

STATEMENT UNDER OATH

OF

THOMAS EVERSON

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Friday, February 17, 2006, at 1:56
p.m.

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A P P E A R A N C E S

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

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is Tim

1 Williams from the Solicitor's
2 Office, and Mr. John Collins
3 with the West Virginia Office
4 of Miners' Health, Safety &
5 Training.

6 I've been assigned to
7 conduct an investigation into
8 the accident that occurred at
9 the Sago Mine on January 2nd,
10 2006, in which 12 miners died
11 and one was injured. The
12 investigation is being
13 conducted by MSHA and the West
14 Virginia Office of Miners'
15 Health, Safety & Training to
16 gather information to
17 determine the cause of the
18 accident, and these interviews
19 are an important part of the
20 investigation.

21 At this time, the
22 accident investigation team

1 intends to interview a number
2 of people to discuss anything
3 that may be relevant to the
4 cause of the accident. After
5 the investigation is
6 completed, MSHA will issue a
7 written report detailing the
8 nature and the causes of the
9 accident. MSHA accident
10 reports are made available to
11 the public in the hope that
12 greater awareness about the
13 causes of accidents can reduce
14 their occurrence in the
15 future. Information obtained
16 through witness interviews is
17 frequently included in these
18 reports. Your statement may
19 also be used in enforcement
20 proceedings at a later date.

21 I would like to thank
22 you in advance for your

1 appearance here today. We
2 appreciate your assistance in
3 this investigation. The
4 willingness of miners and mine
5 operators to work with us is
6 critical to our goal in making
7 the nation's mines safer. We
8 understand the difficulty for
9 you in discussing the events
10 that took place, and we
11 greatly appreciate your
12 efforts to help us understand
13 what happened.

14 This interview with Mr.
15 Thomas Everson is being
16 conducted under Section 103(a)
17 of the Federal Mine Health &
18 Safety Act of 1977 as part of
19 an investigation by the Mine
20 Safety & Health Administration
21 and the West Virginia Office
22 of Miners' Health, Safety &

1 Training into the conditions,
2 events and circumstances
3 surrounding the fatalities
4 that occurred at the Sago Mine
5 owned by International Coal
6 Group in Buckhannon, West
7 Virginia, on January 2nd,
8 2006. This interview is being
9 conducted at the U.S.
10 Bankruptcy Courthouse in
11 Clarksburg, West Virginia on
12 February 17th, 2006.

13 Questioning will be
14 conducted by representatives
15 of MSHA and the Office of
16 Miners' Health, Safety &
17 Training.

18 Mr. Everson, this
19 interview is being --- will
20 begin with my asking a series
21 of questions. If you do not
22 understand a question, please

1 ask me to rephrase it. Feel
2 free at any time to clarify
3 any statements that you make
4 in response to the questions.
5 After we have finished asking
6 questions, you will have an
7 opportunity to make a
8 statement and provide us with
9 any other information that you
10 believe may be important. If
11 at any time after the
12 interview you recall any
13 additional information that
14 you believe may be useful in
15 the investigation, please
16 contact Richard Gates at the
17 phone number and e-mail
18 address provided to you. And
19 that information is on this
20 business card, Mr. Everson.

21 Your statement is
22 completely voluntary. You may

1 refuse to answer any question
2 and you may terminate this
3 interview at any time. If you
4 need a break at any time, just
5 please let me know.

6 A court reporter will
7 record your interview and will
8 later produce a written
9 transcript of the interview.
10 Please try to respond to all
11 questions verbally, since the
12 court reporter cannot record
13 nonverbal responses. Also,
14 please try to keep your voice
15 up. Copies of the written
16 transcripts will be available
17 at a later date.

18 If any part of your
19 statement is based not on your
20 own first-hand knowledge, but
21 on information that you
22 learned from someone else,

1 please let us know. Please
2 answer each question as fully
3 as you can, including any
4 information you have learned
5 from someone else. We may not
6 ask the right questions to
7 learn the information that you
8 have, so do not feel limited
9 by the precise question that
10 we ask. If you have
11 information about the subject
12 area of the question, please
13 provide the information to us.

14 At this time, Mr.
15 Collins, do you have anything
16 that you would like to add on
17 behalf of the Office of
18 Miner's Health, Safety &
19 Training?

20 MR. COLLINS:

21 Yes. Mr. Everson, the
22 West Virginia Office of

1 Miners' Health, Safety &
2 Training is conducting this
3 interview session jointly with
4 MSHA and are in agreement with
5 the provisions --- procedures
6 outlined by Mr. Swentosky for
7 these interviews that will be
8 conducted here today. But the
9 Director reserves the right,
10 if necessary, to call or
11 subpoena witnesses or require
12 the production of any records,
13 documents, photographs or
14 other relevant material
15 necessary to conduct this
16 investigation. And also,
17 after your interview today, if
18 you have questions or
19 additional comments, you can
20 call Brian Mills at this
21 number. Thank you.

22 MR. SWENTOSKY:

1 Mr. Everson, are you
2 aware that you may have a
3 personal representative
4 present during the taking of
5 this statement?

6 MR. EVERSON:

7 Yes.

8 MR. SWENTOSKY:

9 And do you have a
10 representative with you?

11 MR. EVERSON:

12 Yes, I do.

13 MR. SWENTOSKY:

14 And who may that be?

15 ATTORNEY YUHAS:

16 Joe Yuhas.

17 MR. SWENTOSKY:

18 Has anyone suggested
19 that you use Mr. Yuhas as a
20 representative?

21 MR. EVERSON:

22 No, not really.

1 MR. SWENTOSKY:

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

8 MR. EVERSON:

9 Yes, I realize that.

10 MR. SWENTOSKY:

11 Have you been pressured
12 in any way to accept Mr. Yuhas
13 as your representative?

14 MR. EVERSON:

15 No.

16 MR. SWENTOSKY:

17 With this
18 understanding, do you still
19 choose Mr. Yuhas as your
20 representative?

21 MR. EVERSON:

22 Yes.

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MR. SWENTOSKY:

Do you have any questions regarding the manner in which we're going to conduct this interview prior to getting started?

MR. EVERSON:

No.

MR. SWENTOSKY:

Could you swear in Mr. Everson, please?

THOMAS EVERSON, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. SWENTOSKY:

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

A. Thomas Larry Everson, E-V-E-R-S-O-N.

Q. Would you provide us with your

1 address and telephone number, please?

2 A. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. Are you appearing here today
6 voluntarily?

7 A. Yes.

8 Q. How many years of mining
9 experience do you have, Mr. Everson?

10 A. I have 32 --- 31, 32.

11 Q. And could you just please give
12 us a description of your --- a brief
13 description of your mining history,
14 employment history?

15 A. Well, I worked at Pittston
16 Coal with Philippi starting in 1976.
17 I worked up on Cheat Mountain, about
18 three or four different places there.
19 And I worked ten years at Morgantown.
20 And I've been with Anker since '94,
21 maybe.

22 Q. Okay. How much of this time

1 was spent at the Sago Mine?

2 A. I've only been there about two
3 years. I worked outside at Sago.
4 I've never totally been underground
5 at Sago.

6 Q. And can you say approximately
7 what year would that have been that
8 you --- do you remember the month or
9 anything like that about when you
10 started?

11 A. That was in '94, I think,
12 sometime, but I don't remember what
13 month.

14 Q. I mean, at the Sago Mine.

15 A. Yeah. Or 2004.

16 Q. Okay. And what is your
17 present position?

18 A. Dispatcher.

19 Q. And how long have you worked
20 in that position?

21 A. For two years.

22 Q. Two years. So you were a

1 dispatcher whenever you went to Sago?

2 A. Yes.

3 Q. Okay. And is that the only
4 position you've held at Sago Mine?

5 A. Yes.

6 Q. Did you work on January 2nd,
7 2006, the day of the accident?

8 A. No.

9 Q. Okay. What was the last shift
10 that you worked prior to the
11 accident?

12 A. It was a Saturday. It was six
13 o'clock the morning, the Saturday
14 before the accident.

15 Q. 6:00 to ---?

16 A. I worked from Friday evening
17 at six o'clock to six o'clock,
18 Saturday morning.

19 Q. Okay. And as the dispatcher,
20 what are your job duties?

21 A. To take care of conflict on
22 the rail.

1 Q. What other jobs do you have as
2 the dispatcher?

3 A. Well, we watch the computers
4 to make sure everything goes right on
5 in.

6 Q. Okay. And you said you've
7 never been underground at Sago?

8 A. I've been under --- five or
9 six blocks, the most I've been.

10 Q. At Sago Mine?

11 A. Yes.

12 Q. Okay. And what did you do on
13 that occasion?

14 A. I helped them on the motor and
15 stuff, go in and get jeeps out and
16 stuff like that.

17 Q. Okay. So that's the furthest
18 you've ever been underground at Sago
19 Mine was five or six blocks?

20 A. Yes.

21 Q. Okay. And who is your
22 immediate supervisor?

1 A. I guess Brad Hamrick would be
2 right now. He's shift foreman on
3 afternoon.

4 Q. Okay. When you say right now,
5 what do you mean by right now?

6 A. Well, now. I mean, has been
7 just about ever since I've been on
8 afternoon.

9 Q. Okay. And how long have you
10 been on afternoon shift?

11 A. Seven months. That's this
12 shift here now. I've been on
13 afternoon shift ever since I've been
14 over there. 6:00 to 6:00 has been
15 about seven months.

16 Q. And what days do you work on
17 that?

18 A. I work three on and three off.

19 Q. Okay. And what days are
20 those?

21 A. Well, it's whatever day it
22 goes on. I mean, I drop back a day

1 every time I go back.

2 Q. Okay. But what I mean is,
3 your last shift was the Friday at six
4 o'clock until ---

5 A. Six o'clock Saturday morning.

6 Q. --- six o'clock Saturday
7 morning. But what I mean, because of
8 the holiday, was that to be your last
9 shift, or did you cut short because
10 of ---?

11 A. No, that was my last shift.

12 Q. Okay. That was your last
13 regular shift?

14 A. My last scheduled shift.

15 Q. That's what I was getting at,
16 okay. And did you work at any time
17 during the rescue efforts?

18 A. No. It was Wednesday evening,
19 the following Wednesday I went back
20 out to work.

21 Q. Okay. And what person did you
22 relieve whenever you came to work on

1 Friday at six o'clock, do you recall?

2 A. That would have had to have
3 been Nathan --- Nathan Eye, I believe
4 it was.

5 Q. Okay. And who was in there,
6 who was underground whenever you
7 arrived at the mine on that Friday?
8 Was that normal production shift
9 people underground?

10 A. It was a normal crew. I don't
11 remember ---.

12 Q. Okay. On the CO monitoring,
13 what all do you monitor with the CO
14 monitoring system such as the belt
15 operation? Do you monitor the fan or
16 the CO sensors, or what all is
17 monitored by that system?

18 A. The belt mostly on the as far
19 as sensors on every ---.

20 Q. Do you monitor the power at
21 all? Like, if the power goes off,
22 does that show up on the screen?

1 A. No, that's --- no, it won't,
2 unless if it kicks the belts off, you
3 know, they'll all come off.

4 Q. Okay. But the power itself
5 underground is not monitored ---?

6 A. It's not monitored on that.

7 Q. And how about the fan?

8 A. The fan's not on.

9 Q. Okay. Speaking of the alarm,
10 CO alarm system, Atmosphere
11 Monitoring System, the sensors and
12 the alarms and warning, tell me a
13 little bit about that will you,
14 please.

15 A. Well, you know, if you get any
16 smoke or anything they kick in the
17 position where they're at.

18 Q. Okay. At what carbon monoxide
19 level do you get an alarm?

20 A. That would be --- I do not
21 know.

22 Q. Okay. Have you ever had an

1 occasion whenever --- what is the
2 normal --- the sensors on the screen,
3 what color are those usually?

4 A. Green usually.

5 Q. Green? Okay. Do they ever
6 change color?

7 A. Well, if the belt goes dead,
8 or a sensor goes dead it'll go gray.
9 And it will flash red. If it picks
10 up smoke or CO, it'll flash red.

11 Q. Okay. And what do you do
12 whenever they change colors, or ---
13 gray, red?

14 A. Call someone to go check to
15 see, what the problem is.

16 Q. Okay.

17 A. To see where they go off at.

18 Q. Okay. What CO level do they
19 turn red at?

20 A. I don't know what the level is
21 on it.

22 Q. Okay. Do you know what level

1 they turn gray at?

2 A. They go gray when the system's
3 dead.

4 Q. The system is dead?

5 A. Yes.

6 Q. Do they ever turn yellow, or
7 an orange, or any other color ---?

8 A. We get a yellow one. I don't
9 know what brings it yellow right
10 offhand.

11 Q. Okay. Do you ever see them
12 turn yellow, any other color but gray
13 or red?

14 A. Gray, red and green's about
15 the only ---.

16 Q. Okay. And whenever you ---
17 when you see a red, does an alarm or
18 anything go off?

19 A. Yes.

20 Q. There is?

21 A. Yeah.

22 Q. And then when that occurs

1 then, tell me again what you do.

2 A. I call whoever I think's the
3 closest guy in the position and have
4 them check it.

5 Q. Okay. And what about the
6 section, do you contact the sections
7 at all?

8 A. Yes.

9 Q. And what do you do whenever
10 you contact the section crew to tell
11 them?

12 A. Well, if it's close to the
13 section, I would get one of them to
14 go check it.

15 Q. Okay. Have you ever had any
16 situation where it turned red?

17 A. Well, if they're welding or
18 something like that, it might kick
19 off.

20 Q. Okay.

21 A. So they'll usually call you
22 and tell you if they're going to be

1 welding down there or something like
2 that.

3 Q. Okay. So if someone is going
4 to weld, you say they call you?

5 A. Usually, yes.

6 Q. Usually.

7 A. Sometimes they don't call.

8 Q. Sometimes they don't, okay.

9 All right. And what do they tell
10 you?

11 A. They tell you where they're
12 at, their position, where they're
13 going to be cutting or welding or
14 something.

15 Q. I see. And once they tell you
16 that, when is the next contact that
17 you might have with those people?

18 A. When they quit.

19 Q. When they quit. Do they call
20 you and tell you that?

21 A. Usually.

22 Q. Usually?

1 A. Usually.

2 Q. Okay. And then I assume that
3 from usually is sometimes they don't?

4 A. Some. There's been occasions
5 they haven't.

6 Q. Okay. The CO system, are
7 there any particular sensors that
8 when they'll go into alarm, that will
9 also alarm the section at that same
10 time?

11 A. I haven't noticed anything
12 hooked up on the section or not.

13 Q. Okay. So you don't know
14 whether they have an alarm of any
15 sort on the working section?

16 A. I do not.

17 Q. Okay.

18 A. There's an alarm on the
19 machine, I can put it off from out
20 there to alarm the sections.

21 Q. Okay. So if you want to get
22 ahold of the section, let's say, for

1 any reason, even like a pager phone,
2 they're not answering the phone, do
3 you ever just hit that alarm to set
4 off the alarm in the section to alert
5 them so that you can get the call
6 through or anything like that?

7 A. Oh, I have, I'll shut the
8 belts off, ---

9 Q. I see.

10 A. --- that'll get their
11 attention.

12 Q. What type of an alarm do they
13 have in that section? When you
14 activate to get their attention, what
15 happens in the section, what type of
16 alarm do they have?

17 A. They did have a horn alarm. I
18 don't know if it's still on there.
19 The one time, I think they had the
20 light alarm there.

21 Q. Okay. So whenever you
22 activate that --- when you activate

1 the screen, that also activates an
2 alarm in that section to gain their
3 attention?

4 A. Yes.

5 Q. Whenever the CO system is
6 being calibrated, the persons who are
7 calibrating the system, do they alert
8 you to that?

9 A. Yes.

10 Q. Whenever --- do they alert you
11 when they're completed?

12 A. Usually. They'll give me a
13 call when they're done with it. Got
14 them all back up on the mine.

15 Q. Okay. If a sensor is not
16 operating, what is the procedure
17 that's used during the non-operation
18 of a sensor?

19 A. I don't understand what you're
20 asking me.

21 Q. Okay. Let's say on the One
22 Left section as an example. And you

1 received an alarm, so then you
2 contacted someone to go check that
3 sensor, okay. And then they find out
4 that the sensor is not working
5 properly, it needs replaced. Then
6 what happens, what do they do?

7 A. They'll leave someone there
8 with it until they get it replaced.

9 Q. Okay. And that person that
10 they leave there, what does he do?

11 A. Just monitor it physically.

12 Q. Okay. Do they have a handheld
13 sensor, or handheld detector with
14 them during that ---?

15 A. Yes, I'd hope so.

16 Q. Okay. If for some reason the
17 entire One Left section alarms along
18 the belt would go --- there would be
19 a problem that they would not be
20 operative, what are they --- what's
21 the procedure for that?

22 A. Call them and let them know

1 what's going on.

2 Q. Okay. If it's not operating,
3 you say they call you?

4 A. Well, usually. You know, if
5 they notice it, they'll call and see
6 what's going on.

7 Q. Okay. And then once it's
8 determined that if that One Left
9 section alarm system was not
10 operating, what procedure is used
11 then, at that time?

12 A. You get ahold of the
13 electrician to go check them and get
14 them back up.

15 Q. Okay. And if they have to
16 order a part, for instance, before it
17 would be operative then, what do they
18 do?

19 A. I have no idea what they'll
20 do.

21 Q. Okay. Is there a map or a
22 schematic of some sort of the mine

1 that shows the --- where the sensors
2 are located in the mine along the
3 belt?

4 A. Yes. They got a map there,
5 but it shows --- the computer's got
6 the map on it, too.

7 Q. Okay. But there is a map
8 someplace that shows the sensors?

9 A. Yes. I don't know what --- it
10 was in the dispatcher shanty, but
11 they took it --- I don't know where
12 it's at now, over at the command
13 center and left it down there.

14 Q. Okay. But prior to the
15 accident, was there a map posted
16 somewhere that would show those
17 sensors?

18 A. Yes.

19 Q. And where was that located?

20 A. Like I say, I had one there in
21 the dispatcher shanty.

22 Q. The last day you worked, where

1 was it at?

2 A. I'd say over at the
3 dispatcher's shanty.

4 Q. Okay. They had one there at
5 one time?

6 A. Yes.

7 Q. And it was still there the
8 last day you worked?

9 A. I'm not real sure of that.
10 No, I'm not.

11 Q. Okay. There's a --- is there
12 a button or a system called like an
13 automatic kill feature, which will
14 disconnect the batteries to
15 disconnect power from underground
16 from those batteries?

17 A. No.

18 Q. No. Do you have any other
19 duties that you would perform away
20 from the monitoring system?

21 A. Cleaning and stuff like that,
22 the shower house or something.

1 Q. Okay. And those duties, they
2 require you to go out of the
3 building?

4 A. Yes.

5 Q. Okay. Over from the
6 dispatcher shanty over to the shower
7 house; is that correct?

8 A. Yes.

9 Q. Okay. Whenever that occurs,
10 what do you do?

11 A. I've got the handheld radio
12 and the phone that I take with me.

13 Q. Okay. Handheld radio. So at
14 that time, during those particular
15 times, can you hear the alarm ---

16 A. Yes, I can hear the ---.

17 Q. --- and the CO system?

18 A. Yes, I can hear the alarm.

19 Q. And what do you take the
20 handheld radio for, for the
21 dispatching purposes?

22 A. Yeah. It'd pick up the mine

1 phone or the trolley phones, either
2 one.

3 Q. Okay. Is that part of your
4 job on a daily basis is to go over
5 and clean out the ---?

6 A. Yes.

7 Q. So I would assume at that
8 point you can't see the screen?

9 A. No, you cannot see the screen.

10 Q. Okay.

11 A. But you know, like a buzzer
12 goes off.

13 Q. Okay.

14 A. It's not very loud.

15 Q. And on a daily basis,
16 approximately how much time do you
17 spend away from the dispatcher
18 shanty?

19 A. Usually when I'm doing the
20 cleaning, about an hour, something
21 like that.

22 Q. Okay. Is that the only other

1 duties you do other than at the
2 dispatcher --- let me put it this
3 way. I'm sorry. Are those the only
4 duties that you do that would require
5 you to go out of the dispatcher
6 shanty?

7 A. Yes.

8 Q. And you have a pager phone
9 next to the CO monitoring system?

10 A. Yes.

11 Q. Okay. When you used that, can
12 you still see the screen?

13 A. Yes.

14 Q. Do you have what you might
15 call nuisance alarms on occasion,
16 something happened that's really
17 not ---?

18 A. Yeah, I've had it happen.

19 Q. Okay.

20 A. Did you go check it, and
21 there's nothing wrong with it.

22 Q. Does that occur on a daily

1 basis, or ---?

2 A. No.

3 Q. No. Okay. I have the CO
4 monitor log, copies of the log, and
5 I've stapled them together for
6 convenience. And there is page 5 up
7 to page 12 listed on here. And the
8 first page on top being five. And
9 we'll call this Exhibit One.

10 (Everson Exhibit One
11 marked for
12 identification.)

13 BY MR. SWENTOSKY:

14 Q. I'm wondering if you would
15 take a look at that, and I've
16 highlighted a --- the first line is
17 highlighted near the top half of the
18 page. It says 12/31/2005, at a time
19 of 2:37:32; do you see that?

20 A. Uh-huh (yes).

21 Q. Okay. And if you follow
22 across that says station 1.99 One

1 Left section alarm. And it's a CO
2 monitor, and it says alarm latch.
3 Could you tell me what that means?

4 A. No, I can't.

5 Q. Okay. If you notice, right
6 below the date on the left side of
7 the page, it says set 16 ppm. What
8 does that mean?

9 A. They set these latches on the
10 --- I don't know.

11 Q. Okay. And we'll just do one
12 more line here. The next line down
13 it says latch set 16 ppm --- or
14 excuse me. I'm sorry. 12/31/2005,
15 2:37:32, and going across it says
16 warning, latch, and then on the left
17 side it continued with latch set 16
18 ppm. What does that indicate, that
19 sequence?

20 A. I'm not sure.

21 Q. Okay. If you go down to the
22 --- under the third date down on the

1 highlighted area, it says 12/31/2005,
2 2:38:54, and that's the station
3 again, 1.99 One Left alarm, CO
4 monitor. And then right below the
5 date it says communication's dead.
6 What does that mean?

7 A. It means the radios is out.

8 Q. The radios are out? What
9 radios would that be?

10 A. Dealing with the belt. And
11 the CO monitors and stuff don't have
12 anything to hook up on the radio
13 system.

14 Q. Okay.

15 A. I don't know what --- I have
16 no idea what it is.

17 Q. Okay. Have you seen these
18 typed logs before?

19 A. Yes.

20 Q. Okay. Is there a record kept
21 of the maintenance and the
22 malfunctions that occur on the

1 system; are you aware?

2 A. Not that I know of.

3 Q. All right.

4 A. Other than the logs that it
5 prints out would be the only
6 thing ---.

7 Q. Okay. Who is the responsible
8 person that is designated by the
9 operator to direct the evacuation of
10 the mine in case of an emergency, and
11 by that I mean, such as an explosion,
12 a fire, inundation of water? Who is
13 that responsible person?

14 A. Something --- we would have to
15 get ahold of the safety man there for
16 the mines.

17 Q. Okay. Are you saying that
18 that is a designated person, the
19 responsible person for that at the
20 mine?

21 A. He's the one we're supposed to
22 get ahold of.

1 Q. Okay. Has anyone ever
2 reviewed the responsibilities of the
3 firefighting evacuation plan with you
4 at all?

5 A. Yes.

6 Q. Okay. And what did they tell
7 you about that?

8 A. Where the location --- where
9 it's located at in the mines and
10 stuff.

11 Q. Now, the plan for evacuating
12 the mine, has anybody reviewed that
13 with you?

14 A. Not recently, no.

15 Q. Okay. Has anyone ever
16 reviewed it with you?

17 A. Yeah, they --- you know, like,
18 getting ahold of them and telling
19 them --- finding out where the
20 problem is and directing them around,
21 trying to get the correct place, a
22 way out.

1 Q. Is there a log --- or excuse
2 me, is there a list of persons to get
3 in contact with in case of an
4 emergency anywhere?

5 A. Yes.

6 Q. Okay. And where's that
7 located?

8 A. It's on the wall right there
9 at the desk.

10 Q. Okay. Have you ever had an
11 occasion at the Sago Mine to ---
12 where there was an emergency that ---
13 an evacuation prior to this accident?

14 A. No, not to evacuate or nothing
15 like that.

16 Q. Okay. Was there ever an
17 opportunity where a particular sensor
18 gave an alarm in which a person's had
19 to evacuate outby a particular sensor
20 or anything like that?

21 A. Not while I was on the shift.

22 Q. Okay. Any alarms ever go ---

1 show up as a red?

2 A. Yeah. Like I said, if we were
3 welding or something like that,
4 they'll go red.

5 Q. Whenever you went to the Sago
6 Mine as a dispatcher, did they have a
7 CO monitoring system at that time?

8 A. Yes, I believe it was --- yes,
9 it was there.

10 Q. Okay. And whenever you
11 started as a dispatcher, did anyone
12 ever discuss or train you on that CO
13 monitoring system?

14 A. No, they didn't.

15 Q. Since that time, has anyone
16 ever ---

17 A. No.

18 Q. --- discussed how the system
19 operates and what you're supposed to
20 do if the alarms go off?

21 A. No, not really.

22 Q. When was the last time that

1 you may have received any --- your
2 annual refresher training, other than
3 the AMS system?

4 A. I don't remember when it was.

5 Q. Pardon me?

6 A. I don't remember the date on
7 it.

8 Q. Okay. And did you ever
9 receive any training such as that?

10 A. Yes.

11 Q. Would there have been a
12 training session over the last two
13 years?

14 A. You mean the ---?

15 Q. Other than the AMS training
16 session where you sat down and
17 discussed training, first-aid, you
18 know, anything ---?

19 A. Yes. We did that every year.

20 Q. Okay.

21 A. But I don't remember what the
22 last date was on it.

1 MR. SWENTOSKY:

2 John, do you have any?

3 MR. COLLINS:

4 Just a little bit.

5 Thank you.

6 BY MR. COLLINS:

7 Q. Mr. Everson, are you a
8 certified West Virginia miner?

9 A. Yes.

10 Q. Do you have a miner's
11 certificate?

12 A. Yes.

13 Q. Any other certifications?
14 Electrician?

15 A. No, nothing ---.

16 Q. Foreman?

17 A. No.

18 Q. Shot-firer or EMT?

19 A. No, nothing like that.

20 Q. Did you dispatch at Spruce
21 Mine?

22 A. No.

1 Q. Just since you came to Sago?

2 A. Sago.

3 Q. And I got a little mixed up on
4 the 1994 and 2004. When did you come
5 to Sago?

6 A. I went over to Sago 2004.

7 Q. Do you remember about what
8 month that might be?

9 A. No. It was the last part of
10 2004, I think. Maybe the first part.

11 Q. But you were working for Anker
12 prior to that?

13 A. Yes.

14 Q. Where at?

15 A. I worked at Spruce. I went to
16 Spruce in 2001, something like that.

17 Q. And did you work underground
18 there at Spruce?

19 A. Yes.

20 Q. I have a question about when
21 you leave the dispatcher's office,
22 you take a handheld phone with

1 you ---

2 A. Yes.

3 Q. --- that you can hear the
4 trolley and the ---?

5 A. The other miner phone.

6 Q. Over into the bathhouse, which
7 is the same place the mine office is.
8 Is that the only place you have to
9 go?

10 A. In the bathhouse, and then the
11 office is there.

12 Q. Does anyone fill in for you in
13 the dispatcher's office while you do
14 that?

15 A. No.

16 Q. Is there times when you're the
17 only person on the surface on the
18 evening shift?

19 A. Yes.

20 Q. And then looking back at this
21 three on three off, you started 6:00
22 p.m. of the evening, so when you get

1 there, there's crews already
2 underground?

3 A. Yes.

4 Q. And then by working until 6:00
5 a.m. the next morning, there's
6 additional crews that enter the mine,
7 additional crews, and then those
8 other crews come out?

9 A. Yeah.

10 Q. I was a little mixed up on
11 starting time there for a second.

12 A. Everyone is.

13 Q. It gets a little rough there.
14 I'm not sure that --- we may have
15 asked this, but your annual
16 retraining, who conducted that annual
17 retraining?

18 A. Al.

19 Q. Al Schoonover?

20 A. Al or Johnny, one of them. I
21 don't remember which one of them.
22 Both of them was there.

1 Q. Where was that connected at?

2 A. Over at tipple or the cleaning
3 plant.

4 Q. Cleaning plant, training
5 building. In the dispatcher's
6 office, is there an alarm for the fan
7 if the fan goes down?

8 A. No, I don't think there is.
9 If the fan was off, we just don't ---
10 you know, we know when it's off. We
11 can hear the fan running all the
12 time.

13 Q. You can hear the fan from
14 there?

15 A. Yeah.

16 Q. So at least when you have been
17 on duty in the dispatcher's office,
18 you have never had an alarm go off to
19 tell you that the fan was down; would
20 that be a fair statement?

21 A. No, there haven't.

22 Q. Have you ever had an alarm on

1 the CO system and not know what to do
2 about it?

3 A. I've had them go off where I'd
4 call the --- either the shift foreman
5 or mechanic was right there to check
6 it.

7 Q. Have you ever had an alarm and
8 just disregard it?

9 A. No.

10 MR. COLLINS:

11 That's all I have,
12 Dennis.

13 MR. SWENTOSKY:

14 Okay. Let's take a
15 five-minute break.

16 SHORT BREAK TAKEN

17 BY MR. SWENTOSKY:

18 Q. Mr. Everson, as the
19 dispatcher, has anyone ever told you
20 what you were to do during an
21 emergency, such as an explosion, mine
22 fire or anything like that?

1 A. No, no one's really told me
2 what to do.

3 Q. Just one thing in general, and
4 just for the record, during the shift
5 that you worked, the 6:00 to 6:00 in
6 the morning, do the belts operate
7 during that period of time?

8 A. Usually, yes.

9 Q. Okay. As a dispatcher, have
10 you ever been at the mine when there
11 was lightning at all?

12 A. Not that I can recollect.

13 Q. How about during a
14 thunderstorm?

15 A. I can't even remember the
16 thunderstorm when I was on a
17 different shift. I know there has
18 been, I'm sure.

19 Q. Well, let's put it this way,
20 have you ever had a --- during ---
21 when it was raining or anything, has
22 that ever affected the phone system

1 or the CO system, the trolley phone
2 system, maybe during storms of
3 whatever kind?

4 A. Not that I can remember.

5 Q. Okay. And I may have asked
6 you this, and I apologize if I
7 already did, but whenever you needed
8 to --- when you need to get ahold of
9 the section, any section, and you're
10 trying to use the pager phone, do you
11 ever use --- just hit that alarm on
12 that section so that it kind of gets
13 their attention so that they'll
14 answer that phone?

15 A. Yes, I have.

16 Q. Okay. And is that something
17 that you do kind of routinely if you
18 can't get ahold of them?

19 A. No, not really. You know,
20 once in a while you might have
21 to ---.

22 Q. Have to do that?

1 A. Usually, or someone will
2 answer the phone.

3 Q. Okay. That's maybe like once
4 a day or something like that?

5 A. No. Once --- maybe once a
6 year.

7 Q. Was there anything unusual
8 that may have happened during their
9 last shift? Was there any
10 occurrence, or ---?

11 A. No, nothing that I can
12 remember.

13 Q. Everything ran fairly smooth
14 and normal that day?

15 A. Yes.

16 Q. Who usually delivers the rock
17 dust up in that seal area? Who would
18 have delivered that rock dust up
19 there; do you have any idea?

20 A. I don't know who done it. I
21 know a crew took it in, but I don't
22 know who was on shift or anything

1 else.

2 Q. Do you know who applied that
3 rock dust up there?

4 A. No, I don't.

5 Q. What do you do, as the
6 dispatcher, when the fan goes down?

7 A. Notify them underground. Call
8 someone to come and check the fan.

9 Q. Okay. And how do you know
10 that that fan was down?

11 A. I can hear the fan from the
12 dispatcher shanty.

13 Q. Okay.

14 A. You can tell when it ---.

15 Q. Was there ever a buzzer that
16 goes off on the fan?

17 A. I have not noticed the buzzer
18 on it. There might be now, but --- I
19 mean, I've had the fan go down a
20 couple times, I know.

21 Q. Okay. And the only way you
22 knew that then was because you just

1 heard it not operating?

2 A. No, the horn on the --- hooked
3 into the computer, it goes off when
4 the belt does, I think. Same one as
5 --- I think it might be hooked up on
6 the same one. Like when you got a
7 fire alarm, you got one there that
8 goes off. And I'd say the fan's
9 probably hooked up on it, but I
10 haven't paid that much attention to
11 it.

12 Q. Okay. So would I be correct
13 in saying that the only way that you
14 knew that the fan went down is
15 because you couldn't hear the fan
16 running; is that what you're saying?

17 A. Yeah, I noticed the fan went
18 down. I never noticed the horn.

19 MR. SWENTOSKY:

20 Okay. On behalf of
21 MSHA, I would like to thank
22 you for appearing and

1 answering the questions today.
2 Your cooperation is very
3 important to the investigation
4 as we work toward determining
5 the cause of the accident. We
6 ask that you not discuss your
7 testimony with any person who
8 may have already been
9 interviewed or who may be
10 interviewed in the future.
11 This will ensure that we
12 obtain everyone's independent
13 recollection of the events
14 surrounding the accident.

15 After questioning other
16 witnesses, we may call you if
17 we need to ask any follow-up
18 questions that we feel may
19 need to be asked. If at any
20 time you have additional
21 information regarding the
22 accident, that you would like

1 to provide to us, please
2 contact us at the contact
3 information that was
4 previously provided to you,
5 and that was the business card
6 that we had provided to you.

7 The Mine Act provides
8 certain protections to miners
9 who provide information to
10 MSHA, and as a result are
11 treated adversely. If at any
12 time you believe that you have
13 been treated unfairly because
14 of your cooperation in this
15 investigation, you should
16 immediately contact MSHA.

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

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Do you have anything you'd
like to add or correct, or
anything?

A. No, I don't think so.

MR. SWENTOSKY:

Okay. We'd like to
thank you for your cooperation
in this matter.

* * * * *

SWORN STATEMENT

CONCLUDED AT 2:46 P.M.

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