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Transcript of the Testimony of Albert Anderson

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STATEMENT UNDER OATH
OF
ALBERT ANDERSON

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Wednesday, August 18, 2010, beginning at 10:39 a.m.

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

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ATTORNEY BABINGTON:

My name is Matt Babington. Today is August 18th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Erik Sherer, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the U.S. Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record.

MR. FARLEY:

Terry Farley, with the West Virginia Office of Miners' Health, Safety and Training.

ATTORNEY KOERBER:

Barry Koerber, Assistant Attorney General, representing the West Virginia Office of Miners' Health, Safety and Training.

MS. MONFORTON:

And I'm Celeste Monforton, with the Governor's independent team.

ALBERT ANDERSON, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

1 ATTORNEY KOERBER:

2 Sir, would you please state your full
3 name for the record and spell your last?

4 A. Albert Kyle Anderson, A-N-D-E-R-S-O-N.

5 ATTORNEY KOERBER:

6 And your address and telephone number,
7 please?

8 A. [REDACTED]

9 [REDACTED].

10 ATTORNEY KOERBER:

11 And do you have an attorney that's at
12 least here by phone today with you?

13 A. Yes.

14 ATTORNEY KOERBER:

15 Eric, would you state your name for the
16 record and your firm?

17 ATTORNEY SILKWOOD:

18 Yes. This is Eric Silkwood with Allen,
19 Guthrie & Thomas, Counsel for Performance and
20 representative of Mr. Anderson today.

21 ATTORNEY KOERBER:

22 Mr. Anderson, are you here today because
23 you received a subpoena?

24 A. Yes.

25 ATTORNEY KOERBER:

1 Is this a copy of that subpoena?

2 A. Yes.

3 ATTORNEY KOERBER:

4 I would like that to be Exhibit One.

5 (A.K. Anderson Exhibit One marked for
6 identification.)

7 ATTORNEY KOERBER:

8 And this is a copy of the green card, and
9 Wilma Anderson signed it on 8/11?

10 A. Yes.

11 ATTORNEY KOERBER:

12 Okay. I'd like that to be Exhibit Two.

13 (A.K. Anderson Exhibit Two marked for
14 identification.)

15 ATTORNEY KOERBER:

16 We have previously completed the invoice
17 and the forms for your payment as to the witness fee;
18 is that correct, sir?

19 A. Yes.

20 ATTORNEY KOERBER:

21 I turn it over to Matt.

22 ATTORNEY BABINGTON:

23 There are several members of the
24 investigation team also present in the room today.
25 Erik Sherer will be conducting the initial

1 questioning. All members of the Mine Safety and
2 Health Accident Investigation Team and all members of
3 the State of West Virginia Accident Investigation Team
4 participating in the investigation of the Upper Big
5 Branch Mine explosion shall keep confidential all
6 information that is gathered from each witness who
7 provides a statement until the witness statements are
8 officially released. MSHA and the State of West
9 Virginia shall keep this information confidential so
10 that other ongoing enforcement activities are not
11 prejudiced or jeopardized by a premature release of
12 information. This confidentiality requirement shall
13 not preclude investigation team members from sharing
14 information with each other or with other law
15 enforcement officials. Team members' participation in
16 this interview constitutes their agreement to keep
17 this information confidential.

18 Government investigators and specialists
19 have been assigned to investigate the conditions,
20 events and circumstances surrounding the fatalities
21 that occurred at the Upper Big Branch Mine-South on
22 April 5th, 2010. The investigation is being conducted
23 by MSHA under Section 103(a) of the Federal Mine
24 Safety and Health Act and the West Virginia Office of
25 Miners' Health, Safety and Training. We appreciate

1 your assistance in this investigation. You may have
2 your personal attorney present during the taking of
3 this statement or another personal representative, if
4 MSHA has permitted it, and you may consult with your
5 attorney or representative at any time. And just to
6 restate for the record, your representative for this
7 interview, Eric Silkwood, is available currently by
8 telephone during this interview.

9 A. Yes.

10 ATTORNEY BABINGTON:

11 And Eric, are you still there? Eric?

12 MR. FARLEY:

13 Eric?

14 ATTORNEY SILKWOOD:

15 Yes, I'm here. Sorry. I didn't hear.

16 There was a truck going by. I didn't want to cover
17 your record with a bunch of noise.

18 ATTORNEY BABINGTON:

19 Okay. Not at all. Since this is not an
20 adversarial proceeding, formal Cross Examination will
21 not be permitted. However, your personal legal
22 representative may ask clarifying questions as
23 appropriate.

24 Your identity and the content of this
25 conversation will be made public at the conclusion of

1 the interview process and may be included in the
2 public report of the accident, unless you request that
3 your identity remain confidential or your information
4 would otherwise jeopardize a potential criminal
5 investigation. If you request us to keep your
6 identity confidential, we will do so to the extent
7 permitted by law. That means that if a judge orders
8 us to reveal your name or if another law requires us
9 to reveal your name or if we need to reveal your name
10 for other law enforcement purposes, we may do so.
11 Also, there may be a need to use the information you
12 provide to us or other information we may ask you to
13 provide in the future in other investigations into and
14 hearings about the explosion. Do you understand?

15 A. I understand.

16 ATTORNEY BABINGTON:

17 Do you have any questions?

18 A. No.

19 ATTORNEY BABINGTON:

20 Okay. After the investigation is
21 complete, MSHA will issue a public report detailing
22 the nature and causes of the fatalities in the hope
23 that greater awareness about the causes of accidents
24 can reduce their occurrence in the future.
25 Information obtained through witness interviews is

1 frequently included in these reports. Since we will
2 be interviewing other individuals, we request that you
3 not discuss your testimony with any person, aside from
4 a personal representative or counsel.

5 A court reporter will record your
6 interview. Please speak loudly and clearly. If you
7 do not understand a question asked, please ask the
8 interviewer to rephrase it. Please answer each
9 question as fully as you can, including any
10 information you've learned from someone else. I'd
11 like to thank you in advance for your appearance here.
12 We appreciate your assistance in this investigation.
13 Your cooperation is critical in making the nation's
14 mines safer.

15 After we finished asking questions,
16 you'll have an opportunity to make a statement and
17 provide us with any other information that you believe
18 to be important. If at any time after the interview
19 you recall any additional information that you believe
20 might be useful, please contact any of us at the
21 contact information provided.

22 Finally, any statements given by miner
23 witnesses to MSHA are considered to be an exercise of
24 statutory rights and protected activity under Section
25 105(c) of the Mine Act. If you believe any discharge,

1 discrimination or other adverse action is taken
2 against you as a result of your cooperation with this
3 investigation, you're encouraged to immediately
4 contact MSHA and file a complaint under Section 105(c)
5 of the Act. Barry? Sorry, Terry?

6 MR. FARLEY:

7 Mr. Anderson, on behalf of the Office of
8 Miners' Health, Safety and Training, I'd like to
9 inform you that the West Virginia Mine Safety
10 Regulations provide protection against potential
11 discrimination for participating in these type
12 interviews, and I'd like to pass along some contact
13 information for the West Virginia Board of Appeals.
14 They hear complaints from miners regarding
15 discrimination. And you can contact anyone at that
16 address and they'd be happy to assist you should that
17 occur. Now, I would advise you that should you have a
18 problem, you need to file a complaint within 30 days
19 of the event.

20 ATTORNEY BABINGTON:

21 All right. Erik?

22 EXAMINATION

23 BY MR. SHERER:

24 Q. The first thing I want to do, Mr. Anderson, is
25 thank you for coming down here. This is very

1 important. We're trying to determine the causes and
2 the conditions that resulted in this explosion. We're
3 doing that for two reasons. The first is the families
4 and the friends and the coworkers of these miners
5 deserve some closure on this. And the second one is
6 we're trying to prevent this type of explosion in the
7 future. A better understanding of what went on is the
8 key to figuring out how to do that. So any
9 information you can give us, we'd certainly appreciate
10 it. Roughly, how many years of mining experience do
11 you have?

12 A. Since 1978.

13 Q. When did you start with the Massey organization?

14 A. 2001.

15 Q. Okay. Did you start at Upper Big Branch?

16 A. No.

17 Q. Which mine did you start at? That's okay. When
18 did you start at Upper Big Branch?

19 A. In the last year, a few months.

20 Q. Okay. So you've been up there roughly a year.
21 Did you come with the longwall?

22 A. No.

23 Q. Was the longwall up and running when you started
24 working at Upper Big Branch?

25 A. No.

1 Q. Where did you start working in the mine at Upper
2 Big Branch?

3 A. Retrieving equipment from the drill hole.

4 Q. Okay. For the Bandytown fan?

5 A. Uh-huh (yes).

6 Q. Okay. What's your job description at Upper Big
7 Branch?

8 A. Move boss or construction boss.

9 Q. Okay. Now, as a boss, did you supervise any
10 employees?

11 A. Oh, yes. Yes.

12 Q. Okay. How many employees did you supervise?

13 A. Well, I had three of my own men and plus
14 electricians.

15 Q. Okay. What sort of authority did you have? Could
16 you fire those individuals?

17 A. Do what now?

18 Q. Can you fire those individuals if ---?

19 A. Probably under some circumstances.

20 Q. Okay. Could you --- did you help set up their
21 wages?

22 A. No.

23 Q. Were you able to hire people?

24 A. No.

25 Q. Were you able to purchase supplies?

1 A. No.

2 Q. Okay. Were you able to requisition supplies?

3 A. Yes.

4 Q. Were you hourly or salary?

5 A. Salary.

6 Q. Did you get overtime?

7 A. No.

8 Q. Okay. Thank you. Now, you say you came --- you
9 first started working on the Bandytown fan. What were
10 the conditions like down there?

11 A. Wet.

12 Q. Wet. How about the ventilation, did they have
13 enough air during that?

14 A. Yes.

15 Q. Okay. Do you recall if they put the cuttings from
16 that hole on a belt or did they gob them out in
17 crosscuts?

18 A. Most of them went on the feeder ---

19 Q. Okay.

20 A. --- or the belt line.

21 Q. Okay. What did you do when you got that job
22 finished?

23 A. Set up the new section.

24 Q. Okay. The Headgate 22 section?

25 A. Twenty-one (21) I think it was.

1 Q. Twenty-one (21), okay. Now, we understand that
2 the headgate of the current panel is 21, which
3 connects back with the Bandytown fan.

4 A. No, that's --- it's the three-entry one. Maybe
5 it's 22.

6 Q. Yeah. That's where ---

7 A. Okay. Yeah, that's it.

8 Q. --- Mr. Jones was working.

9 A. Okay. Who?

10 Q. Dean Jones.

11 A. Dino, yeah.

12 Q. Okay. Did you work the day of the explosion?

13 A. No.

14 Q. What was the last shift you worked prior to the
15 explosion?

16 A. The 2nd.

17 Q. The 2nd. So that would have been, what, a
18 Thursday?

19 ATTORNEY BABINGTON:

20 Friday, I believe.

21 MR. SHERER:

22 Friday, okay.

23 BY MR. SHERER:

24 Q. What did you work on that night?

25 A. I don't remember. Probably getting a belt move

1 ready.

2 Q. Okay. Was that the --- did you work down near the
3 Ellis Portal?

4 A. No.

5 Q. Okay. Did you work near the mouth of the 22
6 Headgate?

7 A. No.

8 Q. Okay. I just mentioned both of those places
9 because we know there was some construction gong on
10 there. Okay. I just assume that you worked the
11 midnight shift; is that correct?

12 A. Yes.

13 Q. Do you recall anything unusual that last shift you
14 worked?

15 A. No.

16 Q. Do you know if you worked in the south side of the
17 mine?

18 A. Where are you saying the south side?

19 Q. Near the barrier section and near the UBB Portal.

20 A. No.

21 Q. Okay. So you worked in the north side?

22 A. (Indicates yes).

23 ATTORNEY BABINGTON:

24 Is that a yes?

25 A. Yes.

1 BY MR. SHERER:

2 Q. Thank you. Were you retrieving any equipment that
3 night?

4 A. No.

5 Q. Okay. Were you installing anything that night?

6 A. No.

7 Q. What's the last thing you recall doing at Upper
8 Big Branch?

9 A. Leaving for three days.

10 Q. Okay. I can understand that.

11 A. I don't remember what I did. I don't remember
12 what I did the last night. I'm not sure. I'm not
13 sure.

14 Q. I was just trying to work through that, but I can
15 understand, sir. What's the last job you recall doing
16 at Upper Big Branch?

17 A. That's hard to pinpoint because I do so much.
18 It's hard to pinpoint.

19 Q. Okay. Let me ask you some general questions. You
20 obviously went different places in the mine.

21 A. Uh-huh (yes).

22 Q. Did you think the ventilation was adequate in all
23 those places you went to?

24 A. It could have been more on mine. It was adequate,
25 I mean, you know, but it could have been more. It

1 could have been more.

2 Q. And you're pointing to the 22 Headgate?

3 A. Yeah, up here.

4 Q. Did you have occasion to go up near the working
5 face on that section?

6 A. Oh, yes.

7 Q. Did anyone complain that there was a lack of air
8 or lack of ventilation?

9 A. Not that I recall.

10 Q. Okay. So that's just your impression?

11 A. Uh-huh (yes).

12 Q. Did you take any air measurements?

13 A. Oh, yes.

14 Q. Okay. Do you recall any of those air
15 measurements?

16 A. Yes.

17 Q. What did you get up there?

18 A. My lowest reading on one shift was 7,500, and I
19 called outside and I told him what I had. And they
20 wanted me to go back down and check all the man doors
21 and see if there was any of these doors down here that
22 were open. And I did that, but --- and we walk.
23 That's a good walk. And by the time I got back up
24 there, two outside pieces had come in to double check,
25 and we went back over and then we got over 15,000. I

1 don't know whether there was a door momentarily open
2 when I was take an air reading or what, but it was
3 there when we got back up there.

4 Q. Okay. Do you recall roughly when that was?

5 A. No. That was probably a month or a month-and-a-
6 half before the accident.

7 Q. Okay. Now, what were you doing up there; do you
8 recall?

9 A. Doing whatever I was doing as a move boss and
10 getting ready --- most of my job is getting ready for
11 a move or putting a discharge line up or rock dusting,
12 you know.

13 Q. Okay. So you were up there working on
14 something ---

15 A. Uh-huh (yes).

16 Q. --- and you got 7,500 cfm. I assume that was the
17 last open break?

18 A. It was the last open break.

19 Q. Okay. Who did you talk to when you called
20 outside?

21 A. Everett Hager.

22 Q. Okay. You talked to Mr. Hager. And you said they
23 sent some people in?

24 A. Yeah. He said that's not enough to run, so he
25 wanted me to check the doors, and I did that.

1 Q. Did you find any problem with the doors?

2 A. No. No.

3 Q. Who did he send in to help you out with that?

4 A. Mr. Berman was one of them.

5 Q. Okay. Berman Cornett?

6 A. Yeah. And Wayne something.

7 Q. Wayne Persinger?

8 A. I think that's it.

9 Q. Okay. And when they got up there you had 15,000?

10 A. Yeah, or better than 15,000.

11 Q. Okay. Did you feel the increase in air?

12 A. You could feel an increase in air.

13 Q. Did that occur after they got there or before they
14 got there?

15 A. Before they got there.

16 Q. Did it occur right after you had called out or did
17 it occur sometime ---?

18 A. Well, I had to walk off and check the doors, and
19 that probably takes 30, 40 minutes probably. You
20 know, you walk off, you get back up there. And then
21 by that time, the sign overtop of the power center was
22 doing this number, you know.

23 Q. Swinging.

24 A. It was swinging, yeah.

25 Q. Okay. When you were walking up there, checking

1 those doors, did you feel the air increase?

2 A. It seemed to.

3 Q. Was it near the end of checking the doors or ---?

4 A. About halfway back up.

5 Q. So roughly 15, 20 minutes after you called out?

6 A. Yeah.

7 Q. Okay. Did you take any methane readings?

8 A. I always do, yes.

9 Q. Did you find any methane up there?

10 A. The most I ever found was .45.

11 Q. Okay, .45. Where was that at, please, roughly?

12 A. I think that was in One, I believe.

13 Q. Okay. In the belt entry?

14 A. Uh-huh (yes).

15 Q. Okay. Was that up in the face or ---?

16 A. Up at the face.

17 Q. Did you have a chance to get down on the tailgate
18 section?

19 A. No.

20 Q. Okay. Did you ever go inby the longwall once it
21 started operating?

22 A. No, other than I guess if you would say ---
23 because there for a while I was doing the pumps. I
24 guess that would be inby.

25 Q. Okay. Sure. What did you do on the pumps?

1 A. I was pumping water out of the returns for all the
2 other sections and installing air pumps.

3 Q. Okay. Now, we understand that there was quite a
4 few air pumps back there, weren't there?

5 A. Oh, several.

6 Q. How many would you estimate when you were back
7 there?

8 A. Fifteen (15), 20.

9 Q. Okay. A lot of them?

10 A. Yeah.

11 Q. How deep did the water get when you were back
12 there?

13 A. When they shut the section down, Three and Two
14 were to the roof. One had a small passage which
15 would --- the air would go so the water would blow,
16 you know, like a mist.

17 Q. Oh, okay.

18 A. That's when they shut the section down and that's
19 when I went to pumping.

20 Q. Okay. Do you recall about when that was?

21 A. No.

22 Q. Was it after Christmas or before Christmas?

23 A. I can't remember.

24 Q. Okay. Sure. Now, when you were back there
25 pumping, did you go further inby toward the Bandytown

1 fan?

2 A. Clear to the fan.

3 Q. What were conditions like back near the fan when
4 you did that?

5 A. Still had a lot of water over in Three.

6 Q. What about the roof, ribs and floor, was that
7 still in decent shape?

8 A. Fairly decent.

9 Q. Did you notice any problem anywhere back there
10 with the roof, rib or floor?

11 A. No.

12 Q. Okay. Was there a lot of props?

13 A. Yes.

14 Q. Did you have any occasion to go down to the
15 tailgate of the longwall?

16 A. No.

17 Q. No one back there pulling any equipment or
18 anything?

19 A. No.

20 Q. You said you were working on the belts a lot.

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

22 Q. What's the last belt you remember working on?

23 A. Be my section belt.

24 Q. To the 22 Headgate?

25 A. Yes.

1 Q. What condition was that belt in?

2 A. Well, on my end it was good, but I don't fire boss
3 that belt.

4 Q. Okay. You just work at the drives?

5 A. Yeah.

6 Q. What was the rock dust like around that drive?

7 OFF RECORD DISCUSSION

8 BY MR. SHERER:

9 Q. What was that rock dust like?

10 A. It should be good. It should have been good.

11 Q. Okay. I just missed that last piece because of
12 the ---.

13 A. Uh-huh (yes).

14 Q. Okay. Did you ever notice any float dust on any
15 of the belts?

16 A. No.

17 Q. Were there any chargers around those belt heads?

18 A. No.

19 Q. Okay. When do you think was the last time you got
20 up near that 22 Headgate section prior to the
21 explosion?

22 A. On Mine 22?

23 Q. Uh-huh (yes).

24 A. The 2nd.

25 Q. On the 2nd. So you were up there on the 2nd?

1 A. Yeah.

2 Q. Okay. What did you think about the ventilation
3 the last time you were up there?

4 A. It was good.

5 Q. It was good?

6 A. Yeah.

7 Q. Okay. Did you notice any funny smells when you
8 were up there?

9 A. No.

10 Q. Anything that smelled like kerosene possibly?

11 A. No.

12 Q. Did you get involved in any of the ventilation
13 changes, building stoppings, knocking out stoppings?

14 A. Yes.

15 Q. When you did that, who was in charge of those
16 ventilation changes?

17 A. The mine --- well, you mean the supervisor there?

18 Q. Uh-huh (yes).

19 A. Would be Sean Walker. He was my hoot owl mine
20 foreman.

21 Q. And he would give you instructions on what
22 stoppings to knock out ---

23 A. Yes.

24 Q. --- or build? When's the last time you did one of
25 those ventilation changes?

1 A. I can't remember.

2 Q. Okay. Did you do any ventilation changes ---
3 what's the last ventilation change you can recall?

4 A. The only ventilation change I did was directing
5 the intake up in my section, you know, as I moved, one
6 break, build a stopping, one break, build a stopping.

7 Q. Okay. So you primarily worked there on the
8 section ---

9 A. Uh-huh (yes).

10 Q. --- itself? Okay. I wasn't sure about that.
11 Thank you. How many open breaks did that 22 Headgate
12 section normally have, one or two?

13 A. Usually one.

14 Q. Okay. So you kept that stopping?

15 A. Kept that stopping up in front of the power
16 center.

17 Q. Okay. So you guys were moving that power center
18 up quite often?

19 A. Uh-huh (yes).

20 Q. Did you move the power center?

21 A. Yes.

22 Q. Okay. How many days between moves on that power
23 center on average?

24 A. Two or three days.

25 Q. Every two or three days you moved it?

1 A. Uh-huh (yes).

2 Q. Did you move up the feeder when you did that?

3 A. Yes.

4 Q. You guys were busy.

5 A. Yes.

6 Q. Do you recall anybody complaining about anything
7 on that section prior to the explosion?

8 A. No.

9 Q. Okay. Did you have occasion to meet the crew
10 coming on?

11 A. Oh, yes.

12 Q. Where would you do that at?

13 A. Usually about halfway up.

14 Q. Okay.

15 A. They'd be coming off as we were coming in.

16 Q. So you would sitting at a switch or something?

17 A. Uh-huh (yes). Well, not really a switch, at the
18 end of the track.

19 Q. Oh, okay.

20 A. They had a four-wheeler. They'd bring it down,
21 we'd get on it and go back up.

22 Q. Oh, okay. Okay. You guys talked for a bit when
23 you did that?

24 A. Sometimes they talked, yeah.

25 Q. Do you recall the last conversation you had with

1 that crew?

2 A. No.

3 Q. Does anything stand out as unusual about any of
4 those conversations?

5 A. No.

6 Q. Did you do the pre-shifts for that section?

7 A. For hoot owl?

8 Q. Uh-huh (yes).

9 A. Of the morning, yes.

10 Q. Did you call out the numbers?

11 A. Yes.

12 Q. Okay. When you got outside and checked the books,
13 was the numbers you called out what was written in the
14 books?

15 A. Yes.

16 Q. What's the last time you called out a hazard?

17 A. Probably water in the face, but I'm not sure what
18 date that would be.

19 Q. Do you recall calling out anything about the roof
20 and ribs?

21 A. Occasionally, if it was scaling off or something
22 or --- you know, or a bolt missing or ---.

23 Q. And that would be written down in the
24 pre-shift ---

25 A. Should be, yes.

1 Q. --- book you filled out? Did you ever have to add
2 anything to the pre-shift that you called out?

3 A. No.

4 Q. Who generally took those pre-shifts that you would
5 call out?

6 A. The production boss, whoever, Dino or Brandon.

7 Q. When did you start? What time would you start
8 that pre-shift run?

9 A. Usually around 5:00 to 6:00.

10 Q. Okay.

11 ATTORNEY SILKWOOD:

12 Hey, guys, I hate to interrupt for a
13 second. I'm finally moving. I'm about to hit that
14 dead spot. So if we take about 20, I can get through
15 that and call you as soon as I get close to Tamarack,
16 just on my way in.

17 MR. SHERER:

18 We can accommodate that.

19 OFF RECORD DISCUSSION

20 SHORT BREAK TAKEN

21 BY MR. SHERER:

22 Q. I've got just a few more questions, Mr. Anderson.
23 When you were working in the mine did anybody ever
24 call in saying there were inspectors on the property
25 that you are aware of?

1 A. No.

2 Q. Did you ever hear anybody tell you that there were
3 inspectors on the property?

4 A. Yes.

5 Q. How common was that?

6 A. Once in a while.

7 Q. Okay. Do you think the ventilation in this mine
8 was adequate?

9 A. In most places.

10 MR. SHERER:

11 That's all the questions I've got.

12 Terry?

13 EXAMINATION

14 BY MR. FARLEY:

15 Q. Okay. Mr. Anderson, I may be clarifying some
16 things, maybe working backwards. Just be patient with
17 me. You just said the ventilation was adequate in
18 most places.

19 A. Uh-huh (yes).

20 Q. In what places wasn't it adequate?

21 A. Well, I said on this one section I was on it
22 wasn't adequate to me and then it came back.

23 Q. All right.

24 A. I don't know.

25 Q. When you first started at UBB, you were working in

1 the area back towards the Bandytown fan; is that
2 right?

3 A. Yes.

4 Q. Now, was the fan actually on line when you
5 started?

6 A. No.

7 Q. How long ---?

8 A. They were drilling.

9 Q. Okay. Were you involved in moving equipment out
10 of that area?

11 A. Yes.

12 Q. How was the equipment moved out of that area?

13 A. We moved boxes from like Four or Five, move boxes
14 and you plug in and move equipment down as far as it
15 would reach.

16 Q. You traveled it?

17 A. Uh-huh (yes).

18 Q. All right. Now, just like a section move?

19 A. Uh-huh (yes).

20 Q. Okay. I think you might have been asked this, but
21 did you do any work around this Mother Drive
22 construction area at the mouth of 22 Headgate section?

23 A. I helped put the structure in.

24 Q. Okay. All right. Now, we had testimony from a
25 couple of individuals who indicated that the work

1 ongoing at the Mother Drive construction area, at the
2 Mother Drive --- at the mouth of the 22 Headgate
3 section had a negative impact on the ventilation
4 towards 22 Headgate. Do you know anything about that?

5 A. No.

6 Q. Okay. Now, we understand that there was a major
7 air change made involving the 22 Headgate section, 22
8 Tailgate section on February 10th. Now, let me remind
9 you, February 10th was Super Bowl Sunday.

10 A. Okay.

11 Q. Are you familiar with that air change, hear
12 anything about it?

13 A. I vaguely remember that they had one.

14 Q. Okay. Do you know what they did at the time?

15 A. No. No, sir.

16 Q. Okay. All right. Now, there are also some issues
17 involving some problems with the longwall ventilation
18 on MSHA --- on the tailgate side of the longwall
19 resulting from an MSHA Closure Order on March 9th. Do
20 you remember any details about that?

21 A. Something other than it happened, yes.

22 Q. Okay. Now, we've had testimony from many people
23 who told us that the ventilation on the 22 Headgate
24 section was not very good. Now, we also had testimony
25 from a couple, three people who stated that the

1 ventilation on the 22 Headgate section improved
2 slightly a week or two --- within a week or two
3 preceding the explosion. Did you notice any change
4 during that period of time?

5 A. No, not any more than normal.

6 Q. Nothing that --- where you sensed ---

7 A. Nothing.

8 Q. --- ventilation improved slightly?

9 A. Nothing that really stood out.

10 Q. Okay. I think you also described the rock dust as
11 good on your belts.

12 A. Yes. If I --- every move that I moved, I dusted.
13 And when it was getting black, the mine foreman, Sean
14 Walker, would have a crew of men and they would come
15 in and physically hand dust it.

16 Q. Okay. All right. How often did you walk any of
17 the belts in the mine from one end to the other?

18 A. Very seldom because I wasn't the fire boss on the
19 belts.

20 Q. Okay. All right.

21 RE-EXAMINATION

22 BY MR. SHERRER:

23 Q. I've got a few more questions, Mr. Anderson. You
24 said that when the dust on the belts were getting
25 black that they would send a crew in to ---

1 A. Uh-huh (yes).

2 Q. --- hand dust them. Who called that crew in or
3 notified it? Would you?

4 A. No, I wouldn't. I assume it would be the fire
5 boss that walked the belts.

6 Q. Okay. Okay. You mentioned that you had three
7 people that worked for you or helped you out?

8 A. Yes.

9 Q. Did you direct those people?

10 A. Yes.

11 Q. Who were those people?

12 A. By name?

13 Q. Yes.

14 A. I had Josh and John Plumley.

15 Q. Okay.

16 A. Derek Petry.

17 Q. Okay. Thank you. And one last question. Do you
18 have any knowledge of anyone tampering with or
19 bridging out methane monitors at this mine?

20 A. Not on my --- not on my watch. I don't run coal.
21 I just --- you know, ---.

22 Q. Have you ever heard of anybody bridging out a
23 methane monitor at this mine?

24 A. Not at this mines. At other mines I've heard of
25 it, but not at this mine.

1 Q. Okay. Thank you.

2 ATTORNEY BABINGTON:

3 Terry, anything else?

4 MR. FARLEY:

5 No.

6 ATTORNEY BABINGTON:

7 Celeste?

8 MS. MONFORTON:

9 I don't have any questions.

10 ATTORNEY BABINGTON:

11 There were two documents we went over at

12 the beginning. The first one was a copy of the

13 subpoena, and that will be labeled A.K. Anderson One.

14 And we also went over a copy of the return receipt for

15 that subpoena. That will be labeled A.K. Anderson

16 Two.

17 On behalf of MSHA and the Office of

18 Miners' Health, Safety and Training, I want to thank

19 you for appearing and answering questions today.

20 OFF RECORD DISCUSSION

21 ATTORNEY BABINGTON:

22 On behalf of MSHA and the Office of

23 Miners' Health, Safety and Training, I want to thank

24 you for appearing and answering questions today. Your

25 cooperation is very important to the investigation as

1 we work to determine the cause of the accident. We
2 request that you not discuss your testimony with any
3 person aside from a personal representative or
4 counsel. After questioning other witnesses, we may
5 call you if we have any follow-up questions. If at
6 any time you have additional information regarding the
7 accident that you'd like to provide to us, please
8 contact us at the contact information previously
9 provided. If you wish, you may now go back over any
10 answer you've given during this interview, and you may
11 also make any statement that you'd like to make at
12 this time.

13 A. The only thing I would say, the two production
14 bosses, I knew them very well and they were very
15 diligent about making their curtains up and they were
16 both super good foremen as far as I was concerned.

17 ATTORNEY BABINGTON:

18 Okay. Thank you. And again, I want to
19 thank you for your cooperation in this matter.

20 A. Okay.

21 * * * * *

22 STATEMENT UNDER OATH CONCLUDED AT 11:41 A.M.

23 * * * * *

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Alison Salyards, a Notary Public in and
for the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Alison Salyards