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Transcript of the Testimony of Reba Ann Crawford

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Case:

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STATEMENT UNDER OATH
OF
REBA ANN CRAWFORD

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 Monday, May 10, 2010, beginning at 1:00 p.m.

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15 ALSO PRESENT:

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17 Governor's Independent Investigation

18

19 CHARLOTTE RICHARDSON,

20 Local 3181 Steward

21

22

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ATTORNEY WILSON:

Good afternoon. My name is Bob Wilson.

I'm with the Office of the Solicitor, United States Department of Labor. With me is David Steffey, an accident investigator with the Mine Safety and Health Administration. Other parties present are with the Office of Miners' Health Safety and Training of West Virginia. I would ask that those individuals state their appearance for the record starting with Mr. McAteer.

ATTORNEY MCATEER:

I'm David McAteer. I'm with the Governor's independent investigation.

MR. FARLEY:

I'm Terry Farley with the Office of Miners' Health, Safety and Training.

ATTORNEY KOERBER:

I'm Barry Koerber. I'm the Assistant Attorney General assigned to represent the Office of Miners' Health, Safety and Training for the State of West Virginia.

MS. SPENCE:

I'm Beth Spence. I'm with the Governor's

1 independent investigation.

2 ATTORNEY WILSON:

3 Also there are several members of the

4 investigation team present in the room today observing

5 the interview. All members of the Mine Safety and

6 Health Administration, accident investigation team and

7 all members of the State of West Virginia accident

8 investigation team participating in the investigation

9 of the Upper Big Branch Mine explosion shall keep

10 confidential all information that is gathered from

11 each witness who voluntarily provides a statement

12 until the witness statements are officially released.

13 MSHA and the State of West Virginia shall

14 keep this information confidential so that other

15 ongoing enforcement activities are not prejudiced or

16 jeopardized by a premature release of information.

17 This confidentiality requirement shall not preclude

18 the investigation team members from sharing

19 information with each other or with other law

20 enforcement officials. Everyone's participation in

21 this interview constitutes their agreement to keep the

22 information confidential.

23 Government investigators and specialists

24 have been assigned to investigate the conditions,

25 events and circumstances surrounding the fatalities

1 that occurred at the Upper Big Branch Mine-South on
2 April 5th, 2010. The investigation is being conducted
3 by MSHA under Section 103(a) of the Federal Mine
4 Safety and Health Act and the West Virginia Office of
5 Miners' Health, Safety and Training. We appreciate
6 your assistance in this investigation. After the
7 investigation is complete, MSHA will issue a public
8 report detailing the nature and causes of the
9 fatalities in the hope that greater awareness about
10 the causes of accidents can reduce their reoccurrence
11 in the future.

12 Information obtained through witness

13 interviews is frequently included in these reports.

14 You should know that if you request confidentiality,
15 confidentiality will only be granted on a case by case
16 basis. Your statement may be used in other
17 enforcement proceedings. You may have a personal
18 representative present during the taking of the
19 statement and you may consult with the representative
20 at any time. Do you have a representative with you?

21 MS. CRAWFORD:

22 Yes, I do.

23 ATTORNEY WILSON:

24 And would the representative please
25 identify ---?

1 MS. RICHARDSON:

2 My name is Charlotte Richardson. I'm a
3 steward in Local 3181. I'm her steward.

4 ATTORNEY WILSON:

5 You may refuse to answer any question.

6 You may request a break at any time. This is not an
7 adversarial proceeding. Formal Cross Examination will
8 not be permitted. However, your personal
9 representative may ask clarifying questions as
10 appropriate. A court reporter will record your
11 interview; therefore, it's important that you speak
12 loudly and clearly.

13 If you do not understand a question,
14 please ask that the question be rephrased. Please
15 answer each question as fully as you can including any
16 information that you may have learned from someone
17 else. I would like to thank you in advance, again,
18 for appearing here today. We appreciate your
19 assistance in this investigation. Your cooperation is
20 critical in making the nation's mines safer.

21 After we have finished asking questions
22 you will have an opportunity to make a statement,
23 provide any other information that you believe to be
24 important. If at any time after the interview you
25 recall any additional information that you believe

1 might be helpful, please contact Norman Page at the
2 telephone number or e-mail address provided to you,
3 and here's a copy of the letter formally requesting
4 your appearance here today. Norman Page's phone
5 number's on the second page. At this time we'll ask
6 the court reporter to swear you in and then for you to
7 state your name for the record.

8 -----

9 REBA ANN CRAWFORD, HAVING FIRST BEEN DULY SWORN,
10 TESTIFIED AS FOLLOWS:

11 -----

12 ATTORNEY WILSON:

13 And would you please state your full
14 name?

15 A. Reba Ann Crawford.

16 MR. WILSON:

17 Okay. Dave?

18 MR. STEFFEY:

19 Okay.

20 EXAMINATION

21 BY MR. STEFFEY:

22 Q. Would you spell your last name, please?

23 A. C-R-A-W-F-O-R-D.

24 Q. Can you please state your address and telephone
25 number?

1 A. Home address or work address?

2 Q. Home address.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] Thank you. And your telephone number?

6 [REDACTED]

7 Q. Thank you. Are you appearing here today
8 voluntarily?

9 A. Yes, I am.

10 Q. How long have you worked for MSHA?

11 A. Since 1979, 31 years.

12 Q. What is your current duty station?

13 A. Mount Hope.

14 Q. How long have you worked at that location?

15 A. Thirty-one (31) years.

16 Q. What is your present position?

17 A. I am a health specialist.

18 Q. And how long have you been in that position?

19 A. Since July 1st of '08, so almost two years.

20 Q. Who's your current supervisor?

21 A. Paul Prince.

22 Q. Tell us about your mine history and your
23 experience?

24 A. I became --- I started in the Upward Mobility
25 Program in 1989 and got my AR card in '91.

1 Q. Do you have any specialized training or
2 certifications?

3 A. I have a teaching degree which helps. I was in
4 EFS --- or education and training for a little bit
5 during my Upward Mobility, so other than that, no. I
6 do have a miner's card.

7 Q. What are your areas of responsibility?

8 A. Right now I'm a health specialist. I approve
9 plans, monitor dust sampling, conduct dust sampling,
10 anything that goes along with that mine in addition to
11 conducting EO1 inspections as needed.

12 Q. Are you the authorized representative assigned to
13 the Upper Big Branch Mine?

14 A. No, sir.

15 Q. When was the last time you inspected at Upper Big
16 Branch Mine?

17 A. March 30th of this year.

18 Q. What type of inspection were you conducting?

19 A. I ran dust on one of the sections.

20 Q. Did you go underground?

21 A. Yes.

22 Q. Did anyone accompany you during your inspection?

23 A. You mean MSHA or company?

24 Q. Either.

25 A. Yes.

1 Q. And who were they and what were their titles?

2 A. Doy Russell, trainee for MSHA, was with me and

3 --- I'm trying to think who from the company

4 accompanied me that day. Terry Moore met me

5 underground.

6 Q. Okay. Did either of them take any notes or

7 photographs?

8 A. I saw no photographs taken. I know that Doy took

9 notes because as a trainee I had him taking most of

10 the notes that day. He and I both took notes and I'm

11 sure that Terry Moore took notes. Didn't see him take

12 them, but I'm sure he did.

13 Q. Could you walk us through your inspection on that

14 day? What time did you arrive at the mine starting

15 the day?

16 A. The section went in at --- I'm not sure if that

17 section went in at 6:00 or 6:30, but I arrived at 5:27

18 that morning.

19 Q. And what areas did you inspect?

20 A. I went to the Tailgate 22 section 04 MMU.

21 Q. Okay. And how long were you in this area?

22 A. I was there until I left the section at --- I left

23 the section at 1:30 coming back outside. It took

24 right at an hour to get out.

25 Q. And what were your travel routes?

1 A. Mantrip from the old side up to the Ellis
2 intersection and on to 040 MMU and the same coming
3 out.

4 Q. And when you say the old side that means ---?

5 A. Well, they had what they call the Ellis Portal and
6 the UBB Portal and that was the old side of the UBB
7 Portal.

8 Q. Thank you. Were your findings consistent with the
9 information found in the record books as far as
10 pre-shift, downshift, any exams that had been
11 conducted?

12 A. Yes.

13 Q. What were your observations as to the conditions
14 of the mine?

15 A. I went straight to the section. The section was a
16 little dirty. By that I'm saying they had a spot or
17 two that had not been scooped exactly like it should
18 have been. It was not citable. There was not any
19 accumulation. It was just a little spillage. They
20 immediately put a scoop to it and the section was
21 clean when I left. Very wet.

22 Q. Okay. What about your ventilation, your
23 ventilation controls going to the section and then
24 once you were on the section?

25 A. I saw nothing wrong in there and I saw nothing

1 wrong on the sections. I was there all day.

2 Q. What about methane and oxygen levels when you did
3 your ID, did you find anything?

4 A. There was no methane detected all day.

5 Q. The roof, rib and floor conditions, how were they?

6 A. The floor was very wet.

7 Q. And what about the roof and rib?

8 A. They were fine.

9 ATTORNEY WILSON:

10 Can I just ask a follow-up? When you say

11 very wet, can you describe what you mean by that?

12 A. I'm talking about there was a couple of mud holes
13 that was --- and forgive me for saying mud holes, but
14 there was a couple of mud holes that was --- that the
15 --- I'm a klutz and if there's a mud hole around, I'll
16 find it. And there was --- I mean, there was just
17 several pockets of water across the section in the
18 swags kind of thing.

19 BY MR. STEFFEY:

20 Q. Were they installing the roof supports properly?

21 A. Yes.

22 Q. What about accumulation of combustible material,
23 did you see anything?

24 A. Not other than what I told you just a moment ago.

25 Q. Okay. Did you see any accumulations of water on

1 the way to the section?

2 A. No.

3 Q. No. What about citations and orders that you
4 issued during this inspection, did you issue anything?

5 A. I wrote one citation and that was for having the
6 wrong miner --- the serial number of the miner was not
7 was on their plan.

8 Q. Take any pictures during ---?

9 A. No, sir, don't carry a camera.

10 Q. Did anybody from the company when you cited this
11 condition did they have anything to say, any comments
12 about what you were citing?

13 A. No, sir.

14 Q. Did you have any conversations with any of the
15 mine workers or mine managers concerning anything that
16 you saw up there?

17 A. I don't quite understand what you're asking me.
18 Tell me again, please.

19 Q. During the course of your inspection did you talk
20 with any of the workers up there at any point in the
21 day?

22 A. I talked to them all day long. That's why I
23 didn't understand.

24 Q. Okay.

25 A. You know, we talked about, you know, the

1 conditions and the water and ---.

2 Q. Did they express concerns about anything?

3 A. No, sir.

4 Q. What about your section boss or any mine
5 management up there, did you converse with them any
6 during the day?

7 A. Yes, sir, usually all day long.

8 Q. All day long. Did they have any concerns or
9 anything that they spoke to you about or anything like
10 that?

11 A. No, sir.

12 Q. Have you ever been the authorized representative
13 assigned to the Upper Big Branch Mine?

14 A. Yes, sir.

15 Q. Have you conducted or assisted in any inspections
16 of this mine prior to the last quarter, and that would
17 be from January 6th, 2010 to March 31st, 2010,
18 anything prior to that?

19 A. You're saying between January and March had I been
20 there?

21 Q. No, prior to that.

22 A. Before that, yes, sir.

23 Q. What type of inspection were you conducting?

24 A. I've been on E01s and E02s and running dust on the
25 E01s, E02s.

1 Q. Okay. I guess we're just going back over some
2 questions we had here previously. Did anybody
3 accompany you during this inspection?

4 A. I'm always accompanied at least by company men.

5 Q. Okay. You wouldn't happen to remember any of
6 their names or titles; would you?

7 A. Rick Foster accompanied me around March 7th when I
8 ran dust on another MMU.

9 Q. Did he take any notes or photographs that you know
10 of?

11 A. I saw no photographs taken, but I'm sure that ---
12 most of the officials take notes.

13 Q. When did you last inspect or visit the longwall
14 section, 22 Headgate section and the 22 Tailgate
15 sections?

16 A. I was on Tailgate 22 040 MMU on March 30th.

17 Q. Okay. What about the 22 Headgate section?

18 A. I don't remember.

19 Q. Do you remember anything --- ever being on the
20 longwall?

21 A. Yes, I had been on the longwall.

22 Q. Do you remember about when that was?

23 A. No. That's part of my inspection notes, if you
24 have access to those.

25 Q. During any of these inspections, what were your

1 observations as to the condition of the mine as far as
2 rock dusting and ventilation controls, methane and
3 oxygen levels?

4 A. Ventilation controls I put --- I cited the
5 longwall for not having enough air the last time I was
6 up there.

7 Q. Okay. What about the rock dusting, was it the
8 same, adequate?

9 A. Yes. If not, I cited it.

10 Q. Methane and oxygen, what were your findings there?
11 Do you remember?

12 A. I picked up a touch of methane always below one
13 percent in most of the areas of the mine. Like I
14 said, I'd been there for a long time, but nothing
15 citable.

16 Q. Okay. What about your rib, roof and floor
17 conditions during ---?

18 A. I have written some roof and rib violations.

19 Q. On the longwall?

20 A. Don't remember writing them on the longwall.

21 Q. Were roof supports adequately installed?

22 A. Yes, sir. If not, it'll be in my inspection notes
23 where I cited it.

24 Q. Accumulations of combustible material?

25 A. (Indicates yes).

1 ATTORNEY WILSON:

2 You need to speak your answer.

3 A. Oh, I'm sorry. Yes. Sorry. Remind me, please.

4 BY MR. STEFFEY:

5 Q. Okay. Any accumulations of water that you
6 remember or anything?

7 A. There's another mine called Logan's Fort and I
8 don't know if I'm thinking of Logan's Fort or UBB, but
9 one of them I remember citing because the water was
10 over knee deep.

11 Q. Do you remember about where it was at if we showed
12 you on a map, got you a map of the area?

13 A. No. It's been too long.

14 Q. It's been too long.

15 A. I can go through my notes and show you, but I
16 always write down spad numbers.

17 Q. Are you aware of any complaints lodged against
18 this mine?

19 A. I know that they've had complaints that's been
20 reported to our office that we've investigated.

21 Q. Okay. Have you ever been on any of these
22 investigations on these complaints?

23 A. No, sir. Right now I can't remember any I've been
24 on.

25 Q. Okay.

1 A. Not here.

2 Q. The ones that you do know of that were called in
3 that were investigated out of your office, do you know
4 what the outcome was?

5 A. No.

6 Q. No. Are you aware of any conditions which require
7 all or a portion of the miners to be evacuated?

8 A. There was something about the longwall, but I
9 don't remember what it was. I'm in health now instead
10 of regular inspections, so I don't keep as much track.

11 Q. Are you aware of any times that oncoming shifts
12 were cancelled or delayed due to conditions in the
13 mine?

14 A. No, sir, I wouldn't know that.

15 Q. The mine map shows a three-year gap in longwall
16 production. Do you know why?

17 A. I think they took the longwall out of here and
18 took it to Logan's Fort.

19 Q. Okay. Also the mine map, on my map, various
20 portions of the longwall were skipped. Do you know
21 why?

22 A. What do you mean they were skipped?

23 Q. Let me see if we got a portion of the map here.

24 ATTORNEY WILSON:

25 Go off the record for a minute.

1 OFF RECORD DISCUSSION

2 BY MR. STEFFEY:

3 Q. They skipped this portion right in here
4 (indicating). Do you have any idea as to why? Did
5 anybody ever mention anything?

6 A. No.

7 Q. Okay.

8 A. It might have been mentioned, but I wasn't the
9 inspector there and kind of a need-to-know basis. I
10 didn't need to know.

11 Q. Okay. Have any miners ever approached you during
12 your inspection with concerns regarding unsafe
13 conditions at this mine?

14 A. No.

15 Q. At any time during your inspections did you have
16 concerns regarding the mining conditions of Upper Big
17 Branch?

18 A. No.

19 Q. Okay. We're going to talk about April 5th here,
20 the day of the accident. When and how were you
21 notified of the April 5th accident?

22 A. At about quarter 'til 5:00, ten minutes 'til 5:00
23 Link South was hunting people to go. He said, we had
24 an accident and I said, I'm available.

25 Q. Okay. Were you involved in rescue and recovery

1 efforts?

2 A. I was on the surface, not underground.

3 Q. When did you arrive at the mine following
4 notification?

5 A. About 6:15.

6 Q. About 6:15. And what did you do when you got
7 there?

8 A. Accompanied Bob Hardman to the UBB side and took
9 notes in the command center.

10 Q. Who was in charge at the mine site when you
11 arrived?

12 A. Company or MSHA?

13 Q. Both.

14 A. Bob Hardman was the lead man for MSHA and I would
15 say Chris Adkins was the lead company man.

16 Q. Okay. And during this time when you were there
17 did you happen to speak to any of the miners that were
18 there, that happened to be there on the outside during
19 this time span?

20 A. Oh, yes, sir.

21 Q. Did anybody say anything about any unsafe
22 conditions at that time?

23 A. No.

24 Q. What was your assignment relative to the accident?
25 You said you worked in the command center.

1 A. I took the notes for the district manager.

2 Q. Okay. Did you go directly to the mine when they
3 called you or did you go to the field office first?

4 A. I am in the field office and I went to the Ellis
5 Portal. Bob Hardman met me on the way up the hill and
6 told me to follow him to the UBB site.

7 Q. Okay. So you were still at work that day?

8 A. Yes.

9 Q. How long did it take you to go from the office to
10 the mine?

11 A. About an hour and 15 minutes.

12 Q. Were any state officials at the mine site when you
13 arrived? Do you remember seeing any?

14 A. There was some. I'm trying to think of who. If
15 Steve Snyder wasn't there, he was there shortly
16 thereafter I'm pretty sure.

17 Q. Okay. Do you remember who was in charge for the
18 statement?

19 A. No.

20 Q. Okay. And just take us through your activities
21 upon arriving at the mine. You said you took notes
22 for the district manager?

23 A. Yes, sir.

24 Q. Can you take us through what you did there as far
25 as anything in particular that stands out in your

1 memory?

2 A. No. I simply sat between Bob Hardman and Chris
3 Adkins and recorded conversations. And then Danny
4 Spratt brought in the headsets, multiple listeners,
5 and I just tried to record as best I could what
6 happened, what I heard.

7 Q. And you said nobody approached you on April 5th
8 regarding unsafe conditions. Did I hear you --- did I
9 understand you correctly?

10 A. Yes, sir.

11 Q. Okay. Reba, do you have anything to add that
12 would be relevant to this investigation, anything that
13 could help us and give us some information?

14 A. I had only been there twice since '07. That was
15 on March 7th and March 30th. Those sections looked
16 good. I saw no methane. Anything I saw I cited.

17 MR. STEFFEY:

18 Do you have any questions?

19 ATTORNEY WILSON:

20 I'm going to pass on to Terry.

21 EXAMINATION

22 BY MR. FARLEY:

23 Q. To make sure I'm just following what you said, you
24 said you were there March 30th of this year and you
25 were on Tailgate 22?

1 A. Yes, Tailgate 22, the new longwall.

2 Q. Did you also say that you were there on March 7th?

3 A. I think it was March 7th I was there on the
4 barrier section.

5 Q. On the barrier section?

6 A. Yes, sir.

7 Q. And you said earlier that you cited the longwall
8 for not having enough air the last time you were
9 there. You're not sure when you were there?

10 A. It was a couple of years ago or plus.

11 Q. All right.

12 A. The last time I was there was July of '07 ---
13 September of '07.

14 Q. All right. Okay.

15 ATTORNEY WILSON:

16 Davitt, do you got any questions?

17 ATTORNEY MCATEER:

18 I do, if you could let me do one thing.

19 EXAMINATION

20 BY ATTORNEY MCATEER:

21 Q. Reba, when you were there on the 7th of March was
22 that with anybody else, another inspector?

23 A. No, I was there March 7th by myself.

24 Q. Okay. And on the Tailgate 22 visit on March the
25 30th that was when you cited nothing wrong with

1 ventilation, no CH, but you said it was wet?

2 A. Yes, sir.

3 Q. Now, are you a cite-and-see inspector? If you see
4 it, you cite it?

5 A. Yes, sir.

6 Q. Did the wetness seem to be temporary or would you
7 --- in your experience would you suggest that it would
8 be there a long time?

9 A. That entire section on March 30th was damp ---

10 Q. Okay.

11 A. --- with puddles in the swags.

12 Q. Right. Which would lead you to believe it a wet
13 period or wet posture and would be for some time ---

14 A. Yes, sir.

15 Q. --- or could be? When you would provide the
16 company with the citation or the order that you would
17 issue what would their response be?

18 A. That citation there, if I recall right, they just
19 said that it had been the same miner for a while, you
20 know, like three weeks, a month. And it was the same
21 miner on the plan, but it was not the correct serial
22 number of the miner on the plan.

23 Q. Did they receive this with a joyful expression
24 or ---?

25 A. No, sir, but they weren't crying boo-hoo tears.

1 Q. Okay. Very good. Did you check the pre-shift
2 books when you went out ---

3 A. Yes, sir.

4 Q. --- before then? Was there any water to your
5 recollection? Was there any water mentioned or ---?

6 A. If I remember right it said section wet.

7 Q. Uh-huh (yes). And did you check the ventilation
8 plan before you went on the 30th of March?

9 A. I checked the methane and dust control plan and
10 carried it with me underground.

11 Q. Okay. All right. And was the plan being complied
12 with?

13 A. Yes, sir.

14 Q. Could you give me a comparison? You said in your
15 testimony that the condition of the section was a
16 little dirty, it had not been scooped properly, it had
17 a little spillage, but they cleaned it up. How does
18 this compare to others?

19 A. By the time that I got to the section they had
20 already ran a buggy of coal and had spilled some near
21 the feeder.

22 Q. Sure.

23 A. And I told the guy that he needed to clean it and
24 he said, my scoop will be here in just a moment, and
25 they quickly got it up.

1 ATTORNEY MCATEER:

2 Okay. That's all the questions I have.

3 RE-EXAMINATION

4 BY MR. FARLEY:

5 Q. While you were there on March 7th and March 30th,
6 any time previously for that matter, during your
7 conversations with the management people or the hourly
8 people, did anyone ever mention methane liberating
9 from the mine floor at any time in what they might
10 call a bleeder in the coal seam below the seam being
11 mined?

12 A. No, sir.

13 Q. Anyone ever mention any gas-offs or any
14 unexplained methane accumulations that caused them to
15 shut down for any reason?

16 A. No, sir.

17 Q. I think we already asked this, but I want to make
18 sure. When you were you there on 22 tailgate on March
19 30th how was the rock dusting?

20 A. Adequate.

21 Q. You would have ridden in a covered mantrip to the
22 22 Tailgate section; right?

23 A. Yes, sir, 22. Yes.

24 MR. FARLEY:

25 I have nothing further.

1 EXAMINATION

2 BY ATTORNEY WILSON:

3 Q. I'd just like to ask one follow-up question. I
4 think you had said earlier that you had heard
5 something about people having been sent home for a
6 week?

7 A. (Indicates no).

8 Q. No, you did not?

9 A. No, sir.

10 Q. Okay. And you have no awareness of that ever
11 occurring?

12 A. Since the accident I had heard rumors through the
13 grapevine that a family member brought that up, but at
14 that time, no, sir, I knew nothing about that.

15 ATTORNEY WILSON:

16 Okay.

17 MR. STEFFEY:

18 I have one more.

19 RE-EXAMINATION

20 BY MR. STEFFEY:

21 Q. When you took your last open crosscut reading, was
22 that reflective of what you saw in the pre-shift book?

23 A. Yes.

24 Q. Do you remember any type of variance at all, about
25 how much it varied, if any?

1 A. You always expect a little bit of variance between
2 anemometers and time of day. In an hour you can get a
3 variance, but there was nothing striking about it.

4 MR. STEFFEY:

5 Okay. Thank you.

6 ATTORNEY MCATEER:

7 Why don't we take a break?

8 ATTORNEY WILSON:

9 Okay. We're going to go off the record
10 for just a couple minutes then we'll come back and
11 finish up. Off the record.

12 SHORT BREAK TAKEN

13 ATTORNEY WILSON:

14 Let's go back on the record.

15 BY MR. STEFFEY:

16 Q. Reba, I've got a few questions for you here.
17 During your time when you were conducting inspections
18 in this mine both on the longwall and the continuous
19 miner sections do you ever remember the methane
20 monitor on the longwall or the miner showing anything,
21 coming up with anything at all?

22 A. Yes, sir. Yes.

23 Q. Do you remember a number?

24 A. No, but it was always one percent or less or the
25 machine kicked off or I cited it.

1 Q. What did you cite it for?

2 A. I'm just saying, if the methane hit that and did
3 not kick off, then I would have cited that. Right now
4 I don't remember doing that.

5 Q. Okay. Do you ever remember hearing anybody talk
6 about having done that?

7 A. No, sir.

8 Q. When you traveled in the mine did you travel from
9 the Ellis Portal, refresh my memory here, or did you
10 travel from the UBB Portal?

11 A. UBB.

12 Q. Okay. Did you go through any equipment doors
13 along the track?

14 A. Yes, sir.

15 Q. What were the conditions of the doors when you
16 came to them?

17 A. They were automatic and in very good condition.

18 Q. Did you ever find them open?

19 A. In March, no.

20 Q. What about prior to that?

21 A. It seems like I wrote the mine once for having the
22 doors open, but I'm not positive. If you want to go
23 through our inspection notes I'll be glad to do that.

24 Q. Do you ever remember finding an air reversal when
25 the doors were open or hear of one?

1 A. No, sir.

2 Q. Let's talk about the day of the accident when you
3 arrived on the mine site when you took notes in the
4 command center. Do you remember about what time you
5 started taking those notes?

6 A. I'm guessing around seven o'clock, but I'm not
7 even really positive about that.

8 Q. What's your procedure for taking those notes?

9 A. My district manager told me, hey, Reba, you need
10 to come take the notes and I grabbed a notepad and
11 started scribbling.

12 Q. So you just basically recorded everything that you
13 could?

14 A. I tried to record who said what.

15 Q. Do you remember who was taking notes prior to you
16 getting there?

17 A. No one.

18 Q. No one was taking notes prior?

19 A. No one that I saw.

20 Q. Okay. Did you hear of a name that was taking
21 notes prior to you getting there?

22 A. No, sir.

23 Q. How long did you take notes for?

24 A. I want to say until about three o'clock in the
25 morning. I'm not sure what time I left, but it was

1 morning.

2 Q. Long day?

3 A. Yes, sir.

4 Q. Anything stand out in your memory during that time

5 as far as --- I guess, you know, who was monitoring

6 the company officials as far as who was in the room?

7 Do you remember any of them?

8 A. Chris Adkins was on the phone, at that time the

9 only phone that we had. Of course, we were only

10 hearing one side of the conversation. And then Danny

11 Spratt brought in the multiple headsets, which helped

12 tremendously.

13 Q. Do you remember about what time they did that?

14 A. No. I would say it was probably midnight-ish.

15 Q. About midnight.

16 A. Just ---.

17 Q. Around midnight?

18 A. Yeah. I had no reason to remember the time.

19 Q. I understand.

20 A. In my notes every so often I'd jot down what time

21 it was.

22 Q. When you finished taking notes what did you do

23 with your notes? Who'd you give them to?

24 A. I kept them.

25 Q. You kept them. Did you write these notes down in

1 a notebook or ---?

2 A. I wrote them down on a legal pad.

3 Q. A legal pad. Did you ever turn that legal pad in
4 or ---?

5 A. Yes, sir.

6 Q. Who'd you turn that in to?

7 A. Bob Hardman.

8 Q. Do you know who started taking notes after you
9 quit, after you stopped taking notes, that is?

10 A. I don't know who came in the next morning. I know
11 there was three or four of us taking notes, but I
12 don't remember who took over for me.

13 Q. Okay. Do you remember who any of the other names
14 were that were taking notes?

15 A. Charlie Ward and Ed Hendricks.

16 Q. Anybody else?

17 A. Maybe Andy Sparks, but I'm not even positive Andy
18 took notes.

19 Q. During that time that you were in the command
20 center, you know, the mine officials, they maintained
21 check-in and check-out records, do you know who did
22 that? Do you know who was doing that? Did you hear
23 anybody --- any names?

24 A. I'm thinking. I'm not ignoring you, I'm just ---.

25 Q. Oh, I understand. A lot went on that night.

1 A. I want to say maybe that Vernon Cornet was taking
2 care of that, but I'm not even positive. I wasn't out
3 there, so I don't know.

4 Q. Okay. Now, who's Vernon Cornet?

5 A. He would be their safety director or assistant
6 safety director for UBB.

7 Q. Okay. Did you ever talk to him?

8 A. Yes.

9 Q. What'd you talk about when you had to speak with
10 him? Was it after an inspection or was it on this
11 particular night that you spoke to him?

12 A. I've known Vernon for many years.

13 Q. Okay.

14 A. Inspected him, so, yes, at other mines. So I
15 personally knew Vernon.

16 Q. Okay.

17 A. Dave Brown might have been the one to check in and
18 check out. I'm not real positive, but I know Dave was
19 there.

20 Q. Okay. Now, what does he do?

21 A. Dave Brown would have been safety director at the
22 Madison operations.

23 Q. Madison operations. Now, who ---?

24 A. The Madison field office, the Massey operations.

25 Q. Okay.

1 A. But I wasn't out there, so I don't know. I'm just
2 trying to think of who I heard was taking care of the
3 check-in/check-out.

4 Q. I understand. I do. Anything else you'd like to
5 add? Anything that maybe jogged your memory there or
6 jumped out at you?

7 A. No.

8 Q. No?

9 A. You had asked who was in the office as far as
10 company officials ---

11 Q. Yes, ma'am.

12 A. --- that night? I know at some time Don
13 Blankenship came in. I know at one time they ran
14 almost everybody out because it was such a small room
15 and so hot.

16 Q. And when you say they ran everybody out, what are
17 you ---?

18 A. Well, they just said, everybody that doesn't have
19 to be here, please go out ---

20 Q. Okay.

21 A. --- because it was so hot in there.

22 Q. Did you have to leave or did you stay?

23 A. I stayed because Bob had me reporting.

24 Q. Okay.

25 A. I keep coming up to Danny Spratt, but Danny was

1 there with a headset, so I knew Danny was there. And
2 Jim Walker from the company was there I know at least
3 once or twice. Very late in the morning Jason
4 Whitehead and Chris Blanchard were there.

5 Q. Do you remember what they did?

6 A. Jason Whitehead and Chris Blanchard had went
7 underground. They were just talking about how far
8 they had gotten and where they thought the guys might
9 be.

10 Q. Do you remember any details from what they were
11 saying there about how far they had gotten and can you
12 show us on the map here? Did you hear anything?

13 A. If I'm not mistaken, I know they were in this
14 area, and this area being the mouth of Headgate 22.
15 And I do --- I do remember them talking about that,
16 but I don't remember how far they had gotten.

17 Q. I can get you a blowup of this area right if you
18 think that might help you. Would that help you any?

19 A. No, sir, because I just heard them talking about
20 it to a couple of guys. They were in the room next
21 door.

22 Q. Okay. Did they --- so you don't remember any
23 really --- couldn't hear any details or couldn't hear
24 anything at all other than I believe you heard them
25 say maybe they got to right in here?

1 A. Yes.

2 Q. Did they say anything else? Do you remember
3 anything at all that they said?

4 A. I remember them telling me that they thought the
5 guys --- not telling me but in saying that they
6 thought the guys had survived because they saw the
7 empty rescuer boxes that were clean on the inside and
8 they couldn't find the rescuers.

9 Q. Do you remember about what time you heard this
10 conversation take place that night?

11 A. No, sir. I want to say I left there like 5:00,
12 5:30, and I'm pretty sure they were out by then.

13 Q. Did you ever have any dealings with Chris
14 Blanchard?

15 A. Yes, sir, a little bit.

16 Q. A little bit.

17 A. Just in inspections.

18 Q. Just in inspections. Well, you know, what did he
19 discuss with you there? What was the basis of that?
20 Had you cited him and he was discussing something with
21 you or you just happened to see him about?

22 A. Just happened to see him about because I've never
23 really inspected Chris.

24 Q. Okay. Did you happen to hear anything else that
25 night?

1 A. One of the company section bosses that I had known
2 for many years, a young guy, told me, he said, I heard
3 it. And I said, what do you mean you heard it? He
4 said, we were in here and we heard the fan sound
5 change. We went running out and saw the dust flying
6 out of the portal and we knew something had happened.

7 Q. And who is this?

8 A. Collins.

9 Q. What portal was he at when he heard it?

10 A. UBB.

11 Q. UBB. And what shift was he on doing work?

12 A. Evening shift.

13 Q. Where at? What section?

14 A. Tailgate 22.

15 Q. 040 ---

16 A. Yes.

17 Q. --- MMU? Okay. During the course of your
18 conversations that evening with those guys, did
19 anybody ever mention anything about the Glory Hole?
20 Did anybody ever talk about that? Did you ever hear
21 anybody --- even in the course of your inspections?

22 A. I had inspected there in '07 on the Glory Hole and
23 cited the belts and the air going the wrong direction
24 on the belt type thing.

25 Q. Right here at the Glory Hole?

1 A. Yes.

2 Q. What way was the air supposed to go?

3 A. The air was supposed to have went out and it was
4 going in.

5 Q. How long did it take them to abate that?

6 A. I'm not real positive. It's in my notes. I want
7 to say we got it abated in just a day.

8 Q. So it took them longer than just a few minutes,
9 though?

10 A. Yes.

11 Q. Okay.

12 A. And that's off the top of my head.

13 Q. I understand. I understand. Anything else that
14 you remember? Did the miners ever talk about this
15 over in here? Did anybody ever discuss that?

16 A. No. I did the methane spots and that --- usually
17 right in that area was where we got the most methane
18 on a spot, as best I remember, but that was '07.

19 Q. I understand. Were you ever up in this area, up
20 in the north end of the mine?

21 A. No, sir. They hadn't --- they hadn't driven that
22 when I was there.

23 Q. Okay. So the last time that you were there prior
24 to running dust on the 040 MMU, they had driven the
25 Glory Hole up, they hadn't turned north or anything

1 like that?

2 A. Yes, sir.

3 Q. Okay. Any other areas of the mine that you
4 inspected?

5 A. I had the entire mine at one time.

6 Q. You had the entire mine at one time?

7 A. Yes, sir.

8 Q. You mentioned something, I think, earlier about a
9 barrier section?

10 A. Yeah. I ran dust on that barrier section on March
11 7th.

12 Q. Okay. Did you find anything there that day,
13 anything out of the ordinary?

14 A. Nothing that stands out in my mind.

15 Q. All right.

16 RE-EXAMINATION

17 BY ATTORNEY WILSON:

18 Q. Just one follow-up. When you cited the belt air
19 for having been reversed, do you know what caused that
20 reversal?

21 A. Not right now.

22 Q. And that was back in 2007; is that right?

23 A. That's the last time I did an inspection down
24 there. And it would have been up to September 30th,
25 '07 or prior.

1 EXAMINATION

2 BY ATTORNEY MCATEER:

3 Q. In the citation that you mentioned for the Glory
4 Hole, the ventilation being reversed, are those notes
5 easily found?

6 A. Are those notes ---?

7 Q. The notes that you made for the citation.

8 A. Yes, sir. They would be in my inspection report.

9 Q. Okay. And do you have that in your possession or
10 is that at Mount Hope?

11 A. The official report is at Mount Hope, Davitt. And
12 that is the best of my memory now that that's what
13 happened there.

14 Q. I'm with you. Mr. Collins --- you said you spoke
15 to Mr. Collins. First name? Do you remember the
16 first name?

17 A. No, sir, I don't. Yes, I do. Brian. They call
18 him Hammer.

19 Q. Hammer?

20 A. Yes.

21 Q. Okay. And you said we were in --- you quoted him
22 as saying, we were in here, meaning the office; okay?

23 A. Yes, sir.

24 Q. The office that you were in at the end of the time
25 where the notes were being taken?

1 A. Yes, sir.

2 Q. And he said, I heard it, the sound --- the fan
3 shifted. And then did he say anything about dust or
4 anything?

5 A. Yes, sir.

6 Q. What did he say about dust?

7 A. He said, I went running out to the door, and the
8 dust was coming out of the portal.

9 Q. Did he describe the dust at all?

10 A. No, sir.

11 Q. Didn't give a color, black or white or forceful
12 or ---?

13 A. I don't remember that.

14 Q. Okay. Did you ever see Frank Foster in the
15 command center?

16 A. I don't know that I saw him that night, but Frank
17 was there sometime during the week. I did see Frank
18 there.

19 Q. How long did you --- you had this mine as an
20 inspector, the full mine, for how long a period of
21 time?

22 A. Usually six months at a time.

23 Q. So how long have you been connected with this mine
24 then?

25 A. I started inspecting on my own in '91, so probably

1 from the beginning.

2 Q. From '94?

3 A. Probably. Don't know that for sure.

4 Q. Sure. But I mean, ---.

5 A. Yeah. That mine has been in our field office I
6 guess since it started.

7 Q. Right. I guess I'm using the '94 date as the date
8 it was sold from one company to the other. That's
9 what I'm just ---.

10 A. Oh, I don't know.

11 Q. And then you --- so from '94 until 2007 you would
12 have inspected this either as a full-time --- as a
13 full-time inspector or in some other capacity?

14 A. Yes, sir. The last time that I can remember ---
15 or the first time I can remember was '98.

16 Q. Okay. And did this mine have ventilation
17 problems?

18 A. Not that I now of.

19 Q. Okay. But you'd know?

20 A. The mine had gotten so large that if you
21 weren't --- and I'm just looking at the map, if you
22 weren't up there where Tim is on that --- the section
23 up there, you might not know if there was a
24 ventilation problem.

25 Q. How many miles of underground workings are there

1 now?

2 A. I have no idea.

3 Q. Does a dozen ring a bell to you?

4 A. It took about an hour and 15 minutes riding the
5 mantrip to get to 040 MMU.

6 Q. An hour and 15?

7 A. About an hour and 15. And hour to hour and 15.

8 If you had to track --- I know it took an hour because
9 we had to --- I came off of 040, and it took me an
10 hour and they knew I was coming out, bringing the
11 pumps back out.

12 Q. Okay. So that generally speaking, during the
13 course of this period of time, how were the dust
14 levels, how were they maintained?

15 A. The two sections I was on on March 7th and March
16 30th was adequate or I would have wrote it.

17 Q. But overall, going back years, a well-maintained
18 dust scheme, dust program? Did you have to site them
19 periodically to keep them ---?

20 A. I don't --- it's been too long for me to remember.
21 I've been there too many months to remember the rock
22 dusting.

23 Q. I explain it this way. You can always remember
24 your parking in a parking lot if you go there once a
25 year. But if you go to many parking lots 15 times,

1 where did I put the damn thing? I mean, that's ---.

2 A. Yes.

3 Q. I understand. I'm with you. Do you have any
4 reason to know why they called it the Glory Hole?

5 A. No, I don't have any reason. I have an idea. I
6 figured that was their money-maker, because they
7 dumped all their coal down through there and out on
8 one beltline. Don't know that.

9 Q. That's a better answer than we've had so far.

10 A. Oh, good. Good.

11 Q. Now, you've had experience with this mine and
12 other mines in this area. Were you surprised at this
13 explosion?

14 A. Yes, sir.

15 Q. What surprised you about it?

16 A. The force of the explosion, by talking to the many
17 mine rescue guys that I talked to in that week, it
18 appears to have went a humongous way, because I
19 understand guys were killed on the longwall, guys were
20 killed up there on the section near David, and the
21 guys were killed --- were not killed on 040, but they
22 were killed down here at the Ellis Ridge. That had to
23 have been a huge, huge explosion.

24 Q. Do you have any way to explain that?

25 A. No, sir, I don't. When I was on 040 MMU, I picked

1 up no gas, me or my trainee. Neither one of us.

2 None.

3 Q. During the course of the time that you inspected
4 this mine, did you ever have any occasion to examine
5 the methane detectors on the machines on the longwall?

6 A. Yes, sir.

7 Q. Did you ever find any problems?

8 A. No, sir. If I did, it's in my inspection notes
9 because I cited it. I don't remember any.

10 Q. Okay.

11 ATTORNEY MCATEER:

12 Thank you, Reba. That's all the
13 questions I have.

14 RE-EXAMINATION

15 BY MR. STEFFEY:

16 Q. Reba, let's go back to that night that you were in
17 the command center and you heard Chris Blanchard and
18 Jason Whitehead in the next room talking.

19 A. Yes.

20 Q. Do you know who else ---?

21 A. I'm not positive that that was that night, okay.

22 Q. Okay.

23 A. It could have been the next morning. It could
24 have been the next night. But at some point I heard
25 them talking about it.

1 Q. Okay.

2 A. And it's probably --- it may be in my notes that
3 they even told Chris after we got the headset, Danny
4 Spratt's headset, it could have been there that they
5 was telling them that they found the box and that the
6 box was clean, so they thought the guys had taken the
7 rescuers --- opened the box, took the rescuers out,
8 because they didn't think the inside would be clean if
9 it had been blown open.

10 Q. So you think that they may have been talking ---
11 you said Chris --- Chris Adkins, is that who ---?

12 A. No. Chris Adkins was not there ---

13 Q. Okay.

14 A. --- when I was ---.

15 Q. So do you know who they were talking to?

16 A. I'm not positive, okay? Might have been Rick
17 Foster, but I know Chris Blanchard and Jason Whitehead
18 were standing there, pointing at a map. And I know
19 there was two other guys there, but I'm not positive
20 who they were.

21 Q. You're not positive who they were. How many
22 nights did you work at the command center?

23 A. In there taking notes, only the one night.

24 Q. Okay.

25 A. Then they needed computer system assistance in the

1 Blue Goose.

2 Q. Okay.

3 A. So I was in there. And they called that the
4 command center, so ---.

5 Q. Okay. Do you remember the days that you were up
6 there?

7 A. Every day until they brought the last guy out. I
8 worked the four to midnight shift there at the mine
9 every night.

10 MR. STEFFEY:

11 I don't have any more questions, Reba.

12 RE-EXAMINATION

13 BY ATTORNEY MCATEER:

14 Q. Just one clarification, Reba. I'm apologizing
15 here, but you said that Chris Adkins was on the phone,
16 and then Danny Spratt brought the listening devices.
17 Where was the phone talking to? Who was talking to
18 whom?

19 A. Chris Adkins was talking to someone underground.

20 Q. That's ---.

21 A. Okay.

22 Q. That's what I meant.

23 A. Yes. And he talked to various people, ---

24 Q. Okay.

25 A. --- which is in my scribbling notes. Most of the

1 time he was talking to Jason Whitehead. And I
2 remember him talking to Jamie Ferguson. I can't --- I
3 don't know that he talked to Chris Blanchard, but I
4 know he talked to Jason Whitehead, and I know he
5 talked to Jamie.

6 ATTORNEY MCATEER:

7 Thank you. That's all.

8 RE-EXAMINATION

9 BY MR. FARLEY:

10 Q. Do you personally know an engineer with the Office
11 of Miners' Health, Safety and Training, John Cruse?

12 A. No, sir, I don't. I think maybe he might have
13 come in the Blue Goose one evening, but I've never met
14 him.

15 Q. Okay.

16 A. And there was so many people there that night.

17 Q. Okay. Well, the reason I ask is he was actually
18 sitting in the command center much of the night on one
19 of the headsets while you were taking notes.

20 A. Yes. Yes. He was over with his back against the
21 wall. Yes, sir, he was, because I asked him what his
22 name was. I couldn't remember. And that's in my
23 notes. And then Steven Stider came in and was
24 standing. So yes, John was there. John was with me
25 that night.

1 Q. There were many people who was out there all night
2 long. It was very confusing.

3 ATTORNEY FARLEY:

4 That's it. Thank you.

5 ATTORNEY WILSON:

6 I have no further questions. Then, Reba,
7 on behalf of MSHA and the Office of Miners' Health,
8 Safety and Training, I want to again thank you for
9 appearing and answering questions today. Your
10 cooperation is very important to the investigation as
11 we work to determine the causes of the accident. We
12 require that you not discuss your testimony with any
13 person other than your representative because we are
14 going to be calling additional people in and
15 questioning them. Okay?

16 A. Yes.

17 ATTORNEY WILSON:

18 After questioning other witnesses, we may
19 call you if we have any follow-up questions that we
20 feel that we need to ask you. If at any time you have
21 additional information regarding the accident that you
22 would like to provide to us, please contact Norman
23 Page at the number that was provided to you in the
24 letter earlier.

25 At this point what I'd like to do is give

1 you an opportunity, if there's anything else that you
2 would like to say at this point or any questions from
3 before that you would like to go over, anything at
4 all, feel free at this time to say whatever it is that
5 you'd like to say.

6 A. No, sir, I have no questions.

7 ATTORNEY WILSON:

8 Okay. Then, again, thank you for your
9 cooperation in this matter. We'll go off the record.

10

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STATEMENT UNDER OATH CONCLUDED AT 2:11 P.M.

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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