telephone number for us,  
16 please?

17 A.           I live at Route Three, Box  
18 241, Delbarton, West Virginia 25670,  
19 the ZIP Code.   Phone number is  
20 304-475-2922.

21 Q.           And are you appearing here  
22 today voluntarily?

23 A.           Yes, I am.

24 Q.           And how long have you worked  
25 for MSHA?

1       A.       I've worked for them  
2       approximately a year and a half, year  
3       and five months.

4       Q.       Okay. And how long have you  
5       worked at the Bridgeport field  
6       office?

7       A.       A year and five months.

8       Q.       Okay. And what is your  
9       present position?

10      A.       I'm a coal mine safety and  
11      health inspector.

12      Q.       Okay. And have you conducted  
13      inspections at the Sago Mine?

14      A.       I've helped on occasion.

15      Q.       Okay. And during the  
16      inspections at the Sago Mine, did you  
17      inspect the seal area at the old Two  
18      Left main seals?

19      A.       I visited one seal.

20      Q.       Okay. And can you just tell  
21      us about that visit? Do you know  
22      what day that was? Do you remember  
23      the date of that?

24      A.       I believe it was on the 1st of  
25      November as far as I recollect.

1 Q. Okay.

2 A. We were running noise on the  
3 Two Left section. And this mine is  
4 required to have the intake screened.  
5 And we noticed that the way the  
6 intake was coming, it wasn't being  
7 screened. So we proceeded down the  
8 intake to check it and came upon the  
9 seal crew. And the regular inspector  
10 had stopped there, you know, to talk  
11 to the guys building the seal. And  
12 he informed them that --- you know,  
13 about things he'd like to see on the  
14 seal to make sure it was built  
15 according to plan. And he talked to  
16 them about staggering the joints and  
17 using the proper amount of mortar,  
18 just making sure they sealed the top  
19 good. And you know, he was the  
20 regular inspector and I was kind of  
21 just watching. You know, I was  
22 training, so ---.

23 A. Uh-huh (yes).

24 Q. And it appeared, you know,  
25 they was using a good amount of



1 mortar. I assumed they were doing a  
2 fairly good job, to me. But as they  
3 built these seals, and that's the way  
4 I built them when I was doing this.  
5 You've got like normally about five  
6 guys and you've got two putting the  
7 blocks in, you usually got two  
8 plastering the walls as you build  
9 them up. So actually, if you're  
10 looking at them, you can only tell  
11 about the layer they're laying. I  
12 mean, that's just the way people do  
13 it.

14 Q. Okay. You said you were in  
15 training with the regular inspector?

16 A. Yes.

17 Q. And who was that regular  
18 inspector?

19 A. Marty Carver.

20 Q. Okay. And you said you went  
21 down to the --- followed the intake  
22 out and you came upon where they were  
23 building the seals?

24 A. Well, we was going --- they  
25 had a little trouble with, you know,

1 the roof falling between the bolts.  
2 And so we met up with the mine  
3 foreman and he explained to us the  
4 way the intake was going to be  
5 changed when the seals were in. So  
6 he showed us how the path was going  
7 to come and you know, the screening  
8 would be done. But when you're doing  
9 noise and dust, you're not supposed  
10 to get too far away from that section  
11 when you're doing that.

12 Q. Okay. Well, when you met up  
13 with the crew down there, do you  
14 remember how many people or workers  
15 were there?

16 A. I'm thinking there was five  
17 men and a boss, but I'm not right  
18 sure, you know.

19 Q. Okay.

20 A. That's just the best I can  
21 remember.

22 Q. Okay.

23 A. It's been - - - .

24 Q. And do you know how many seals  
25 were in place at that time?

1       A.       I believe it was --- I'm  
2       thinking they had four built and they  
3       were working on the fifth one. But  
4       I'm not --- you know, I'm not a  
5       hundred percent sure.

6       Q.       Okay.

7       A.       But I know I went to one seal.  
8       And I more or less just observed my  
9       regular inspector, what he was doing,  
10      you know.

11      A.       Sure.

12      Q.       And like I say, I was in  
13      training. And he took his time and  
14      explained to me, you know, that you  
15      had to build seals strong, you know,  
16      stay on your plan.

17      A.       Okay. And how far --- this  
18      seal that the men were working on,  
19      how far up was that seal; do you  
20      recall?

21      A.       I'm thinking it was probably  
22      about five layers up, five or six.

23      Q.       Okay.

24      A.       It wasn't, you know, maybe  
25      halfway up.

1 Q. Okay.

2 A. But you've got to remember,  
3 this is out of my memory, so things  
4 couldn't be a hundred --- you know,  
5 may not be a hundred percent correct.

6 Q. Okay. That's fine. I mean,  
7 just whatever you can recall. And do  
8 you recall the seal that you were  
9 observing was built up about, did you  
10 say five?

11 A. Well, maybe five.

12 Q. Five, six ---?

13 A. It wasn't ---.

14 Q. Okay. And at that time, was  
15 that seal straight across or had it  
16 been laid in like an angle where they  
17 went out maybe five blocks, as an  
18 example, and then the next layer was  
19 four blocks, then three blocks and so  
20 on? Was it set up at an angle or was  
21 it --- all the blocks were laid clear  
22 across at that time?

23 A. I'm telling you, I believe  
24 they was running up --- no. They  
25 might have been running two layers

1 across. I don't know. It's been  
2 four months and I really can't ---.

3 Q. Okay. All right.

4 A. But anyway, he explained to  
5 them about you lay one layer across  
6 that way, and then you have a  
7 straight line. And then as the next  
8 layer would come across, you'd sit it  
9 over and you'd switch it back and  
10 forth. You had to keep all your  
11 joints staggered, you know. He  
12 talked to them about not letting the  
13 joints line up with each other,  
14 because that'd create a weak spot in  
15 your seal.

16 Q. Okay. And do you recall the  
17 face of that particular seal? Had it  
18 been faced off yet or could you see  
19 the joints at that time?

20 A. Well, really couldn't see many  
21 joints, because they had a man on  
22 each side plastering as you go.  
23 Plastering's when you coat the  
24 outside wall.

25 Q. Yes. And they were coating

1 the outside wall as they went up? Is  
2 that what you're ---?

3 A. Yeah. But that's normally ---  
4 when I was building seals, that's how  
5 I'd normally do it, too.

6 Q. Okay.

7 A. I mean, that's just normal  
8 procedure.

9 Q. Okay. And the mortar that  
10 they were using, were they mixing it  
11 in a wheelbarrow? I mean, it was  
12 mixed mortar, it wasn't dried?

13 A. They had a guy there with a  
14 hoe. And he was mixing the cement  
15 that way.

16 Q. Okay. And he was mixing it  
17 with water and then taking it  
18 over ---?

19 A. Yeah.

20 Q. And applying it wet? And they  
21 were applying the mortar with what?

22 A. I'm thinking that they was  
23 using gloves, but I can't be for  
24 sure.

25 Q. Okay. And do you recall ---

1       you say Mr. Carver, and he used the  
2       plan to discuss that with them?

3       A.       Well, he may have, but I just  
4       don't remember. I know that he  
5       talked to them a little about  
6       following the plan.

7       Q.       Okay.

8       A.       But whether he pulled the plan  
9       out and talked to them or not, I'd be  
10      afraid to ---.

11      Q.       Okay. And Mr. Crumrine was  
12      there, also? You said the mine  
13      foreman?

14      A.       Well, he wasn't with us when  
15      we was talking to the men. We'd walk  
16      down through there and we was  
17      investigating the wire screen. And  
18      he came to a man door, you know, and  
19      then he showed us how it was supposed  
20      to go. But no, he wasn't there when  
21      we was talking to them.

22      Q.       Okay. And the rock dust in  
23      the area --- the area, was it rock  
24      dusted through there?

25      A.       It appeared to be rock dusted

1 fairly well, as far as I remember.

2 Q. Okay. Was there any methane  
3 checks made there at all during that  
4 period of time of your visit? Do you  
5 recall?

6 A. Well, we was on the intake, so  
7 I don't know if we would have made a  
8 check or not. I can't remember.

9 Q. Okay.

10 A. But I know we came across ---  
11 see, when you first arrive on the  
12 section, you come across and do your  
13 imminent danger run. And I know we  
14 done that. And that's when we  
15 noticed that the screen wasn't coming  
16 up the intake.

17 Q. Uh-huh (yes).

18 A. That's what led us down that  
19 way that morning, as far as I recall.

20 Q. Okay. And were there any  
21 cribs or anything built in front of  
22 those seals at all?

23 A. They didn't have them in front  
24 of the crib they was working on. I'm  
25 reasonably sure that they already had



1       them cribs built.

2       Q.       Okay.  But you don't recall  
3       whether they were or not?

4       A.       But I didn't go in behind any  
5       of those seals.

6       Q.       Okay.  But in the front side,  
7       the seals were already built?

8       A.       I don't --- I can't recall.

9       Q.       Okay.

10      A.       If there were, I just don't  
11      remember.

12      Q.       And the roof conditions  
13      through that area, do you recall what  
14      the roof conditions were like through  
15      that area?

16      A.       Well, that mine, you know, it  
17      had a little problem, that why they  
18      was having the roof screens.  But I  
19      just don't recall.

20      Q.       Okay.  And did you have any  
21      additional conversations with mine  
22      management during your visit to the  
23      seals?

24      A.       No, I don't believe so.  I'm  
25      sure we left the seals and I went

1 back and started doing my notes on  
2 the noise survey. Because, see, when  
3 you run a noise survey, you get up  
4 there when the guys are running the  
5 roof bolter. You take your meter up  
6 and see how much it goes up and down  
7 the scale, you know, to prepare what  
8 your reading comes out on the actual  
9 survey.

10 Q. Okay.

11 A. That's just something we're  
12 required to do.

13 Q. Okay. And were you involved  
14 in the rescue recovery operations at  
15 all?

16 A. No.

17 BY MR. RUTLEDGE:

18 Q. Was that your only visit to  
19 Sago Mine as an inspector?

20 A. Well, as far as I know, I was  
21 there two times that quarter.

22 Q. Okay.

23 A. And that's ---.

24 Q. Was that the first or second  
25 visit that we've just been talking

1 about?

2 A. I was there maybe --- and I  
3 don't think --- I think it was my  
4 only time in Two Left section. I'm  
5 not for sure that ---.

6 Q. Fair enough. You said to the  
7 best of your recollection, that was  
8 about the first of November?

9 A. Yeah.

10 Q. Okay. Did you take any air  
11 readings up around those seals  
12 anywhere?

13 A. No. I'm pretty sure I took an  
14 air reading right there in the last  
15 open crosscut for the section.

16 Q. Uh-huh (yes).

17 A. But I don't remember me taking  
18 any air readings. Marty may have. He  
19 was the regular inspector, you know.

20 Q. Did you take any notes that  
21 day?

22 A. Just a couple. You know, the  
23 trainees take notes and then you give  
24 them to the regular inspector, and  
25 then he decides which one he wants to

1 use and which one he don't.  
2 And so I don't know how many notes  
3 I'd have. But that's just the way  
4 you do it. He takes all his own  
5 notes, is what he does. And then we  
6 take notes and he keeps which one  
7 that he wants to use. And that's  
8 just normal procedure. Best I can  
9 tell, anyway. So I don't know how  
10 many notes I have in that day's  
11 notes.

12 MR. RUTLEDGE:

13 Okay. That's all I  
14 have. Thanks.

15 BY MR. SWENTOSKY:

16 Q. Okay. You had mentioned ---  
17 your past mining experience, prior to  
18 coming to MSHA, could you explain  
19 that to me a little bit?

20 A. Well, I worked 33 years in the  
21 mines.

22 Q. Okay.

23 A. I built seals and I've  
24 done ---.

25 Q. And what type of seals did you

1 build?

2 A. Well, I built that same type  
3 and I built seals, let's see, the  
4 concrete seal that you get in the  
5 ribs.

6 Q. Uh-huh (yes). And you had  
7 mentioned --- so you built Omega  
8 seals, too, as part of your previous  
9 mining experience?

10 A. I've built all kinds of seals.  
11 Yeah.

12 Q. Okay. And did it appear that  
13 they were building those seals in the  
14 same manner?

15 A. Well, to me, you know ---.

16 Q. Or was there a difference?

17 A. The only way we can really say  
18 a seal is built correctly, we'd have  
19 to be there when they start and watch  
20 them do the whole thing. I mean,  
21 once you plaster that wall, you can't  
22 see the joints. And then, if you  
23 don't watch them do the top --- I  
24 mean, how do I know whether they  
25 wedged it good and tight around

1       there?

2       Q.       Right.

3       A.       There's no way to know. So a  
4       person would have to be there from  
5       the start of the seals to the finish  
6       of them to be for sure of that.

7                       MR. SWENTOSKY:

8                       Okay. Do you have  
9                       anything else, Mike?

10                      MR. RUTLEDGE:

11                      No.

12                      MR. SWENTOSKY:

13                      On behalf of MSHA, I  
14                      would like to thank you for  
15                      appearing and answering  
16                      questions today. Your  
17                      cooperation is very important  
18                      to the investigation as we  
19                      work to determine the cause of  
20                      the accident. We ask that you  
21                      not discuss your testimony  
22                      with any person who may have  
23                      already been interviewed or  
24                      who may be interviewed in the  
25                      future. This will ensure that

1 we obtain everyone's  
2 independent recollection of  
3 the events surrounding the  
4 accident. After questioning  
5 other witnesses, we may call  
6 you if we have any follow-up  
7 questions that we feel that we  
8 need to ask you. If at any  
9 time you have additional  
10 information regarding the  
11 accident that you would like  
12 to provide to us, please  
13 contact us at the contact  
14 information that has been  
15 provided to you.

16 If you wish, you may  
17 now go back over any other ---  
18 any answer that you have given  
19 during your interview, and you  
20 may also make a statement if  
21 you would like to make one at  
22 this time.

23 A. One thing I'd like to say is I  
24 hope that we can come up with better  
25 ways to protect miners, you know. If

1       there's any way I can help you all,  
2       let me know.

3                               MR. SWENTOSKY:

4                               Okay. All right. We  
5       thank you, Mr. Workman, for  
6       coming in.

7

8

9

\* \* \* \* \*

10

SWORN STATEMENT

11

CONCLUDED AT 3:44 P.M.

12

\* \* \* \* \*

13

14

15

16

17

18

19

20

21

22

23

24

25