

01 STATEMENT UNDER OATH
02 OF
03 ARNETT ROGER PERRY

04
05 Taken pursuant to Notice by Miranda
06 D. Elkins, a Court Reporter and
07 Notary Public in and for the State of
08 West Virginia, at the United States
09 District Court, 500 West Pike Street,
10 Clarksburg, West Virginia, on
11 Thursday, January 26, 2006, at 11:23
12 a.m.

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01

I N D E X

02

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PROCEEDINGS

MR. O'DONNELL:

My name is Joe
O'Donnell. I'm an accident
investigator with the Mine

07 Safety and Health
08 Administration, an agency of
09 the United States Department
10 of Labor. This is Bob Wilson
11 from the Solicitor's Office
12 and Brian Mills with the West
13 Virginia Office of Miners'
14 Health, Safety and Training.

15 I've been assigned to
16 conduct an investigation into
17 the accident that occurred at
18 the Sago Mine on January the
19 2nd, 2006, in which 12 miners
20 died and one was injured. The
21 investigation is being
22 conducted by MSHA and the West
23 Virginia Office of Miners'
24 Health, Safety and Training to
25 gather information to

9

01 determine the cause of the
02 accident. And these
03 interviews are an important
04 part of the investigation.

05 At this time, the
06 accident investigation team
07 intends to interview a number
08 of people to discuss anything
09 that may be relevant to the
10 cause of the accident. After
11 that investigation is

12 completed, MSHA will issue a
13 written report detailing the
14 nature and causes of the
15 accident.

16 MSHA accident reports
17 are made available to the
18 public in the hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future. The information
23 obtained through witness
24 interviews is frequently
25 included in these reports.

10

01 Your statement may also be
02 used in other enforcement
03 proceedings.

04 I'd like to thank you
05 in advance for your appearance
06 here. We appreciate your
07 assistance in this
08 investigation. The
09 willingness of miners and mine
10 operators to work with us is
11 critical to our goal of making
12 the nation's mine safer.

13 We understand the
14 difficulty for you in
15 discussing the events that
16 took place and we greatly
17 appreciate your efforts to

18 help us understand what
19 happened.

20 This interview with Mr.
21 Roger Perry is being conducted
22 under Section 103(a) of the
23 Federal Mine Safety and Health
24 Act of 1977, as part of an
25 investigation by the Mine

11

01 Safety and Health
02 Administration and the West
03 Virginia Office of Miners'
04 Health, Safety and Training
05 into the conditions, events
06 and circumstances surrounding
07 the fatalities that occurred
08 at the Sago Mine, owned by
09 International Coal Group, in
10 Buckhannon, West Virginia on
11 January the 2nd, 2006.

12 This interview is being
13 conducted at the U.S. District
14 Courthouse in Clarksburg, West
15 Virginia January 26th, 2006.
16 Questioning will be conducted
17 by representatives of MSHA and
18 the Office of Miners' Health,
19 Safety and Training. This is
20 not an adversarial proceeding,
21 therefore, cross examination
22 will not be permitted.

23 Mr. Perry, the
24 interview will begin by me
25 asking you a series of

12

01 questions. If you do not
02 understand a question, please
03 ask me to rephrase it. Feel
04 free at any time to clarify
05 any statements that you made
06 in response to the questions.
07 And after we've finished
08 asking questions, you'll have
09 an opportunity to make a
10 statement and provide us with
11 any other information that you
12 may believe is important.

13 If at any time after
14 the interview, you recall any
15 additional information that
16 you believe may be useful in
17 the investigation, please
18 contact Mr. Richard Gates at
19 the phone number and e-mail
20 address provided to you. And
21 he is our lead investigator
22 and Mr. Mills also has a card
23 for you.

24 Your statement is
25 completely voluntary. You may

13

01 refuse to answer any question
02 and you may terminate your

03 interview at any time. If you
04 need a break for any reason,
05 please let me know.

06 A court reporter will
07 record your interview and will
08 later produce a written
09 transcript of the interview.
10 Please try and 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 time.

18 If any part of your
19 statement is not based on your
20 own first-hand knowledge, but
21 on information that you
22 learned from someone else,
23 please let us know. Please
24 answer each question as fully
25 as you can, including any

14

01 information that you have
02 learned from someone else.

03 We may not ask the
04 right questions to learn the
05 information that you have, so
06 don't feel limited by the
07 precise question that's asked

08 you. If you have any
09 information about the subject
10 area of a question, please
11 provide us with that
12 information.

13 At this time, Mr.
14 Mills, do you have anything
15 that you'd like to add on
16 behalf of the State?

17 MR. MILLS:

18 Yes. Mr. Perry, the
19 West Virginia Office of
20 Miners' Health, Safety and
21 Training is conducting this
22 interview session jointly with
23 MSHA and are in agreement with
24 the procedures outlined by Mr.
25 O'Donnell for these interviews

15

01 that will be conducted here
02 today.

03 But the Director
04 reserves the right if
05 necessary to call or subpoena
06 witnesses or require
07 production of any record,
08 document, photograph or other
09 relevant materials necessary
10 to conduct this investigation.

11 MR. O'DONNELL:

12 Mr. Perry, you are
13 permitted to have a

14 representative with you during
15 this interview and you may
16 consult your representative at
17 any time. You may designate
18 any person to be your
19 representative. Do you have a
20 representative with you?

21 MR. PERRY:

22 No.

23 MR. O' DONNELL:

24 Okay. Do you have any
25 questions regarding the manner

16

01 in which this interview is
02 going to be conducted?

03 MR. PERRY:

04 No.

05 MR. O' DONNELL:

06 Would you please swear
07 in Mr. Perry?

08 -----

09 ARNETT ROGER PERRY, HAVING FIRST BEEN
10 DULY SWORN, TESTIFIED AS FOLLOWS:

11 -----

12 BY MR. O' DONNELL:

13 Q. Okay. Could you please state
14 your full name and spell your last
15 name for us?

16 A. Arnett Roger Perry, P-E-R-R-Y.

17 Q. Okay. And Roger, what's your
18 address and telephone number?

19 A. Route 10, Box 386, Buckhannon,
20 West Virginia.

21 Q. Are you appearing here today
22 voluntarily?

23 A. Yes.

24 ATTORNEY WILSON:

25 Joe, you didn't get his

17

01 phone number?

02 MR. O' DONNELL:

03 What?

04 ATTORNEY WILSON:

05 You didn't get his

06 phone number.

07 BY MR. O' DONNELL:

08 Q. Phone number. Do you have
09 your phone number?

10 A. 472-9058.

11 Q. Okay. Roger, how many years
12 do you have in the mines?

13 A. Approximately 29.

14 Q. And could you give us a brief
15 description of your employment
16 history? Where have you worked and
17 what have you done?

18 A. I started in 1977, a red hat
19 in Berwind, West Virginia. Shortly
20 after I went to run the shuttle car
21 for different mines for probably 15
22 years running shuttle car. Then I
23 went to running roof bolter and then
24 I went to running continuous miner.

25 Q. So how long have you been at
01 Sago?
02 A. This time, two years.
03 Q. And what do you do there?
04 A. I run continuous miner.
05 Q. Oh, you're the miner operator.
06 A. Miner.
07 Q. Have you done that since
08 you've been there?
09 A. Right. Yeah.
10 Q. Okay. And were you scheduled
11 to work on the day of the accident?
12 A. Yes, I was.
13 Q. And did you --- you were at
14 the mine that morning?
15 A. Yes, I was.
16 Q. So what time did you get
17 there?
18 A. Approximately 15 after 5:00.
19 Q. And who's your boss?
20 A. Owen Jones.
21 Q. Okay. Oh, I forgot to ask
22 you, do you have any mining
23 certificates?
24 A. Yes, I do.
25 Q. And what do you have?

18

01 A. Miner's card and a belt
02 examiner's card.
03 Q. Okay. From the State of West

19

04 Virginia?

05 A. Right.

06 Q. Do you have any from any other
07 state?

08 A. No, I don't.

09 Q. What time does your shift
10 usually start?

11 A. Six o'clock a.m.

12 Q. Okay. Now, what I'm going to
13 do now is I'm just going to ask you
14 to start when you got at work, what
15 you did leading up to the time that
16 --- everything that you've done until
17 you left the property that day. So
18 go ahead and I won't interrupt you,
19 and just tell your story.

20 A. Oh, I got to work at
21 approximately 15 after 5:00, walked
22 around and got my coveralls and
23 talked to my brother-in-law, Marty
24 Bennett. I went back over and was
25 talking to Fred Ware, another miner

20

01 operator. Jimmy Bennett came over
02 and was telling us about Larry Ware
03 had died, that we worked in the mines
04 with. And so then I got dressed and
05 went over and got my lamp and walked
06 down to the pit mouth about five
07 minutes to 6:00.

08 We got on the mantrip. The
09 mantrip was too small, so we had to

10 switch out to a bigger mantrip. And
11 by then, the other crew ahead of us
12 had done left. We're usually right
13 behind them. And then we went on
14 inside. So we got to One Left switch
15 and I got out to throw the switch to
16 go into our section. And I got back
17 in the mantrip and here comes this
18 hurricane of dust and rocks and no
19 warning, no sound, nothing, just
20 there out of nowhere. And so it ---
21 it's blowing hard and you can't see
22 through the dust and it blew my hat
23 off, my light. And then it stopped
24 and I said, there's been an
25 explosion, guys. Because I know

21

01 there was an explosion because I felt
02 heat and I know it wasn't a fall to
03 put out that kind of pressure.

04 Q. Yeah.

05 A. It was --- I felt heat and I
06 thought, well, I'm going to burn
07 right here. So that really scared me
08 there. It stopped. I got out of the
09 mantrip. My light was hanging down.
10 I picked it up and it was broke out
11 and I couldn't find my hat. So I
12 couldn't see nothing. So I told
13 them, I said, I ain't got no light,
14 guys, let's get to the intake and the

15 air.

16 So the boss, he got ahold of
17 my arm and was leading us down the
18 track. I couldn't see nothing. Then
19 we was just feeling the rib where we
20 could and someone followed. And
21 every time we'd look for a man door,
22 a place to go in the intake, the
23 stopping would be gone, it was blowed
24 out. So we finally did go into it
25 and started down. It started

22

01 clearing up a little bit and that's
02 when my friend that I worked with
03 said, you better put your rescuer on,
04 but I was breathing fine and I didn't
05 think I needed it, but he put it on
06 anyway. So I put it on. And we
07 headed on down the intake and a
08 couple guys on ahead of us, a couple,
09 three blocks, called and said there's
10 a good stopping down here, there's
11 good air down here. It's clear. So
12 we went on down there and started
13 heading on out. And we heard a
14 mantrip coming on the track. So we
15 headed through the man door. We
16 headed over to the track and there
17 was the mantrip right at the door we
18 picked out. And we got out, got on
19 the mantrip. And I forget who it was
20 that took us outside.

21 And we went outside. And an
22 emergency squad checked us out, our
23 blood pressure and this and that. And
24 I had my eyes full of dust, they was
25 scratched all to pieces. So they

23

01 flushed and flushed them. And I
02 stayed around a little while and
03 finally I said, well, I'm going to
04 have to go up to the hospital and get
05 them to work on it. So I went to the
06 hospital and got my eyes flushed
07 again and medicine put in them. Came
08 back to the mine and from there, me
09 and my wife and daughter went over to
10 the Sago Church and we stayed there
11 until they found the victims.

12 Q. What I'm doing to do is just
13 like kind of back up and work through
14 it and get some details from you.

15 Roger, when was the last day you
16 worked at the mine?

17 A. That morning.

18 Q. No, I mean, before that.

19 A. Oh, it would have been the
20 Thursday before that.

21 Q. Okay. So you were off from
22 Thursday until this following Monday?

23 A. Right.

24 Q. And the other crew had gone in
25 about how --- what time before you,

01 how many minutes?
02 A. I'm going to estimate eight to
03 ten minutes.
04 Q. And what kind of mantrip were
05 you in? Was it a closed mantrip?
06 Was it open?
07 A. It was a --- it had a top on
08 it, but no windshield on it.
09 Q. Where were you sitting in it?
10 A. I was sitting on the inby side
11 on the end facing towards the
12 outside.
13 Q. As we're going into the mine
14 that way, we're going inby, you were
15 at the front of the mantrip?
16 A. Right.
17 Q. On the right side?
18 A. That will be the --- depending
19 on which way you're ---?
20 Q. We're going in and are you
21 facing outby?
22 A. I'm facing outby going in.
23 Q. Okay. And were you the
24 closest to the switch?
25 A. Yes.

01 Q. The switch would have been on
02 the right side going in?
03 A. Right.
04 Q. So you had your back --- when
05 the forces hit you, it hit you in the

06 back or ---?

07 A. Yeah.

08 Q. Okay. Do you remember how
09 many people were in the mantrip?

10 A. Approximately ---.

11 Q. You can say their names if you
12 want to.

13 A. I don't know some of them's
14 full names but approximately ten of
15 us.

16 Q. Okay. Did everybody ride all
17 the way into the section with you?

18 A. Yes.

19 Q. Or did anybody get out along
20 the way?

21 A. No, no one got out. But I
22 recall ---.

23 Q. Maybe not a belt man or a mine
24 examiner?

25 A. There may have been a belt

26

01 man, Pat Boni. He may have been on
02 our mantrip.

03 Q. Okay. But you don't recall
04 anybody getting in and getting out or
05 ---?

06 A. No. No, I don't.

07 Q. Okay. So you got out of the
08 mantrip at the switch to throw the
09 switch to go in the section, and you
10 got all the way back into the mantrip

11 before you --- did you face the same
12 direction, outby?
13 A. Yes. Facing outby.
14 Q. Did the mantrip move at all or
15 did the air --- did the explosion
16 ---?
17 A. I couldn't tell if it did or
18 not. I don't think it did, but I
19 don't know how it kept from it. But
20 no, I don't know if it did or not.
21 Q. And you didn't hear anything?
22 A. Didn't hear nothing. I mean,
23 until, you know, just a --- just a
24 loud, you know, air sound.
25 Q. Like an air rush?

27

01 A. But no explosion, no ---.
02 Q. Did you feel heat in the
03 mantrip?
04 A. Yes.
05 Q. Hot or warm?
06 A. Not real hot, but real warm.
07 Q. Did you smell anything?
08 A. It smelled like gasoline fumes
09 to me. Now that's what I kept
10 thinking. It smelled like gasoline
11 fumes.
12 Q. And you got your hat. Did you
13 get hurt, other than the getting
14 stuff in your eyes?
15 A. No. No.
16 Q. Did anybody get hurt?

17 A. Not that I know of.
18 Q. And you said you got hit with
19 debris?
20 A. Mud, small rocks, just in the
21 back of the head.
22 Q. And you had your --- you lost
23 your hat, so you didn't have your hat
24 at all?
25 A. No. I still don't have it. I

28

01 don't know where it ended up.
02 Q. And your lights, your light
03 still worked?
04 A. No, it was broke. The lens
05 was broke out, the bottom was broke.
06 And as I was walking down the track
07 with the boss, I finally just pulled
08 it out and dropped it because it was
09 no good, just carrying extra weight.
10 Q. Yeah. So you threw your light
11 away because it didn't work?
12 A. Right.
13 Q. And you were hanging onto the
14 foreman?
15 A. Right.
16 Q. Owen?
17 A. Right.
18 Q. Okay. When did you put your
19 self-rescuer on?
20 A. That was after we got over
21 into the intake and Joe Ryan, he's

22 the one that helped me put it on and
23 he had --- because I couldn't see
24 nothing, but ---.
25 Q. Do you think you can remember

29

01 from the One Left switch, where you
02 guys came out and hopped into the
03 escapeway?
04 A. I can't --- I can't recall how
05 far it was, approximately eight
06 blocks or so.
07 Q. And you went through the first
08 --- not --- you bypassed the blown
09 out stoppings ---
10 A. Right.
11 Q. --- and went through a full
12 stopping with a door?
13 A. I believe it was.
14 Q. Do you recall what crosscut
15 that was?
16 A. No, I don't.
17 Q. Okay. And at that time,
18 that's when you put your rescuers on?
19 A. Right.
20 Q. Did everybody put them on?
21 A. I don't know that for sure.
22 Q. Did you have any trouble
23 getting it on?
24 A. No, not really. No.
25 Q. Did it work good?

30

01 A. It didn't at first. I was
Page 24

02 sucking the bag together, I was
03 breathing so hard because I'm
04 short-winded and I was sucking that
05 bag up in until it sucked ---
06 collapsed. So I breathed into it and
07 blew it way out, then I --- but I
08 took it out. Every little bit, I was
09 taking it out because I wasn't
10 getting enough air it seemed like.
11 So I would take it out now and then
12 and put it right back in.

13 Q. When you started it, did you
14 pull the candle at the bottom, that
15 small rope at the bottom?

16 A. I believe I did.

17 Q. And the bag didn't inflate?

18 A. No.

19 Q. You had to blow it up
20 yourself?

21 A. Right.

22 Q. For it to work?

23 A. Right. No, I don't think I
24 pulled it. The only thing I pulled
25 was the mouth thing, I pulled it real

31

01 hard.

02 Q. With the plug?

03 A. Pulled it out.

04 Q. Yeah.

05 A. Right.

06 Q. And the bottom, like you know

07 where the bags come out, there's that
08 little thing you're supposed to yank
09 ---.
10 A. No, I didn't yank nothing
11 there that I can recall.
12 Q. So to get it started, you kick
13 started it ---
14 A. Right.
15 Q. --- you blew into it and blew
16 the bag up? Okay. And then was it
17 smoke or was it dust?
18 A. I think it was some smoke to
19 it, but it was mostly dust I think.
20 Q. And the whole time that you
21 were in the intake, the track entry,
22 you didn't have a light so you
23 probably had a real hard time seeing?
24 A. I had a little rough time,
25 especially --- well, stumbling around

32

01 because I have an artificial leg and
02 it's hard to walk on rough surface.
03 Q. I bet. On the phone, did you
04 hear anybody call, like you were ---
05 when this happened at the mantrip ---
06 and from what I understand, you know,
07 everybody got hit with this air
08 blast. Did you hear any
09 conversations on the trolley phone or
10 the pager phone at all? Anybody
11 calling?
12 A. No, I don't remember anyone

13 calling on the trolley phone or any
14 other phone. No.

15 Q. Okay. Did the whole crew go
16 out the escapeway or did anyone stay
17 in?

18 A. The section foreman said I'm
19 going back after my brother. So we
20 told him he couldn't do that. So I
21 said, well, what about my
22 brother-in-law, so I broke out in
23 tears then. And he said, well, I'm
24 going to try to go find them. So we
25 had gone out and he headed back, back

33

01 the intake.

02 Q. So then he left the group and
03 you guys kept going down and you ---
04 who was it that was with you then?

05 A. Joe Ryan.

06 Q. Joe Ryan helped you?

07 A. He was with me all the way to
08 the mantrip.

09 Q. And I guess there was --- was
10 there --- who was out ahead that
11 heard the mantrip and led you out to
12 the track?

13 A. I'm not sure who all it was.
14 It was Alton Wamsley and Ron Groll
15 and Paul Avington. I know those
16 three were ahead of me. But there
17 was some behind me.

18 Q. So everybody went out to the
19 mantrip then?
20 A. Yes.
21 Q. Do you recall who drove it in?
22 A. I believe it was the --- Al
23 Schoonover, I believe.
24 Q. Okay. And then did you go in
25 or did he take you straight out?

01 A. He took us out.
02 Q. And when you got outside
03 there, you had medical treatment?
04 A. Yeah.
05 Q. About how long did this all
06 last, Roger?
07 A. From ---?
08 Q. From the time you headed into
09 the mine until the time you got out?
10 A. Approximately 7:30.
11 Q. And did they take you by
12 ambulance from the bottom or ---?
13 A. No. No. No, I didn't use an
14 ambulance.
15 Q. Okay.
16 A. My daughter drove me to the
17 hospital.
18 Q. Okay. Did someone drive you
19 to the top?
20 A. From the ---?
21 Q. From the pit bottom to the
22 ---?
23 A. No.

34

24 Q. You walked up?

25 A. We walked up.

35

01 Q. And up there, there was

02 someone that checked you out?

03 A. Right. Well, not immediately.

04 Q. Was there anybody there that

05 --- from the company or from any of

06 the agencies that had a conversation

07 with you, discussed with you what

08 happened or talked about your

09 experience when you got out?

10 A. No, not that I recall.

11 Q. Do you recall any kind of

12 conversations on the radio, anybody

13 calling?

14 A. No. I remember telling

15 someone to call an ambulance that

16 someone may need help, because there

17 was still some coming up the hill

18 behind me and a couple of them were

19 older fellows that had trouble

20 breathing in there.

21 Q. So how long did you stay on

22 the surface? Did you take a shower

23 and then leave?

24 A. No, I didn't shower.

25 Q. Called your daughter?

36

01 A. I called my daughter and wife.

02 I don't remember which one answered

03 the phone. I believe it was my wife
04 answered, yeah. And told her that
05 the mine had blew up and her brother
06 was still in there and told her to
07 come on up to the mine.

08 Q. And when you left the
09 property, you went to the hospital
10 and came back to the church later?

11 A. Right.

12 Q. So you had no involvement at
13 the mine until they found them?

14 A. Right.

15 Q. Roger, did you notice if the
16 air changed at all, the direction or
17 what happened after the air rush? I
18 know you said it came toward you.

19 A. After it stopped blowing,
20 there just --- I never felt any air
21 at all.

22 Q. How long did that last?

23 A. I'm going to say it seemed
24 like five to eight seconds. It may
25 have not been as long, but that's

37

01 just --- it was --- you know, it was
02 definitely four or five seconds up to
03 eight, I don't --- it's really hard
04 to say, but ---.

05 Q. It just kept coming?

06 A. It just kept coming. And then
07 because that --- finally I started
08 feeling heat and I thought, well,

09 that's fire coming now, you know.
10 Q. And you say it had a smell to
11 it and it was warm?
12 A. Right.
13 Q. Okay. Did anybody else lose
14 their hard hats or lights and all
15 that?
16 A. I believe some of them lost
17 their hats, yes, but I don't know who
18 all they were.
19 Q. Do you remember if any of the
20 detectors went off?
21 A. Detectors?
22 Q. Yeah. Did you have a detector
23 with you, methane detector, CO
24 detector?
25 A. Yes, I believe --- I didn't

38

01 --- yes, I had one, but it didn't go
02 off, no.
03 Q. Okay. Was it on?
04 A. No. Mine is the one you have
05 to hold the button in, the methane.
06 Q. Okay. It's just methane?
07 A. Right.
08 Q. What about the boss's?
09 A. I don't know if his went off
10 or not. If it did, you wouldn't have
11 been able to hear it.
12 Q. Okay.
13 A. And I'm not sure if he had his

14 on or --- I'm not too familiar with
15 the type that they had, whether
16 they're on all the time or what.
17 Q. Anytime during this --- during
18 the accident, did you remember
19 hearing anybody's detectors going off
20 at all?
21 A. I don't remember any going
22 off.
23 Q. Okay. Do you remember anybody
24 --- well, was it a group decision
25 when this happened that you just all

39

01 decided to go out or did someone
02 organize you or ---?
03 A. It was more or less a group
04 decision, yes, because I said ---
05 well, I know I said that there's been
06 an explosion, let's get to the
07 intake. And I don't know if anyone
08 else said anything, but we started
09 heading down the track all together.
10 Q. So when did you take your SCSR
11 off?
12 A. I took it out of my mouth
13 after we got to the mantrip.
14 Q. Okay.
15 A. But I left it on until we got
16 outside.
17 Q. Once you got it started, you
18 got it blown up, how did it work?
19 A. I suppose it worked all right.

20 Other than I was trying to breathe
21 too hard and it sucked the bag
22 together.
23 Q. You kept sucking that bag even
24 after you blew it up?
25 A. No, no. That was before I

40

01 blew it up.
02 Q. All right. But after you blew
03 the bag up, did it stay good for you?
04 A. Yes, but it was uncomfortable.
05 Q. Oh, yeah. Did you put the
06 nose clips on, too?
07 A. Right.
08 Q. Okay.
09 A. The goggles, I tried them on
10 and they smashed my eyes so I turned
11 them down.
12 Q. Okay. Did any of the other
13 guys in the crew complain about the
14 SCSR, not being able to get it
15 started or it not working?
16 A. The one older fellow, Hoy, I
17 can't remember his last name, said
18 that he didn't think his was working.
19 Q. Did you ---?
20 A. But he was behind me so I
21 don't know whether --- whether he
22 actually wore it or not.
23 Q. You say that you were --- is
24 there anything that you want to add

25 that I --- about the whole accident

41

01 that I neglected to ask you that I
02 might have missed? I mean, you were
03 there.

04 A. No.

05 Q. Anything that you might want
06 to just comment on about the
07 experience that we could learn
08 something from? Was there a lot of
09 confusion about getting the SCSRs on
10 or was it an almost --- was it an
11 automatic thing?

12 A. It was more or less an
13 automatic thing, yes. There was no
14 confusion. What I had thought, you
15 know, we've been more or less told
16 that these rescuers last one hour in
17 one percent or whatever. Now,
18 whether this type of rescuer was like
19 that or not, but I thought I was
20 breathing fine and I thought, well, I
21 might have to walk out of here. I
22 keep hearing them telling me it takes
23 two hours to walk out of there. So
24 what I'm doing is saving mine, and
25 trying to go as far as I can.

42

01 Q. That's why you waited?

02 A. Right.

03 Q. Okay.

04 A. Because that's all I could

05 remember, one hour. And I thought,
06 well, now I've been told it takes two
07 hours to walk out of here.

08 Q. So you were going to try to
09 ration that baby?

10 A. I was going to try to ration
11 it.

12 MR. O' DONNELL:

13 Brian, do you have
14 anything right now you want to
15 ask?

16 BY MR. MILLS:

17 Q. Roger, do you carry a
18 hand-held radio?

19 A. I usually do, but that morning
20 they said they were still locked up,
21 so I never even went to try to get it
22 because one of the other guys said
23 that they were --- the door hadn't
24 been unlocked where they were stored.
25 So I didn't even go look to see.

43

01 Before I went in, I didn't go look to
02 see if it's been unlocked yet.

03 Q. Do you have any mine rescue
04 team experience?

05 A. No, I don't.

06 Q. Never was on a team. You
07 normally carry these hand-helds. Who
08 on the section would carry those
09 generally?

10 A. Mine operators, shuttle car
11 operators and I believe the section
12 boss.
13 Q. And you've got three shuttle
14 car operators normally or four on
15 your section?
16 A. Two.
17 Q. Two?
18 A. Two usually.
19 Q. Two?
20 A. Yeah.
21 Q. So you've got about five of
22 those?
23 A. Uh-huh (yes).
24 Q. Do you know if any of the
25 other guys had one?

44

01 A. No, not for sure.
02 Q. You didn't hear any
03 communication on those?
04 A. No.
05 MR. MILLS:
06 That's all, Joe.
07 BY MR. O'DONNELL:
08 Q. You said that you have
09 examiner papers?
10 A. Belt examiner card.
11 Q. Have you ever done any
12 examinations in the mine?
13 A. Yes.
14 Q. Oh, you have. What kind?
15 A. Belt examiner, checking for

16 methane and ---.

17 Q. You pre-shifted belts in the
18 mine?

19 A. Right.

20 Q. Okay. Did you do any returns
21 or anything?

22 A. No.

23 Q. How familiar are you with
24 those old Two Main seals, the seals
25 that were on the straight past Two

45

01 Left?

02 A. Past Two Left?

03 Q. Yeah, the seals that they had
04 just put in.

05 A. I didn't know anything about
06 those seals.

07 Q. Were you ever up in that area?

08 A. Yes. We were --- we mined up
09 in that area.

10 Q. Oh, you did? You run miner up
11 there?

12 A. Right.

13 Q. In your section, in the One
14 Left section, about --- what's the
15 most methane that you encountered up
16 there?

17 A. One Left? Maybe four tenths.

18 Q. Where at in One Left? Was it
19 the rooms that you drove to the left?

20 A. I don't remember. That was

21 just the most I ---
22 Q. Four-tenths?
23 A. --- remember anywhere in that
24 area.
25 Q. Was it on the mains or in the
01 rooms?
02 A. I don't remember.
03 Q. Was it on the miner or was it
04 on your hand-held?
05 A. Both.
06 Q. On both?
07 A. Yeah.
08 Q. What's the most it would go up
09 to while you were mining?
10 A. I'm not sure on that section,
11 but it wasn't much, maybe four-tenths
12 was probably the most up in that
13 area.
14 Q. Okay. What about up in the
15 old Second Left? You said you mined
16 up there.
17 A. Second Left?
18 Q. The old --- you said up in the
19 old part where you pulled out.
20 A. I don't know which part you're
21 talking about.
22 Q. Here let's go up to the map.
23 MR. O' DONNELL:
24 We're going to call
25 this Exhibit One.

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01 (Perry Exhibit Number
02 One marked for
03 identification.)
04 BY MR. O' DONNELL:
05 Q. Now, this is your section over
06 here on the left.
07 A. Right.
08 Q. These are the rooms you said
09 you found ---
10 A. Right.
11 Q. --- four-tenths there. Now,
12 where else did you mine in the coal
13 mine?
14 A. Here.
15 Q. Okay.
16 A. All the way through here.
17 Q. Oh, you took the mains up?
18 A. Yeah.
19 Q. Why did you guys pull out of
20 that area?
21 A. You know I don't remember why.
22 That would have been --- we didn't
23 really pull put. We left equipment
24 and they set us up down here so they
25 could have two sections going.

48

01 Q. Oh, so they ran that section
02 with this section before Two Left was
03 started?
04 A. Right.
05 Q. Oh, okay.

06 A. Because Two Left was the ones
07 we pulled out of here and went to
08 here.

09 ATTORNEY WILSON:

10 Joe, excuse me. Pulled
11 out of here and went to here
12 isn't going to show up on the
13 record.

14 BY MR. O' DONNELL:

15 Q. Pulled out of the --- which
16 section?

17 A. Moved down.

18 Q. Where did you mine before you
19 were in First Left?

20 A. Here.

21 Q. Here is old Second ---

22 A. Three.

23 Q. --- Left mains? What did you
24 call it, three?

25 A. I called it Three Left.

49

01 Q. Okay. So we'll call the old
02 Second Mains as Three Left. And did
03 you mine it all the way to the end?

04 A. No, no.

05 Q. About how far did you get?

06 A. We were on block three.

07 Q. So mostly you drove the mains?

08 A. Right.

09 Q. Okay. Did you do any of the
10 second mining in that area?

11 A. Second mining?

12 Q. Bottom mining.
13 A. No.
14 Q. Okay. And there were a couple
15 of --- there was a gas well up there.
16 Do you ever remember cutting through
17 any gas wells or boreholes or ---?
18 A. No.
19 Q. What was the methane like up
20 there, Roger?
21 A. I don't remember.
22 Q. Was it consistent with the
23 First Left or nothing out of the
24 ordinary?
25 A. Nothing out of the ordinary,

50

01 no. Nothing. I don't really
02 remember up there at all.
03 Q. Okay. How long ago did you
04 pull out of there, out of Three Left?
05 A. I don't remember that.
06 Q. All right. How long have you
07 been working in One Left?
08 A. I don't know.
09 Q. Six months, a year?
10 A. Six months. I'm not sure how
11 long.
12 Q. Okay. Did you ever do any
13 work on the weekends helping out
14 anybody ---
15 A. No.
16 Q. --- or just all straight

17 section miner operator?
18 A. Right.
19 Q. Okay. You said whenever you
20 pulled out from the Three Left, you
21 were working up there and where did
22 you move to, One Left?
23 A. One Left.
24 Q. Okay. And you said you just
25 left equipment there?

01 A. Right.
02 Q. But that section was still
03 operating at the time?
04 A. Right.
05 Q. Do you know if they left any
06 equipment in that area when they
07 abandoned it?
08 A. No, I don't know.
09 Q. Okay.
10 A. Nothing that --- nothing that
11 I recall.
12 Q. Are you familiar with any kind
13 of underground shop that they may
14 have had?
15 A. Yes, it's before you get to
16 One Left switch.
17 Q. Before you get to One Left
18 switch ---
19 A. Right.
20 Q. --- there's a shop?
21 A. It's more or less a parts
22 room.

51

23 Q. Into a crosscut and just a
24 shanty with parts?

25 A. Yeah.

52

01 Q. They don't work on any
02 equipment there?

03 A. No.

04 Q. Okay. But as far as a place
05 where they have an I-beam and torches
06 and an underground shop, power,
07 heater, charging stations, anything
08 like that?

09 A. No.

10 Q. Okay.

11 MR. O' DONNELL:

12 We're going to take
13 about a five-minute break.
14 And we'll get right back.

15 SHORT BREAK TAKEN

16 BY MR. O' DONNELL:

17 Q. Okay, Roger. When we started
18 the interview you said when I asked
19 you did you have --- how much time
20 did you have at Sago Mine, you said
21 two years this time. Did that mean
22 that you worked there before?

23 A. Right.

24 Q. How long did you work there
25 before?

53

01 A. I worked there like two and a

02 half years for BJM Coal Company?
03 Q. BJM, what is that?
04 A. I don't know what it stands
05 for. It's three women's name I
06 heard, but I can't think. It was run
07 by Sigler.
08 Q. Sigler?
09 A. Uh-huh (yes).
10 Q. So you worked there how long
11 ago? You've been there two years
12 now, but how long of a break?
13 A. Now, let me think here. It
14 was probably two to three years
15 between that.
16 Q. Okay.
17 A. And I worked at a couple other
18 mines before I came back.
19 Q. What was it like the second
20 time you come back compared to the
21 first time?
22 A. About the same.
23 Q. Same? No difference? Do you
24 think it was a better mine or not as
25 good a mine?

54

01 A. I'd say a little better than
02 Sigler as far as equipment and taking
03 care of mud and water.
04 Q. What about safety?
05 A. No difference.
06 Q. Okay. Just another clarifying
07 question, your SCSR, did you put in

08 on the track entry or the intake?
09 A. Intake.
10 Q. Intake entry, okay.
11 A. Still in the dust or whatever
12 that was in it.
13 Q. Okay. I have to ask you some
14 training questions now and I wrote
15 all over my training questions. When
16 was the last time you had your annual
17 retraining?
18 A. I don't remember what month it
19 was last year at all.
20 Q. But do you remember having it?
21 A. Right.
22 Q. Okay.
23 A. I don't know where it was at.
24 Don't remember, but I know we had it.
25 Q. And who gave it to you?

55

01 A. I don't remember whether it
02 was Al Schoonover or --- I can't
03 think of his name. The safety
04 director. Oh, I know him, I just
05 can't think of his name.
06 Q. But it was one of those guys?
07 A. One of those two.
08 Q. Okay. And did you have the
09 training all day?
10 A. Yes.
11 Q. And did you fill out a --- did
12 they fill out a form for you?

13 A. Uh-huh (yes).
14 Q. And you had to sign it and
15 they had to sign it?
16 A. Right.
17 Q. Okay. Did they ever go over
18 the mine emergency and evacuation?
19 A. Uh-huh (yes). Yes.
20 Q. They went over all that stuff,
21 what to do, the escapeways?
22 A. Right.
23 Q. Did they ever tell you who the
24 responsible person was designated by
25 the company for the purpose of

56

01 evacuation?
02 A. I don't remember ---
03 Q. Okay.
04 A. --- who they said it was.
05 Q. Okay. And are you familiar
06 with the evacuation procedures?
07 A. Right. Yeah.
08 Q. Did they go over procedures
09 that you had to follow for what to do
10 in case of an explosion?
11 A. I don't remember if they
12 actually said anything about
13 explosions or not. Only to --- the
14 escapeways and the color of the
15 reflectors for different escapeways
16 and airway.
17 Q. Okay. What about barricading,
18 did they talk about that?

19 A. I don't remember if they did.

20 Q. Okay. You're qualified to

21 take methane and oxygen tests?

22 A. Not oxygen.

23 Q. Well, methane?

24 A. Methane only.

25 Q. Okay. And how long has it

57

01 been since you were certified?

02 A. I don't remember that. I

03 believe it was last year.

04 Q. Okay.

05 A. Sometime last year.

06 Q. What about participating in

07 escapeway drills? Did you ever walk

08 out of the section or part of the

09 section?

10 A. Not at that mine. Other

11 mines, not that mine.

12 Q. Okay. So the escapeway drill,

13 you haven't been involved. Do you

14 remember the boss taking anybody out?

15 A. I don't remember.

16 Q. What's the difference between

17 the primary and secondary, how are

18 they marked differently?

19 A. I'm not sure.

20 Q. Do you remember the color of

21 the reflectors?

22 A. I'm thinking green or blue

23 with intake or --- but I don't

24 remember which color is primary and
25 secondary.

58

01 Q. Okay. What about fire drills,
02 do they ever conduct fire drills in
03 the section, like a simulated fire?

04 A. I don't recall of any there.

05 Q. What about --- you know what
06 I'm talking about; right?

07 A. Yeah. I've had them at the
08 other mines.

09 Q. Where everybody gets a job and
10 you say we've got a buggy or feeder
11 on fire ---

12 A. Right.

13 Q. --- that kind of stuff?

14 A. I've done that ---

15 Q. Over at the other mine?

16 A. --- another mine a couple
17 years ago.

18 Q. But not at Sago?

19 A. No.

20 Q. Okay.

21 A. Not that I recall, no.

22 Q. What about your SCSR training
23 over at the --- when you had your
24 annual retraining, did they go
25 through that?

59

01 A. Yeah.

02 Q. And how did they do that?

03 A. They had them there and they

04 had us don them one at a time.
05 Q. Were they completely closed
06 when you started it?
07 A. Yeah.
08 Q. So you went through the whole
09 thing, ---
10 A. Right.
11 Q. --- tearing the top off?
12 A. Uh-huh (yes).
13 Q. Whenever you popped yours,
14 when you were inside the mine, did
15 you have any trouble getting that
16 bottom off?
17 A. No.
18 Q. It popped right off?
19 A. It fell off more or less.
20 Q. Good. And part of your ---
21 part of your annual retraining was
22 first aid also?
23 A. Yeah.
24 Q. What kind of first aid
25 training did you get?

60

01 A. There wasn't much first-aid.
02 Q. Did they get a dummy and do
03 CPR and that kind of stuff and
04 mouth-to-mouth?
05 A. I don't remember if they did
06 that in the last training at that
07 mine or not.
08 Q. Did you remember that kind of

09 training at other mines?
10 A. Oh, yeah.
11 Q. But not at this mine?
12 A. Yes, I believe the first year
13 of training I believe they had one.
14 Q. Okay.
15 A. But I can't remember nothing
16 about last year for some reason. I
17 don't know where the training was,
18 but I know we had it.
19 Q. How about the roof control and
20 ventilation plan, did they go over
21 those plans during your annual
22 retraining?
23 A. Yes.
24 Q. And how do you think it was?
25 I mean, how do you think the training

61

01 was?
02 A. It was good. I just don't ---
03 I don't remember dates, ---
04 Q. You don't have to remember the
05 dates.
06 A. --- and times. I really don't
07 try to remember much about it except
08 for first aid, how to escape, real
09 important things like that is the
10 only --- and the rescuer, which I
11 think they ought to have more
12 training using them because you
13 forget.
14 Q. You forget and you also ---.

15 A. If you don't use something,
16 you forget how.

17 Q. Is that what you think they
18 should do, some additional training
19 on it?

20 A. Oh, yes.

21 Q. What about a smoke search, did
22 they ever do a smoke search on you?

23 A. Oh, yes.

24 Q. How often do they do that?

25 A. I'm not sure how often it is,

62

01 but Jeff has done them.

02 Q. How do they do it?

03 A. They ask you if you have any
04 and pat your pockets and what not.

05 Q. Do you remember if --- have
06 you ever seen anybody smoking in the
07 mine, the Sago Mine?

08 A. No.

09 Q. Okay. Have you ever found any
10 smoking articles underground?

11 A. No.

12 BY MR. MILLS:

13 Q. Just one, Roger, which mines
14 did you work at between when you
15 worked for BJM and Sago?

16 A. I was mining at Turkey Run and
17 Fairmont Two which was for Thomas and
18 Bischoff.

19 BY MR. O' DONNELL:

20 Q. Back to those seals just for a
21 minute. Did you ever hear of anybody
22 picking up any methane at the seals,
23 finding any methane up there?

24 A. No.

25 Q. Anybody having any problems

63

01 with building it?

02 A. I don't even know when they
03 built it or who built it, because we
04 weren't up that way ---.

05 Q. You were never in the area?

06 A. No, not after --- not after we
07 pulled out. I was never back up that
08 direction.

09 Q. Okay. Has anyone offered you
10 anything or made a promise to you in
11 exchange for you appearing here
12 today?

13 A. No.

14 Q. Before I ask you the last
15 question, do you have anything that
16 you would like to add that may be
17 relevant to the investigation?

18 A. No, nothing relevant to the
19 investigation.

20 Q. Say anything you like.

21 A. Well, first of all, I don't
22 think sealing should be allowed in
23 mines.

24 Q. What? What?

25 A. Sealing. Sealing areas off.

01 I don't think it should be allowed.
02 To me, now that this --- this is the
03 first explosion I've been through. I
04 think that's all that is, is a time
05 bomb waiting for an ignition, simple
06 as that. I really don't know the
07 reason of sealing areas off, other
08 than not to have to ventilate it or
09 someone walking and inspecting, which
10 would be a lot of walking for
11 someone, but ---.

12 Q. Okay. The last question I
13 want to ask you is maybe if you could
14 help us to understand because we want
15 to --- we want to make all of this
16 better. And part of the
17 investigation is trying to understand
18 some of the things that happened that
19 went haywire, that we want to learn
20 and grow from. You were at the
21 church that night?

22 A. Uh-huh (yes).

23 Q. You said you were. Until the
24 end when you got the good news and
25 then got the bad news and all of us

01 sympathize with you and offer our
02 condolences to you in the loss of
03 your family and your friends. But we
04 still want to make it better. So is

05 there anything you can tell us about
06 that night that may help us learn
07 from that? I mean, how did it get
08 --- you know, we don't know what
09 happened there.
10 A. Didn't know what happened
11 where?
12 Q. At the church, when someone
13 told you that they found them ---
14 A. Right.
15 Q. --- and then a couple hours
16 later ---.
17 A. No, they were all dead but
18 one. I don't know what happened
19 there. There was communication going
20 on that's all I know of.
21 Q. But I mean at that, at the
22 church, you don't recall who came in
23 and told you that?
24 A. No, I don't. I have no idea
25 where it came from, other than rumors

66

01 that it came from someone in the
02 church. But I saw the governor
03 running in, into the church. I
04 believe he was outside and he was
05 trying to dial his cell phone at the
06 time he was running, like he --- the
07 way he was shaking his head, he
08 didn't understand what was going on
09 either.
10 Q. Okay.

11 MR. O' DONNELL:
12 On behalf of MSHA, I
13 want to thank you for
14 appearing and answering our
15 questions today, Roger. Your
16 cooperation is very important
17 to the investigation as we
18 work to determine the cause of
19 the accident.

20 We ask that you not
21 discuss your testimony with
22 any person who may have
23 already been interviewed or
24 who may be interviewed in the
25 future. This will ensure that

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01 we obtain everyone's
02 independent recollection of
03 the events surrounding the
04 accident.

05 After questioning other
06 witnesses, we may call you if
07 we have any other follow-up
08 questions that we may need to
09 ask you. If at any time you
10 have additional information
11 regarding the accident that
12 you would like to provide to
13 us, please contact us at the
14 information numbers that we
15 gave you.

16 The Mi ne Act provi des
17 certain protecti ons to mi ners
18 who provide i nformati on to
19 MSHA and as a resul t are
20 treated adversely. If at any
21 time you believe that you have
22 been treated unfa i rly because
23 of your cooperati on i n thi s
24 i nvesti gati on, you shoul d
25 noti fy us i mmedi ately.

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01 If you wi sh, you may
02 now go back over any answer
03 that you have gi ven us i n the
04 i ntervi ew and make a stateme nt
05 i f you' d li ke.

06 A. I don' t --- I can' t thi nk of
07 anythi ng.

08 MR. O' DONNELL:

09 We want to thank you
10 for your cooperati on. We
11 appreci ate you comi ng i n.

12 A. All ri ght.

13 MR. O' DONNELL:

14 Thank you.

15

16 * * * * *

17 EXAMI NATI ON CONCLUDED AT 12: 33 P. M.

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21

0126Perry-MSHA-Sago. txt

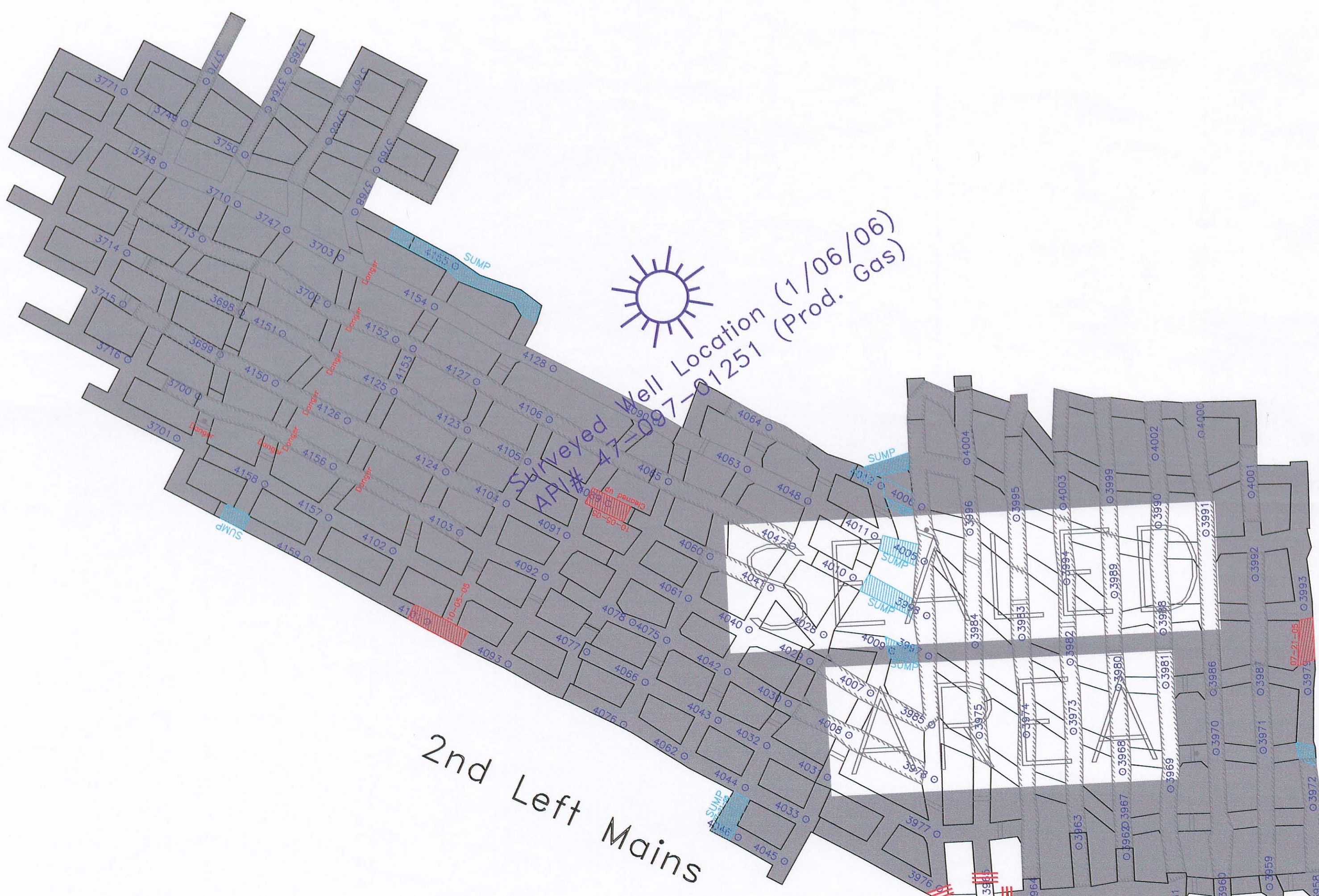
22

23

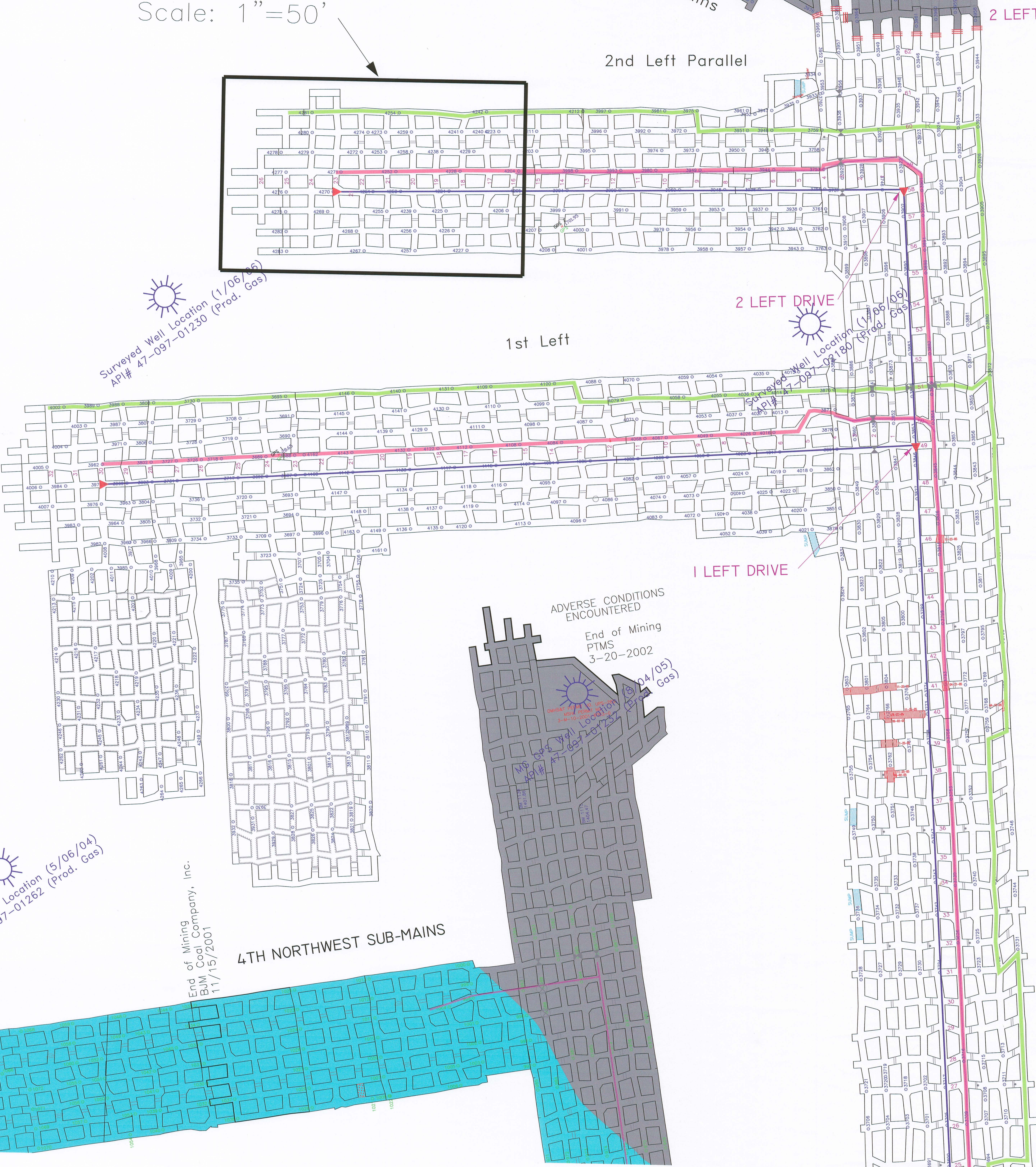
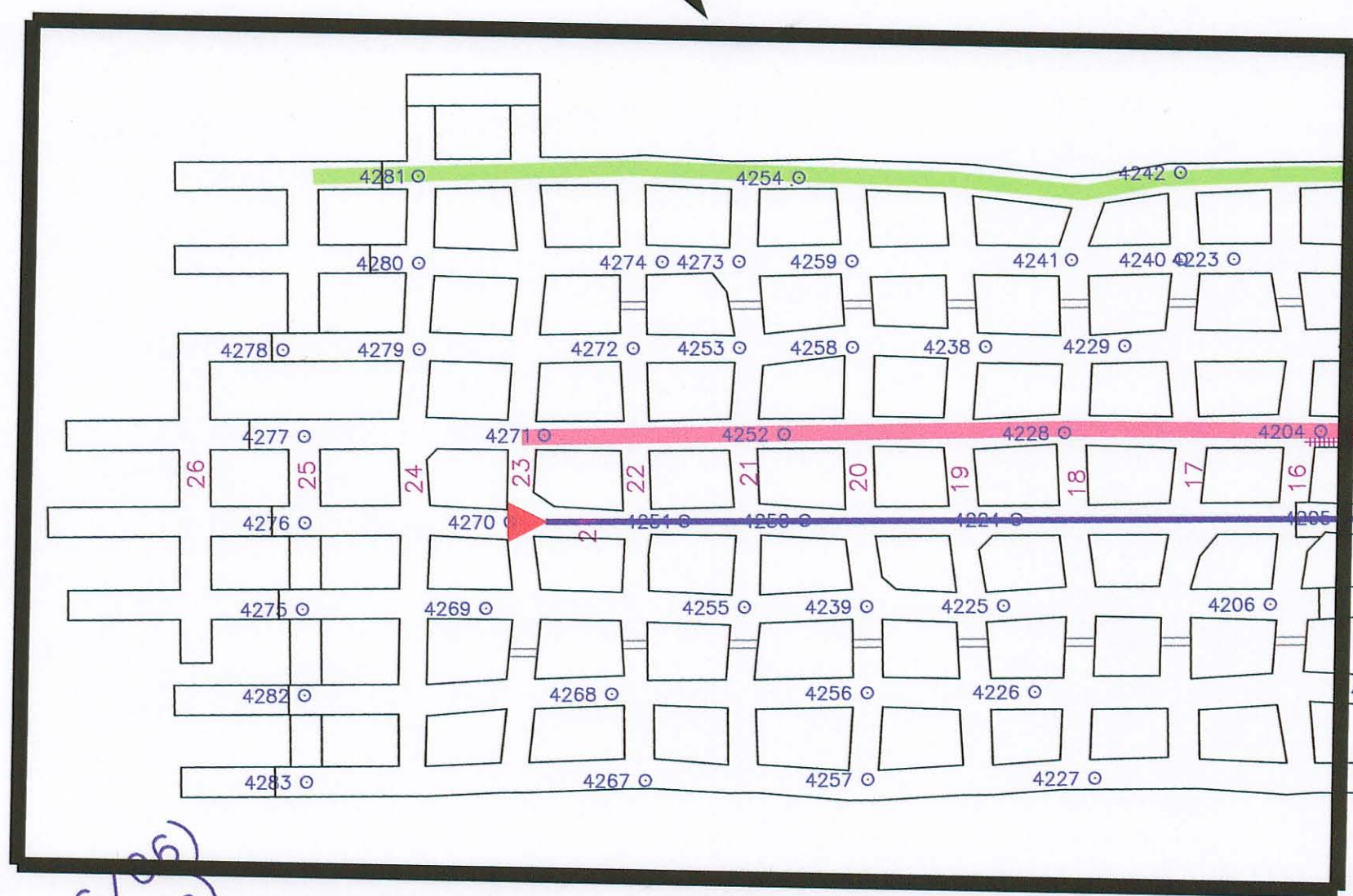
24

25

Scale: 1" = 100'



Area Shown on Map
Scale: 1"=50'



Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)

2 LEFT DRIVE

1st Left

I LEFT DRIVE

ADVERSE CONDITIONS ENCOUNTERED
End of Mining
PTMS
3-20-2002

4TH NORTHWEST SUB-MAINS

Surveyed Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)

End of Mining
BJM Coal Company, Inc.
11/15/2001

Surveyed Well Location (8/04/05)
API# 47-097-01251 (Prod. Gas)

2 LEFT SEALS