

01 EXAMINATION UNDER OATH
02 OF
03 ROGER BRYANT
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Friday, March 24, 2006, at 1:03
13 p.m.

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01 A P P E A R A N C E S

02

03 WILLIAM TUCKER

04 Assistant Inspector at Large

05 West Virginia Office of

06 Miners' Health, Safety & Training

07 142 Industrial Drive

08 Oak Hill, WV 25901

09

10 WILLIAM J. FRANCO, P.E.

11 Mining Engineer

12 Mine Safety and Health Administration

13 Pittsburgh Safety and Health

14 Technology Center

15 Ventilation Division

16 P.O. Box 18233

17 Cochran Mill Road

18 Pittsburgh, PA 15236

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01 A P P E A R A N C E S (continued)

02

03 DANIEL M. BARISH, ESQUIRE

04 U.S. Department of Labor

05 Office of the Regional Solicitor
06 1100 Wilson Boulevard
07 22nd Floor West
08 Arlington, VA 22119-2247

09

10 ALSO PRESENT:

11 RONALD W. STAHLHUT

12 CHARLIE POGUE

13 STEVE COX

14 MICHAEL FINNIE

15 BETH SPENCE

16

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01 I N D E X

02

03 WITNESS: ROGER BRYANT

04 QUESTIONS

05 by Mr. Francart 16 - 52

06 by Mr. Tucker 52 - 57

07 by Mr. Francart 66 - 75

08 CERTIFICATE 79

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01 EXHIBIT PAGE

02 PAGE

03 NUMBER DESCRIPTION IDENTIFIED

04 A Timeline 23

05 B 911 Dispatch Log 24

06 C Fax 69

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01 P R O C E E D I N G S

02 -----

03 MR. FRANCCART:

04 Good afternoon. My
05 name's Bill Francart, and I
06 represent the Mine Safety and
07 Health Administration, which
08 is an agency of the U.S.
09 Department of Labor. I'm a
10 member of MSHA's accident
11 investigation team charged

12 with the investigation of the
13 accident that occurred at
14 Aracoma Coal Company,
15 Incorporated, Aracoma Alma
16 Number One Mine on January
17 19th, 2006.

18 This is a joint
19 investigation that MSHA is
20 conducting with the State of
21 West Virginia. I'll be asking
22 the questions for MSHA in
23 today's interview. With me
24 here today are other members
25 of MSHA's team and the State's

7

01 team. MSHA's team includes
02 various specialists and
03 members of the Solicitor's
04 Office. At this time, we'd
05 like each one of the members
06 of MSHA's team to identify
07 themselves to you and for the
08 record.

09 ATTORNEY BARISH:

10 Hi, Mr. Bryant. My
11 name is Dan Barish. I'm an
12 attorney with the Solicitor's
13 Office representing MSHA. My
14 office is Arlington, Virginia.

15 MR. STAHLHUT:
16 Ron Stahlhut, MSHA of
17 Vincennes, Indiana.

18 MR. POGUE:
19 Charlie Pogue, MSHA,
20 Hunker, Pennsylvania.

21 MR. FINNIE:
22 Mike Finnie, MSHA,
23 Madisonville, Kentucky.

24 MR. FRANCCART:
25 And I work out of the

8

01 Pittsburgh, Pennsylvania
02 Office. Also here today
03 representing the State of West
04 Virginia, Mr. Bill Tucker to
05 my left, and he'll be asking
06 questions for the State. And
07 at this time, he has an
08 opening statement also.

09 MR. TUCKER:
10 Mr. Bryant, I just need
11 to read this statement for the
12 record. The West Virginia
13 Office of Miners' Health,
14 Safety & Training is
15 conducting this interview
16 session jointly with MSHA.

17 We're in agreement with the
18 procedures outlined by Mr.
19 Francart. However, let me
20 make it clear that the
21 Director reserves the right,
22 if necessary, to call or
23 subpoena witnesses, or require
24 the production of any record,
25 document, photograph or other

9

01 relevant materials necessary
02 to conduct this investigation.

03 Again, we appreciate
04 you coming in today, and my
05 name is Bill Tucker. I'm the
06 --- work out of the Oak Hill
07 Office, and that's in Region
08 Four for Miners' Health,
09 Safety & Training.

10 MR. COX:

11 Steve Cox, Region
12 Three, Danville, West
13 Virginia.

14 MS. SPENCE:

15 Beth Spence with the
16 Governor's Office.

17 MR. FRANCCART:

18 This investigation is
19 being conducted by MSHA and

20 the State of West Virginia to
21 gather information to
22 determine the cause of the
23 accident and to help prevent
24 this from happening in the
25 future. The interviews are an

10

01 important part of the
02 investigation.

03 After this
04 investigation is completed,
05 MSHA will issue a written
06 report detailing the nature
07 and causes of the accident.
08 MSHA accident reports are made
09 available to the public in
10 hope that greater awareness
11 about the causes of the
12 accidents can reduce their
13 occurrence in the future.

14 Information obtained through
15 witness interviews is
16 frequently included in these
17 reports. And your statement
18 may also be used for other
19 enforcement proceedings.

20 We thank you in advance
21 for your appearance here

22 today, and appreciate your
23 assistance in the
24 investigation.

25 The interview with

11

01 Roger Bryant is being
02 conducted under Section 103(a)
03 of the Federal Mine Safety &
04 Health Act of 1977 as part of
05 an investigation by the Mine
06 Safety and Health
07 Administration into the
08 conditions, events and
09 circumstances surrounding the
10 fatalities that occurred at
11 the Aracoma Alma Mine Number
12 One, located at Route 17
13 North, Bandmill Hollow Road,
14 Stollings, West Virginia,
15 25646.

16 This interview is being
17 conducted at the West Virginia
18 Department of Environmental
19 Protection, Division of Mining
20 and Reclamation, in Logan,
21 West Virginia on March 24th,
22 2006. The current time is
23 approximately 1:09 p.m.

24 Mr. Bryant, can I call

25 you Roger?

12

01 MR. BRYANT:

02 Yes, sir.

03 MR. FRANCCART:

04 Thank you. The
05 interview will begin by asking
06 you a series of questions.
07 Feel free at any time to
08 clarify any statements that
09 you make in response to those
10 questions. After we have
11 finished asking questions,
12 you'll have an opportunity to
13 make a statement and make any
14 clarifying statements that you
15 wish --- that you feel may be
16 important to the
17 investigation.

18 You are permitted to
19 have a representative with you
20 during the interview, and may
21 consult with your
22 representative at any time.
23 And you can designate any
24 person to be your
25 representative. Following

13

01 questions by MSHA and the
02 State, your representative
03 will be given the opportunity
04 to ask questions for purposes
05 of clarifications on areas
06 already discussed.

07 Your statement is
08 completely voluntary, and you
09 can refuse to answer any
10 question, and end your
11 interview at any time if you
12 wish. If you do not
13 understand a question, please
14 let me know, we'll try to
15 rephrase that question ---
16 clearly rephrase that to you.
17 And if you need a break for
18 any reason, let us know, and
19 we can take a break. We're
20 hoping we're not here that
21 long to have to ask for a
22 break, but if you do, like I
23 said, feel free.

24 You may request the
25 opportunity to make a

14

01 confidential statement if you
02 wish, which we will withhold
03 from the public to the extent

04 allowed by law. Should you
05 desire to give a confidential
06 statement, you should advise
07 us before we begin your
08 interview, so we can
09 reschedule your interview in
10 order to properly consider
11 your request. Would you
12 prefer to have a confidential
13 interview?

14 MR. BRYANT:

15 No, sir.

16 MR. FRANCAERT:

17 Thank you. We also
18 have a court reporter here
19 today, who will be recording
20 your interview and later
21 produce a written transcript
22 of the interview. We ask that
23 you state all your answers
24 verbally, because she's not
25 able to record gestures, such

15

01 as nodding your head or
02 shaking your head.

03 Neither the transcript
04 nor the contents will be
05 released to the public until

06 the MSHA investigation is
07 completed and the accident
08 report is released, or if
09 required by court order or if
10 public hearings on the
11 accidents are held.

12 If any part of your
13 statement is based not on your
14 own firsthand knowledge but on
15 information that you learned
16 from someone else, please let
17 us know that. Please answer
18 each question as fully as you
19 can, including any information
20 that you've learned from
21 someone else. We may not ask
22 the right questions to learn
23 all the information that you
24 know, so don't feel limited by
25 the precise questions that we

16

01 ask. If you have any
02 information about the subject
03 area of a question, please let
04 us know.

05 Do you have any
06 questions about the manner in
07 which the interview will be
08 conducted?

09 MR. BRYANT:

10 No, sir.

11 MR. FRANCCART:

12 Okay. At this time,
13 we'll ask the court reporter
14 to administer the oath.

15 -----

16 ROGER BRYANT, HAVING FIRST BEEN DULY
17 SWORN, TESTIFIED AS FOLLOWS:

18 -----

19 BY MR. FRANCCART:

20 Q. Could you please state your
21 full name, address and telephone
22 number for the record?

23 A [REDACTED]

[REDACTED]

05 Q. And could you please spell
06 your last name for the record?

07 A. Bryant, B-R-Y-A-N-T.

08 Q. Thank you. Are you appearing
09 voluntarily at this interview?

10 A. I am.

11 Q. Has anyone made any promises
12 to you for giving your statement or
13 offered you any rewards in exchange
14 for making a statement?

15 A. No, sir.

16 Q. Has anyone threatened you or
17 warned you not to provide a
18 statement?

19 A. No, sir.

20 Q. Do you understand that you may
21 refuse to answer any question or
22 terminate the interview at any time?

23 A. Yes, sir.

24 Q. Do you have a representative
25 with you today?

18

01 A. No, sir.

02 Q. Would you care to have one?

03 A. No, sir.

04 Q. Thank you. Roger, what
05 organization do you work for?

06 A. I'm the director of the Logan
07 County Office of Emergency
08 Management. I'm also the executive
09 director of the Logan County
10 Emergency Ambulance Service
11 Authority.

12 Q. And did you hold that position
13 on January 19th?

14 A. Yes, sir.

15 Q. And how long have you worked
16 in your current position?

17 A. Well, I've been the director
18 of the ambulance service for 26
19 years, I think. Since 1979. I was
20 the deputy director of the Logan
21 County Office of Emergency Services
22 since 1980, and in the past year and
23 a half, I've become the director.

24 Q. What are your responsibilities
25 in that position as far as emergency

19

01 management in the county?

02 A. Well, we're responsible for
03 the provision of the Office of
04 Emergency Management in the county,
05 which includes a whole host of
06 things. It does include the major
07 functions of emergency management,
08 which would be response, mitigation,
09 planning and operations. We do all
10 those functions. I might add that we
11 not only, you know, manage and plan
12 those things, but we have specialty
13 teams in the county which also
14 provide rescue services to the
15 county. Those being that we have a

16 hazardous materials technician level
17 team, which responds to hazardous
18 materials, incidents and biological
19 incidences.

20 We have a water rescue team,
21 which responds to all types of water
22 rescue. We have a search and rescue
23 team, which is responsible --- has a
24 contract with the sheriff's office in
25 regard to missing persons in the

20

01 county. We have a structural rescue
02 team, which involves highline rescue,
03 rope rescue, those kinds of rescues
04 that require rope and rigging those
05 kind of rescues. We have, of course,
06 the traditional fire brigades and
07 auto extrication teams, and pretty
08 much, you know, conventional kinds of
09 rescue. But we do do specialty
10 rescue as well.

11 Q. Do you have people that are
12 involved in mine rescue?

13 A. We don't have a mine rescue
14 team that's an official mine rescue
15 team. We do have some people on our
16 team that have been members of other
17 mine rescue teams in the past.

18 Q. Okay. Going back to January

19 19th, how did you first learn of the
20 fire at Aracoma Mine?

21 A. I guess it's as good a time as
22 any. I brought with me a timeline
23 activities log and the dispatch sheet
24 from the 911 center, which I'll give
25 you now, and you can follow along

21

01 with me, and I'll try to explain that
02 as best I can remember.

03 On that evening I was coming
04 back from --- I'm also on the board
05 of directors of Logan-Mingo Area
06 Mental Health. And I was coming from
07 a board of directors meeting from
08 Mingo County and was on 119 headed
09 back towards Logan. I'm not sure
10 exactly where I was, but I think I
11 was somewhere around Pries (phonetic)
12 Bottom, somewhere in that area. And
13 I got a call from Jimmy Gianato,
14 who's the state OES director. And he
15 basically asked me what was going on
16 in my county, and I said, well, I
17 don't know, I'm just coming back from
18 a mental health meeting, and nothing
19 that I know of, you know. Pagers
20 haven't gone off or any of that sort

21 of thing. And he said that --- he
22 said, yeah, I think you got a mine
23 incident going on at your county, and
24 so --- I said, well, hold on just a
25 second. So I got on the radio and I

22

01 contacted our dispatch center, which
02 is the 911 office, and asked them if
03 we had something going on, and they
04 said no, not that we know of. And he
05 had told me that he thought it was
06 Aracoma Coal. So I said why don't
07 you give Aracoma Coal a call and see
08 if there's something going on that we
09 need to be aware of.

10 So then they called Aracoma
11 Coal, and they said yes, you know,
12 we've got an incident up here, we've
13 ---. As well as I remember, they
14 said we think we've got a fire
15 underground, and we got two guys that
16 went back to check it out, you know.
17 And so from that, we went into a
18 response mode. And that was the
19 first notification for us.

20 Q. This log that you gave me has
21 got a Logan County logo on it, and it
22 doesn't really have a title, other
23 than says the timeline. Is that what

24 you want to call this?

25 A. It's basically a list of

23

01 activities, major event log.

02 Basically it's just kind of a

03 listing. As we go along we enter

04 things that we want to remember that

05 are major events.

06 MR. FRANCCART:

07 Okay. We're going to

08 mark that as an exhibit, and

09 we're going to use a copy as

10 an exhibit. We'll mark that

11 Exhibit A Bryant.

12 (Bryant Exhibit A

13 marked for

14 identification.)

15 BY MR. FRANCCART:

16 Q. And this is the same copy you

17 have?

18 A. Yes.

19 MR. FRANCCART:

20 Maybe it will be best

21 if we mark this other exhibit

22 now, too, while we have ---

23 this is a Logan County 911

24 communication ---.

25 BY MR. FRANCCART:

01 Q. Well, I'll let you tell me
02 what it is, if you don't mind.

03 MR. FRANCCART:

04 Exhibit B. We've

05 marked B Bryant.

06 (Bryant Exhibit B

07 marked for

08 identification.)

09 A. Yeah, that's --- that's the

10 actual dispatch sheet that ---

11 there's a record that the 911 center

12 keeps in regard to how they dispatch

13 resources.

14 BY MR. FRANCCART:

15 Q. Okay. We'll get into that

16 maybe a little bit later.

17 A. Okay.

18 Q. If you could start off for us

19 on this timeline, you said you

20 received a call ---

21 A. Yes, sir.

22 Q. --- from Mr. ---?

23 A. Gianato.

24 Q. Gianato.

25 A. Yes.

01 Q. Is that on this log?

02 A. No.

03 Q. Do you know what time that
04 call would have been?

05 A. That would have been just a
06 couple minutes before 7:50.

07 Q. Okay.

08 A. Because you know, like I said,
09 while I was talking to him on the
10 phone, I radioed into the OC to ask
11 if we had something going on. So
12 that would be the entry at 7:50?

13 Q. Mr. Gianato, who does he work
14 for, again?

15 A. He's the state director of
16 Homeland Security and Domestic
17 Preparedness and the Office of
18 Emergency Services.

19 Q. And how did he find out about
20 this?

21 A. I called and asked him that in
22 the conversation that we had on the
23 phone the other day. I called and
24 asked him that, and he said he got
25 the call from the state MSHA office.

26

01 He wasn't sure exactly who at the
02 state MSHA office made the call, but
03 someone from the state MSHA office
04 called him.

05 Q. So it was the State Office of
06 Mining, or was it the Federal Office
07 of Mining?

08 A. It's my understanding it was
09 the state MSHA office is the way I
10 understood what he told me.

11 Q. Okay. He didn't say who from
12 the State called him?

13 A. He didn't say who, no.

14 Q. Okay. Go ahead. And if you
15 could continue with your timeline
16 then, and explain to us what you've
17 written here.

18 A. Well, you know, like I said,
19 now, some of this was entered by the
20 clerks or the dispatchers, so I can
21 comment on the parts that I actually
22 had a hand in. And that, of course,
23 you know, when I got on the radio,
24 had the OC call up there, and they
25 said, yes, you know, we do have an

27

01 incident out --- I'm assuming from
02 this they talked to Marty Allen, and
03 he requested that they needed some
04 radios and an ambulance for the mine
05 fire.

06 We went ahead and dispatched
07 the whole entourage, a fire brigade

08 and air mobile --- well, we didn't
09 actually take the mobile command post
10 at that time, but I went up, the on-
11 duty shift supervisor went up, so
12 then we actually arrived on scene.
13 We went upstairs and talked with the
14 --- I'm not even sure, because I
15 didn't really know who they were, but
16 we talked to some people who were
17 planning the --- I guess were in
18 charge of planning for the incident.
19 I told them what we had and what we
20 were capable of doing, and basically
21 volunteered, you know, our services.
22 You know, we're here and here's what
23 we have, and you know, how can be of
24 assistance.

25 And as well as I remember,

28

01 they asked if we were a MSHA mine
02 rescue team, and we said, no, not
03 officially, but we certainly have the
04 equipment and the experience and
05 people to, you know, at least handle
06 the fire for you, you know, and the
07 medical end of it. And so they told
08 us, you know, thanks but no thanks.
09 You know, we can't let you go

10 underground because you're not an
11 MSHA certified team.

12 So at that point we, you know,
13 pretty much went into a support mode,
14 basically started setting up just to
15 provide them with whatever they
16 needed, and then over the course of
17 the next couple days that's basically
18 what we did. If they needed foam, we
19 found them foam. If they needed
20 bunker gear, we found them bunker
21 gear, you know. And basically just,
22 you know, assisted the teams in a
23 support capacity on that.

24 Q. Okay. This top portion of the
25 Exhibit A that we have has a time

29

01 when the incidents start, date and
02 time. You have in there 1736. Where
03 did that time come from?

04 A. That came from the 911 center,
05 and I don't know actually where they
06 got that. I don't know. That's
07 something you'd have to find out from
08 the 911 center. I know that my
09 involvement came at around 7:50.

10 Q. And the end date, is this when
11 you finished your assistance on the
12 22nd?

13 A. Yes, sir.

14 Q. When the mine officials
15 refused your services, how exactly
16 did they put that to you?

17 A. Well, basically they said, you
18 know, that if we were not a MSHA mine
19 rescue team that we would be put in
20 jail, you know, if we went
21 underground, which --- you know, we
22 tried to make it plain that we
23 weren't asking to go underground
24 alone. We just kind of felt like
25 fighting fire is what we do, and we

30

01 certainly had the necessary equipment
02 and the necessary monitoring
03 equipment and all that to put the
04 fire out.

05 Now, I'm not quarreling
06 necessarily with --- I mean, I
07 understand, you know, they've got
08 rules and regulations that they go
09 by, and I certainly don't want to
10 give the impression that we didn't
11 get along, because we did. I mean,
12 it wasn't like that created any kind
13 of battleground, they just said we
14 can't do it, and that was pretty ---

15 and we said, well, if we can't to do
16 that how can we help you, you know.
17 And so then we moved into kind of a
18 support mechanism.

19 Q. At 2040 on your log, it says
20 that you called, I assume this is a
21 call to the 911 center, ---

22 A. Uh-huh (yes).

23 Q. --- and offered assistance and
24 they refused services.

25 A. Yeah. I just wanted that on

31

01 the record that we did respond and we
02 did offer our services.

03 Q. Okay. You mentioned you had a
04 mobile command center?

05 A. Yes, sir.

06 Q. What exactly is that?

07 A. Well, basically, it's the back
08 end of our HAZMAT truck in which we
09 have a communication system set up
10 that has a fax machine, and computers
11 and certain radios, you know, that
12 gives us the ability to communicate
13 with other agencies and --- you know,
14 of course, it's got other support
15 documents and things that we need for
16 reference.

17 Q. Is that a large vehicle?

18 A. It's a renovated beer truck,
19 as a matter of fact, with the sliding
20 doors that go up, and it's the back
21 two sections of that old beer truck.

22 Q. So it's not an office-type
23 space, ---

24 A. No.

25 Q. --- it's more of a ---?

32

01 A. It's mobile. It has two
02 positions in it. You know, two --- a
03 chair, a desk-type positions that
04 communicators could work out of.

05 Q. Have you sat on mine sites in
06 the past?

07 A. Yes, sir.

08 Q. Could you tell us a little bit
09 about the treatment that were given
10 to two miners, it has in the log at
11 2250, there was some emotional
12 difficulties?

13 A. Well, we first thought --- it
14 was a couple of the miners that had
15 been inside, and when the call first
16 came in, we didn't know exactly what
17 --- what their chief complaints were,
18 but after we did a patient assessment
19 and talked to them a little bit, it

20 was pretty much determined that it
21 was emotional distraught, and so we
22 treated them for that, and in a few
23 minutes it passed. It wasn't
24 anything --- it wasn't any lasting
25 illness or anything.

33

01 Q. Was there any treatment to
02 anybody that worked underground for
03 smoke inhalation at all?
04 A. We had oxygen available, and
05 they used it --- and I'm not sure ---
06 there was no treatment that I'm aware
07 of, but we did send oxygen and
08 supplies down. I don't know if
09 you've been up there, but you know,
10 there's a pit that goes down before
11 you go in the mines, and so we were
12 actually running two sites there. We
13 had our command post, which was
14 directly in front of the mine office,
15 and then we also had a forward
16 station set up in which we pre-staged
17 some supplies and some cots and some
18 equipment up there, so how much of
19 that got used I don't know. But to
20 the best of my knowledge, those were
21 the only two people that required any
22 kind of treatment.

23 Q. Were there any other medical
24 staff onsite, do you know?

25 A. Yes, sir. We kept EMTs and

34

01 paramedics onsite throughout the
02 whole event.

03 Q. That was out of your
04 organization group?

05 A. Yes.

06 Q. Did the company have anybody
07 else come onsite, any doctors they
08 brought onsite?

09 A. They ask, and we had doctors
10 on standby, you know, that we could
11 have had there within 20 minutes if
12 we needed them. But they did make
13 that request through me, and I made
14 sure that we had that available. It
15 really didn't appear to be a need to
16 have a doctor onsite, you know.

17 Q. So it seems that the mine used
18 a lot of foam in the firefighting
19 ---.

20 A. Let me add something to that
21 so that you understand why I make
22 that statement, that there didn't
23 appear to be a need to have a
24 physician onsite. We have

25 paramedics, we also have

35

01 communications with the regional
02 command center and the local
03 hospital, which means that, in
04 essence, a doctor is there, because
05 there's really nothing that he's
06 going to be able to do that he can't
07 give orders to either my medics or my
08 --- if it need be, my critical care
09 medic that they couldn't do on scene.
10 And like I said, with the fact that
11 we have them on --- I mean, at our
12 fingertips, it just didn't make much
13 sense to have him actually standing
14 there, you know.

15 Q. But that was part of your
16 system. What I was more concerned
17 about was, did the mine company also
18 have some mechanism in place for
19 medical attention?

20 A. I don't know the answer to
21 that for sure, but I'm assuming that
22 they did not, because they did make
23 inquiries and they did give the
24 impression to me that they were
25 working through our system. Which is

36

01 the same way we do it every day.

02 Q. It seems here that the first
03 call for emergency help was to
04 request radios.

05 A. Well, radios and ambulance at
06 8:05.

07 Q. Okay. And we were talking a
08 moment ago about the foam. How many
09 times did they ask you for foam, do
10 you know? Offhand, is it more than
11 five times, or ---?

12 A. Well, actually, the initial
13 request was just in the beginning and
14 that was, I think, based on a
15 suggestion that, you know, you may
16 want to start lining some foam up,
17 you know. And so at that --- then we
18 got on the phone and found out what
19 we had in the county, had it moved to
20 the mine site, and then we started
21 bringing it in from the surrounding
22 counties and even put in an order for
23 another 1,000 gallons from the
24 supplier.

25 And so the initial request was

37

01 when we first got there, and as they
02 would use it --- like I said, we were
03 pretty much staging in one place and

04 then we were actually operating in
05 another location, so we would move
06 that up as they used it, you know, so
07 we didn't have 3,000 gallons of foam
08 in the mouth of the mine, you know,
09 blocking things up. And so those ---
10 those requests came, you know, like I
11 said, as they used the supply at the
12 face of the mine.

13 Q. That suggestion to use foam,
14 was that from you that that came?

15 A. That was from our fire chief,
16 I believe.

17 Q. So the use of foam wasn't
18 discussed or presented to you by the
19 company?

20 A. Not to me, but now --- like I
21 said, now, I wasn't in the internal
22 command post, so that doesn't mean
23 that they didn't discuss it, and you
24 know, --- I'm not saying that they
25 would not have come onto the foam

38

01 idea by themselves, or maybe they
02 did, I don't know. I'm just saying
03 that nobody had any conversations
04 with me until the fire chief
05 suggested it.

06 Q. On the second page of your

07 document, at 036, it says Buffalo
08 Creek on scene, 22 buckets of foam.

09 What is Buffalo Creek?

10 A. Buffalo Creek's a fire
11 department.

12 Q. And 218, again, is another
13 fire unit?

14 A. That's another fire company,
15 yeah. What we were doing, basically,
16 was bringing all the foam we had in
17 the county to that scene.

18 Q. And at 0054 you provided
19 intrinsically safe radios; is that
20 correct?

21 A. Yes.

22 Q. Can you tell me what kind of
23 radios those are?

24 A. Those were Motorola, I think
25 1250s. The mine rescue teams didn't

39

01 have any communications basically,
02 and so we provided them with the
03 radios from our HAZMAT team, and they
04 used them for a couple days, and then
05 someone came out, and I don't know
06 his name, but he stopped them from
07 using the radios because they did not
08 have an MSHA sticker on them. And so

09 he then asked me if I could find him
10 some MSHA radios. And I said, well,
11 what does it take to be an MSHA
12 radio, you know, these are
13 intrinsically safe radios, they use
14 in petroleum industrial facilities,
15 we use them on our HAZMAT team, they
16 have no moving parts, don't spark,
17 you know, they're as good as you get.

18 And he informed me that it had
19 to be an MT-1000, and I said, well,
20 let me see what I can do. So I
21 started calling around, and I called
22 Motorola, and Motorola said, well,
23 you're going to have a problem,
24 because they have not made that radio
25 in eight years, and it's been

40

01 replaced by the MT-1250, and I can
02 get you all those you need. So I
03 went back and told him that we could
04 not get 1,000's, that they don't make
05 them anymore, and that I could get
06 him the 1,250's, which is what we
07 had. And he said, we can't use them.
08 So then the next thing I heard, they
09 were going to fly a plane up to
10 Pittsburgh to get some MT-1000's. I
11 don't know whatever happened on that,

12 but that was the last I heard about
13 the radios.

14 Q. The reason I asked, we use the
15 MT-1000's ourselves, and we have
16 trouble finding parts for those.

17 A. Yeah.

18 Q. The mine rescue team, you said
19 didn't have their own communication
20 system with them?

21 A. Again, I wasn't underground
22 with the teams, I'm just telling you
23 that they came out and asked for some
24 radios to communicate, that they did
25 not have communication.

41

01 Q. You don't know if that was for
02 a rescue team or if it was for
03 firefighters to talk back and forth,
04 that it may not have been on a rescue
05 team?

06 A. I got the impression it was
07 for the rescue teams to talk. But
08 again, you know, I mean, I didn't
09 actually specifically ask that
10 question, so I can't answer that a
11 hundred percent. But it was my
12 understanding that it was for the
13 rescue teams to talk.

14 Q. This national guard entry at
15 3:57, was that the national guard
16 that I'm thinking of when I read
17 that?

18 A. That's the West Virginia
19 national guard brought up a
20 communication center, which I think
21 the Governor requested, and so we
22 found them accommodations and they
23 set up next to our command post.

24 Q. When you dispatched the HAZMAT
25 teams to the mine, was that just

42

01 because you sent the whole package,
02 or was there a certain reason that
03 you wanted a HAZMAT team onsite?

04 A. We didn't actually dispatch
05 the HAZMAT team. We just had the
06 HAZMAT truck. The HAZMAT reference
07 in there is not the team, that's the
08 truck that has the command post in
09 it. It's a reference to the vehicle,
10 not necessarily the team. Although,
11 we did have --- I mean, in essence,
12 the team was there, but it was not as
13 a HAZMAT team.

14 Q. It wasn't because of a toxic
15 spill or anything?

16 A. No.

17 Q. On the fire hose that was
18 brought in by --- is it Belo Mine ---
19 2:34 is the time. Belo Mine Supply.

20 A. Uh-huh (yes).

21 Q. Do you know why that was
22 brought in, there's two truckloads
23 that seemed to come in?

24 A. Yeah. That was to aide in the
25 fire suppression inside the mine that

43

01 the mine rescue teams were doing.

02 Q. Did they say they didn't have
03 enough fire hoses onsite?

04 A. That was my understanding,
05 that they needed additional hose.
06 But again, I mean, I'm just giving
07 you information from out here. I was
08 not actually up front and was not
09 actually a party to those
10 conversations, ---

11 Q. Sure.

12 A. --- you know.

13 Q. Well, we understand. Anything
14 that you've heard is valuable
15 information to us, too.

16 A. Right. But I don't want to
17 say something as an absolute concrete
18 fact, that I don't know to be a fact,

19 you know.

20 Q. Sure. What we get from you
21 may lead us in another direction that
22 we can, you know, confirm or
23 substantiate some of the information.

24 A. Okay.

25 Q. But did you hear any other

44

01 information at the mine site
02 concerning whether or not the hoses
03 it did have were adequate or if they
04 were able to use them, or any
05 problems with physically connecting
06 the hoses to fire taps?

07 A. Yeah. I know that we had to
08 send one of the end --- I don't know
09 the correct name for it, but it would
10 be a nozzle or it would be some kind
11 of attachment that goes onto the
12 apparatus. So we had to send it to
13 one of the local machine shops and
14 have it re-tooled so that we could
15 use it with the foam. And we have
16 that same trouble in the county. You
17 know, different fire manufacturers of
18 even different fire trucks have
19 different threads, and we'll have to
20 adapt threads from one fire truck to
21 another truck. So that's not all

22 that uncommon, you know, to have to
23 have to change --- you know, to adapt
24 whatever delivery device that you're
25 hooking onto the hose in order to use

45

01 certain kinds of foam, because
02 different kinds of foam use different
03 spray nozzles. And so I know that we
04 did go out to one of the local
05 machine shops and get one of those
06 adapted.

07 Q. Would you think that a mine
08 would be wise to have --- if they did
09 have a foam machine, to have the
10 proper nozzles also to be prepared in
11 case of a fire?

12 A. I don't even know that mines
13 have foam machines. But certainly,
14 if you were going to have one --- I
15 think a better suggestion, since you
16 asked me ---.

17 Q. Sure.

18 A. I think a better suggestion is
19 that we need to make some changes in
20 the system, and I think we need to
21 modify the system so that we take
22 advantage --- so that the coal
23 industry takes advantage of the

24 services that are already out there.

25 Instead of trying to have a separate

46

01 system and having one that's reserved

02 only for coal mines, it makes much

03 more sense to me to let people do

04 what they've been trained to do in

05 what they do every single day.

06 Case in point, my --- and

07 don't get me wrong, I have the utmost

08 respect for mine rescue teams. Some

09 of my best friends are on mine rescue

10 teams and I know what they can do.

11 But I also know that if you're a

12 paramedic, I don't care how well-

13 trained you are, and you haven't

14 started an IV in six months, you're

15 not going to hit the vein the way a

16 paramedic that starts an IV every

17 day. If you're someone who puts

18 fires out every day and is used to

19 breathing smoke in confined spaces,

20 and even if you're on mine rescue

21 team and you haven't fought a fire in

22 a year, that guy's going to do a

23 better job of putting the fire out.

24 I mean, that's just what I believe.

25 I'd like to see the system ---

47

01 now, I'm not advocating that we turn
02 a bunch of people loose inside a coal
03 mine, you know, unescorted and ---
04 that would be a big mistake, too, but
05 I don't see why escorted, that people
06 who are trained rescuers and have
07 state of the art equipment, up-to-
08 date equipment, I don't see --- it
09 just doesn't make sense to me not to
10 utilize them, and I think that the
11 miners are being penalized, because
12 they're not getting the same
13 advantage of services that everybody
14 else gets.

15 Too many times we'll have
16 paramedics on scene and they'll be
17 waiting two or three hours until we
18 get somebody out of the coal mines
19 before advanced life support medical
20 care starts. I think that's wrong.
21 I just don't ---I just --- it's just
22 my opinion. I understand the safety
23 concerns and all of that, but I just
24 think they're being penalized when
25 you don't utilize the services that

48

01 are out there.

02 Now, I also understand that

03 the level of service in various
04 communities vary from community to
05 community. Some of them are better
06 equipped than others, and maybe
07 there's some places that it wouldn't
08 work, but I could tell you in Logan
09 County we have the best equipment
10 available, and I think we
11 demonstrated that here, you know, in
12 that --- let's take bunker gear for
13 example. We volunteer bunker gear
14 from the get-go. I think it's
15 unreasonable to expect a team in
16 Dickie work clothes with a Drager
17 airpack that's not suitable for
18 firefighting and send them into 450,
19 500 degree temperatures and think
20 they're going to make a difference of
21 putting the fire out without any
22 bunker gear.

23 And it wasn't until they came
24 out and --- finally came out, and we
25 loaned the teams some bunker gear

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01 that they went back in, that I think
02 they made any meaningful advances.
03 Now, I wasn't upfront. This is just
04 --- you're asking me what my opinion
05 is, and I'm sharing it with you. You

06 know, I wasn't in there, so I may be
07 way off base, you know. But it just
08 makes sense to me that you got to put
09 the right tool on the right job, and
10 I think the time makes a big
11 difference. I think the only system
12 that's going to give you a response
13 time measured in minutes is the
14 emergency system that's here every
15 single day and does it every single
16 day. Anything other than that is
17 going to be measured in hours,
18 because I don't care how well-trained
19 your mine rescue teams are, if
20 they're even two counties away,
21 they're going to be four hours before
22 they get here and they get unpacked
23 and setup and ready to go.

24 If we make changes, I'd like
25 to see those changes include local

50

01 responders so that we get a response
02 that's measured in minutes not hours.

03 Q. I think that probably could be
04 done with the proper training.

05 That's a good suggestion. I'm going
06 to pass that along.

07 A. But we also have to be careful

08 that we don't make the training too
09 extensive, you know, because that, I
10 think, will kind of defeat our
11 purpose too, you know. In other
12 words, I don't think --- I don't
13 think a paramedic has to know how to
14 work the ventilation system at a coal
15 mine. I don't think he needs to know
16 how to do the electricity in a coal
17 mine. You know, I think the mining
18 people provide that. He just needs
19 not to get lost and knows if
20 something happens, here's what I do,
21 here's who I look to and here's the
22 procedure for me getting out, you
23 know. And I think it's just that
24 simple.

25 You know, we have a tendency

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01 in our line of work --- and I'm not
02 familiar with MSHA or nothing.
03 Please don't get made at me if I'm
04 making a fool of myself, but I know
05 in our line of work we have a
06 tendency to cumber people down with
07 so much training and re-certification
08 things that pretty soon, it kind of
09 defeats the purpose, you know.

10 So I think while you're

11 thinking about that, we need to make
12 it a streamline, as minimal and not
13 ---. I'm not trying to make either
14 one of these animals into somebody
15 that can do everything, because I
16 don't think they have to do
17 everything anymore. I think there's
18 resources available that we can tap
19 into so that mine rescue teams don't
20 have to be a paramedic and they don't
21 have to be HAZMAT trained, and they
22 don't have to be everything. They
23 can be mine rescue people, you know,
24 and let everybody else do what
25 they've been trained to do. Sorry,

52

01 if I got sidetracked there.

02 Q. We appreciate it, believe me.

03 Back to fire hoses, just to clarify
04 one thing. Was there somebody that
05 you talked to that told you that more
06 fire hose was needed at the mine
07 site?

08 A. Somebody made a request for
09 more fire hose, and the fire chief
10 from Logan actually handled that. I
11 wasn't directly involved in that, but
12 I do remember --- and I don't know

13 who made that request to tell you the
14 truth, because it came through him to
15 me.

16 Q. The bunker gear you talked
17 about, that's the heat protected
18 clothing and gloves and masks?

19 A. Yes.

20 Q. I just wanted to get that on
21 the record.

22 MR. FRANCCART:

23 Bill, do you have some
24 questions.

25 BY MR. TUCKER:

53

01 Q. On the second entry on the
02 first page, this Marty Allen. Do you
03 know who that is?

04 A. Yes. Marty's the chief of
05 security for Alma, Aracoma Coal.

06 Q. Do you know what role he
07 played as far as at the mine
08 initially or how soon he became
09 involved? Have you spoken with him,
10 or ---?

11 A. He was there whenever we
12 arrived, so I'm assuming that he was
13 there all along, you know, I don't
14 know that. And I know that his major
15 role was security, and you know,

16 whatever support functions that they
17 would need. But no, I haven't
18 actually talked to him.

19 Q. I understand his first
20 request, primarily the first contact
21 was the fact he needed radios and
22 communications, and then later
23 requested a fire engine be on
24 standby.

25 A. I think initially he asked for

54

01 radios and an ambulance crew,
02 initially.

03 Q. On the second page, when you
04 refer --- at 1:59 you refer to two
05 mine rescue teams from national
06 guard. Do you know where they set up
07 at or where they were located, or
08 what that's referring to there?

09 A. Show me again?

10 Q. Right here.

11 A. Oh, okay.

12 WITNESS REVIEWS DOCUMENT

13 BY MR. TUCKER:

14 Q. Do you think that ---?

15 A. I don't think MTR stands for
16 mine rescue team. I think it --- I'm
17 not sure exactly what it stands for,

18 but the only thing we got from
19 national guard, as my understanding,
20 was a couple of vehicles in that
21 command post. I can double check
22 that for you.

23 Q. I just wanted this right here
24 where it says two mine rescue teams
25 from the national guard. Do you

55

01 think that could have possibly been
02 the state mine rescue truck, or maybe
03 the MSHA mine rescue truck, or are
04 --- I just wondered because --- it
05 refers to them as being part of the
06 national guard, and I'm not
07 aware ---.

08 A. I don't think the national
09 guard has any mine rescue teams.

10 Q. Yeah, I don't think so. I
11 just wondered if that that's --- they
12 just saw the --- like the MSHA mine
13 rescue truck come up and the state
14 mine rescue truck, and maybe that
15 could possibly be what that was?

16 A. I think they may have --- did
17 that come from Marilyn? I don't
18 think that's what I had; is it?

19 Q. Let's see --- this is the
20 one ---.

21 MR. FRANCCART:

22 No, it's a little

23 different than ---.

24 A. It's a little bit different.

25 I think she made some amendments to

56

01 hers, and she --- and I don't know

02 that MTR --- in the original document

03 --- this is the original document

04 before they made corrections or

05 whatever in theirs. And I'm not sure

06 MTR stands for mine rescue team. I

07 don't remember what it stands for,

08 but they may have assumed that was

09 mine rescue team, and ---. And I

10 think MRT may be --- I don't know.

11 But I'm not aware of any mine rescue

12 teams at the national guard, and I

13 work with them pretty closely.

14 BY MR. TUCKER:

15 Q. Right. Actually, the copy I

16 was referring to was not a matter of

17 record, that was a faxed copy, and

18 the copy that you brought in, where

19 that one said mine rescue team just

20 says MTR.

21 A. I mean, I probably can get

22 clarification on that.

23 Q. I just that you might have
24 firsthand knowledge of maybe what
25 that was referring to there. It's

57

01 just --- I'm curious.

02 A. Like I said, I didn't make all
03 the entries in this. This is a
04 collection of the memos and
05 everything that went through Aracoma
06 man post. This is a collection of
07 them, and I didn't make all the
08 entries in that.

09 Q. At the --- let me make sure I
10 got the right sheet here. At 0815,
11 the entry on the Kenwood radios. Do
12 you know where those came from?

13 A. Yeah, those came from their
14 command post.

15 Q. That's something that you
16 have?

17 A. Uh-huh (yes).

18 Q. Do you know if these are MSHA
19 approved, because ---

20 A. Well, no ---.

21 Q. --- Kenwood's close to ---?

22 A. No, they're not MSHA approved,
23 because they didn't have an MSHA
24 sticker on them. They were
25 intrinsically safe.

01 Q. Safe. Okay.

02 MR. TUCKER:

03 Okay.

04 BY MR. FRANCAERT:

05 Q. Okay. Roger, we're going to
06 go back onto Exhibit B here that you
07 brought in to us. And that's a copy
08 of the 911 dispatch log; is that
09 correct?

10 A. That's correct.

11 Q. And you show at 2005 and 2009
12 a couple units being dispatched, and
13 then some time passes, and then you
14 have another unit, and that's the
15 HAZMAT unit at 2103?

16 A. Yeah. That's the command
17 post.

18 Q. And then you have three other
19 units that are dispatched around
20 1610.

21 A. Uh-huh (yes).

22 Q. What were those three units
23 dispatched for?

24 A. The first two were ambulances,
25 and 512 is one of the fire companies,

01 and I'm not sure which one that is.

02 Let's see, 512. Yeah, I'd have to
03 call down to see whose number that
04 is. The 110 is the on-duty
05 supervisor, and 308 is an ambulance.
06 140 is our --- like I said, our
07 HAZMAT truck command post. 810 and
08 811 are additional ambulance crews.
09 And 515, I'm just not sure about.

10 Q. That's okay. Mainly you had
11 three ambulances dispatched to the
12 mine, at least three ambulances?

13 A. Yes.

14 Q. Were they onsite the entire
15 time that you were there?

16 A. Two of them were onsite the
17 entire time.

18 Q. Were you there when the bodies
19 were recovered from the mine?

20 A. Yes. Uh-huh (yes).

21 Q. Were those same ambulances
22 used to ---

23 A. Yes.

24 Q. --- get those bodies out of
25 the mine?

60

01 A. I can't say for sure it was
02 those same two ambulances, because we
03 rotated crews in and out during the
04 three-day event.

05 Q. Sure.

06 A. But there was --- it was two
07 of our ambulances. I can't say ---
08 I'd have to go back and pull the run
09 forms to tell you exactly if that was
10 --- if it was 810 and 811. It may
11 not have been that particular unit,
12 but it was one of our units.

13 Q. Were you there when they did
14 load the two victims into the
15 ambulances?

16 A. Yes. Now, I was not down at
17 the portal site, but I was still
18 there and still in the command post
19 when they --- when they went by, yes.

20 Q. Do you know of any delays in
21 getting those ambulances into the box
22 cut or into the pit?

23 A. Not that I'm aware of. I know
24 there was some discussion about
25 whether we would take the ambulances

61

01 --- both ambulances down in the box
02 cut or whether we would transport
03 them in a four-wheel vehicle up out
04 of there to the ambulance. I know
05 there was some discussion about that,
06 but I think --- I think, I'm not a

07 hundred percent sure, but I think the
08 ambulances actually went down to the
09 entrance. But there wasn't any major
10 delay that I was aware of.

11 Q. On the exhibit that you
12 brought into us today, we have marked
13 as Exhibit A, you have date and time
14 as 1/21/06 for the date and time as
15 9:56 a.m. The fax copy that we had
16 given to us earlier, that Eugene
17 White had obtained has some
18 additional pages on it. Is there ---
19 are there any pages missing that you
20 meant to include in this package that
21 aren't here?

22 A. No. But some of those --- in
23 other words, the entries that were
24 made after 1440 on 1/22 would have
25 been made through the dispatch

62

01 center. So you've got Marilyn's copy
02 there.

03 Q. This is hers?

04 A. Yeah.

05 Q. Okay.

06 A. Which entries after this time
07 would have been made through the 911
08 center. So that would have been
09 activities after we moved the command

10 post out, because I left when we
11 moved the command post. Now, we
12 still had some people on scene for
13 awhile after that because they wanted
14 some medical teams onsite while the
15 mine rescue teams were still, you
16 know, working on putting the fire out
17 and doing the other things they had
18 to do. So we left some medical crews
19 on scene after that. So the entries
20 you're looking at was probably
21 entries in regard to that after the
22 command post left.

23 Q. So this would have been the
24 last time that the command post would
25 have been onsite?

63

01 A. Yes.

02 Q. Okay. Do you understand what
03 a contract mine rescue team is?

04 A. Vaguely. I've --- let me tell
05 you what my understanding is, and
06 then you tell me if it's correct or
07 not.

08 Q. Sure.

09 A. My understanding is that every
10 coal mine does not have a mine rescue
11 team, but they have to contract for

12 the provision of a mine rescue team.
13 And that there may only be five or
14 six in the state, and all the mines
15 contract with one of those teams for
16 the provision of mine rescue services
17 at their mine.

18 Q. Yeah. A mine can have their
19 own mine rescue team. In fact, some
20 mines have more than one.

21 A. Right.

22 Q. But if they don't have their
23 own, they can contract services.

24 A. Yes.

25 Q. The fire hose that was

64

01 supplied through your efforts to the
02 mine, do you know if that hose was
03 taken underground and used?

04 A. No. Because again --- I mean,
05 I know it went by and it went by me.
06 Now, whether --- I did not actually
07 witness them taking it into the
08 mines. I'm assuming that it did, but
09 I can't say that with any certainty.

10 Q. Did anybody say anything to
11 you, or did you hear anybody talk
12 about the cause of the fire?

13 A. No.

14 Q. Were you in the command center

15 in the upstairs portion of the mine
16 office?

17 A. I was in and out just when
18 they called me in --- for brief
19 periods of time they would call me up
20 and say, can you get me this, or they
21 would call me up to ask me a
22 question, you know, and then the rest
23 of the time I was not.

24 Q. Did they thank you for your
25 help?

65

01 A. Yes. Yes, they did.

02 Q. The foam generators that they
03 used, do you know where they came
04 from?

05 A. From my understanding, they
06 came from the local fire department.
07 Now, there was a contractor, some guy
08 who came in from Texas and brought a
09 load of foam, but that was secondary
10 to our efforts. That was something
11 --- I don't know if he worked that
12 out directly with Massey or a
13 freelance that showed up. I don't
14 know what happened on that, because
15 at the time he talked to me, I told
16 him we had plenty of foam, because at

17 that time we had 3,000 gallons, you
18 know. And I told him, yeah, we have
19 plenty of foam, but the next thing I
20 know, we were making arrangements to
21 pilot a truck coming in from
22 Kentucky, but I don't know anything
23 about that effort, and I don't know
24 what that all was about. I don't
25 know if that was a foam generator, or

66

01 if that was --- you know, like I
02 said, I wasn't part of that.

03 Q. How long would the 3,000-
04 gallon supply last if you're applying
05 foam to a fire continuously?

06 A. Well, I think --- I don't
07 know, because I don't fight fire.
08 But it's my understanding that that's
09 proportionate to the volume of water
10 that you're putting through it. But
11 I don't fight fire, so I probably
12 couldn't answer that question.

13 MR. FRANCCART:

14 Bill, do you have any
15 other questions.

16 MR. TUCKER:

17 I don't have any
18 questions.

19 BY MR. FRANCCART:

20 Q. For the record, could you tell
21 us what Nomex hoods are?

22 A. Yes. Nomex is part of the
23 protective equipment. I got one out
24 in my truck as a matter of fact. But
25 it's basically a fire-retardant

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01 material that is worn under the
02 helmet that covers everything except
03 for where your face piece goes. But
04 it's part of the protective gear.

05 Q. And just to clarify, you did
06 supply some bunker gear to the
07 firefighters. Do you have any idea
08 how many complete outfits you
09 supplied to them or let them borrow
10 from you?

11 A. I think we do have that.
12 Because I know we had some trouble
13 with the sizes and we had to bring in
14 some more. I thought we had that on
15 one of them.

16 Q. I didn't notice on any there
17 were. Right here, bunker gear.

18 A. I don't know what the total
19 amount was, but I know that it was in
20 excess of 25 suits.

21 Q. It says 20 hoods here in one

22 entry, but ---.

23 A. But then, if you see --- you
24 know, we had to get some additional
25 sizes. We had some big sizes, and we

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01 had to bring some more in, so I'm
02 guessing, and it's a guess, you know,
03 somewhere around 25 complete outfits.

04 Q. Were your outfits too small
05 for the miners?

06 A. Some of them were, some of
07 them ---. Well, actually, I
08 shouldn't say that, because I didn't
09 --- I just know there was some
10 trouble with the sizing, and I'm not
11 sure if they were too big or too
12 small. Knowing some of our firemen,
13 they may have been too big for your
14 guys, and they had to send them back
15 and get some smaller ones, you know.

16 Q. There's some big guys.

17 A. I don't know --- I don't
18 really know which way it was, I just
19 know we had to get some additional
20 sizes from another fire department.

21 MR. FRANCAERT:

22 Okay. I think that's
23 all we have. Dan?

24 BY MR. FRANCAERT:

25 Q. Roger, we're going to ask you

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01 to look at this other document that
02 was faxed to Eugene White. We're
03 going to mark it Exhibit C Bryant.
04 And ask you to take a look at one
05 specific entry in particular. Let me
06 see if I can find it. On this page,
07 2130 entry. Can you tell us what you
08 think that means?

09 (Bryant Exhibit C
10 marked for
11 identification.)

12 A. 2130, 814 is the ambulance
13 that actually took the body to the ME
14 office.

15 BY MR. FRANCCART:

16 Q. They carried just one body in
17 that ambulance?

18 A. Uh-huh (yes). It was my
19 understanding we sent them in
20 separate units.

21 Q. Do you see a second entry on
22 there for the second body?

23 A. Again, you know, I'd have to
24 double check that, you know, because
25 I'm just speaking from memory, you

70

01 know.

02 Q. It may have been that they
03 both left about the same time, it
04 just didn't get entered into the log.

05 A. And again, they --- I mean ---
06 you know, we have the capabilities to
07 take two people in the same
08 ambulance. So they may have gone in
09 the same ambulance, I'm just assuming
10 the fact we sent two units down in
11 the hole, that each one of them
12 transported one, but I'm not a
13 hundred percent sure of that. So
14 yeah, it kind of looks like maybe we
15 did take them both, because we did
16 leave the other unit there, and we
17 had two units on the scene.

18 Q. Okay.

19 A. So we probably did transport
20 them. But again, I'm guessing. But
21 I can find that out for you for sure,
22 because I'm sure --- if I would have
23 thought, I would have brought the
24 patient care records and stuff with
25 me.

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01 Q. If you could find that out,
02 that would be an important thing for
03 us to know. We'll submit this into

04 the evidence log here then as another
05 exhibit.

06 A. Yeah. I can pin that down for
07 you.

08 Q. I just have two other
09 questions for you. Quick questions.

10 A. Okay.

11 Q. On your timeline you have an
12 entry for Governor Manchin arriving
13 on scene. Can you tell us what he
14 was doing on the mine site?

15 A. No, not really. I just know
16 that's when he came by and said hi,
17 you know.

18 Q. Did you have to deal with the
19 press at all on your journeys at the
20 mine?

21 A. Yes.

22 Q. Any national press?

23 A. No.

24 Q. Anderson Cooper?

25 A. Yeah.

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01 Q. He called you?

02 A. Yeah.

03 Q. You weren't on TV, were you?

04 A. Yes, I'm afraid so.

05 Q. You were?

06 A. Yes. A number of times.

07 Q. Oh, wow.

08 A. Which doesn't happen very

09 often usually. One time does it with

10 me, but they kept coming back,

11 so ---. (59:48)

12 Q. In this case, it was too many

13 times?

14 A. Yeah. Yeah, that's one of the

15 things you got to do as county

16 director. You have to ---.

17 MR. FRANCCART:

18 Bill, anything else you

19 have?

20 BY MR. FRANCCART:

21 Q. On this exhibit we have an

22 entry that somebody spoke with Marty

23 Allen again, but it says unknown time

24 still needed. Do you know what that

25 entry is all about? And if you look

01 on time 1200 on 1/22/06.

02 A. No. No, it wasn't me.

03 Q. Do you think maybe it had

04 something to do with they didn't know

05 how much longer they were going to

06 need services?

07 A. Probably.

08 Q. That's what it seems like to

09 me.

10 A. Because the next entry has to
11 do with putting the fire out, and ---

12 Q. Yeah.

13 A. --- you know, releasing EMS
14 and things, so that --- again, that
15 would be a guess on my part, because
16 that conversation wasn't with me.

17 Q. Sure. Well, Roger, we're
18 going to give you the opportunity
19 now, if there's any other statements
20 you'd like to make or clarify
21 anything, or if there's any other
22 topics that you want to address in
23 this interview.

24 A. Well, just that --- you know,
25 like I said, I've been doing this for

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01 26 years and I've managed more than
02 my share of emergencies over the
03 years. And this one, I think, was
04 one of the better coordinated, one of
05 the better managed, certainly
06 controlled rescue evolutions that I
07 had been involved in. I think
08 everybody learned a lot from it, and
09 hopefully we can do it better in the
10 future. But I think as far as

11 cooperation and everything goes, I
12 mean, yeah, there was some things
13 that we disagreed on, but we managed
14 to disagree and still, you know, come
15 together and everybody put on the
16 table what they had to offer.

17 And I think that the end
18 result was --- I mean, of course, we
19 would have all liked to have a better
20 outcome, you know, than what we had.
21 But there's no doubt in my mind that
22 everybody's hearts and minds and
23 efforts and everything was in the
24 right place on this particular
25 rescue. And certainly, from our

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01 perspective, it was a pleasure to
02 work with the agencies that were
03 there, because like I said,
04 everybody, you know, had a lot of
05 respect for everybody else's
06 positions, and certainly, everybody
07 worked together as a team. And I can
08 tell you, that doesn't happen always
09 when you're on the scene of various
10 emergencies, you know, here and
11 there. And from our perspective, we
12 were pleased.

13 Q. Anything else?

14 A. That's it.

15 MR. FRANCCART:

16 Roger, on behalf of
17 MSHA, I thank you for
18 appearing here today and
19 answering all of our
20 questions.

21 A. Thank you.

22 MR. FRANCCART:

23 Your information has
24 really shed a lot of light on
25 the recovery efforts, and

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01 that's important to us,
02 because we want to improve
03 that, that part of our
04 response.

05 If you wish, if you
06 want to add any other
07 information at any other time
08 in the future that you think
09 may be important to the
10 investigation, we have a
11 couple of cards here for you.

12 A. Okay.

13 MR. FRANCCART:

14 Neither one of these
15 gentlemen were able to be here

16 today, Mr. Ken Murray, who is
17 our lead investigator, and his
18 assistant, Anthony Webb. But
19 you can call either one of
20 those gentlemen if you like,
21 and they'd be more than happy
22 to hear from you at any time
23 of day.

24 A. Okay. Well, I'll get the
25 answers to those two issues that we

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01 weren't sure about.

02 MR. FRANCCART:

03 We do ask that you do
04 not discuss your interview
05 today with any other people,
06 because we do want to try to
07 get unbiased opinions and
08 memories of everybody
09 connected with the accident.

10 A. Okay.

11 MR. FRANCCART:

12 And after questioning
13 other witnesses and obtaining
14 additional information, it's a
15 possibility we may need to ask
16 you a few more questions.

17 A. Sure.

18 MR. FRANCCART:

19 We'll wait and see as
20 things progress. And I think
21 Bill has a closing statement
22 for you also.

23 MR. TUCKER:

24 Yes. Also on behalf of
25 Miners' Health, Safety &

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01 Training, I'd like to thank
02 you for coming in today. C.A.
03 Phillips, he had to leave
04 early today. He's our Deputy
05 Director out in the Charleston
06 office. There's a card if you
07 need to contact him about
08 anything. I appreciate you
09 coming in.

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11 EXAMINATION CONCLUDED AT 2:07 P.M.

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