

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,	)	
	)	
Complainant	)	
	)	
v.	)	Docket No. 08-1104
	)	
IMPERIAL SUGAR COMPANY;	)	
IMPERIAL-SAVANNAH, L.P.	)	
	)	
Respondents.	)	
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**RESPONDENTS' OPPOSITION TO COMPLAINANTS MOTION FOR LEAVE TO  
TAKE THE DEPOSITIONS OF WITNESSES WHO WERE INTERVIEWED UNDER  
OATH BY OSHA DURING THE INVESTIGATION**

Respondents Imperial Sugar Company and Imperial-Savannah, L.P. (collectively “Imperial”) respectfully oppose Complainant’s motion for leave to re-depose several Imperial managers and corporate officers who were deposed during the six-month OSHA investigation into the February 7, 2008 accident at Imperial’s sugar refinery in Port Wentworth, Georgia. Complainant has articulated no good and just reason for re-deposing these individuals, which include Imperial’s President and Chief Executive Officer. Imperial respectfully submits that another deposition of these individuals, especially if any of the numerous matters covered in the lengthy first depositions were again addressed in the second depositions, would be duplicative and would serve only to burden these witnesses as well as Imperial.

Unlike the Federal Rules of Civil Procedure, which allow litigants in federal court to depose individuals by simply giving notice to other parties, the Review Commission’s Rules of Procedure require either agreement of all parties or permission from the Commission or Judge to depose someone. *Compare* Fed.R.Civ.P. 30(a)-(b) *with* 29 C.F.R. § 2200.56(a). The party seeking permission must state “good and just reasons” for the deposition. 29 C.F.R. §

2200.56(a). Here, Imperial respectfully submits that Complainant has not carried her burden to establish good and just reasons to re-depose twelve (12) of Imperial's officers and managers.

1. *All Twelve Witnesses Have Previously Been Deposed by Complainant, Including Being Questioned by Complainant's Attorneys.*

During the course of its investigation of Imperial, Complainant opted to take sworn administrative depositions of the twelve (12) witnesses who Complainant now seeks to re-depose. Those witnesses included Imperial's most senior officers and managers, including Imperial's President and Chief Executive Officer, Senior Vice President of Human Resources, former Vice President of Operations, current Vice President of Operations, current Corporate Safety Director, and former Corporate Safety Director. These depositions lasted anywhere from three to four hours up to eight hours. In eleven of the twelve previous depositions, Complainant had at least one, and often two, of her legal counsel in this case present at the depositions, and those lawyers asked numerous questions of the witnesses, in addition to questioning by multiple OSHA investigators. Also, Imperial is a party to a number of civil actions relating to the February 7, 2008 event. All but two of the twelve witnesses at issue have been deposed in those civil cases, and pursuant to Complainant's request, Imperial has provided a copy of these civil deposition transcripts to Complainant.<sup>1</sup>

2. *Imperial Submits that Duplicative Questions are Inevitable.*

Given that these witnesses have already been deposed, in some instances rather exhaustively, by Complainant and her counsel, Imperial believes a re-deposition of these witnesses will inevitably duplicate what Complainant has already done. For example, depositions taken by Complainant since this administrative litigation commenced suggest that the repeat depositions Complainant seeks by her motion will repeat the same topics upon which

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<sup>1</sup> Similarly, Complainant has provided the administrative deposition transcripts to certain attorneys for the plaintiffs in these civil cases.

the witnesses were extensively questioned at their first depositions. To date, Complainant has deposed two Imperial employees whom OSHA interviewed during its investigation in an informal, non-sworn setting. Although Complainant's counsel was present at only one of these previous OSHA interviews, many of the same topics about which OSHA asked these individuals in Spring 2008 (prior to issuance of any citations) were again covered in the depositions of these individuals taken in Summer 2009, as evidenced by a simple comparison of the interview statements prepared by OSHA and the transcripts of the recent depositions.<sup>2</sup> For example, Imperial employee Edward Jaudon was asked questions at both his OSHA interview and his deposition by Complainant's counsel regarding the following topics: his membership on and the role of the plant's safety steering committee (Ex. A, Jaudon OSHA Stmt. at 1-2; Ex. B, Jaudon Depo. at 36-38, 48-49); the plant's job safety analysis project (Jaudon OSHA Stmt. at 2; Jaudon Depo. at 49-51); the plant's specific methods of performing workplace safety audits and inspections and changes in those methods over time (Jaudon OSHA Stmt. at 2-4; Jaudon Depo. at 39-42, 51-53, 90-100); training and knowledge regarding the combustibility of sugar dust (Jaudon OSHA Stmt. at 3; Jaudon Depo. at 73-80); prior incidents / accidents at the plant, including fires and employee injuries (Jaudon OSHA Stmt. at 7; Jaudon Depo. at 87-89, 146-49, 151-58, 266-72); electrical classification and electrical equipment used at the plant (Jaudon OSHA Stmt. at 8; Jaudon Depo. at 123-30, 136-37, 216-18); and his personal observations of sugar and sugar dust in various areas of the plant (Jaudon OSHA Stmt. at 4-7; Jaudon Depo. at 80-83, 166-80, 187-92, 197-201). Mr. Jaudon's deposition, excluding breaks, lasted the full seven hours allowed by Fed. R. Civ. P. 30(d)(1), with much of that time consisting of questioning that mirrored that of his OSHA interview conducted over one year earlier. The other

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<sup>2</sup> Copies of the OSHA interview statements are attached as Exhibits A and C to this brief, while those portions of the deposition transcripts cited in the brief are attached as Exhibits B and D.

Imperial employee who has been interviewed by OSHA and deposed by Complainant – Jerome Stokes – was similarly questioned at his deposition on most of the topics covered in his OSHA interview a year earlier. (See Ex. C, Stokes OSHA Stmt. at 1-3; Ex D, Stokes Depo. at 60-65, 111-15, 119-22, 127-48, 155-66, 218-19.)

3. *Complainant has not Established Good and Just Reasons for the Depositions because the Discovery Sought is Duplicative and Unreasonably Cumulative.*

As noted above, Complainant has not carried her burden to establish good and just reasons for re-deposing these individuals pursuant to 29 C.F.R. § 2200.56(a). For example, Fed. R. Civ. P. 26(b)(2)(C)(i) provides that the frequency or extent of discovery “must” be limited if “the discovery sought is unreasonably cumulative or duplicative.” Further, Fed. R. Civ. P. 30(a)(2)(A)(ii) requires leave of court for a deposition “if the deponent has already been deposed in the case.”

Here, Complainant has offered no middle ground to attempt to address the cumulative and duplicative nature of these depositions. Although Complainant indicates she will “endeavor” not to duplicate previous questions, she apparently takes the position that she has the right to duplicate previous questions. Further, while Complainant indicates that at present, she only plans to re-depose one individual, she takes the position that she is entitled to re-depose each of the twelve (12) witnesses, including Imperial’s President and Chief Executive Officer, without providing any reason whatsoever. The Complainant’s newly-discovered desire for free flowing discovery should be contrasted with her objections to Imperial’s desire to depose (for the first time) her compliance officers and her demands that Respondents explain exactly what they wanted to accomplish out of those depositions and why they needed the depositions. (See Complainant’s Response to Respondents’ Motion to Depose OSHA Compliance Officers). As previously stated to Complainant, Imperial is willing to attempt to work out a compromise if

Complainant will provide Imperial with a proposal for which witnesses she wishes to re-depose and on what new grounds. Instead, Complainant has taken the position that she will depose all twelve (12) witnesses on any, as yet unstated, subject matter she chooses. It would be unreasonably cumulative and duplicative to re-depose these twelve (12) witnesses, and Imperial seeks an order from the Commission limiting such an attempt. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that the frequency or extent of discovery “must” be limited if “the discovery sought . . . can be obtained from some other source that is more convenient, less burdensome, or less expensive”).

For the foregoing reasons, Imperial requests that the Commission deny the Complainant’s motion to re-depose Imperial’s managers and officers.

Respectfully submitted this 25<sup>th</sup> day of August 2009.

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UNITED STATES OF AMERICA  
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_____	)	

**CERTIFICATE OF SERVICE**

I certify that all parties have consented that all papers required to be served in this action may be served and filed electronically. I further certify that a copy of RESPONDENTS' OPPOSITION TO COMPLAINANT'S MOTION FOR LEAVE TO TAKE THE DEPOSITIONS OF WITNESSES WHO WERE INTERVIEWED UNDER OATH BY OSHA DURING THE INVESTIGATION was electronically served on August 25, 2009 on the following counsel for Complainant:

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*Secretary of Labor v. Imperial Sugar Company and Imperial-Savannah, L. P.*

OSHRC Docket No. 08-1104

Respondents' Opposition to Complainant's Motion for Leave to Take the Depositions  
of Witnesses Who Were Interviewed under Oath by OSHA During the Investigation

Administrative Law Judge Covette Rooney

Exhibit A

OSHA Interview Statement of Edward Jaudon

Filed Electronically on August 25, 2009

**U.S. Department of Labor  
Occupational Safety and Health Administration**

**Statement**

I, Eddie Jaudon, reside at P.O. Box 114 in the City & State of Tillman, SC 29943. My telephone number is [REDACTED]. I am employed by Imperial Sugar Company located at 201 Oxnard Street, in the City & State of Port Wentworth, GA. The office telephone number is 912-964-1361. I have 27 years working in company 1. My job classification is Safety Coordinantor, for 4 years. E&I Shop Printer Technician for 11 years WS Sugar Whse previous to Printer Technician.

This statement is being taken as part of an official federal investigation by the United States Department of Labor, Occupational Safety and Health Administration. I understand that this statement may be used in court/hearings, or made available to other agencies if it will assist them in the performance of their statutory function. Upon closing of this case, this statement may be subject to disclosure only in accordance with applicable statues and agency policy.

I have been iinterviewed by CSB attorneys.

This interview is being conducted in the presence of Kurt Petermeyer, Savannah OSHA, Brenda Sherrod, Savannah OSHA, and Charlie, Alston and Bird, LLC and I have no objections to his/her presence.

I work for Darren Pevey.

Kurt explained whistleblower act.

Graduated high school 1976, started working a meat cutter, construction (framer), then went to work for Dixie Crystal, Managers Course at GSU, OSHA 30 hour under Doug Sikes (2006) on site. I have no certifications.

My responsibilities are keeping up with behavior based safety, safety audits, steering committee (1 month for different projects, action plans), Steering was key people that helped with observations (Savh SAFE). The steering committee was formed by Doug Sikes and I started it in 2004. I think it started in 2002. I was a steering committee member. Doug Sikes was the chair of the steering committee. Doug and Philip Rowland may the decision to hire me between 3 applicants. We had meetings 2/month for the last 8 months piror to incident. John Sheptor wanted us start doing JSA and we knew the 8 hours/month would not be enough time so we went to 16 hours/month.

My first action plant was LOTO. We did a lot of research and started an action plan where we needed to put disconnects and did JSA's on machines. Steering committee members would help in writing the JSAs. JSAs were done on throughout the entire plant. The project was not opleted at the time of the incident. We were 95% on South



packaging, 3d floor, and 90% on packaging 2 on North and South, 1<sup>st</sup> and 2d floor including conveyor to WS Whse. The 10% missing was conveyors going to WS Whse Packaging 2. All the machines were done on JSA. Packaging 3 was probably 100% but we probably missed a few disconnects. 600 v or higher needer larger and usually turned off many things. The smaller ones turned off on machines. I cannot remember brand of disconnects. They are not all the same. We started with one set of user friendly and felt that it was not recognizable enough then went to the bigger size. Square D is name of big disconnect. LOTO on refinery had big disconnect and we had changed out on F side all the cnetrifugals. I can't remember what we hadn't gotten done. To mount a big disconnect it took about 2 days and the smaller a day. The had LOTO capability but we wanted to make it user friendly. The written procedures we were in the process of doing the process from East to West. We were around 20 – 25% with procedures for each machine but we do have a general LOTO for all machines throughout the bldg. We had moved all the way up to somewhere around the centrifugals, F side. Some of the procedures were already written for some machines in packaging but we wanted them more specific. Braddy was helping with this task by actually installing the disconnect. Mike Lastie's group came in and worked for D. Sikes. LOTO was question on observation sheets. We averaged 200 per month of observations. It was put into Bapptrac (Bav Saf Tng program) system. There sheets are a checklist (tearout sheet in a book). The observer would come by and check off if the employee was working safe and X if not. The documents were given to me and I placed them in the computer system. We saved them and had many documents of observation. I do not know the OSHA requirements for doing audits. (Kurt told him annually). I tracked the observation and audits for LOTO. I have some of the tearout sheets in my office. I did two walk throughs per day 6:00 am and 1:00pm. I work from 6:00 am to 4:00 – 5:00 pm (whatever). I inspected 6:00 am 2 & 3 Packaging (North & South), Bulk Station (we would talk to supv or opr). 6:00 am walkthrough - We would go to the supervisors on duty (me or Darren but most of the time both w/Aamir, possible Chris Gordon) and we would meet with supervisor on duty. We would then go to the Processing side and meet with Mitch Kerby. How did everything go last night safety wise, quality, production. These are not detailed mahine by machine walkthroughs. We left the area after talking to supv. The 1:00 pm we did the bucket brigade – We would actually take white buckets and actually do walkthrough inspections to pick up debris and trash in the path. Our goal was to have nothing in the bucket (quality). We would do specific area inspections. I had a team (2-6 people) which was decided at the 9:00 am meeting. If we were going to Bulk Station, BS station would go. Team, H Bader, Tom Wilson, Cyn Hamilton, Aamir, D. Sikes, Mgr or Supv of Dept, if available mechanic and elec assigned to areas. On the initial walkthrough, we would have a followup two weeks later. This program was started about 3 months prior to the incident. Aamir put the program together. In the course of the 3 months we did not get to all areas in the plant. Completed was 90% of process; 99% of packaging (1 – 4<sup>th</sup> floors North and South sides) and, Raw Sugar (1<sup>st</sup> floor), WS Warehouse. I know we did some in the boiler house but I don't know how far we got. We did some in Areado but I'm not sure how far we got. I don't remember doing R&D. Most of the time, I do the following inspection. I have been on top of B&C bins since the new catwalks has been installed. I think the new catwalk was finished late 2006 or early 2007. This was a daily walkthru for me. We looked for safety things such as pinch points,

covers missing. Hannah, Cynthia and Tom were looking for housekeeping issues. I was not specifically looking for housekeeping issues. If sugar accumulation stuck out, I would address it, but I am specifically looking at the things assigns to me such as disconnects. These inspections were documented through our network with a daily log. Darren Pevey kept all the logs. One person in each group kept notes and provided it to me and Darren Pevey put it in the computer. We start generating WO,if needed, depending on caliber of work. The report also went back to the manager of that dept. Majority of time, either Darren or me will document findings, possibly Hannah. We discuss in the end to makes sure everything is covered. If Darren is here he inspects to computer, if not here I put it in. He sends reports to managers and supervisors. I maintain a list of items as well as work order. We take original sheet back in 2 weeks. If not completed, we go back to the manager again. Darren would set a target completion date for managers.

We also do safety self audits (bubble sheets) (observing yourself as an employee) with manager sheets (they do audits), supervisors would do PPE and would given to employee so they could evaluate themselves 1 – 2 times/week. I would collect the data and look at things putting people at risk. One issue was LOTO and that is why we put so much emphasis on LOTO. Steering committee and observers did CCIs. I was an observer then was on steering committee and then I moved into my job. Majority of my time is spent is spent inputting data into the computer in BappTrac system. I did approx 10-15 observations per month depending on spare time I had. I had something called red alert (line of fire (anytime you put a body part in danger zone) at risk) which clued to go to those at risk areas. Housekeeping is part of our CCIs where I looked for sugar accumulation. Accumulation is looked at as tripping or housekeeping. We have had to address accumulation as housekeeping on sheets. When the observation is complete you give the employee to come up with a solution for the at risk issues.

I was told by Stewart Exley (x-safety manager) in birthday safety that sugar dust was combustible when I was hired. It was also discussed every year They did not go in great I did not realize the magnitude of what sugar dust could do if it combusted. No one ever told me an acceptable amount of dust or how much it would take to explode or combust. The only other inspectors are new hits, first aid, OSHA reportable, any incident area. We investigate near hits (manager or supervisor whoever is available). Pevey or myself would do the near hits but mostly Pevey.

Training that I have had to identify safety issues is Behavior Based 3 ½ days in 2006 (BST, OJha, CA), Observer training through D. Sikes (2 days); and root cause analysis through D. Sikes (2 day training); I provided the observer training up to self audit change. I started working on developing a faster way of inputting data which is when we went to bubble sheets. Philip Rowland came up with doing new way of audits where observations became limited and then employees were auditing themselves. When Aamir and G. Graham came in they wanted to change the scenery and they wanted to do walk through inspections.

Outside audits were Mike Lastie's team (ICU) (around 2006) who did confined space and other things but I am not sure what all he was doing. I think LOTO was also done

sometime by M. Lastie but I do not know if they were together. I did not see copy of audits. I am not aware of an audit that M. Lastie did before he was a consultant. I do not remember emails referring to M. Lastie audit but I'm sure there are but I don't remember. I do not remember any emails addressing sugar accumulation. We had an all day steering committee meeting on Monday before incident. On Tuesday, I went to road silo manlift with Aamir, Tony Thomas and Bruce went with me and we found some sugar accumulation and we had it cleaned up immediately. It was on the floor on the East end of the 9<sup>th</sup> floor accumulated at about 10 – 12". There was nothing leaking when I got to 9<sup>th</sup> floor. It must have backed up and fell off scroll. I was thinking about housekeeping and tripping coming off of manlift. Tony called Bruce, Bruce put his men on it and they started cleaning it. Bruce called me on Wed and told me everything was clean but I did not inspect it but Bruce is straight up. The 9<sup>th</sup> floor was on the schedule to be inspected and we stopped at every landing along the way. On each landing we saw little build up of sugar and we knew it was coming from the 9<sup>th</sup> floor. Each landing was cleaned according to Bruce. Sugar was falling down 9 landings. Aamir told Bruce to clean from top to bottom. He had a whole crew up there and I saw the crew up there (about 5-6 employees came to clean). I did not see any other accumulation on the on the 9<sup>th</sup> floor. I do not receive AIB audits. I have not seen the full report but Philip would paraphrase in emails what the report addressed. I do not recall him addressing sugar dust accumulation in these reports. I go to the tunnel area of the silo about 1/month. I rode the elevator at the tunnel once and a while but most of the time I took the stairs. I went to the hummer rooms (one or the other) every now and then after Bruce called me to inspect for cleaning. Bruce's crew was the cleaners and there is a daily checkoff sheet that has to be checked off. I'm sure I have seen a master cleanup list but I cannot recall seeing it. Everybody had a sheet to clean and they had a responsibility to clean. My area to clean was 5lb consolidated palletizer area. We cleaned that area 1/month. It's almost like a safety observation but it is a quality check. I had to inspect areas to make sure the cleaning was done. I'm not sure who cleaned the 4<sup>th</sup> floor. This is a list of names and assigned areas for cleaning and I think it is a Quality Inspection document given by Hannah Baderschneider. I am pretty sure that Bruce and his crew kept clean (week to week, day to day). Hog (SE corner of packing house) remelt area was a day to day area that Bruce's cleaners cleaned. Brooms or vacuum cleaners (air vacs) were used to clean the packing house. I know they have used air to blow down in the past but I don't think they blow down now they wash. Cleaning is done on Mondays but I have usually gone through before they start cleaning. Since we have been doing walkthroughs, we see less sugar and it is the cleanest I have ever seen it. This is one of John Sheptor, Aamir, and G. Graham's big issues, keeping it clean. I do not know what caused the explosion.

Areas that had the greatest problem with accumulation of sugar or sugar dust was 4<sup>th</sup> floor powder side and hummer rooms, steel belts would run over and there would be a trail under the belt but I don't think that was a big issue. Someone addressed sugar dust or sugar spills about a year ago on 4<sup>th</sup> floor about accumulation of sugar or sugar dust, raw sugar between motor room in front of containers they would have wet sugar spills, 1<sup>st</sup> floor around remelt (white or brown) it would spill out into alley which I made my Pet Peeve area. I got contractors to come in and clean it up. We confined that area to only allow a set amount of sugar so it would not spill over to forklift passage way. My

suggestions to remedy these accumulation issues were to clean up more and better. Areas where the sugar would accumulate would be hummer rrom (bucket out and put down tube, tube would plug up); tunnel (bucket out). They can't clean every area every day. Sometimes they would say we can't get to it today so we'll get it tomorrow. I do not know how they get the sugar down on the 9<sup>th</sup> floor. Kurt told him that it is carried by a tote. Sometimes there would be spills on the Bemis machine when bags are not there or bags burst. For spillage on production side would be spilling bags 5 lbs to 100 lbs. The robot was the big runner of the production area. You would have to ask Tim Strozzo that. I have seen suspended dust in the air when they were cleaning up (sweeping) and the worse place would be 4<sup>th</sup> floor. On 4<sup>th</sup> floor there would be suspended dust and a haze in the room sometimes. The last time I have seen suspended dust on the 4<sup>th</sup> floor was 6-7 months before the incident. In the past 6 months since Pevey has concentrated more on cleaning, I can see it is not as dusty. On the manlift, it would be granulated sugar. I know that a lot of people do not like to wear safety equipment and they complain dust gets on their glasses, but I have never had sugar dust on my glasses. I have had to take them off because they steam up. I stay in the plant about and hour/day.

Kurt showed the photos of dust accumulation.

Dust 8 - Eddie says it is near tunnel but he doesn't know exactly were it is. Kurt tells him it is in half moon area. I have seen accumulation in this are about a year ago as shown in photo. In the tunnel, 7 - 8 months ago I saw them bucketing the sugar out. 6 or 7 months ago, I saw saw accumulation in the tunnel because I was called about the lights (bulbs blown out) and there was sugar on the floor. The tunnel height is about 7 feet and the lights are either globe type of type mounted on the walls. I don't know what type of lights are in there but I cannot believe we have fluorescent because of the glass issue. Jimmy Z ran new lights in the tunnel fairly recently. Jimmy Z went all the way up with new lights up the manlift silo area at each landing. I went in the tunnel because Wille or Bernard called me about the lights. I told them they needed to get sugar out when I was in there. I have seen sugar inside half moon structures. We were doing LOTO in 2006 and we were assessing these areas.

Dust 16 - Eddie says that in the tunnel area. The pile has to be off of the steel belt. I have never seen rodding taking place. I have seen sugar piles about 6 - 7 months ago. I have not been in half moon areas within 2 years but I did see build up on the motors. Larry Williams set this up. I do not remember if I had anyone clean it up. Motor in picture - I'm sure I have seen motors with sugar dust on them as seen on the photo. We used to come in just to clean motors but we now we are replacing motors with explosion proof. I don't think I have seen motors in the tunnel areas. I have never been under the tunnel area to inspect for dust accumulation on motors. I was not specifically looking for sugar accumulation when I went in the tunnel area 6 - 7 months ago and this was the last time I remember being in the tunnel. Jimmy Z actually installed the lights mentioned above. A document where Jimmy installed the lights could verify the time I actually entered the tunnel area.

Dust – Accessing the tunnel 1<sup>st</sup> floor enclosure for bucket an manlift - I went to this area to ride manlift to top on Tuesday before the incident. At times there have been times where the sugar looked like the photo. I do not remember the walls having dust on them. I recall seeing sugar on the floor. Whatever the 8 floors below didn't catch it was on 1<sup>st</sup> floor about ½ inch. The higher we rode to the 9<sup>th</sup> floor, the deeper it got. Once we got to the 3<sup>rd</sup> floor we realized there was a problem (sugar pile 12 – 14 inches high), so we went down to address the problem with Tony Thomas and B. Long. If anyone picked up on it, it should have been the siloman, but I did not discuss it with him.

Dust - 18 The last time I was in that area was 1 to 1-1/2 years ago. It did not have accumulation like the picture because they were replacing the buckets. I have seen the bucket elevator look like the picture shown but I don't remember when. Bottom picture – The last time I climbed up to the top was Aamir, Pevey, and myself walked the stairs to do an assessment of the new stairs and went all the way to the top. I can not remember see any accumulation on the motor.

Dust 1 - I have seen accumulation on motors but I don't remember when. I do not remember sugar being on the motors as shown in the photo.

Dust 33 - Picture is scroll on one side and one of other side. We looked down the galley the Tues visit before the incident and there was accumulation on the floor. There is generally dust on the floor. When they clean it, there is sugar suspended in the air. On 9<sup>th</sup> floor was a pile 24" or 28" as we got off the manlift. The galley did not look like the photo the Tues I was up there before the incident. The times I went up in the past doing inspections, we would have been looking for accumulation like in the photo.

Dust 34 – 9<sup>th</sup> floor Aero Belt (Closeup of last picute) – I have seen accumulation like this in the past within a couple of years ago. It used to be common to see this accumulation but now it is uncommon to see sugar accumulation like this photo. I see it on scrolls and equipment. This kind of accumulation would cause me to initiate action. Stuff like this photo is why we try to get more cleaning people. I do not know how many cleaners Bruce has to clean packaging area but I think it is 6. We always tell management that we need more cleaning people. It was told by Doug and Darren which is told to Philip that we needed more cleaning people. I was agreeing with Doug and Darren when he told Philip. I do not know exactly where the issue was brought up at. Bruce did end up getting more help. They were working to put a cleaning gang back together because it helps evaluate employees and it gets cleaning done. This was only to evaluate the employees to see if they were good workers. Ginger in Administration was trying to bring this back. Everyone that is brought in has a 3 month evaluation period. The last time they ask for more people a couple of months before the incident.

Dust 19 – 4<sup>th</sup> floor – Production Steel Belt. Last time I have been up to the steel production belt where mixer is was about 3 weeks ago. We had an issue with a drain. This area looked real good the last time I was up there. The last time I have seen accumulation on the motor was 8 months before the incident. No one has ever brought a complaint to me about this are. I complimented Bruce on how well he has cleaned up the

area. The steel belt tears periodically and it will drip sugar down. They have to stop it and fix the tear. This accumulation in the picture did not happen over night, this accumulation was probably over a week or two. I do not remember motors burning out because of accumulation.

Dust – 21 – No. 10 Production Scroll, 5<sup>th</sup> floor, Hummer Room It has been about 6 months prior to the explosion, I went up there and it looked good. Bruce called me to go look at the area after they had cleaned. He and I have a good working relationship. It is not common to see the accumulation in this area like the photo. I do not specifically remember anyone complaining about sugar dust.

Dust 14 – No. 1 Bulk Scroll, 1<sup>st</sup> Floor House - We were probably trying to keep water leaks out. They were working on trying seals some holes because when they wash down it leaks through the holes. I have seen the motor look like this before. I know this area in the last 6 months has been in very good shape. I have seen accumulation on the scroll within the last 6 – 8 months.

I have never recommended anyone be written up and I do not get involved with the administration of disciplinary action. Years ago when I started the company had a cleaning crew. It was to cull out where employees would best fit. Stokes was in place during this time when there was a cleaning crew. We had Kirby contractor but I think they were for production no cleaning. I do not know if Stokes number of employees have changed in the past year.

I left at 4:30 pm the day of the incident. We were preparing and a little extra cleaning was going on but I don't think there had to be that much more cleaning. I think we were ready for AIB inspection. Everything to me is fuzzy that day. I think we walked through that morning but I don't think we did the 1:00 pm walkthrough. I was not here during the explosion but I came back. I did not step foot inside the building. I do not know what buckets elevators were working that day.

Fires: A bolt went through the dust collector and I went and looked at it and Pevey took the investigation from there. I remember a powder mill motor once which was no more than a couple years ago. There was one in raw sugar whse elevator where fire dept responded. I don't know where it was and I don't know the reason. I remember years ago forklift caught on house behind the WS warehouse. I would have knowledge of fires of forklifts. Part of the forklift responsibility is to wash forklifts to wash radiators and keep dust from forklift.

Dust Collectors: Dust collectors are used to keep dust out of the air because it could get a spark and catch fire. I do not know if it is because of quality. I do not know when they are installed. They are maintained by the GO Shop. I do not know how they are maintained. I know they have stockings filters. I do not know anything about the maintenance of the ductwork or if anyone is using meters to check velocity. I have had no inadequacies raised to me about the dust collection system by employee or managers. This wasn't my responsibility so I let whoever's job it was take care of it. I know that we

had a dust collector that was being completely rebuilt. The one that blew. Eddie told Charlie " You told me not to use blew." Charlie says "No I didn't." Kurt says, you mean vented.

I know a little about classification. We know about NEMA cabinets because they had seals in them because we did not want water in them. I have heard about explosion proof motors and we were suppose to be replacing them but I don't know how far they have gotten with this. NEMA 12 – fail proof water proof/dust tight. I have never receive any formal training on NEMA but salemen would come in a taught to us about the electrical products. I do not know if this facility has ever been evaluated. I know we did an assessment on electrical panels. I have never been involved in ordering or purchasing electrical components. I do not know the classification in the areas for electrical equipment. I have never been told any area was classified. As far as I know, there are no areas that are classified. The newer equipment that we were putting in was explosion proof but I am sure there is older equipment that is still non explosion proof.

There are a lot of fans used in the plant. The packing house had a chiller and fan to keep the area clean but I do not know if there were using fans. I do remember pedestal fans in Bosch room on each side which was about 10 feet from the machine. The southside of the packing house 2d floor there was one on the 20 - 2 bundler 2 lb consolidated 5 – 6 ft from the machine. Behn and Bates I do not remember seeing a fan. I have seen a fan on 3d floor powder but they also have air controlled chillers. They had fans to cool themselves.

Vacuum system was located towards the manlift elevator at silo towards the hog but it did not do what we wanted so they quit using it. I don't think it has ran in the last few years. They had purchased air (pneumatic) vacuum cleaners throughout the packing house. A couple of them was brand new but I don't know when any of them was purchased. These are the only vacuums I know about.

There are battery charging stations near Behn & Bates which is near powder packing operation. There has been no issue brought up about charging station being near the powder are.

I had never been in the cornstarch bin until last week.

Capital expenditure dealing with safety – catwalks, new forklift, disconnects. I cannot remember any upgrades or safety plans that did not come to fruition in the last 3 years. Last year was the first year that I had an opportunity to sit in on plans for the upcoming year.

Production demand is higher in the last few years and I'd hope we are selling more sugar now than we did. Within the last 10 years, the production has increased because of new machines.

I have been on top of B& C bins where they replaced the new catwalks.

I have read the foregoing statement of \_\_\_\_\_ pages, and each page has been numbered. I have initialed each correction and initialed or signed each page. I declare under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge. I understand it is a felony under 18 U.S.C. 1001 to knowingly make a false statement or omit facts in relation to a federal investigation. I request that my statement be held confidential to the extent allowed by law -OR- initial here \_\_\_\_\_ to waive confidentiality.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Witness:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Page \_\_\_ of \_\_\_ Pages

Initials \_\_\_\_\_



*Secretary of Labor v. Imperial Sugar Company and Imperial-Savannah, L. P.*  
OSHRC Docket No. 08-1104

Respondents' Opposition to Complainant's Motion for Leave to Take the Depositions  
of Witnesses Who Were Interviewed under Oath by OSHA During the Investigation

Administrative Law Judge Covette Rooney

Exhibit B  
Relevant Portions of Transcript of Deposition of Edward Jaudon  
Filed Electronically on August 25, 2009

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E. Jaudon

Page 1

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND  
HEALTH REVIEW COMMISSION

----- :  
SECRETARY OF LABOR, :  
 :  
Complainant, :  
 :  
vs. : DOCKET NO.  
 : 08-1104  
IMPERIAL SUGAR COMPANY, :  
IMPERIAL-SAVANNAH LP, :  
 :  
Respondents. :  
----- :

Tuesday, July 21, 2009

Savannah, Georgia

Deposition of

EDWARD JAUDON

called for examination by counsel for the  
Complainant, pursuant to notice, held at the  
Hilton Garden Inn Airport, 80 Clyde E. Martin  
Drive, Savannah, Georgia, at 9:26 a.m., before  
Bonnie Marcus Olachea, a notary public in and  
for the State of South Carolina, when were  
present on behalf of the respective parties:

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10 (Pages 34 to 37)

Page 34	Page 36
<p>1 A. Electrical and instrumentation. 2 Q. That answers the riddle because I was 3 trying to figure out why the printing fell under 4 the electrical shop. 5 So you were in the E&amp;I shop for 11 6 years and then -- is that right? 7 A. In 2004 I went to the safety 8 department. 9 Q. Okay. Just for clarification what 10 position -- what's, what's Larry Cobb's title? 11 A. He was the -- we called him the chief 12 electrician. The appropriate title is probably 13 the supervisor. 14 Q. Was there anyone between Larry and you 15 in terms of supervision? 16 A. No, ma'am. 17 Q. All right. And so then in 2004 you 18 went over to the safety department. And what 19 position did you -- 20 A. I was the behavior based safety 21 facilitator. 22 Q. And do you remember what month in 2004 23 you went over? 24 A. I think I actually got the position in 25 April. Because the printer technician was very</p>	<p>1 offered the position. 2 Q. Okay. Who offered you the position? 3 A. Doug offered it to me. 4 Q. You said you were you part of the 5 steering committee. Were you part of that 6 steering committee while you were in the E&amp;I 7 shop? 8 A. Yes, ma'am. 9 Q. And what steering committee was that? 10 A. That was behavior based safety. 11 Q. Is there a -- is there a -- 12 A. BBS. 13 Q. BBS? 14 A. BBS. 15 Q. When did you -- when did you join the 16 steering committee, do you remember? 17 A. Say in mid 2002 maybe. 18 Q. Were you asked to do that or did 19 you -- 20 A. It was -- yes, ma'am. I'm sorry to 21 interrupt. 22 Q. That's okay. 23 A. It was a, a voluntary basis to be a 24 part of the steering committee or an observer, 25 and I volunteered.</p>
Page 35	Page 37
<p>1 precise in training people how to use it and my 2 transition was kind of back and forth a little 3 bit. I want to say it was April. 4 Q. Oh, did you have to kind of train a 5 replacement? 6 A. Yes, ma'am. I kind of had to go back 7 here and there for a couple months. 8 Q. Why did you -- did you see this 9 opening over in the safety department? Or did 10 someone tap you and say, hey, do you want to -- 11 are you interested in this position? 12 How did you -- how did you end up over 13 in safety? 14 A. I was a part of the steering 15 committee. And I think there were three 16 selections, two or three people selected to move 17 in that position when Doug was fixing to move. 18 Doug was the facilitator and Doug was fixing to 19 move up to a new position. 20 And that position had come open, and I 21 remember we had -- I was given a test. And I'm 22 sure it had something to do with the test for 23 the position and my involvement in the process 24 while Doug was a facilitator. 25 So to answer your question I was</p>	<p>1 Q. What was the difference between being, 2 being on the steering committee versus being an 3 observer? 4 A. An observer you would actually go out 5 and do observations. It was an peer to peer 6 safety observation and you'd go watch the 7 behaviors of personnel on the floor performing a 8 job. And you would take like a check sheet and 9 you would look for their safe behaviors and 10 you'd look for there at-risk behaviors. 11 Q. Did you ever do that? Were you ever 12 an observer? 13 A. Yes, ma'am. 14 Q. When were you an observer? 15 A. Right from -- 16 Q. I mean was that part of being on the 17 steering committee -- 18 A. Yes. 19 Q. -- or was that separate? 20 A. It was -- you could be an observer but 21 not on the steering committee. I'm just 22 throwing a number out. I think there was like 23 over a hundred observers, but there was only 24 like 12 people on the steering committee. 25 The selection process of who wanted to</p>

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11 (Pages 38 to 41)

Page 38	Page 40
<p>1 be an observer would be -- they'll come and ask 2 me, you know, if I would be interested, sat down 3 and talked to me and tell me what -- basically 4 what safety was all about and ask me if I'd be 5 interested in becoming an observer. 6 Q. Did you do that first and then -- 7 A. Yes, ma'am, I did that. And then it 8 worked it's way into -- I became part of the 9 steering committee. 10 Q. Okay, I understand. Do you recall 11 when you did your, your Ojai, California 12 training? 13 Was that -- do you remember when that 14 was? 15 A. It was pretty quick and, you know, 16 right after I got my job. 17 Q. In safety? 18 A. Yes, ma'am. Yes, that was a part of 19 that. 20 Q. So do you think that probably happened 21 sometime in 2004? 22 A. I'd say 2004. Early -- late or early 23 2005. I don't remember exactly. 24 Q. And have you been with the safety 25 department in 2004 all the way to current?</p>	<p>1 getting ready to explain I guess kind of what 2 the behavior based facilitator does. 3 Do you want to go ahead and finish 4 that? 5 A. Yes, ma'am. My primary function was 6 to track the data. 7 Q. What data? 8 A. Observations. When the associates 9 would perform the observations they would turn 10 them in and all this had to be put into the 11 BAPP-Trac system. It's a computer based system 12 that BST puts out. 13 Q. And that's B-A-P-P? 14 A. Yes, ma'am. 15 Q. T-R-A-C? 16 A. Yes. 17 Q. All right. We won't worry about the 18 acronym there. 19 A. No. I don't want to. 20 Q. So you would be entering the data 21 collected? 22 A. Right. That was a very, very time 23 consuming process. It was -- everything had to 24 be hand-typed in into the computer. 25 Q. So, so how long or I mean are you</p>
Page 39	Page 41
<p>1 A. Yes, ma'am. 2 Q. Have you held any other positions in 3 addition to the behavior based safety 4 facilitator? 5 A. That has been my primary position. 6 Q. Is that your official title still? 7 A. I was the behavior based safety 8 facilitator up to -- 9 Can I explain, explain something? 10 Q. Sure. 11 A. Behavior based facilitator is 12 something that behavior science technology, BBS, 13 puts out -- or BST puts out. And they request 14 each, each participant of each group, each 15 company, to have what they call a facilitator. 16 Facilitator is more or less a data 17 collecting. You collect all this data, all the 18 observations that the associates do. 19 THE WITNESS: Can I run to the 20 restroom? 21 MS. MOCK: Sure. We'll take a break. 22 (Whereupon, a short recess was taken.) 23 BY MR. MOCK: 24 Q. All right. We're back on the record. 25 Okay, Eddie, you were -- you were</p>	<p>1 still the facilitator or do you have -- 2 What's your official title now? 3 A. Coordinator. 4 Q. Safety coordinator? 5 A. Safety coordinator. 6 Q. And when did you become the safety 7 coordinator? 8 A. It was in 2007. Part of being the 9 facilitator -- that's why I'm trying to explain 10 it -- is BST recommended when they first started 11 out -- I'm not even sure when BST first started. 12 But they used to recommend that the facilitator 13 would be someone from the steering committee, be 14 selected from the steering committee. And they 15 would do the data input from anywhere from one 16 to two years. 17 So going into it I kind of understood 18 that it was going to be just a temporary 19 position according to what BST recommended. 20 Later on I'm not sure of the dates or when but 21 BST actually recognized that changing 22 facilitators sometimes actually hurt the 23 process. 24 So, instead of me changing out in the 25 year, two years, you know, whatever the time</p>

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12 (Pages 42 to 45)

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1 limit was, I remained -- I continued to be the  
2 facilitator. And I guess with my work ethics,  
3 and I was coming up with new ways of collecting  
4 data that made things just a little bit easier,  
5 they decided to keep me on, continuing to do  
6 that job with some things that I had personally  
7 developed with some of the teams there at the  
8 plant.  
9 I developed a little easier way to  
10 input the data and it kind of freed a little bit  
11 of my time up and that's when -- right at that  
12 time -- I can't remember exact dates but they  
13 decided to keep me on and just changed my title  
14 from facilitator to coordinator. I did go on  
15 salary at that time.  
16 And it was about the time that -- I  
17 think Mr. Sheptor was COO. He started  
18 requesting that -- we started looking at doing  
19 JSA's. So that was a new branch of, of my job  
20 to start performing JSA's.  
21 Q. When, when you -- you mentioned that  
22 when you became the safety coordinator you were  
23 on salary. Were you hourly when you were the  
24 facilitator?  
25 A. Yes, ma'am. That's hourly.

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1 Q. To your knowledge did your employer  
2 change when you went from hourly to salary in  
3 any way? I mean who was your -- who did you  
4 understand your employer to be?  
5 A. Darin Pevey.  
6 Q. Oh, no, no, not your supervisor --  
7 A. Oh, oh, oh, I'm sorry.  
8 Q. -- your employer. You know, like my  
9 employer --  
10 A. Oh, Imperial Sugar? As far as I know  
11 everything stayed the same.  
12 Q. Okay, okay. And what was your  
13 understanding of who your employer was, Imperial  
14 Sugar?  
15 A. Imperial Sugar.  
16 Q. Have you heard of a company called  
17 Imperial Savannah, LP?  
18 A. No, ma'am. I have been asked that  
19 question but I haven't heard of it.  
20 Q. All right.  
21 A. So that's when we started developing  
22 the -- still continuing doing the observations,  
23 still having to put the information in the --  
24 into the computer system database, but we  
25 started using the steering committee.

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1 When John came aboard he -- we was  
2 having steering committee meetings once a month.  
3 And that's when we would -- you know, would take  
4 all the data that we had learned. We started  
5 writing the JSA's and stuff like that. And John  
6 had challenged us to do 300 JSA's in the period  
7 of a year.  
8 And I remember that we requested that  
9 it was hard to do with just having the steering  
10 committee once a month. And he okayed to have  
11 two steering committee meetings a month or  
12 16 hours a month with the steering committee in  
13 order to get a lot of that done.  
14 Q. All right. Well, we'll, we'll circle  
15 back to the JSA's probably at some point but  
16 let's -- I want to just so I can kind of --  
17 Oh, well, you mentioned him. So when  
18 you joined the safety department as the  
19 facilitator, who was your supervisor?  
20 A. Darin Pevey.  
21 Q. Darin Pevey?  
22 A. Yes.  
23 Q. That's P-E-V-E-Y.  
24 Was there a supervisor up above Darin?  
25 A. I don't want to speak for Darin but

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1 Darin's position changed a little bit there,  
2 too.  
3 Q. Well, I guess my question is that, you  
4 know, did you understand that you had a  
5 supervisor that you had to answer to up above  
6 Darin?  
7 A. Philip Rowland I guess would have been  
8 the next.  
9 Q. That's R-O-W-L-A-N-D.  
10 A. I'd say that's right about the time  
11 moved into his positions.  
12 Q. What was your understanding what  
13 position Darin held when he was your supervisor?  
14 A. Darin was not the actual safety  
15 manager. He had a -- he had a different title  
16 and I'm not sure what it was.  
17 Q. And is Darin still your supervisor?  
18 A. Yes.  
19 Q. And do you -- has your -- has the  
20 second level supervisor changed at all since --  
21 I mean Philip Rowland's no longer with the  
22 company, so is there somebody else that you  
23 considered --  
24 A. Aamir Mausooof had stepped in, you  
25 know, there in the temporary until they hired

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13 (Pages 46 to 49)

Page 46

1 Thomas.  
2 Q. Until they hired who?  
3 A. Thomas Rathka.  
4 Q. How do you spell Thomas' last name?  
5 A. R-A-T-H-K-A.  
6 Q. Okay. And Aamir Mausooof, it's  
7 A-A-M-I-R, M-A-U-S-O-O-F.  
8 Has Doug Sikes ever been in your  
9 supervisory chain?  
10 A. I think Doug went to corporate, right.  
11 Q. Who does your -- do you have a  
12 performance evaluation?  
13 A. Eval? Yes.  
14 Q. And how often is your performance?  
15 A. Each year.  
16 Q. Okay. Do they do that -- do they do  
17 that -- is it the same time for everybody or is  
18 it like --  
19 When is your evaluation done?  
20 A. At the same time as everybody else's.  
21 I'm not sure exactly what month it's done. And  
22 when you just said that it just brought  
23 something to my attention. Mike Kelly actually  
24 done my 2004 and '05 maybe.  
25 Q. And who is Mike Kelly?

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1 A. Mike Kelly -- I think his title at  
2 that time -- don't hold me to it. I think he  
3 was the agent, environmental health.  
4 Q. He was what?  
5 A. Environmental and health and safety  
6 manager.  
7 Q. Is he still with the company?  
8 A. Yes, ma'am.  
9 Q. Do you have -- do you sign off on your  
10 evaluation, you know, like after they give it to  
11 you?  
12 A. Yes.  
13 Q. Who did your evaluation this year?  
14 I'm sorry if I asked you that.  
15 A. Darin.  
16 Q. Darin did. Does somebody else in  
17 addition to Darin Pevey sign off on it?  
18 A. I'm not sure.  
19 Q. So as the -- when you were the  
20 behavior safety facilitator, what were your  
21 responsibilities in addition to -- if any, in  
22 addition to collecting the data on the -- from  
23 the observations?  
24 A. I was over the -- lining up the  
25 steering committee.

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1 Q. Okay. So you were -- were you like --  
2 A. Kind of over --  
3 Q. -- you were the chair of the steering  
4 committee?  
5 A. Yes, ma'am. I was chair. That's what  
6 I was trying to say.  
7 Q. All right. And so what, what  
8 responsibilities did that entail? What did you  
9 have to do there?  
10 A. We, we would come up with action plans  
11 of the observations that had been performed. We  
12 would take the data that had been collected and,  
13 and work on an action plan and project.  
14 Q. What kind of action plans?  
15 A. Our biggest one was we took all the  
16 data and compiled it in our first -- what's  
17 still foregoing is lockout/tagout.  
18 Q. Any other big ones that come to mind?  
19 A. No, ma'am. That's the one.  
20 Q. Okay. So while you were a facilitator  
21 you were the chair of the steering committee,  
22 you were collecting the data.  
23 Any, any other responsibilities?  
24 A. That was a full day I promise.  
25 Q. And when, when you became the safety

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1 coordinator in 2007, is it accurate to say you  
2 still were --  
3 Were you still the chair of the  
4 steering committee?  
5 A. Yes, ma'am.  
6 Q. Okay. And you mentioned that, that  
7 you all started doing the JSA.  
8 Job safety analysis --  
9 A. Right.  
10 Q. -- or is it job safety assessment?  
11 A. Analysis.  
12 Q. And any other duties that got added on  
13 while you -- when you became the safety  
14 coordinator?  
15 A. Yes, ma'am. We worked with  
16 lockout/tagout procedures.  
17 Q. What do you mean by that? You worked  
18 with lockout/tagout procedures?  
19 A. Writing specific. Like a JSA is the  
20 specific. Job safety analysis, lockout/tagout  
21 for specific equipment.  
22 Q. Okay.  
23 A. Part of our --  
24 Q. So the actual instructions on how to  
25 lock out a particular --

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14 (Pages 50 to 53)

Page 50

1 A. Right. Part of our action plan, too,  
2 like I said earlier, the steering committee was  
3 -- you take the --  
4 Behavior based safety is watching the  
5 behaviors of people, okay, and their reactions.  
6 You know, what can we do to make their jobs  
7 easier? You know, whatever. That's why  
8 lockout/tagout came about. A lot of people had  
9 remarked that they didn't have ways of locking  
10 out their equipment without having to go a long  
11 way away from their piece of equipment to do it.  
12 So we were going to make it user friendly, easy  
13 for them to do, and they would be more apt to do  
14 it.  
15 So we had disconnects, you know,  
16 mounted. The company had given us some  
17 contractors to actually do the work. We would  
18 come up with the areas as a steering committee  
19 of where we wanted to start having them install,  
20 and the electricians would go out and actually  
21 install them in those areas. As they installed  
22 them we would try to keep up with the  
23 procedures.  
24 With the steering committee we had  
25 like tried to get different people from

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1 different groups throughout the plan. It wasn't  
2 all from one location. It's from different,  
3 different areas of the plan. So we utilized  
4 their know-how and ability to, you know, work  
5 with people in their department even while we're  
6 not having a steering committee meeting.  
7 They could work with them outside to  
8 see where the best locations and stuff like that  
9 was.  
10 Q. So -- okay. So I'm getting a sense of  
11 a lot of time focused on, on the lockout/tagout  
12 procedures and getting the disconnects  
13 installed.  
14 Any, any other additional duties once  
15 you became safety coordinator?  
16 A. Still again, you know, tracking the  
17 data on the -- developing new and different ways  
18 of -- I know you've heard of machine bubble  
19 sheets. I know you've heard us say, the bubble  
20 sheets. That's what we call them.  
21 Q. And so the bubble sheets are what, are  
22 these observations --  
23 A. We took what we had to put in the  
24 BAPP-trac system that -- I tell you it's just so  
25 time consuming. It was very hard. And I, along

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1 with my guys that helped me, developed the  
2 bubble sheet, which made the input a little  
3 easier and freed up some of our time because now  
4 we've got to start putting in JSA's and all this  
5 stuff has to be put into the computer.  
6 Q. What were you using before the bubble  
7 sheets? How were you tracking the observations?  
8 What were you using before, and then  
9 how did the bubble sheets make it easier?  
10 A. Before, you took a sheet, same sheet.  
11 The bubble sheet kind of mirrored it. But the  
12 first sheet, you just took it, you went out.  
13 You had to write in all your information.  
14 And then when all that was brought  
15 back, you had to type in all that information.  
16 Q. And, and try to figure out people's  
17 handwriting?  
18 A. And try to figure out people's  
19 handwriting and different things like that. But  
20 the program we developed with the bubble sheet,  
21 of course, you know, you just fill in the  
22 bubbles. And instead of putting checkmarks or  
23 writing something, at risk or whatever, it would  
24 have the question. We'd just bubble it in and  
25 we would put it into a scanner.

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1 And the scanner would scan it in, kind  
2 of like the lottery works, and it would input  
3 that data for you.  
4 Q. How much time were you -- were you  
5 able to -- once you became the facilitator but  
6 before you became the coordinator, so in that  
7 time frame of 2004 to 2007, how much time -- you  
8 were saying that -- you were saying that  
9 collecting this data took a lot of time.  
10 How much time were you each week able  
11 to go out into the facility and, and look at --  
12 and do some of that observing? Did you do some  
13 of that observing still?  
14 A. Yes, ma'am. I tried my best to go at  
15 least an hour a day out into the plant. That  
16 did not always happen.  
17 Q. What was your shift, eight-hour shift?  
18 A. No, ma'am. It was just from -- I  
19 usually came in at 6:30, and I left sometimes  
20 4:30, 5:00. Sometimes I would work eight.  
21 Q. What's -- I just want to -- I want to  
22 backtrack just a little bit before we get -- go  
23 too -- a little more heavily into, into --  
24 When you came on board with Imperial  
25 -- in what, 1980?

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19 (Pages 70 to 73)

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<p>1 exactly how they were updated. 2 Q. Well, was that the intent? That if I 3 wanted to go -- if I wanted to go and look for a 4 -- I guess my question is this, Eddie. If I 5 wanted to go and say, okay, I want to look at 6 all of the MSDS that are covering Imperial at 7 Port Wentworth, could I go to any of those 8 locations and expect to find all of them? 9 Or was there just one location that 10 was like the master? This is the complete set. 11 A. Again, it was just my understanding -- 12 I got this in training, that you could go to -- 13 when a new MSDS came in, it's my understanding 14 all the books were updated and a copy was 15 scanned in on the N-drive. 16 Q. Prior to the explosion did you ever 17 look at the MSDS? 18 A. Yes, ma'am. 19 Q. When did you do that? 20 A. I would say it was -- are you asking 21 if I looked at one specifically for a reason, or 22 just looked at the MSDS issues? 23 Q. Let's break it down. Did you go to 24 look at one for a particular reason? 25 A. Yes.</p>	<p>1 role in maintaining the material safety data 2 sheets? 3 A. No. 4 Q. And did you have an occasion at any 5 other time to look at the MSDS on file? 6 A. No. 7 Q. Did you ever see a material safety 8 data sheet for sugar? 9 A. No. 10 Q. So in your entire -- in your entire 11 time, never saw one for -- 12 A. I cannot recall any time. 13 Q. Were MSDS ever shown as part of the -- 14 as part of the -- as part of the safety 15 training, the annual safety training? 16 A. Yes, ma'am. 17 Q. I mean specific, specific examples of 18 one? 19 A. How to -- what I remember about it is 20 they asked us -- you take different groups and 21 whoever was leading it would say, you know, to 22 look up -- show you how to look it up. And they 23 would like put one out. And they had different 24 teams that would show you how to look up 25 different MSD issues and they showed you how to</p>
Page 71	Page 73
<p>1 Q. Okay. What one was that? 2 A. It was one on sophoric acid. 3 Q. And why did you look at that one? 4 A. I was in the plant with Doug Sikes. I 5 don't remember our reason for been there. We'd 6 seen some. Looked like it had just been brought 7 in, and where they had them stored, whether it 8 was temporary or they was going to move them. 9 Doug questioned the guy if he knew how 10 to handle that product. And, you know, it was 11 Mexicans and -- 12 Q. The workers were Mexican? 13 A. He said he didn't know the MSD issues 14 so don't, don't stop them or whatever. We went 15 and pulled the MSD issue, come back, got his 16 supervisor, and went over the MSD issues with 17 them. 18 Q. Where in the plant were you guys 19 located? 20 A. We were standing in Hackett Valley 21 adjacent to Donald Snipes' office. 22 Q. Who's Donald Snipes? 23 A. He is the supervisor of the 24 maintenance. 25 Q. Prior to February 7 did you have any</p>	<p>1 look them up in the book. 2 You had to write down like 1-800 3 number that you had to call. The PPE that you 4 had to wear, that was part of birthday safety 5 training. 6 Q. All right. On sugar and sugar dust, 7 did you understand that sugar -- that sugar dust 8 was combustible? 9 A. I had been told that. Yes, ma'am. 10 Q. Okay. When were you told that? 11 A. In a class. The first time I remember 12 being told about that was when Stuart Ecksley 13 was safety director. 14 Q. Okay. Explain to me what you were 15 told, what you -- not, not words for word, but 16 what was your take-away from what Mr. Ecksley 17 told you? 18 A. Sugar dust was combustible. I don't 19 know -- I don't remember to what extent he went 20 into -- I just -- I remember him saying it was 21 combustible. 22 Q. Okay. What did that mean to you? 23 What did he explain? I mean combustible's, you 24 know. What did that mean to you or what did he 25 tell you that meant?</p>

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20 (Pages 74 to 77)

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1 A. That it could blow up.  
2 Q. It could blow up, okay. What else did  
3 he tell you?  
4 A. I don't remember in grand detail.  
5 Q. Was this part of a -- was this part of  
6 an annual safety, you know, a birthday training?  
7 A. Yes.  
8 Q. Do you remember where you were working  
9 at the time that he gave that annual training?  
10 Were you still in E&I?  
11 A. I'm wanting to say I was still in the  
12 warehouse in one of the positions that was  
13 there. I don't even know why I recall Stuart  
14 teaching the class that I was first told. I  
15 just remember that's who I first heard it from.  
16 Q. Was there -- did Stuart explain how it  
17 was combustible or -- I mean that's, that's kind  
18 of a big thing to just kind of put out there.  
19 A. Right.  
20 Q. So I guess I'm trying to get a better  
21 sense of what he talked about or how he  
22 explained it.  
23 A. I think that Stuart had explained it  
24 in a way evidently that it stuck in my head and  
25 that's why I recall. And how much time he spent

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1 on it, no, or the detail that he went in.  
2 Q. So what did it mean to you when he --  
3 when he said, it could explode?  
4 A. That the dust part of it with the  
5 right ignition source I guess, it could catch  
6 fire.  
7 Q. Okay. Was this that sugar dust was  
8 combustible? Did you hear that at any other  
9 safety, birthday safety trainings after the one  
10 from Mr. Ecksley?  
11 A. Pretty sure it was taught in each,  
12 each year. I don't remember in grand detail  
13 again what parts were talked about but --  
14 Q. So it wasn't -- I mean it wasn't just  
15 a one-time -- I mean --  
16 A. Oh, no, no. I'm sorry, yeah.  
17 Q. So, was it -- was it -- you know, I  
18 mean was it reiterated each year to people? Was  
19 it reinforced each year?  
20 A. It would have been a part of --  
21 Pevey's part that heat's all in it. I know it  
22 was covered. I don't remember the extent, how  
23 much time they spent on it.  
24 Q. But I mean do you have a specific  
25 recollection of Darin Pevey talking about it?

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1 A. Yeah. He had on his slides and all.  
2 I remember that.  
3 Q. Well, okay, let me rephrase that. We  
4 talked about sugar dust. Was there ever any  
5 discussion that sugar was combustible?  
6 A. The granulated?  
7 Q. Yes.  
8 A. I'm not sure.  
9 Q. And what about powdered sugar, was  
10 there any discussion that powdered sugar was  
11 combustible?  
12 A. I don't recall them specifically  
13 saying which sugar.  
14 Q. What did you -- when, when they said  
15 sugar dust was combustible, what did you -- was  
16 it explained to you what they were talking  
17 about, what kind of sugar dust?  
18 A. Particles in the air, whether it came  
19 from the granulator or it came from the powder.  
20 Q. What's a granulator?  
21 A. Granulated?  
22 Q. No. I thought you said whether it  
23 came from the granulator.  
24 A. Granulated sugar.  
25 Q. How would it come from granulated

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1 sugar?  
2 A. I guess by sweeping or --  
3 Q. Well, and what was your understanding  
4 of how sugar dust could be -- could be generated  
5 by granulated sugar?  
6 A. The -- to what extent are you talking  
7 dust?  
8 Q. Well, I guess what I'm trying to  
9 understand is they -- in safety training they're  
10 telling you sugar dust is combustible, right?  
11 A. Um-hmm.  
12 Q. So that, you know, that leads me to  
13 the question of, okay, well, what kind of sugar  
14 dust? And you said granulated.  
15 And so I guess what I'm trying to  
16 understand is how does sugar dust -- how do you  
17 have sugar dust with granulated sugar?  
18 A. Okay. I'm not sure of the particles  
19 it might put out. I would say that, you know,  
20 there wouldn't be a lot of dust with granulated  
21 sugar.  
22 Q. But did you understand based on your  
23 experience in the facility that you would have  
24 sugar dust with granulated sugar?  
25 A. Yes.

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21 (Pages 78 to 81)

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1 Q. What was your understanding of how the  
2 sugar dust would be created in conjunction with  
3 granulated sugar?  
4 A. I don't -- I don't know how to answer  
5 that.  
6 Q. Well, would it be -- would it be --  
7 would the sugar dust be kind of a byproduct of  
8 when the granulated sugar's moved through the  
9 product line?  
10 A. Talking about already in the package  
11 or before?  
12 Q. No, before. When it's on it's way to  
13 being packaged.  
14 A. I don't -- I don't recall the  
15 granulated sugar dust ever being a -- me  
16 personally, I don't -- I don't recall it being a  
17 big factor.  
18 Q. Well, what do you mean by that?  
19 A. Well, I mean I've seen spills. But as  
20 far as putting out a dust form I don't know how  
21 to explain that.  
22 Q. What do you mean a dust form? Do you  
23 mean like a dust cloud?  
24 A. You're asking me if the granulated  
25 sugar puts out -- how, how does it put out a

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1 dust?  
2 Q. Yes. How does it create dust?  
3 A. I don't know.  
4 Q. I mean I guess I'm trying to  
5 understand that, you know, they're -- in the  
6 birthday training they're telling you that, that  
7 we've got sugar dust. That's part of our  
8 operation, right?  
9 MR. TUCKER: Object to form.  
10 THE WITNESS: Right.  
11 BY MS. MOCK:  
12 Q. And is it accurate to say that sugar  
13 dust is a byproduct of making sugar products?  
14 A. I don't know how to answer that. I  
15 mean just -- I won't say anything.  
16 Q. Well, I guess I'm just trying to  
17 understand that how --  
18 Did you understand that, that sugar  
19 dust would be generated in the process of making  
20 powdered sugar?  
21 A. Not necessarily.  
22 Q. Well, then why would -- why would they  
23 tell you about sugar dust being a concern, being  
24 an explosion concern at all then?  
25 A. For when the -- when the times that

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1 you did see sugar dust that was -- I'm still not  
2 sure I fully understood the question of, you  
3 know, just because we make sugar we make dust.  
4 Q. No. And that's not what I'm -- that's  
5 not what I'm saying. What I'm trying to  
6 understand is that they're, they're telling you  
7 -- you know, they're telling you that we've --  
8 that sugar dust is combustible.  
9 A. Um-hmm.  
10 Q. So I guess I'm asking you, why are  
11 they telling you that? Why did they tell you  
12 that?  
13 MR. TUCKER: Object to form.  
14 THE WITNESS: I guess data has proven  
15 somewhere down the line that sugar dust is  
16 explosive, and telling the people for your  
17 warnings I guess.  
18 BY MS. MOCK:  
19 Q. And based on your experience at the  
20 facility did you -- did you have occasions where  
21 you saw sugar dust in the air?  
22 A. Yes, I have.  
23 Q. Have you ever heard of before --  
24 keeping in mind before the accident, have you  
25 ever heard of a fire triangle?

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1 A. Not to my recollection. We might have  
2 had.  
3 Q. Okay. Had you ever heard of -- or,  
4 well, had you ever heard of what -- you know,  
5 what's necessary to have a fire? I mean was  
6 that ever explained as part of, part of safety  
7 training?  
8 A. I'm sure it was, but I don't recall  
9 that.  
10 Q. Before, before the accident did --  
11 what was your understanding of what needed to  
12 exist in order to have, have a fire?  
13 A. In order to have a fire?  
14 Q. Um-hmm.  
15 A. Of course you've got to have an  
16 ignition source and oxygen.  
17 Q. I'm sorry?  
18 A. Oxygen.  
19 Q. Ignition source, oxygen and --  
20 anything else?  
21 A. The source of whatever's going to  
22 burn.  
23 Q. Something that can burn?  
24 A. Right.  
25 Q. What about had you ever -- had you

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22 (Pages 82 to 85)

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<p>1 ever -- prior to the accident did you know what 2 you needed in order to have an explosion occur? 3 A. No, ma'am. 4 Q. You had mentioned that you had, had 5 seen sugar dust in the air. Where did -- where 6 do you recall seeing sugar dust in the air? 7 A. Fourth floor powder room. 8 Q. Is that the powder mill room? 9 A. Yes, ma'am. 10 Q. What goes on in the fourth floor 11 powder mill room? 12 A. My better understanding of that 13 because my job really never took me there much 14 would be -- 15 Q. Well, what was your understanding of 16 what was being done in the powder mill room? 17 A. Took granulated sugar and beat it down 18 to about -- I mean enough. 19 Q. Okay. 20 A. That's kind of all I know about it. 21 Q. That's a nice concise explanation. So 22 that's -- I mean basically that's where you make 23 powdered sugar? 24 A. Yes, ma'am. 25 Q. Anywhere else that you had seen sugar</p>	<p>1 on their -- on themselves. 2 Q. Okay. And so when -- and is that the 3 same data, the data that you -- 4 A. Yes, ma'am. All the same data. 5 Q. Okay. 6 A. I'm sorry. 7 MR. TUCKER: Let her finish. 8 BY MS. MOCK: 9 Q. I just want to make sure we were 10 talking about the same thing. So you had 11 self-audits. And were the self-audits pretty 12 much when you first started doing the behavior 13 -- the behavior-focused training? 14 Is that what you started with, 15 self-audits? 16 A. In 2004? 17 Q. Yes. 18 A. No, ma'am. 19 Q. What did you start with? Walk me 20 through -- walk me through any changes that 21 you've had in the audit process? 22 A. Okay. We first started and BST 23 recommends to change things up periodically. 24 Everything just -- oh, it was a peer to peer. 25 In other words I would go to you, do the</p>
Page 83	Page 85
<p>1 dust in the air? 2 A. Not to my recollection. 3 Q. What do they do -- have you heard of 4 the hummer room, H-U-M-M-E-R? 5 A. I've heard of it, yes. 6 Q. Do you know what -- do you know what 7 goes on in the hummer room? 8 A. No, ma'am, sure don't. 9 Q. Did you -- you mentioned the, the 10 bubble sheets and I wanted to get a 11 clarification on that. Did the bubble sheet 12 system -- or actually did the observation system 13 did that change at all between when Philip 14 Rowland was the plant manager and Amir Mausooof 15 became the interim plant manager? 16 A. Did the process change any? 17 Q. Yes. 18 A. No. 19 Q. No. 20 Did, did the number of observations 21 conducted change from Philip to Amir? 22 A. At this time we was doing it just a 23 little bit different. We were doing 24 self-audits. Everybody, everybody in the plant 25 was responsible to fill out safety observation</p>	<p>1 observation on you. And I would actually look 2 for safer at-risk behaviors. It was all based 3 on behaviors of a person and -- 4 Q. Can I interject a question? Was it 5 done by someone who was within that same work 6 group? 7 A. No, ma'am. It could be done anywhere. 8 Q. Okay. So how if, if -- so is it 9 conceivable that you would have had somebody 10 from the E&amp;I shop doing a peer-to-peer 11 observation of somebody -- of an operator, of 12 the -- you know, the palletizer? 13 A. Sure. 14 Q. How would the E&amp;I person know what 15 constituted or, you know, what made for good 16 safe behavior on another piece of equipment? 17 A. Okay. And again it was the behavior 18 of the person. You had CBI's. They're critical 19 behavior inventory. It's the first line of 20 fire, pinch points. And you actually go down 21 this check sheet. And you're looking for 22 anything you might see from the CBI's that this 23 associate may be doing or performing. And it 24 had to be the stuff like fans, different things 25 like that.</p>

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23 (Pages 86 to 89)

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1 You're more or less specifically  
2 focusing on the data you want to collect.  
3 Q. Have you ever observed -- have you  
4 ever observed an operator of a machine where,  
5 where the machine -- where the box or the bag  
6 gets jammed up and they have to try to grab it  
7 out to get it, you know, before it gets -- jams  
8 up the machine anymore?  
9 A. I can't recall a time that I've  
10 actually been performing an observation and  
11 somebody do that.  
12 Q. But have you heard of that?  
13 A. Yes.  
14 Q. Have you -- are you familiar with the  
15 idea that, you know, if you can grab it real  
16 quick it's -- and get the -- get the unjammed  
17 package out, you know, you're okay. But if it  
18 gets too far in you might be really getting  
19 yourself in the zone of danger in terms of like  
20 a pinch or getting your hand caught in the  
21 machine?  
22 MR. TUCKER: Object to form.  
23 THE WITNESS: No, ma'am. That's,  
24 that's not -- that would be considered as a,  
25 like you said, pinch point or line of fire. The

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1 machine should be locked out, shut down and  
2 locked out.  
3 BY MS. MOCK:  
4 Q. And I'm not trying to put words in  
5 your mouth, Eddie. I'm just trying to  
6 understand that is there -- have you ever heard  
7 of or, you know, heard reports basically of  
8 someone, you know, going, going too far and  
9 basically putting themselves in the zone of  
10 danger instead of locking the machine out to  
11 retrieve a stuck package?  
12 MR. TUCKER: Object to form.  
13 THE WITNESS: I don't recall a  
14 specific time.  
15 BY MS. MOCK:  
16 Q. But have you ever heard of that, that  
17 happening or a discussion of a -- of a near miss  
18 or an injury because of that kind of behavior ?  
19 MR. TUCKER: Object to form.  
20 THE WITNESS: I'm thinking of an  
21 injury in my mind right now but I didn't  
22 investigate it.  
23 BY MS. MOCK:  
24 Q. Can you explain to me the one you're  
25 thinking of?

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1 A. I want to say one of the guys stuck  
2 his hand in the machine and it wasn't locked  
3 out, cut some fingers off.  
4 Q. Do you have any understanding what  
5 your recollection was of --  
6 Do you remember what machine it was?  
7 A. I want to say it was one of the  
8 one-pound powders.  
9 Q. What floor would that have been?  
10 A. Third floor. I know when the  
11 investigation was going on we were looking to  
12 make sure the disconnect was there. I don't  
13 remember a grand bit of detail about it.  
14 Q. What, what cut his finger, the tips of  
15 his fingers off?  
16 A. I'm not sure about that.  
17 Q. Is it some device that cuts the bag  
18 or --  
19 A. I'm, I'm trying to do this from  
20 memory. I think I heard it was the gearbox or  
21 chain or something. I don't want to say I know  
22 that's right.  
23 Q. Would that be an example where, where  
24 there may have been that, that he -- he could  
25 have -- that he could try to pull the -- you

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1 know, like unjam the machine up to a point  
2 before he gets to a danger point?  
3 A. I can't speculate that about it. I  
4 don't, I don't know. You should never stick  
5 your hand in a machine while it's -- while it's  
6 running.  
7 Q. Oh, I agree with that.  
8 A. It should always be turned off. It  
9 should always be locked out.  
10 Q. No, I mean I agree that if it -- I  
11 apologize, Eddie. This is -- you know, this is  
12 just more for my, my education in terms of like  
13 a peer to peer. Going back to kind of the peer  
14 to peer. Because really my question is, is that  
15 how -- you know, if you've got somebody from,  
16 you know, a -- you know, operating a machine  
17 that is coming over and doing a peer-to-peer  
18 observation on somebody else on a piece of  
19 equipment that they're not that familiar with,  
20 how, how do you insure that that person, who's  
21 the observer, really understands what all the,  
22 the possible dangerous behaviors are?  
23 A. Right. They actually go through an  
24 observation training, a class.  
25 Q. Okay.

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24 (Pages 90 to 93)

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1 A. We train them on each of the CBI's,  
2 critical behavior inventory, and, you know,  
3 what to look for.  
4 Q. Okay.  
5 A. Now on the reality it was hard for an  
6 operator to leave his station and go to another  
7 station say. In reality, most observations were  
8 more or less peer-to-peer within your department  
9 because it was easier to do.  
10 Q. Why would it be hard?  
11 A. Well, if you're -- mentioned awhile  
12 ago about being an operator. If you're an  
13 operator you can't leave your area and just go  
14 do that. So we tried to make this as user  
15 friendly as possible.  
16 Q. Okay. So, so going back to the  
17 self-audits initially you said that, you know,  
18 you guys started with peer to peer.  
19 Did it change at some point?  
20 A. Yes, ma'am.  
21 Q. Okay. When did it change?  
22 A. January of '07. We did a trial run in  
23 November.  
24 Q. Of '06?  
25 A. Of '06.

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1 Q. So peer to peer was '04 to '06, late  
2 '06, November '06?  
3 A. Yes.  
4 Q. Okay. And then what did you go to?  
5 A. We went to the self.  
6 Q. Self-audit?  
7 A. Self-audit.  
8 Q. Okay. And why was it changed to  
9 self-audit?  
10 A. Trying to get a hundred percent  
11 involvement of each, each associate.  
12 Q. But this was still voluntary?  
13 A. It was more pushed from Philip's side  
14 as mandatory. But you still had some associates  
15 that didn't do as many as were requested.  
16 Q. How many were requested?  
17 A. Once a week.  
18 Q. And was this plant-wide?  
19 A. Yes. Are you talking about Imperial  
20 employees?  
21 Q. The audit. Yes. Um-hmm, yes.  
22 A. Yes, ma'am.  
23 Q. Since you mentioned that, were  
24 contract employees excluded from the  
25 self-audits?

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1 A. Yes.  
2 Q. They weren't doing them?  
3 A. No.  
4 Q. Okay. All right. And then did it --  
5 did it change again at some point between late  
6 '06, early '07 and, and the explosion?  
7 A. No, ma'am. The sheets did not change.  
8 They stayed the same data.  
9 Is that what you're asking?  
10 Q. Yes. So, so the, the behavior  
11 analysis didn't shift at all after Philip  
12 Rowland left, is that what you're saying?  
13 A. We had done -- you're saying -- you're  
14 saying shifted. Just explain that. I'm not  
15 sure where you're going with it.  
16 Q. You know, you mentioned that you  
17 shifted from peer-to-peer to self-audit.  
18 A. Right.  
19 Q. And then I guess I'm just wondering  
20 after Philip Rowland left and Aamir became the  
21 plant manager, was there any other adjustment to  
22 this self-audit program? Or did you guys  
23 continue on with your self-audits as you had  
24 been doing them until February 7?  
25 A. No, ma'am. It was -- it was stopped.

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1 It wasn't stopped by Aamir. The process was  
2 stopped and Graham Graham stopped it. Now I  
3 don't remember exact dates or --  
4 Q. All right. How did you learn that it  
5 was going to be stopped?  
6 A. I was sitting with him in a meeting.  
7 Told us to stop it.  
8 Q. Okay. Do you remember around about --  
9 was this in '06 or early '07? Do you remember?  
10 A. No, this was -- I think it's late '07  
11 when that mill was stopping it.  
12 Q. Okay. Oh, I'm sorry. I'm sorry. I  
13 was using the wrong word -- I mean the wrong  
14 year.  
15 A. I know exactly what you're doing  
16 because I, I get those years mixed up.  
17 Q. So you think it was that, that you  
18 stopped the self-audits in late '07?  
19 A. If I had to take a wild guess on the  
20 month I'd say October, November. I don't  
21 remember when Graham first started coming.  
22 Q. But not -- I mean it wasn't stopped in  
23 '08. Your recollection was that you guys  
24 stopped doing it in '07?  
25 A. Oh, yes, ma'am. It stopped in '07.

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25 (Pages 94 to 97)

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<p>1 Q. Okay. So what were you guys -- since 2 you were doing -- so the self-audit stopped. 3 So you didn't have any data to enter, 4 right? 5 A. Not on observations. 6 Q. So what were you doing instead? 7 A. We soon met back up with the steering 8 committee. By this time we was doing bimonthly. 9 And we focused real hard on performing JSA's. 10 And we just threw our full focus on JSA's and 11 forming some lockout/tagout procedures as they 12 put them in. 13 But my focus went from entering the 14 observation data to full focus on data say on 15 lockout/tagout. 16 Q. Did you get involved in doing more -- 17 well, actually, once you -- once you took 18 over -- when did you stop or did you ever 19 stop -- 20 Did you ever stop doing observations? 21 At what point did you stop? 22 A. In -- when we started the self-audits? 23 Q. Um-hmm. 24 A. Is when we stopped doing the 25 peer-to-peer.</p>	<p>1 A. Making it easier for them to do it. 2 Okay. The supervisors would go out and monitor. 3 It was more or less we used it as a training. 4 Okay, supervisor would go out and do a 5 questionnaire. Do you know how to lockout and 6 tagout? You go with a specific piece of 7 equipment. And it was documented. It's in the 8 database, too. 9 We also did a PPE. 10 Q. Okay. So a PPE audit similar to the 11 lockout/tagout audit by the supervisor? 12 A. Yes, ma'am. And it would be like, you 13 know, do you know the proper way to like -- 14 where are your glasses, clean them. Questions 15 were on there to make sure you knew. 16 Then you had -- we still -- I don't 17 remember. I want to say it was probably one of 18 the last sheets that we had built was a manager, 19 manager audit sheet. I can't remember the exact 20 name I called it. 21 Q. What was the purpose of the sheet? 22 A. It kind of went back to the, the peer 23 one-on-one, okay? And that's where the manager 24 would go out and he would do a one on one. We 25 called it a one-on-one safety meeting. It only</p>
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<p>1 Q. Right, okay. 2 A. But I missed something in there, too. 3 We still had that kind of in the -- in the 4 background. 5 Can I just explain something real 6 quick? 7 Q. Sure. 8 A. We had the, the safety self-audits, 9 okay. 10 Q. Okay. 11 A. That's what the hourly associates 12 would fill out once a week. Then -- 13 Q. Hopefully once a week, right? 14 A. Hopefully once a week, okay. 15 But then, also, you know, I never 16 stopped trying to come up with new creative 17 ideas. We had lockout/tagout on the sheets. 18 That's where the supervisor would go do a 19 peer-to-peer with his employees making sure they 20 understood in -- 21 You had to do a proper lockout/tagout. 22 Okay, we were -- as part of the steering 23 committee we're installing all these 24 disconnects, okay? 25 Q. Making it easier for --</p>	<p>1 took like two to three minutes. But it was 2 again a series of different things that he 3 looked for and asked for and he made sure. 4 Q. With an operator? 5 A. With an operator or anybody. 6 Q. With an hourly employee? 7 A. Right. So we had a lot more going on 8 than just the, the self-audits. 9 Q. Okay. Was there a requirement that 10 the supervisors do the -- do these lotto or PPE 11 sheets, audit sheets? 12 A. Yes. We, we would change it up 13 periodically. They would -- I think they had to 14 do -- I don't remember whether it was one a week 15 or one biweekly of the lockout/tagout. And then 16 we would do that for like a month. Then we 17 would do like the PPE. We'd do that for like a 18 month. Then we'd go back to lockout and tagout. 19 We just kind of keep it -- 20 Q. One per week per shift? 21 A. I'm not sure how many. I don't 22 remember how many we did. Pretty good bit. 23 Q. Who, who monitored how much the 24 managers were doing the audits? 25 A. Philip would ask for them.</p>

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1 Q. Okay. But who, who kept track of it?  
2 A. I did.  
3 Q. And did you have, did you have some  
4 managers who were better about them than other  
5 managers?  
6 A. No. I want to say it was pretty fair  
7 across the board.  
8 Q. So did you -- did you create some kind  
9 of report showing what level of, of auditing was  
10 being done?  
11 A. No, ma'am. I didn't create that  
12 report. Brian Rogers.  
13 Q. Brian or Ryan?  
14 A. Brian Rogers. He developed a database  
15 in Access, a computer program, and we would send  
16 the reports from that. And it accumulated  
17 everything.  
18 Maybe I -- maybe I answered your  
19 question wrong. Yeah, we track that data but  
20 the computer tracked it for us. Everything went  
21 into the scanner and the scanner kind of did it.  
22 Q. When you scanned it in, would it tell  
23 the computers so the computer could determine  
24 what department it was being done?  
25 A. Yes.

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1 Q. Okay.  
2 A. Who done it. And it kept a track,  
3 January, February, March, April, May of, of  
4 each. We had a manager, supervisor, and  
5 employees.  
6 Q. So what was done with the information  
7 gathered from the lotto audit sheets?  
8 A. Any of the those specific sheets was  
9 -- if they found something it was corrected  
10 right then and there.  
11 Q. What were they looking for? What  
12 would they find?  
13 A. Just to make that the operator knew  
14 how to lockout and tagout his piece of  
15 equipment. If he didn't he would stop, explain  
16 the whole process, make sure he knew everything  
17 about it, and where the safety switched were,  
18 make sure he had locks.  
19 I think that was one of the questions  
20 on it. Did the associate even have a lock? And  
21 just make sure he knew exactly how to, to do  
22 that. And the PP the same way.  
23 Q. Did you ever participate in, in safety  
24 inspections in the facility?  
25 A. Which? Safety inspections as in?

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1 Q. As in, you know, I mean you guys go  
2 around and identify problems that need to be  
3 corrected, a guard that's not on a machine. You  
4 know, a tripping hazard, you know, or maybe a  
5 slip-fall situation. Did you ever -- did you  
6 ever --  
7 Was that part of your duties at any  
8 point in time in terms of going around and doing  
9 what I would call safety inspection? Maybe you  
10 have another term for it.  
11 A. Okay. In the steering committee we  
12 would go out and access -- not access, assess --  
13 Q. Um-hmm.  
14 A. -- the areas that we felt were the  
15 stronger needs for the lockout/tagout. That's  
16 what we were looking for.  
17 Q. Okay. So assessing lockout/tagout  
18 compliance use.  
19 A. Right.  
20 Q. I mean what were you looking for when  
21 you're --  
22 A. We were looking for the areas with  
23 probably mostly operators. Most of the  
24 equipment, where do we need to mount disconnects  
25 to make it easier for the associate to lock out

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1 his equipment? How many did we need on each  
2 machine.  
3 Q. How were you assessing that?  
4 A. We would get with the steering  
5 committee member of that department. And, you  
6 know, I'm not per se I was involved in every  
7 single one of them because whoever was on that  
8 department involved in that department, he would  
9 go up and assess the machine and look, say,  
10 okay, we need six different disconnects on this  
11 one machine.  
12 And then he would bring that data  
13 back, and we would, of course, look at it and  
14 write work orders. That's the kind of safety  
15 stuff we did.  
16 Q. All right. Do you recall who was on  
17 your steering committee?  
18 A. Oh, gracious.  
19 Q. Like I mean let's go -- you know,  
20 let's say your steering committee six months  
21 before the explosion so, you know, August.  
22 A. Okay. It's going to be hard for me to  
23 remember all the names but, you know.  
24 Q. Give it a try.  
25 A. You may know some. I probably can't.

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Page 122	Page 124
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 (ph) a little about them before we put them in 2 to make sure they was, number one, a good 3 product to use and environmentally safe. 4 Q. So was there some -- was there some 5 consideration given to -- 6 Now these disconnects you're referring 7 to, disconnects that you guys recommended be 8 installed on machines? 9 A. Yes. On the lockout/tagout process. 10 Q. Now, was there some consideration 11 again to what kind of disconnect needed to be 12 used on a particular piece of equipment based on 13 where that equipment was situated in the plant? 14 A. Once one was selected we went where 15 that plant was. 16 Q. Okay. Who was responsible for -- 17 okay, let me back up. Was the same kind of 18 disconnect -- you said that one was selected. 19 It was used plant-wide. 20 So the same disconnect would be used 21 on different pieces of equipment? 22 A. Yes. 23 Q. And who was responsible for selecting 24 the disconnect? 25 A. I don't -- I don't say he was</p>
Page 123	Page 125
<p>1 AFTERNOON PROCEEDINGS 2 BY MS. MOCK: 3 Q. All right. We're back on the record 4 after a lunch break. Eddie, I wanted to talk to 5 you a little bit about electrical 6 classification, okay? 7 Have you had any, any training prior 8 to the explosion about electrical 9 classification? What kind of electrical 10 equipment can be used in particular areas based 11 on the working conditions? 12 A. No. 13 Q. What, what do you know about 14 electrical classification? Or I should say -- 15 let me rephrase that. What did you know about 16 electrical classification prior to the accident? 17 A. I knew we had to have NEMA cabinets, 18 what the ratings were. 19 Q. NEMA? 20 A. NEMA is a -- 21 Q. N-E-M-A? 22 A. Yes. They put ratings on it according 23 to whether it's leak resistant I guess. And the 24 disconnects I told you about that we mounted we 25 actually -- I'd actually talked to Tim Straza</p>	<p>1 responsible, but I did talk to Tim Straza. He's 2 the electrical engineer. 3 Q. What did you talk to Tim about? 4 A. We had started using one kind of 5 disconnect. I don't remember the name of it. 6 But we changed a couple months into it and 7 started using a better NEMA rated disconnect. 8 Q. And how did you know it was better 9 rated? What was different about it? 10 A. There was an incident. I, I, I don't 11 know what was better. But there was a way on 12 the -- the reason we changed because there was a 13 way that you could put the switch in upside 14 down. In other words, you're thinking you're 15 turning it off and you're really turning it on. 16 And that was the problem that we had. 17 So when I went and talked to Tim 18 Straza we came up with a better box that was 19 impossible to turn the switch upside down. It 20 was I remember NEMA rated, sealed tight, 21 waterproof I guess box over all. I don't know 22 about any kinds of ratings or anything. 23 Q. So the improvement was just that it 24 was -- it was focused on ease of use and not 25 messing up whether you were shutting it off or</p>

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33 (Pages 126 to 129)

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1 turning it on?  
2 A. Right. But with a NEMA-rated box as  
3 well.  
4 Q. What can you tell me about NEMA  
5 rating? What was your knowledge of NEMA  
6 ratings?  
7 A. My knowledge of NEMA rating is the,  
8 the seal on the box, whether it could get water  
9 or dust or stuff inside the disconnect.  
10 Q. Anything else?  
11 A. No.  
12 Q. And how did you learn about that?  
13 A. Just by talking to Tim there and him  
14 telling me about it.  
15 Q. Did you read anything on the NEMA  
16 ratings?  
17 A. No.  
18 Q. Prior to the explosion did you have  
19 any understanding of electrical classification  
20 for hazardous locations? You know, Class 2,  
21 Division 1; Class 2 Division 2?  
22 A. No. I didn't get into any of that.  
23 Q. Okay. So would you -- would you have  
24 been able to tell by looking at a piece of  
25 equipment whether or not the, the electrical

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1 component of the equipment was rated for a  
2 particular location based on --  
3 A. Just by the looks?  
4 Q. Yes.  
5 A. No, I wouldn't.  
6 Q. Prior to the explosion did you have  
7 any familiarity with -- you mentioned, you know,  
8 like dust, you know, like leak resistant on the  
9 boxes, on the disconnects. Did you have any  
10 familiarity with different levels of protection,  
11 like whether something was dust -- you know,  
12 dust-tight as opposed to dust-proof or  
13 explosion-proof?  
14 A. No.  
15 Q. Had you had any -- had you had any  
16 on-the-job training about, about electrical  
17 hazards in -- you know, in the workplace being  
18 able to identify electrical hazards?  
19 A. In some of my work because it was  
20 involved in the electric shop, I knew how to  
21 identify.  
22 Q. Okay. Based on your work in the E&I  
23 department?  
24 A. Based on my knowledge of electricity.  
25 Q. Tell me about that. I mean --

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1 A. I mean if there was an extension cord,  
2 you know, broke or the wires pulling out, I mean  
3 basic knowledge, you know that that's not --  
4 it's not acceptable.  
5 Q. What about the use of temporary wiring  
6 instead of permanent wiring, was that something  
7 that you -- that you could identify as a  
8 problem?  
9 A. Yes.  
10 Q. Explain that to me what -- where,  
11 where -- explain to me what you would see and  
12 identify as a problem with respect to temporary  
13 wiring.  
14 A. Okay. I want to clarify one thing  
15 from what we talked about. I thought about it  
16 awhile ago. When I tell you -- when we started  
17 -- and I'm going there with them doing the  
18 walk-around?  
19 Q. Um-hmm, yes.  
20 A. I think I told you that -- or you  
21 might have asked me if Aamir was the plant  
22 manager at the time.  
23 Q. Yes.  
24 A. Well, Philip was still there.  
25 Q. When, when you guys started the 1 p.m.

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1 walkthroughs?  
2 A. Right, yes. Philip was still, still  
3 out there. I'm not sure what Aamir's -- I guess  
4 he was the assistant manager or whatever. But  
5 during, during those walks Aamir initiated that  
6 while Philip was there.  
7 We would see temporary cords running  
8 into like lockers and stuff where people plugged  
9 their radios -- we carried radios -- their  
10 chargers or having a receptacle inside their  
11 box.  
12 Q. Inside their box. Inside their?  
13 A. Inside their lockers.  
14 Q. Okay.  
15 A. Okay. And we identified that as a  
16 hazard I think. OSHA has a standard on how far  
17 an extension cord can run before it needs to be  
18 a permanent fixture. And I remember once it was  
19 identified, we ordered boxes specifically for  
20 them to store their radios that would have  
21 electrical circuits in it.  
22 And they was actually in the electric  
23 shop being worked on or installed the night of  
24 the explosion. I mean wiring and everything up.  
25 Q. And then on the -- just to -- just to

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1 close the loop on the walk-around or  
2 walkthrough, those -- you recall those starting  
3 when Philip was still the plant manager, just  
4 for clarification, but this was Aamir's idea?  
5 A. Yes.  
6 Q. Okay. And then on the, the temporary  
7 wiring, how did you -- how did you come to know  
8 that, that the -- that using an extension cord  
9 or a certain amount of length should be -- you  
10 know, should be permanently wired instead?  
11 A. Another thing I think I failed to tell  
12 you earlier today, I'd had my 30-hour OSHA as  
13 part of my training.  
14 Q. Oh, okay. Do you recall when you had  
15 that?  
16 A. Oh, goodness. I want to say 2005,  
17 maybe 2006.  
18 Q. And where did you take that?  
19 A. At our facility.  
20 Q. And who was the instructor?  
21 A. Doug Sikes.  
22 Q. Anybody else in the course?  
23 A. I think pretty much all of the  
24 managers and the supervisors.  
25 Q. Okay. It wasn't just you and --

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1 A. No, ma'am. No, ma'am.  
2 Q. -- Doug?  
3 A. After that I also went and took my  
4 training, 30 hours, too.  
5 Q. When did you do that?  
6 A. I did that after the explosion. And I  
7 took my 30-hour industrial -- construction as  
8 well after the explosion.  
9 Q. Did the 30-hour cover electrical,  
10 electrical requirements?  
11 A. The first class that I took?  
12 Q. Yes. The 30-hour OSHA?  
13 A. We talked about a lot of different  
14 things. And I want to say Doug brought it up.  
15 They can't be but so long. They've got to have  
16 the male end. I don't remember everything about  
17 it but --  
18 Q. Did you ever -- where were -- you  
19 mentioned the radio's. Where were radio's used?  
20 A. On their persons.  
21 Q. Okay. I mean did every employee have  
22 a radio?  
23 A. No, ma'am. Not every employee. Most  
24 all your mechanics, supervisors, some front line  
25 employees.

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1 Q. What would determine whether a front  
2 line employee had it?  
3 A. I don't know what the determining  
4 factor would be why somebody --  
5 Q. Was it a particular area?  
6 A. Yeah. I think it was based on the  
7 area they worked.  
8 Q. What kind of areas? What areas would  
9 you see the front line employees have?  
10 A. I know the silo operators.  
11 Q. Saddle?  
12 A. Silo operators.  
13 Q. Silo operators, okay.  
14 A. They had them. I think specialty  
15 might have had one. It wasn't like everybody  
16 else there had one. It was like you might have  
17 one for the operator that closed.  
18 Q. Of that shift?  
19 A. Yes. They might share it. I don't  
20 remember specifically who all had radios.  
21 Q. What about anybody on the Bosch side,  
22 can you think of any? Non-supervisory. Just,  
23 you know, the front line employees I should say.  
24 A. No, ma'am. I don't think so.  
25 Q. What about on the -- in the Bemus room

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1 on the first floor?  
2 A. I don't think front line employees  
3 have them.  
4 Q. What about on the south side on the  
5 second or third or fourth floors?  
6 A. Well, I think, again, the supervisor  
7 and mechanics had them but --  
8 Q. Can't think of any front line?  
9 A. Not right off the top of my head.  
10 Q. Any idea why the silo operators would  
11 have them or why there would be one there for  
12 the silo operators?  
13 A. I don't know the reason. I guess so  
14 they can talk to each other. I don't know.  
15 Q. Were employees ever -- was there ever  
16 any indication that employees were using the,  
17 the extension cords in their lockers to charge  
18 cellphones?  
19 A. Was there an indication that they'd  
20 done that?  
21 Q. Yes.  
22 A. Yes.  
23 Q. I was thinking maybe but --  
24 A. Right.  
25 Q. Anything else that they -- any other

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1 personal items?  
2 A. Personal?  
3 Q. Yes. I mean anything besides, besides  
4 the cellphones.  
5 A. Their radios.  
6 Q. Okay. So just the radios.  
7 A. The Walkie-Talkie radios.  
8 Q. And those were Imperial-issued?  
9 A. Right.  
10 Q. And then some people were using --  
11 A. Omarsha (ph).  
12 Q. Did you ever see that?  
13 A. I didn't actually see it. We didn't  
14 go in the lockers. We could see the cords  
15 running to them. We did away with it and --  
16 Q. But that was the suspicion?  
17 A. (Nodding.)  
18 Q. That's a yes?  
19 A. That's a yes.  
20 Q. Where were the employee locker rooms  
21 located?  
22 A. The ones that is we located and  
23 ordered the new boxes for were in the  
24 maintenance department in the old maintenance  
25 shop.

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1 Q. Was that the one that you said was on  
2 the Bosch side on the first floor?  
3 A. No, ma'am.  
4 Q. Where is this?  
5 A. It's over by the admin building.  
6 Q. Okay. Were employees allowed to use  
7 their cellphones inside the packing house?  
8 A. No. They were not supposed to.  
9 Q. Did you ever see employees using their  
10 cellphones?  
11 A. I did witness an employee using a  
12 cellphone on the first floor on a forklift. On  
13 top of the forklift.  
14 Q. What's your understanding of why you  
15 can't use a cellphone?  
16 A. You're supposed to be working. And  
17 not supposed to be using them while you're  
18 working or operating a motor vehicle in the  
19 plant, period.  
20 You can use them on breaks as far as I  
21 know. I don't know if there was a policy. I  
22 think it -- I think it was. I'm not a  
23 hundred percent sure about cellphone usage.  
24 Q. The guy who was using his cellphone  
25 while he was driving a forklift, did you report

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1 that to anyone --  
2 A. No.  
3 Q. -- or did you flag him down?  
4 A. I stopped -- well, he wasn't really  
5 driving. He was operating a forklift but he was  
6 just sitting on it, okay?  
7 Q. Oh.  
8 A. I went up to him and told him that he  
9 wasn't supposed to be using it while working  
10 hours. He could use it on break. It was more  
11 of an observation thing than anything.  
12 Q. And did he put it away?  
13 A. Yes.  
14 Q. Did you ever see him engage in that,  
15 in that kind of behavior again?  
16 A. No.  
17 Q. Do you recall who that was?  
18 A. Gosh, I'm trying to think.  
19 Q. Pardon?  
20 A. I'm trying to think who it was and I  
21 can't think who that was.  
22 Q. Going back to the electrical thing,  
23 have you ever seen any kind of jumper cables  
24 used to -- or temporary wiring to keep, keep a  
25 machine operating?

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1 A. No. Jumper cables?  
2 Q. Yes. Just some kind of temporary  
3 wiring that --  
4 A. I have seen -- I really don't remember  
5 a specific. But like the wires might have  
6 burned up in a pipe or shorted out or wire went  
7 bad. They might run a jumper until they can run  
8 the permanent back in. I can't think of an  
9 instance.  
10 Q. Can you think of where, where you saw  
11 that or --  
12 A. Uh-uh.  
13 Q. Did you see that more than once?  
14 A. I don't recall when I seen it or where  
15 I seen it.  
16 Q. Did you see that -- when do you recall  
17 seeing that?  
18 A. I want to say it was when I was doing  
19 an observation of an area. And it was a  
20 temporary wire ran. Something went bad. And  
21 during the observation we picked up on it and  
22 actually had the electricians go fix it, but I  
23 can't say exactly.  
24 I won't say it was in the palletized  
25 area. I'm not 100 percent.

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1 A. Like when you buy your 10X (ph)  
2 powdered sugar, it comes in a waxed real shiny  
3 outside. Well, when you buy your five pound  
4 it's just a paper.  
5 Well, water base would not stick to  
6 the -- to the --  
7 Q. To the wax?  
8 A. To the same wax down.  
9 Okay, so you had the ketone base that  
10 would stick to the wax and you had the water  
11 base. Usually the water base would give you  
12 more problems, but it didn't matter where you  
13 had it at.  
14 Q. Okay. Do you know why one had more  
15 trouble than the other?  
16 A. No.  
17 Q. You had mentioned near misses and you  
18 described that. What other kinds of, you know,  
19 actions or accidents or what else would you guys  
20 record in safety?  
21 A. They kept up with all of the  
22 incidents. Of course you had your near hits.  
23 Q. And the mere hit is what you described  
24 previously?  
25 A. Yes. Then you had a NAI.

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1 Q. What's NAI?  
2 A. No apparent injury.  
3 Q. So that's an incident without apparent  
4 injury?  
5 A. Right, right.  
6 Q. Just give me an example of that.  
7 A. Someone slips on a set of steps. Then  
8 you have your first aid.  
9 Q. Okay. What's the first aid?  
10 A. First aid? Anything that requires a  
11 Band-Aid or an aspirin or anything, anything in  
12 that sort.  
13 Q. Did you guys have a first aid station  
14 or, you know, I mean --  
15 A. We had a nurse's station.  
16 Q. Nurse's station. Where is the nurse's  
17 station?  
18 A. When you come to the front gate, when  
19 you come into the main, it's on the left by the  
20 store.  
21 Q. Did the nurse do any stitches?  
22 A. No.  
23 Q. Did the -- did Imperial have a doctor  
24 that would come onsite, too?  
25 A. Yes, ma'am.

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1 Q. Okay. And do you recall the doctor's  
2 name?  
3 A. Dr. Carson I think is the same one.  
4 Q. And did you guys have a set nurse over  
5 a period of time prior to the explosion?  
6 A. Yes.  
7 Q. What was the nurse's name?  
8 A. At the time of the explosion was Kathy  
9 -- I know her name. I do know it.  
10 Q. It will come back to you.  
11 A. It will.  
12 Q. Okay. Was Dr. Carson actually located  
13 onsite?  
14 A. No, ma'am. I think he'd come in one  
15 or twice a week, once or twice a week for like  
16 an hour and a half or something.  
17 Q. Did you ever see him for any reason?  
18 A. Yes. I think I have.  
19 Q. What, what, what did you see him for?  
20 A. Probably a head cold or something like  
21 that.  
22 Q. So you could see him for  
23 non-work-related ailments as well?  
24 A. Oh, yes.  
25 Q. Did you ever see him for any

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1 work-related ailments?  
2 A. No, ma'am, I didn't.  
3 Q. Okay. So we've got a near miss, we've  
4 got a no apparent injury, first aid.  
5 A. Then you've got your OSHA recordables.  
6 Q. All right. What's an OSHA recordable?  
7 A. OSHA recordable's anything that  
8 requires stitches, over the -- prescription  
9 drugs, or higher.  
10 Q. Or what?  
11 A. Or higher. Anything of that sort.  
12 Q. And then any other categories?  
13 A. You've got your lost time in accident,  
14 which of course is an OSHA recordable.  
15 Q. Right. Did you have any role in  
16 maintaining the records of any of these --  
17 A. No.  
18 Q. -- categories?  
19 A. No.  
20 Q. Just kind of for, for clean-up  
21 purposes, you know, you mentioned NEMA. Prior  
22 to the explosion did you have any knowledge of  
23 National Fire Protection Association codes?  
24 A. No. I wasn't involved in none of  
25 that.

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39 (Pages 150 to 153)

Page 150	Page 152
<p>1 Q. Did you have any exposure to them at 2 all? I mean did you ever recall looking at any 3 of them? 4 A. I don't recall. 5 Q. Did you know whether they, they had a 6 database of them or whether they had them onsite 7 as a resource? 8 A. I'm not sure where they kept them at. 9 Q. Well, let's break it down. Do you 10 know whether or not they had any? 11 A. No. 12 Q. When was the first time that you heard 13 NFPA? 14 A. I want to say it was talked about in 15 our 30-hour course. And I'm sure hit and miss 16 here and there, I might have heard a little 17 something about it, but I had no involvement in 18 it. 19 Q. That would have been the 30-hour 20 course that you took in 2005? 21 A. Yes. 22 Q. Have you ever -- have you ever heard 23 of something called a spill control team? 24 A. Uh-uh. 25 Q. Have you ever heard of a -- the</p>	<p>1 that occurred? 2 A. If I had to guess I would say -- 3 Q. Well, I don't want you to guess. 4 A. No, I don't know exactly. 5 Q. I want, you know, an estimate. You 6 know, sometime in 2007, sometime -- 7 A. Oh, yeah. I'm going to say late. 8 Q. Late 2007? 9 A. Late 2007. 10 Q. Do you remember or do you recall what 11 the -- you know, what you heard in terms of what 12 the problem was? 13 A. No. I don't recall anything about it. 14 I heard about it. 15 Q. You heard that there was a fire in a 16 powder mill. And that was the extent of what 17 you heard? 18 A. That was about all I knew about it. 19 Q. What about any other -- any other, you 20 know, any other fires? 21 A. I don't know whether it was a fire or 22 what but I know they had some trouble. We was 23 doing a walk-around early one morning with one 24 of the dust collectors. That was actually my 25 first visit on a dust collector.</p>
Page 151	Page 153
<p>1 acronym, the initials are C-A-R-E, CARE, 2 something to do with quality. It would have 3 been kind of ***/STPHAEUDers? 4 A. CARE? I don't remember anything 5 called that. 6 Q. Have you ever heard of the term -- 7 anybody referred to a problem with a machine as 8 a hiccup? 9 A. A hiccup? 10 Q. Yes. 11 A. No. 12 Q. Or a burp? 13 A. No. 14 Q. Okay. Have you heard of any -- have 15 you heard -- 16 Prior to the explosion in February '08 17 had you heard of any fires in equipment? 18 A. I had heard of some. Had hardly any 19 involvement in it. 20 Q. What had you heard? 21 A. I heard that they had a fire in one of 22 the mills. 23 Q. One of the powder mills? 24 A. Right. 25 Q. Do you remember approximately when</p>	<p>1 Q. Your first visit on a dust collector? 2 A. Right. To see actually how it -- what 3 they look like. 4 Q. When was your first visit? 5 A. I think it was latter of '07. 6 Q. And what was your understanding of -- 7 is there a fire with the dust collector? 8 A. I was with -- we did a 6:00 9 walk-around that morning. And then they told us 10 about it. They walked out there, took a mirror 11 and showed it to him. 12 Q. What did you guys see? I'm a very 13 visual person. 14 A. It was kind of dark when we went out 15 there the first thing that morning. 16 Q. Where was the dust collector located? 17 A. I think they're outside on the roof 18 side of the -- 19 Q. Did you guys actually go out on the 20 roof and look at it? 21 A. Yes. 22 Q. Where were you guys on the roof? 23 A. We got off at the fifth floor I think. 24 Q. And what was your understanding of 25 what happened with the dust?</p>

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40 (Pages 154 to 157)

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1 A. Nobody knew.  
2 Q. How did it come to your attention?  
3 A. They said -- wanted a door up last  
4 night. And Aamir said, well, let's go look at  
5 it. He went with them. I kind of walked out  
6 there. I spent a few minutes with them. There  
7 were some guys working on it. And I went on  
8 back to work.  
9 Q. Any further information about the  
10 problem, what the nature of the problem was?  
11 A. I know somebody surely investigated  
12 it.  
13 Q. Oh, I know. I'm just talking about  
14 you -- about what your knowledge was. What you  
15 came to understand what the nature of the  
16 problem was.  
17 A. No, I don't recall.  
18 Q. All right. Any other fires on any  
19 other equipment or --  
20 You know, I mean not just packaging  
21 equipment.  
22 A. Nothing I could think about.  
23 Q. I mean ever, ever heard of any  
24 problems with --  
25 A. I know they had, had a forklift one

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1 time.  
2 Q. Okay. Can you remember -- tell me  
3 about that.  
4 A. Again I don't know a whole lot about  
5 it. I know we had a forklift that caught on  
6 fire. Put it out with a fire extinguisher.  
7 Q. Do you remember around about when that  
8 was?  
9 A. No, ma'am, I sure don't.  
10 Q. Sometime in 2007 or further back than  
11 that?  
12 A. I want to say it was further back than  
13 that.  
14 Q. Do you remember where the forklift was  
15 used?  
16 A. In the white sugar warehouse I  
17 believe.  
18 Q. What other kinds -- what other kinds  
19 of movable equipment did they use in that  
20 facility? I mean you've got forklifts.  
21 A. Pay loaders.  
22 Q. Ever heard of any problems with pay  
23 loaders? Fires or --  
24 A. None that I recollect right now.  
25 Q. What about any other kind of moving

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1 equipment like -- I mean I've heard things like  
2 jack stackers, scrubbers.  
3 A. Yeah. Jack stacker's part of the --  
4 well, jack stacker's part of the forklift plan,  
5 but, you know, jack stackers were -- had battery  
6 operated jack stackers.  
7 Q. Ever heard of any, any incident with  
8 -- fire incidents with jack stackers?  
9 A. No.  
10 Q. What about floor scrubbers?  
11 A. Yeah. Floor scrubber, I know they had  
12 -- I think they had two of them.  
13 Q. Two floor scrubbers?  
14 A. Yes. One was a large tractor.  
15 Q. Where was that one in use?  
16 A. Out on the first floor. And then they  
17 had a little smaller one. And whether it was a  
18 drivable or a walk-behind --  
19 They might have had --  
20 Q. Where wasn't used?  
21 A. That's what they might have used in  
22 areas that they couldn't get the tractor to like  
23 on the second floor or third floor.  
24 Q. Okay. So the only -- in your 28  
25 years, leaving aside obviously the explosion and

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1 fires on February 7 of last year, you can only  
2 think of a fire in a powder mill, a forklift in  
3 the white sugar warehouse, and an issue with the  
4 dust collector.  
5 Did you hear whether there had been a  
6 fire as a result of whatever went on with the  
7 dust collector?  
8 A. I don't recall what they come up with  
9 or what happened.  
10 Q. So then just, just those two  
11 incidences with fires, one in the powder mill,  
12 and one with the forklift?  
13 A. I'm thinking of one we had in the raw  
14 sugar warehouse.  
15 Q. Tell me about that one.  
16 A. I remember they had to bring the fire  
17 department. The fire department came out.  
18 Q. When?  
19 A. Gracious. I want to say it was in  
20 2002, 2003 maybe. I was in the E&I shop at that  
21 time. And again I don't know a whole lot about  
22 it. I know it was in the raw sugar warehouse.  
23 Q. And which fire department responded,  
24 do you know?  
25 A. Oh, gracious, I don't know.

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1 Q. But a fire department?  
2 A. Right.  
3 Q. Did you learn anything about how it  
4 started?  
5 A. No, I wouldn't.  
6 Q. Any other ones that come to mind?  
7 A. Not right now.  
8 Q. Was there -- was there any discussion  
9 with employees about any of these incidences  
10 after they happened from a safety debriefing  
11 standpoint?  
12 A. I don't -- I don't know.  
13 Q. Have you -- we talked about it a  
14 little bit but I want to kind of go back. We  
15 talked a little bit about places or areas where  
16 you would see -- you would see sugar dust.  
17 Do you remember that when we were  
18 talking about that earlier this morning?  
19 A. Um-hmm.  
20 Q. And I apologize, I can't fine in my  
21 notes. You mentioned one location.  
22 Oh, okay. You said that you had seen  
23 sugar dust in the air in the fourth floor powder  
24 mill room.  
25 A. Right.

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1 Q. Anywhere else that you saw sugar dust  
2 in the air?  
3 A. No.  
4 Q. But just the fourth floor.  
5 And do you recall when that was that  
6 you were up there that you saw that?  
7 A. About six months before the incident.  
8 Q. And do you recall why you were up  
9 there?  
10 A. I want to say someone -- I'll be  
11 speculating if I do. I think I know.  
12 Q. Well, what do you --  
13 A. I think somebody called Darin.  
14 Q. Called Darin?  
15 A. Called Darin. And I just happened to  
16 be with him. We walked up there and assessed  
17 the area. And I'm not sure what he done from  
18 there.  
19 Q. Okay. Assessed the area how?  
20 A. Looked at it, see what -- said there  
21 was a bunch of dust in the air. We went up  
22 there and sure enough it was. And I don't know  
23 what actions were taken or how they got it  
24 cleaned up or stopped.  
25 I don't know what happened.

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1 Q. Did you and Darin talk about why that  
2 -- why the dust was in the air?  
3 A. No, we didn't. I think he might have  
4 contacted somebody else and talked to him.  
5 Q. But the two of you, you guys didn't  
6 sit there and say, you know --  
7 A. Oh, no.  
8 Q. Any other -- any other occasions where  
9 you'd gone up to the fourth floor powder mill  
10 and seen dust in the air?  
11 A. No.  
12 Q. Was there someone in charge of -- are  
13 you familiar with the idea of a root cause  
14 analysis?  
15 A. Yes.  
16 Q. Were you familiar with that, with that  
17 concept before the explosion?  
18 A. I, I took that class but I never used  
19 it.  
20 Q. Okay. Tell me about that class  
21 because I don't think you mentioned that in your  
22 training.  
23 A. It was part of -- it was part of --  
24 when I first became a facilitator it was just  
25 part of Doug's training as a facilitator.

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1 Q. All right. And what's the basic --  
2 tell me about that training. What's root cause  
3 analysis mean to you?  
4 A. You break it all the way down to, I  
5 think -- I remember we did some scenarios, just  
6 break it all the way down to the leading cause  
7 of anything.  
8 Q. What do you consider when you're  
9 trying to determine what the root cause is? I  
10 mean is there more than one thing or I mean --  
11 A. I don't remember a whole lot. You  
12 know --  
13 Q. I mean just is it strictly behavior  
14 based? Is it environmentally?  
15 A. Oh, no. I think it could be used for  
16 multiple things. Is that what you're asking?  
17 Q. No. I guess my question is, is that  
18 when you're using it you're -- explain to me how  
19 you would use it.  
20 A. We would have used it for our action  
21 plans, getting root cause of an action plan.  
22 The one we done was on the lime system that had  
23 a leak, a wet leak. And we did a root cause. I  
24 mean we kind of knew what the outcome was going  
25 to be when we done it but it was just a work

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1 Q. Prior to the explosion did -- were you  
2 ever notified of sugar or sugar dust  
3 accumulations?  
4 MR. TUCKER: Object to form.  
5 THE WITNESS: No.  
6 BY MS. MOCK:  
7 Q. I mean, you know, where you gave the  
8 example of you thought, you know, on this fourth  
9 floor sugar dust in the air, you gave the  
10 example. And you thought someone had called  
11 Darin Pevey about that and that's how you guys  
12 came to be involved.  
13 A. No. Nobody called me about it.  
14 Q. To your knowledge had anybody  
15 contacted the safety department?  
16 A. Not to my knowledge I don't.  
17 Q. About -- just let me finish my  
18 question even though I think you know where I'm  
19 going. In terms of about excess sugar  
20 accumulations anywhere in the facility.  
21 No?  
22 A. Not to my knowledge.  
23 Q. When you were -- when you were in the  
24 facility did you ever observe sugar dust  
25 accumulations that, that you thought needed to

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1 be addressed?  
2 A. Are you talking about sugar dust or  
3 granulated sugar?  
4 Q. Well, let's break it down. Let's  
5 start with granulated sugar.  
6 A. Yes.  
7 Q. Okay. Tell me about that.  
8 A. There might be a little spillage in  
9 different locations but --  
10 Q. Okay. Where are we talking about?  
11 A. My main focus area was going around  
12 the remelt area.  
13 Q. Remelt?  
14 A. Remelt. That's where they actually  
15 re-melted the sugar to go back out most of --  
16 Q. Where they reclaim the sugar to run  
17 through the system again?  
18 A. Right, right. Reclaim area. We call  
19 it re-mill.  
20 Q. So you saw sugar accumulation in the  
21 remelt area?  
22 A. Yes.  
23 Q. Was it a concern to you?  
24 A. Yes.  
25 Q. Why?

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1 A. Mainly because it was a traffic area  
2 where forklifts were coming in and out. And it  
3 was -- stayed back down into the floor instead  
4 of cleaning it up. It would sometimes block the  
5 path of people trying to walk through some  
6 areas.  
7 Q. So was it creating a slip hazard for  
8 people?  
9 A. Walking and working hazard, possibly.  
10 At certain times. I mean it wasn't like it was  
11 everyday.  
12 Q. How would it get there?  
13 A. It's according with -- sometimes a  
14 truck would be recalled or a truck would be sent  
15 back.  
16 Q. Are we talking an 18-wheeler?  
17 A. Oh, yeah. And they might unload the  
18 sugar and they'd stage it in these areas. It  
19 could have been something as light as one bag  
20 got damaged, and they rejected the whole load  
21 but they had to put it somewhere. The bag might  
22 sit there and just leak out on the floor.  
23 And it was to go to reclaim. That's  
24 where it needs to go. It didn't need to be  
25 sitting in the aisle. I would mostly do that

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1 because of walking working services.  
2 Q. What do you mean by that, walking  
3 working services?  
4 A. With that in the reclaim area we've  
5 had -- it's kind of hard to, hard to explain.  
6 But this was actually picked up on one of our  
7 1:00 walkthroughs. We seen it when the floor  
8 was real bumpy because of squished sugar all in  
9 the floor and --  
10 Q. So why did it concern you? I mean  
11 what were you -- what were you concerned --  
12 A. Not only did forklifts have to travel  
13 through there with loads of sugar if they bring  
14 it to reclaim and it could rock the lift and  
15 throw a bag off. People walking through there  
16 it might have been a little damp or something,  
17 get slippery.  
18 Didn't need to be that way.  
19 Q. I guess I'm just trying to -- you  
20 know, hazard identification, what, you know I  
21 mean -- to me that doesn't -- you know, I'm  
22 trying to understand.  
23 A. Slips.  
24 Q. Slips, okay.  
25 A. Slips or falls. Either way we did

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1 have the area completely clean. They actually  
2 took a -- air hose is what they call them -- and  
3 cleaned the whole floor, scraped it up, cleaned  
4 it up a little bit.  
5 Q. All right. Any other area of sugar  
6 accumulation?  
7 A. See spills. I mean whether it be on  
8 one of the packing lines. Bosch lines would  
9 sometimes get hung up and spill sugar on the  
10 floor.  
11 Q. What would -- what would cause the  
12 Bosch line to hang up?  
13 A. A paper flaw or something. I'm not  
14 real familiar with the Bosch line. I'm just  
15 saying a paper flaw or something; the bag didn't  
16 make right.  
17 Q. And the bag doesn't open and it goes  
18 on the floor instead of in the bag?  
19 A. Right, right.  
20 Q. Would that -- would you have that kind  
21 of -- could you have that kind of -- that kind  
22 of spiller upset in other areas, too? Like, you  
23 know, the Bosch line. The Bosch line is the  
24 four-to-five-pound granulated?  
25 A. Yes.

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1 Q. Would you also have that kind of  
2 situation on the consolidated line?  
3 A. Yes.  
4 Q. Okay. What about -- what about on the  
5 soft sugar?  
6 A. The soft sugar and, and --  
7 Q. I'm thinking of the third floor east  
8 packing.  
9 A. Right. Soft sugar, but it had a pan,  
10 a wet pan up under it. So if it spilled it  
11 actually fell into a trough. And it just bore a  
12 steady run. And it just ran it back in the  
13 system somewhere so --  
14 Q. Okay. What about spills or upsets on  
15 the powdered sugar lines?  
16 A. Same thing. It had a wet --  
17 Q. It had a wet pan?  
18 A. Right.  
19 Q. Did all of the powdered sugar lines  
20 have wet pans underneath them?  
21 A. Oh, my gracious.  
22 Q. I guess I'm just trying to understand  
23 why, why they happened to have a wet pan under  
24 the soft sugar but not under granulated.  
25 A. Oh, I don't know.

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1 Q. All right. Any other -- see you have  
2 spills on packing lines.  
3 A. I've seen spills in the Bemus room.  
4 Same thing. Bag might miss and dump it out.  
5 But I mean even with that I mean, you know, it's  
6 supposed to be immediately cleaned up.  
7 Q. Pardon?  
8 A. Supposed to be immediately cleaned up  
9 when they had those spills.  
10 Q. Was it always immediately cleaned up?  
11 A. I can't answer that. I know it's  
12 supposed to be.  
13 Q. Any other sources of sugar  
14 accumulations?  
15 A. What time period are you talking  
16 about?  
17 Q. Oh, let's say 2007 up to the --  
18 A. Okay, yes.  
19 Q. What?  
20 A. In the silo manlift. On, on that  
21 Tuesday.  
22 Q. The Tuesday before the accident?  
23 A. Accident.  
24 Q. Oh, this is -- yeah. You had talked  
25 about this I think with Kurt in your interview

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1 maybe?  
2 A. Yes. I must have.  
3 Q. So, I'm sorry, taking it Tuesday  
4 before the accident?  
5 A. Yes. For some reason or another we --  
6 Aamir had selected the silo manlift for that day  
7 and --  
8 Q. For the 1:00?  
9 A. Yes, ma'am. And because of it being  
10 kind of a tight area only two of us went, Aamir  
11 and myself. We went into the -- to the area. I  
12 don't know if you're familiar with it. You just  
13 kind of walk in the door and manlift the dry  
14 air.  
15 Q. Near the east side packaging elevator?  
16 A. In between the elevator and the silos.  
17 And we rode it up to either the second or third  
18 floor. I can't remember which floor we got off  
19 of. I don't think I could remember that. And  
20 we had seen small buildups.  
21 Q. At each landing?  
22 A. At each landing.  
23 Q. Okay.  
24 A. And we didn't understand it because  
25 scared we might step off and step on the sugar

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45 (Pages 174 to 177)

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<p>1 and it was a real confined area. So we got off 2 of the manlift and -- 3 Q. How far is the manlift up, how many 4 floors? 5 A. Nine floors. 6 Q. So all the way like to the top of the 7 silos? 8 A. Yes. I think -- I'm pretty sure it's 9 nine floors. And we got off either the second 10 or the third landing. I don't remember which 11 one. And we stopped our inspection right then 12 and there. And Aamir went to -- 13 Q. Why did you stop your inspection? 14 A. Because there was no use going 15 further. Whatever was there had to be cleaned 16 up. 17 Q. And how much did you see? 18 A. Want to say it gradually got up to a 19 couple inches I guess of whatever landing we got 20 off of. And we got off and went to the 21 supervisor's office, whether it was the second 22 or third floor. Aamir paged Tony Thomas. I 23 think Tony was in his office. 24 Q. What floor was Tony's? 25 A. Second floor. And I don't know</p>	<p>1 floor. 2 A. Have you heard the term, I guess I'll 3 say it, penthouse? 4 Q. I'm not sure if I have heard of the 5 ninth floor as penthouse. 6 A. All right. It's actually almost like 7 a trailer on top of the three silos. 8 Q. Okay. So that's -- 9 A. Like one, two, three, and then you had 10 a top, and it had a very end. That's where the 11 conveyors were that fed the sugar to whatever 12 silo. I'm not sure how the silos were. 13 Moved sugar somehow though and -- 14 Q. So potentially go inside that trailer 15 where the -- where the belt was? 16 A. Yes. You're walking on top of the 17 silos. 18 Q. Okay. 19 A. Okay. And we stopped on the top of 20 the stairs. Tony called Bruce. Bruce said, you 21 know, the reason that the sugar's down there is 22 we're cleaning it. We're coming down. We'll be 23 through by the end of the day. 24 And I told Bruce to a make sure he 25 called and let us know when he got through. And</p>
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<p>1 whether we went to Tony or Tony come to us. 2 Somehow or another we all met up and we went to 3 the ninth floor. And I think -- I'm pretty sure 4 we went up the stairs. 5 Q. Up above the manlift? 6 A. We went on the -- 7 Q. I mean where -- what's the area you 8 were on? 9 A. The stairs are on the west side of the 10 silos. 11 Q. Oh, okay. So the other end of the 12 silos from the manlift? 13 A. Manlift was on the east side, stairs 14 on the west side. I think we walked up the 15 steps to the top, Aamir, Tony, and myself. And 16 once we got up there we found out why the sugar 17 was on the landing. They was actually cleaning 18 the ninth floor and it was coming down. They 19 was cleaning each landing. 20 Q. They were cleaning. They were 21 cleaning the -- 22 Is the ninth floor actually -- is it 23 -- is it adjacent to the silos? 24 A. Have you heard the -- 25 Q. When you say you're on the ninth</p>	<p>1 we went back down. 2 Q. So what were they actually out? Were 3 they cleaning out the penthouse? 4 A. Yes. Well, the penthouse all the 5 way -- hard to describe. You had the penthouse. 6 Okay, that's the top of the silo. That's where 7 the -- 8 Q. Is that only accessible by this 9 staircase? 10 A. Or the manlift. 11 Q. So why didn't you guys take the 12 manlift up to the penthouse? 13 A. Because sugar dust or sugar -- 14 granulated sugar was coming down, and we didn't 15 want to take a chance of getting off of the -- 16 Q. So you got off at the ninth floor? 17 A. Ma'am? 18 Q. You got off at the ninth floor? 19 A. No. We got off at the second or third 20 floor. 21 Q. And you walked all the way up? 22 A. We took the stairs up the, the 23 backside. 24 Q. Oh, that's when you crossed over to 25 the west side.</p>

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<p>1 A. Right. Well, we met Tony on the other 2 side. I'm not sure exactly how we did it. 3 Somehow or other we got back on the west side of 4 the penthouse and that's where we seen Bruce. 5 He told us they was cleaning that 6 area. 7 Q. Was that -- I mean was that normal 8 cleaning for that area? I mean what -- or was 9 there something that was triggering? 10 A. You know, I don't know. I don't know 11 whether a steel belt -- I think they got steel 12 belts there. Might call them steel belts. 13 Might be rubber belts. I don't know. A belt 14 might have torn or -- 15 I don't know why sugar got on the 16 floor. But I know that Aamir had them 17 immediately clean it up right now. 18 Q. I think you had also mentioned in your 19 interview with OSHA that the hummer -- that the 20 hummer rooms were an area where you would see 21 sugar accumulations? 22 A. Yes, yes. 23 Q. Okay. What -- where would you see 24 those? 25 A. We did -- the hummer --</p>	<p>1 Q. When you went into the hummer room, 2 could you see sugar in the air? 3 A. No. I don't remember seeing sugar in 4 the air because we went in it. But there's -- 5 somebody -- I remember somebody saying something 6 about maybe a screen ripped or got torn or was 7 leaking or something, and they had that hummer 8 shut down. 9 You know, again whoever's the manager 10 of that department would make sure it got 11 cleaned up. They got people to clean the sugar 12 up. 13 Q. Have you -- prior to the explosion 14 when was the last time you were in the -- below 15 the silos? 16 A. I remember Kurt had asked me that as 17 well. And I think I said six, six months. But 18 I mean the silos, I mean to explain that, was a 19 place you had to specifically say, I'm going 20 there. 21 Q. Why was that? 22 A. Under the silos. 23 Q. Who did you have to tell? 24 A. Oh, you didn't have to tell nobody. I 25 mean it was just like you didn't -- it wasn't a</p>
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<p>1 You're asking me where they are? 2 Q. No. I mean go ahead and tell me what, 3 what, what you saw in the hummer rooms. 4 A. Again, I don't know what the hummers 5 do. But I know that we went up to the hummer 6 floor. I'm not sure when. I'm not sure if it 7 was on one of the walkarounds and there was some 8 granulated sugar on that floor and -- 9 Q. What floor are the hummer rooms on? 10 A. Fifth. I'm not sure about that. 11 Q. Are they up above the powder mill 12 rooms or are they below the powder mill rooms? 13 A. I think it was on the roof. And the 14 roof goes up on the old elevator to the fifth 15 floor. But it was another room above the roof 16 so I'm going to say fifth floor. I'm pretty 17 sure it was fifth floor. 18 Q. And so what was your understanding of 19 -- well, when you went in the hummer room, was 20 this in '07? 21 Oh, you said it was -- it was when you 22 were actually doing the walkthroughs. 23 A. I'm pretty sure it was. 24 Q. So later '07? 25 A. Right.</p>	<p>1 normal passageway we walked through in a day. 2 Q. I'm sorry. I thought you had to say 3 that you were specifically going there. 4 A. No. 5 MR. TUCKER: It's a figure of speech I 6 think. 7 MS. MOCK: Oh, just -- 8 THE WITNESS: A figure of speech. I 9 mean -- 10 MS. MOCK: Yes, I get what you mean. 11 THE WITNESS: -- you almost had to 12 know I'm going there. 13 BY MS. MOCK: 14 Q. Yes, it was a destination. 15 A. It was a normal -- 16 Q. It wasn't a way to get from Point A to 17 Point B? 18 A. There you go. 19 Q. Okay. So like the penthouse it was a 20 destination location? 21 A. Right. 22 Q. So why, why, why would you go to the 23 penthouse? 24 A. I'm pretty sure the reason I had went 25 there was because Jimmy Vittrouer had been</p>

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<p>1 Q. So did you sometimes go on those 2 6 a.m. tours with him? 3 A. I did, but I'm not sure I did it week. 4 But if I did, we passed through the second and 5 third into the process side. 6 Q. All right. What about the last 7 time -- well, and just for clarification, I 8 think when you were talking about the second 9 floor you mentioned granulated sugar. 10 Was there also powdered sugar 11 processed on the second floor, like bulk 12 amounts? 13 A. Yes. 14 Q. In your mind what is bulk amounts? Is 15 that the 50, 100? 16 A. Big, yeah. That's what we looked at. 17 25, 50, 100's are bulk. 18 (Discussion off the record.) 19 THE WITNESS: I'm pretty sure the 20 robot, what we call the robot. 21 Do you know about that? 22 Q. No. What's the robot? 23 A. That was the 50-pound, 100-pound 24 powdered sugar. 25 Q. Okay. Did it ever have upsets where</p>	<p>1 cleaned up. Was there any time that you saw a 2 spill that you returned to that area and it 3 wasn't, that it still was there, the same 4 condition? 5 I mean were there -- were there what 6 you consider to be areas where it took longer to 7 clean up or the -- whatever was causing the 8 spill seemed to be a recurring problem? 9 A. I can't think of anything off the top 10 of my head. Not in that last period of time. 11 Q. Well, let's go back a little bit 12 further. You know, let's go back to when you 13 guys started the walkthroughs, kind of the -- 14 you know, November '07. 15 A. Right. 16 Q. Do you remember any, any areas that -- 17 where you all said, you know, we saw it clean 18 and we thought -- and now here we are again and 19 there's another -- 20 A. Recurrence. 21 Q. -- there's another recurrence. 22 A. It kind of -- I kind of got to go back 23 a little bit because I forgot to tell you 24 something else. It was like a two or three-week 25 thing -- I think it's 2 weeks out -- that you</p>
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<p>1 it missed a -- where it -- 2 A. It was a very new piece of equipment. 3 I want to say probably less than six or eight 4 months old. And it was nice. 5 I've never witnessed it upset and 6 blowing sugar out. 7 Q. So can you think of the last time that 8 --before the accident that you visited the 9 second floor on the south side? 10 A. I can't -- I can't pinpoint a time 11 frame. 12 Q. Do you recall being there the week 13 before the explosion? 14 A. I remember seeing in the plant. I 15 remember seeing it. But I don't recall exactly 16 how I've seen everything because I mean I was 17 just -- 18 I remember -- I'm not just saying it. 19 I remember how clean everything was. And so I 20 know I walked through different areas of the 21 plant and the mill. I just don't remember 22 exactly what dates. 23 Q. Well, you have -- you know, you have 24 emphasized that things were very clean and that, 25 you know, whenever you saw a spill it got</p>	<p>1 did the initial walk. 2 Q. Oh, I know, okay. 3 A. And then two weeks later. 4 Q. Reinspect? 5 A. You re-inspected that same thing. And 6 you look from the first sheets to make sure it 7 didn't, didn't match up. And I want to say 8 Aamir pretty much is the one that went on the 9 initial walkthrough, but periodically he would 10 go on the second-area walk. 11 Q. So did you have any problem areas? 12 A. I don't remember if we had any repeat. 13 Q. So as you sit here you don't remember 14 any areas that you went where you guys saw sugar 15 accumulation, and you came back 2 weeks later 16 and you saw a similar condition? 17 A. Right. 18 Q. That's -- you agree with that? 19 A. I know exactly what you're asking and 20 I'm thinking my brains out right now. 21 I know that the first floor, that I 22 explained a whole lot earlier, was one of the 23 areas that, that we continuously had that 24 problem out of, but it -- 25 Q. What was your understanding?</p>

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<p>1 A. The remelt area. 2 Q. Okay, the remelt area. 3 A. All right. I mean you had to 4 understand that was just what it was, the remelt 5 area. That's where they dumped the sugar out. 6 That's where they scooped it up and put it in 7 the bins and stuff. 8 Q. So anything they were toting down from 9 other areas and had -- anything that had spilled 10 from a machine -- 11 A. Right. 12 Q. -- on another floor they're going to 13 bring it down to the remelt area? 14 A. Right. And, and when they do -- I 15 mean you can't hide it. When they did, the 16 sugar might be leaking out of a bag and it might 17 have spilled all the way down that, that walking 18 path. And the boilers run through it and then 19 packs it into the floor. That shouldn't happen. 20 So we did for -- you know, that was a 21 tough area to keep clean. But once we initially 22 put a lot of money and effort behind it to get 23 it cleaned and done right -- 24 Q. Any problem areas on the second floor, 25 south side?</p>	<p>1 Q. So it was always cleaned up? 2 A. I'm not going to say it was always 3 cleaned up. I have never seen so much that they 4 couldn't. 5 Q. Whether it actually was? 6 A. Whether they actually did it. I don't 7 think it was so much of a mountain they 8 couldn't. 9 Q. What would -- well, strike that. 10 MS. MOCK: Let's take a short break. 11 (Whereupon, a short recess was taken.) 12 BY MS. MOCK: 13 Q. All right. Eddie, have you ever 14 visited -- prior to the explosion did you ever 15 visit any, any other sugar facilities, sugar 16 refining facilities? 17 A. Yes. 18 Q. Where did you visit? 19 A. Gramercy. 20 Q. And when was that visit? Were you in 21 safety at that point? 22 A. Yes, yes. 23 Q. What, what part of the Gramercy 24 facility did you go to? 25 A. Which part?</p>
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<p>1 A. I can't think of anything off the top 2 of my head right now. 3 Q. What about any problem areas on the 4 third floor, south side? 5 A. I don't remember anything that really 6 created a problem that's really sticking out 7 right now. 8 Q. All right. What about the -- what 9 about the Bemus room, first floor? 10 A. It was -- I have to say that -- you 11 know, was a machine that did spill some bags 12 periodically. I thought the guys did a -- I'm 13 not saying they walked through every time and 14 everything was spotless. But they did do a 15 pretty good job with keeping, keeping the area 16 clean. 17 But it did -- when it missed some bags 18 it would put a hundred pounds of sugar on the 19 floor. I mean it wasn't a little. 20 Q. The Bemus, were those -- did you ever 21 -- did you ever see where they weren't able to 22 clean it up at -- you know, it was big enough 23 spill where they weren't able to clean it up on 24 the -- at the end of the shift? 25 A. Oh, no.</p>	<p>1 Q. Yes. 2 A. It was mainly the office. We had 3 went. Brian Roberts actually went with me. He 4 was the guy I told you about at the other place. 5 We were setting up the JSA program. We kind of 6 built it in Savannah, tweaked it, got it working 7 right. And we took it to Gramercy. 8 And a guy by the name of Joel -- 9 Q. Veringue? 10 A. Veringue. Spell that one. 11 Q. V-E-R-I-N-G-U-E? 12 MR. TUCKER: I think that's right. 13 (Discussion off the record.) 14 THE WITNESS: But we helped him set up 15 his computer, set up a database program. Kind 16 of showed him what we knew. Shared our 17 documentation with him where he could start 18 building JSA's because they were challenged as 19 we were by Mr. Sheptor to perform JSA's. 20 So we got it going, took it to him and 21 trained him on the system. 22 BY MS. MOCK: 23 Q. Okay. Did you go into the refinery? 24 A. We did go in at one point to -- I want 25 to say they put in a, a new Bosch machine. And</p>

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1 they had had -- I want to somebody had reported  
2 the near hit or NAI or something. And Joel was  
3 going to walk up and look at it. And I went up  
4 with him to the new Bosch room I guess to look  
5 at the area that they had a near hit or NAI,  
6 whatever it was.  
7 We had maybe spent 30 minutes there  
8 and I think went back out.  
9 Q. Did you visit any other -- any other  
10 areas of their facility?  
11 A. We went to --  
12 Q. Production or packaging areas.  
13 A. I don't think. I think we walked down  
14 to the white -- to their warehouse. I'm not  
15 sure what it's called. White sugar warehouse is  
16 what we call it.  
17 We came back down and went through the  
18 warehouse because I had knew somebody that went  
19 from Savannah to there and I just wanted to  
20 speak to them. And I think that's where we met  
21 up with him or something.  
22 Q. And who was that? Was that a friend  
23 of yours?  
24 A. Yes. Charlie Rogers. I don't think  
25 he was there. Never got to see him.

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1 Q. When you were in the -- in the new  
2 Bosch room did you see any sugar accumulation,  
3 sugar or sugar dust?  
4 A. I think about it. And I figured that  
5 would be the question but I don't remember  
6 anything. Not nothing that stood out to me.  
7 Q. Okay. Have you been --  
8 Did you ever go to the Sugarland  
9 facility of Imperial, Imperial Sugarland  
10 facility?  
11 A. I've been to the city office.  
12 Q. Right. No, no, no. The actual --  
13 A. No, ma'am.  
14 Q. -- refinery.  
15 A. I wasn't at that. No, ma'am.  
16 Q. Any other sugar-refining facilities  
17 besides the Gramercy?  
18 A. No.  
19 Q. And just -- and just the one Gramercy  
20 visit?  
21 A. I've been there on occasions earlier  
22 when I was working on the -- on the printers. I  
23 went there to work with the person they had  
24 trained doing that work. I don't remember all  
25 the stuff behind it but something happened. He

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1 got killed and --  
2 Q. The guy had gone away?  
3 A. Yeah. And they didn't have anybody to  
4 keep the printers going. I kind of went and  
5 helped them get some of that part going.  
6 Q. How long were you there?  
7 A. Just a couple of days.  
8 Q. Do you remember what year that was?  
9 A. I think it would be 2002, 2003.  
10 Q. And when you were there working on  
11 their printers, did you see any sugar or sugar  
12 dust accumulations?  
13 A. Again I didn't -- I don't recall any  
14 but we was more or less focused in their E&I  
15 shop. And I pretty much stayed right there  
16 working with some guys training them. I don't  
17 think we did tours of the plant.  
18 Q. Did you actually go out and work on  
19 any of the --  
20 A. Everything in the shop. Everything in  
21 the shop.  
22 I mean they had one broke and it was  
23 there. I had a couple of them sent back to  
24 Savannah. They needed some major repairs of it.  
25 Didn't have time between that to fix there.

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1 Q. When you were going back to the  
2 Savannah facility, you know, when we were  
3 talking about sugar accumulations, what -- we  
4 talked about sugar accumulations. I don't know  
5 that we talked about sugar dust accumulations.  
6 Were there any areas that you saw  
7 sugar dust accumulation that, that you said, no,  
8 I need to error this to somebody?  
9 A. One that I spoke of earlier was the  
10 fourth floor.  
11 Q. Oh, the powder mill when you were with  
12 Darin?  
13 A. Powder mill. Right.  
14 Q. But any other areas?  
15 A. No. Nothing else sticks out.  
16 Q. Do you recall ever anywhere in the  
17 facility -- we'll start broadly and then we'll  
18 go and be more specific based on what your  
19 answer is. Where you saw sugar dust  
20 accumulations where you -- where discolored, the  
21 machine? For example -- I'll give you an  
22 example.  
23 You know what scrolls are, right?  
24 A. Um-hmm.  
25 Q. Okay. And scrolls have covers on

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1 them?  
2 A. Right.  
3 Q. And what color are the scrolls? Kind  
4 of a grayish metal color?  
5 A. Yes, but I think some were white, too.  
6 I'm not sure. If I had to say I would say  
7 galvanized.  
8 Q. Okay, galvanized?  
9 A. Right.  
10 Q. Do you ever recall seeing equipment  
11 that had a -- you know, had a fine layer of  
12 sugar or sugar dust on it anywhere in the  
13 facility?  
14 A. I'm, I'm completely drawing a blank.  
15 I had seen in the past on those scrolls they had  
16 motors. And I've seen some sugar buildup on  
17 some of the motors. And the area we're talking  
18 about right adjacent to the powder mill room,  
19 we're still on the fourth floor when you're  
20 talking about the scrolls and all.  
21 Q. Fourth floor but just outside the  
22 powder room?  
23 A. Yes.  
24 Q. So are these motor that are generating  
25 power for the scrolls that are sending sugar

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1 into the powder mill room?  
2 A. I would say so, yes.  
3 Q. And did you -- so you saw sugar dust  
4 on the motor. Did you see sugar dust on the  
5 scrolls?  
6 MR. TUCKER: Object to form.  
7 THE WITNESS: I can't remember seeing  
8 it on the scrolls.  
9 BY MS. MOCK:  
10 Q. At that point did you see sugar, any  
11 sugar on the floor?  
12 A. I remember one time that we had went  
13 up there and there was a steel belt.  
14 Q. Are we talking about your visit that  
15 you and Darin went when you got called up to the  
16 powder mill or was this a different visit?  
17 A. I'm sure this is probably a different  
18 visit.  
19 Q. Okay.  
20 A. I remember the steel belt one time had  
21 a tear in it and it was leaking sugar. It made  
22 a trail up under the steel belt, the whole  
23 length of it. I called -- I want to say I  
24 called Donald Snipes, or Russ Beasley (ph),  
25 somebody in the mechanics and told them the

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1 steel belt was leaking.  
2 Q. And this was the steel belt, where?  
3 A. On the fourth floor.  
4 Q. What was it feeding? Where is it  
5 carrying the sugar?  
6 A. I don't have a clue.  
7 Q. Okay.  
8 A. I know it took sugar from one area to  
9 the next.  
10 Q. Granulated?  
11 A. Yes, um-hmm.  
12 Q. And how much accumulation was  
13 underneath the belt?  
14 A. It probably dropped -- I would say by  
15 the time that Donald got up there and I finally  
16 got it shut down maybe three or four inches.  
17 Q. And you said you called Snipes. And  
18 I'm sorry, what else did you say?  
19 A. I either called Donald Snipes or Russ  
20 Beasley. Might have been -- I remember calling  
21 somebody in maintenance. It would have been  
22 over that. Could have been Harman Jones.  
23 Q. Okay. And did you go back up there to  
24 see whether the sugar had been cleaned up?  
25 A. Yes. When I went back up, probably a

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1 few hours later, Donald had -- whoever came up  
2 there shut it down. I don't know what --  
3 They shut it down. They called the  
4 mechanics. I probably went up there maybe two  
5 or three hours later and they was making repairs  
6 to the belt. And I don't remember who was  
7 cleaning the sugar up. Somebody was scraping  
8 the sugar up.  
9 Q. At the same time that they were  
10 repairing the belt?  
11 A. Right. Making repairs, right.  
12 Q. Did you -- the motor, the accumulation  
13 on the motors on the fourth floor, what was your  
14 understanding of where the sugar dust was coming  
15 from that had -- was on the motors?  
16 A. I don't know. Might have drifted out  
17 of that room or --  
18 Q. Actually out of the powder mill room?  
19 A. Right. Right. I don't know where it  
20 came from.  
21 Q. Who was the supervisor of the fourth  
22 floor? Who was responsible for the fourth  
23 floor?  
24 A. Manager?  
25 Q. Yes.

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<p>1 that, doing away with any kind of blowing down. 2 Q. Well, more generally cleaning. 3 A. Who would be more involved in 4 cleaning? 5 Q. Yes. Who would be more -- who would 6 be knowledgeable about cleaning and cleaning 7 practices? 8 A. Are we still on the Monday morning 9 plan? 10 Q. Yes. 11 A. Okay. That would be the manager and 12 the supervisors. 13 Q. Of each area? 14 A. Of each department, right. 15 Q. In the -- in the six months before the 16 accident did you observe anyone using air to, 17 to clean an area? 18 A. Not to my recollection, no. 19 Q. Did you see -- did you see fans used 20 in areas to -- you know, to keep people cool? 21 A. Pedestal fans. 22 Q. Yes, yes. That would be one example. 23 A. Yes. 24 Q. Where did you see that? 25 A. They have one on each Bosch line.</p>	<p>1 A. I can't picture one sitting there 2 right now, but I am more than positive, yes, 3 they had one. 4 Q. What would you say -- in the summer 5 months what would you say was the hottest place? 6 A. On the centrifugal floor. 7 Q. Centrifugal floor. Where is that? 8 A. That's in the mill process side. 9 Q. So where they were refining? 10 A. Yes, yes. 11 Q. In the packing house was there one 12 area that was like, oh, geeze, I don't want to 13 go there? 14 I mean did it get hotter as it went up 15 just because heat rises? 16 A. It wasn't as comfortable as maybe this 17 room right now, but I mean it was 18 air-conditioned on the second, third Bosch side. 19 The fourth floor but nobody really worked on the 20 fourth floor. I don't think it was -- it didn't 21 have air. 22 Q. Did you see any fans on the fourth 23 floor? 24 A. No. I don't recall any on there. 25 Q. And what about in the powder mill? I</p>
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<p>1 They -- I think they had one on the Fawema. 2 Q. Remind me where the Fawema -- that's 3 the new -- 4 A. Beat west of the Bosch machines. 5 Q. Second floor? 6 A. Still on the second floor, yeah. 7 Q. Okay. What is the Fawema? What is 8 that package? 9 A. Four pound. Four and five pounds. 10 Q. Four or five granulated? 11 A. No, I'm -- four and 10 pound. 12 Q. Granulated? 13 A. Right. Yeah, granulated. 14 Q. Any on the south side that you recall? 15 A. Yes. 16 Q. Where on the south side? 17 A. They had one on the -- they had two on 18 the two-pound. 19 Q. What floor are we talking? 20 A. Second floor still. I don't remember 21 one on the consolidated. Consolidated was 22 adjacent to the -- that was the five-pound 23 packer. 24 Q. What about in the Bemus room, any fans 25 there?</p>	<p>1 mean that would be part of the fourth floor. 2 A. Right. I don't remember seeing one 3 there. 4 Q. Hummer rooms? 5 A. Hummer room? 6 Q. (Nodding). 7 A. I don't recall seeing one there. 8 Q. Did we touch on the third floor 9 packing? Something? Do you recall seeing any 10 fancy on the third floor? 11 A. Let me think. There was one. I can't 12 remember whether it was on the triple stack or 13 to the left of the triple stack. 14 You had the triple stack. Then you 15 had the two-pound soft. I remember seeing a fan 16 sitting in that area but I'm not sure who it was 17 used for. 18 Q. Whether it was for triple stack or the 19 two-pound soft? 20 A. Yes. 21 Q. Did they ever have fans that were 22 actually like mounted on the ceiling as opposed 23 to pedestal fans? 24 A. I want to say I remember seeing one 25 somewhere but I don't know where at. I don't</p>

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<p>1 remember them being in the packing house but I 2 know they might have moved them a little bit. 3 Q. I thought I saw a photo of that 4 someplace. I may be wrong though. 5 A. What I'm thinking was in the store 6 rooms because we made them take it down and put 7 an actual -- 8 We didn't like the way he had it 9 mounted. We made them take it down and put an 10 actual fan bracket. So I'm off on that one. 11 Q. Now were these -- did they -- on any 12 of these fans that they run, were they plugged 13 directly into, into an electrical, electrical -- 14 A. Receptacle. 15 Q. -- receptacle, or did any of them use 16 extension cords so they could move them around? 17 A. Right. I don't -- I can't answer 18 that. I don't remember. 19 Q. Okay. I think you had mentioned -- 20 did you ever have responsibility for, for 21 cleaning the five-pound consolidated palletizers 22 area? 23 A. Yes. 24 Q. Was that way back when? 25 A. No, no.</p>	<p>1 quality. It's something they just -- 2 Q. So you weren't actually doing the 3 cleaning. 4 A. Right. 5 Q. You were inspecting to verify that the 6 cleaning was being done? 7 A. Right. 8 Q. All right. The, the Domino explosion. 9 Prior to the accident at Fort Wentworth, were 10 you aware that Domino had had an explosion at 11 their facility in Baltimore? 12 A. Yes. 13 Q. How did you learn about that? 14 A. I think Doug told me. 15 Q. Via email, in person? 16 A. No. I think he told me in person. 17 Q. What did he tell you? 18 A. He told me they had an explosion at 19 the Domino plant. He didn't know a whole lot of 20 what was going on about it and all that. We 21 talked about it a minute or two. And I think he 22 went to research it, see what he could find out 23 about it. 24 Q. Did he give you any update about what 25 he had learned?</p>
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<p>1 Q. When, when -- 2 A. I think I was on -- yeah. I was in 3 the safety department at that time. It was -- 4 don't know what year. 5 Q. Where was that located? 6 A. That was in the white sugar warehouse. 7 Q. Okay. 8 A. We had the white sugar warehouse, the 9 palletizer area. Then it started with packing 10 area. It was in the palletizer area. 11 Q. And that's where they actually put -- 12 you put all the bales onto wooden pallets. Is 13 that -- 14 Am I understanding that process? 15 A. Yes. 16 Q. And what did the cleaning consist of 17 there that you had to do? 18 A. Well, all I had to do is go do a 19 checkoff. The operator was actually responsible 20 for the actual cleaning of that machine. I 21 would just go and inspect it. 22 Q. How often would you inspect it? 23 A. Once a month. 24 Q. So is this using the bubble sheet -- 25 A. No. No, ma'am. This came from</p>	<p>1 A. Yes. He had -- I don't remember 2 whether it was the same day or the next day. I 3 don't remember exactly when it was but we had -- 4 I think they actually did a call-around on it. 5 Actually let me sit in on it. 6 Sat in on the first, first initial 7 call I think, but after that I'm not sure what 8 direction it went in. 9 Q. Who was the call-around with? Was 10 this a safety call around? Or was this people 11 outside of safety? 12 A. I'm not sure who all was -- who all 13 was on it. I know it was people outside of our 14 plant on it. I'm not sure who all was on it. 15 Q. So you participated in that 16 call-around? 17 A. In the first call-around, yeah. 18 Q. You say the first call-around. Do you 19 know that there was a second? 20 A. No, I don't. 21 Q. So, so what did you learn about the 22 Domino explosion? 23 A. I remember they -- I knew that not 24 much had come out yet. I don't remember if it 25 was the same day or the next day that we</p>

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1 that. And then schedule a time, whether it be  
2 an hour, hour and a half.  
3 I don't remember any that they just  
4 kept, you know, no, no, no, no, no, no, no, no.  
5 Really wasn't talking about that much time.  
6 (Jaudon Deposition Exhibit Number 9 was  
7 marked for identification and retained by  
8 counsel.)  
9 BY MS. MOCK:  
10 Q. I'm going show you Exhibit 9. And I  
11 don't know if this document really has a title  
12 per se. But it's a -- well actually why don't  
13 you take a look at it and tell me if you can  
14 identify that document for me.  
15 A. Just in general what the document is?  
16 Q. Yes.  
17 A. This is an incident report.  
18 Q. Okay. And so the incident report,  
19 this is actually for an employee who, who you  
20 were saying was injured as a result of something  
21 in the workplace?  
22 A. Right.  
23 Q. Do you recognize the handwriting?  
24 This one we're looking at, Jerry Butler is the  
25 foreman?

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1 A. Yes, right here.  
2 Q. And you said you've never -- you never  
3 filled out one of these incident reports?  
4 A. I did the near hits.  
5 Q. Okay. And would you tell -- is there  
6 a way to tell on this first page whether  
7 something is a near hit as opposed to --  
8 Oh, I see, the box.  
9 A. Check marks.  
10 Q. Okay. So since this one was the first  
11 day you wouldn't have had any role in this one?  
12 A. Well, I just -- putting this out it  
13 looks like it started out as a first day. Do  
14 you see where it's scratched through?  
15 Q. Yes.  
16 A. And then it looks like it may have  
17 moved.  
18 Q. To --  
19 A. An OSHA court order, a later date.  
20 Q. Okay, got it.  
21 A. Looks like they scratched out that and  
22 checked 2.  
23 Q. Thanks for clarifying that for me.  
24 Can you flip to the page that's the first page  
25 after the -- there's a couple photos. It's

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1 Bates Number 9944 down on the lower right.  
2 A. Okay.  
3 Q. Do you recognize that handwriting?  
4 A. Pretty sure I do.  
5 Q. Whose handwriting is that?  
6 A. Looks like Darin Pevey's.  
7 Q. Okay, that's helpful. And then if you  
8 go to the next page?  
9 A. Um-hmm.  
10 Q. Is that Darin's or no? Do you  
11 recognize that signature next to the 628?  
12 A. I am strictly guessing here. But it  
13 looks to me like an N with an E kind of making  
14 it part of the A. I think it's Norman Eubanks  
15 saying he agreed with what Darin wrote here.  
16 Q. Oh, is that how the system worked?  
17 A. Yeah.  
18 Q. Meaning that Darin would do this kind  
19 of write-up and then it would be run by you?  
20 A. Yes. Oh, yes, Darin's system.  
21 Norman's sitting right there with him.  
22 Q. Okay. And so they, they get his  
23 concurrence on it.  
24 And then do you know who -- go to the  
25 third page then where you see it's typed up. Do

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1 you see that?  
2 A. Um-hmm.  
3 Q. Do you know who would type this in?  
4 Create this type of equipment sheet?  
5 A. Again, I'm speculating. If Darin did  
6 the investigation I'm sure he typed it up, but  
7 it don't say it on there.  
8 Q. That's fair. We're done with that  
9 one. Let's take a look at quality on this one.  
10 Can you take a look at Exhibit 10 and  
11 tell me if you recognize, recognize that one?  
12 A. Yes.  
13 Q. Does this form --  
14 A. I told you about this one a little bit  
15 earlier. A guy got his hand caught in the  
16 chain.  
17 Q. Is this where he lost the fingertip?  
18 A. Yes.  
19 Q. Yes, he got caught in the chain.  
20 So is this another -- just before we  
21 get into the nitty gritty of this, is this  
22 another version of an incident report or is it  
23 just a bad copy? Because it doesn't seem to  
24 have --  
25 A. Can I look back at this one?

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E. Jaudon

69 (Pages 270 to 273)

Page 270	Page 272
<p>1 Q. Um-hmm. Doesn't seem have the 2 Imperial Sugar logo up above. 3 A. I think it's just a -- see, what I 4 think, it looks like it almost had something 5 right here. It might just not have Imperial 6 Sugar logo. 7 I don't know that. Well, maybe so. 8 They typed this in. It's still an incident 9 report. 10 Q. It's an incident report, okay. 11 A. Yes, ma'am. 12 Q. All right. Do you -- and this was -- 13 what's GP3, the department? 14 A. Packing, Packing House 3, third floor. 15 Q. What's the G stand for? 16 A. General packaging 3. 17 Q. And then it's on the, what, third 18 floor, one-pound powder line? Am I reading that 19 correctly? 20 A. Yes. I think that's what it was. 21 Q. Yes, and you said you were familiar 22 with this incident. How much of his -- how much 23 of his fingers did he lose? 24 A. I think it might have been up to the 25 first knuckles.</p>	<p>1 A. Yes. 2 Q. To your knowledge do you recall 3 whether he was disciplined in any way? 4 A. I'm not in on any of that. I don't 5 recall whether he was or not. 6 Q. Okay. Now, does the -- are you 7 familiar with safety inspection score cards? 8 A. Is that something -- 9 Q. Doesn't ring a bell? 10 A. No. 11 Q. Don't want to bog us down. All right. 12 Two last exhibits, two more exhibits. 13 (Jaudon Deposition Exhibit Number 11 was 14 marked for identification and retained by 15 counsel.) 16 BY MS. MOCK: 17 Q. I'm going to show you what's been 18 marked as Exhibit 11, Eddie. Says, Safety 19 Inspection Open Mechanical. Is that the title 20 of the one you're looking at up at the top? 21 A. Yes. 22 Q. Can you take a look at that Exhibit 23 and let me know if you recognize it? 24 A. Right off I don't. 25 Q. Does that document look at all</p>
Page 271	Page 273
<p>1 Q. Directing your attention to the Bates 2 number down on the right, that's probably the 3 easiest way, 9969? 4 A. Okay. 5 Q. Is this Darin's handwriting? 6 A. Yes, ma'am. 7 Q. And you see the star. It says, Guard 8 was off of machine and had been off for 9 approximately three to four weeks? Do you see 10 that? 11 A. Yes. 12 Q. Was there any -- after this incident 13 was there any discussion of why the guard had 14 been off for so long? 15 A. I'm sure it was but again Darin did 16 this one. And I think what this is down here is 17 just footnotes of what's not up here. And that 18 might have been a statement that the associate 19 that was injured actually made. 20 Q. Well, I can ask Darin about that. 21 A. Yes. 22 Q. To your knowledge do you recall 23 whether the employee -- and who was -- 24 The employee who was involved was, 25 what, Mr. Hopkins?</p>	<p>1 familiar to you? 2 A. Looks familiar. I think that might 3 have been -- this could have been attached it. 4 Q. Well that's okay. If it doesn't ring 5 any bells for you then I don't want to belabor 6 it for you. That's okay. 7 (Jaudon Deposition Exhibit Number 9 was 8 marked for identification and retained by 9 counsel.) 10 BY MS. MOCK: 11 Q. All right. Eddie, I'm going to show 12 you Exhibit 12. If you could take a look at 13 that and let me know whether you recognize that 14 document? 15 A. (Reading.) 16 Q. Do you recognize that document? 17 A. Somewhat. Yes, ma'am. 18 Q. Somewhat? 19 A. Somewhat. 20 Q. Actually we're looking at a Safety 21 Continuous Improvement Plan dated 8/24/2007. Is 22 that what you've got? 23 A. Yes. 24 Q. Do you recognize the handwriting on 25 the first page?</p>

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*Secretary of Labor v. Imperial Sugar Company and Imperial-Savannah, L. P.*

OSHRC Docket No. 08-1104

Respondents' Opposition to Complainant's Motion for Leave to Take the Depositions  
of Witnesses Who Were Interviewed under Oath by OSHA During the Investigation

Administrative Law Judge Covette Rooney

Exhibit C

OSHA Interview Statement of Jerome Stokes

Filed Electronically on August 25, 2009

**Occupational Safety and Health Administration  
Statement**

I, Jerome Stokes, reside at [REDACTED]

[REDACTED]. I am employed by Imperial Sugar Company located at Oxnard St [REDACTED] in the City & State of Port Wentworth, GA. The office telephone number is 912-964-1361. I have 30 Years working in company. My job classification is Bulk Sugar Supervisor. I have been a Bulk Sugar Supervisor for 12-14 years.

This statement is being taken as part of an official federal investigation by the United States Department of Labor, Occupational Safety and Health Administration. I understand that this statement may be used in court/hearings, or made available to other agencies if it will assist them in the performance of their statutory function. Upon closing of this case, this statement may be subject to disclosure only in accordance with applicable statutes and agency policy.

This interview is being conducted in the presence of Gordon Bower, Savannah OSHA, Brenda Sherrod, Savannah OSHA and Jeremy Tucker, Alston and Bird, LLP and I have no objections to his/her presence.

I have only been interview by Alston and Bird Attorneys.

I was not here the night of the incident.

They work 3 shifts. I have operators under me but no supervisors. David Smart, Hilton Smith, and Alvin Carter are swing operators. Dwayne Frazier, David Mayes, and Greg Wilson are swing inspectors. Sweco attendant Elliot Gibbs (day shift). Contractors are used for cleaning (Stokes). We clean on Monday for 4 hours and Stokes help us.

Cleaning on Monday is sugar spills. If we have a heavy load on Monday we skip that Monday until the next Monday or maybe thru the week. Stokes only work day shift. Lumps get and the system and we have to open the scrolls for unclogging and sugar spills out. If it is a small spill we clean it then but large spills wait until we catch up. May be a few days later. 1<sup>st</sup> floor is cleaned by ISC BS employees.

The inspectors check for pest and foreign materials and clean the magnets. Inspectors work inside and outside. Operators get info from inspector, set scale and ensure the sugar is flowing properly.

Gordon showed 1<sup>st</sup> Floor, Photo DSC0015 thru DSC0236. Gordon showed Photo 6 and ask where the sugar came from. Stokes said he did not know where the sugar came from. Photo 6 & 8 motor had buildup according to Stokes. Photo 9 top of scroll -. Stokes says it is granulated sugar on top. Photo 10 & 11 pile of granulated sugar - Stokes said that this could have happened from the incident. This would be like the type of sugar cleaned on Monday. Photo 13 top of scroll has sugar on it per Stokes. A small pile of sugar may be from mechanic loosening top of scroll. Photo 29 thru 32 manlift. All my operators and inspectors ride the manlift. There is a class and certification given before riding the manlift. The company managers/supervisors would take disciplinary action for riding and they were not certified. The contractors have to take the stairs, we do not allow them to use the manlift. The manlift at the bulk station was recently reworked. Photo 31. The operators and inspectors usually ride to and from their floors. The office is on the 2d floor with the controls. 4<sup>th</sup> floor bulk where top of bins are where the swecos are located. Elliot Gibbs works on 4<sup>th</sup> floor monitoring the sweco. Elliott takes care of floor including cleaning sugar. They sweep the sugar. It is not dusty on the 4<sup>th</sup> floor because the dust

collectors are pulling it from the bins. We inventory the sugar in the bins once per month by measuring with a measuring tape. We do visual inspection daily by looking and estimating sugar content. Bins hold 300,000 lbs sugar except C which is 250,000 lbs.

Photo 3d floor DSC 0038 – 0042 and 0044. Gordon showed Stokes 38 and he said it looked like an exit light. Photo 0041 - Stokes said he did not know what it was. Photo 0044 - Stokes said he did not recognize the picture.

Stokes said they have to keep the dust collectors working well. He said Ray Holliday's employees kept the dust collectors running. When my employees open the bins the dust collectors are still running. In order for BS to run, the dust collectors must run. If bins run, the dust collectors automatically run. The BS will not start up or run if the dust collectors are no on.

The sugar that is cleaned is dropped into the hopper. Gordon showed DSC 0103 and 0105.

The Kathabar is on the 2d and 4<sup>th</sup> floors. Photo DSC 0113 and 114 showed filters for Kathabar. Stokes says that GO shop takes care of the Kathabar system.

We only load on weekends. If a spill happens on the weekend, we clean it on Monday.

4<sup>th</sup> Floor West side chain hoist used for mechanical work to move heavy equipment (e.g. motor).

J Bin is also my area and we load trucks there. This is warehouse 6. We have to remove lumps from the hummer. GO, Russ Beasley's shop, takes care of maintenance. My employees clean the J Bin area. Sometimes we clean and do not have Stokes to help us. There is scaffolding set up to install scrolls. GO shop is doing the work to install the scrolls.

There is a hummer at the #6 warehouse and my inspector checks the magnet under the hummer and cleans the hummer. We would clean on top of the hummer by air and then sweep it up from the floor. No Stokes personnel clean in that area.

Most of my employees come in and out from the 2d floor. We seldom go out the 1<sup>st</sup> floor because of the rail cars. Generally they all go out the 2<sup>nd</sup> floor exit.

We have had no fires at the Bulk Station since I have been supervising there (12-14 yrs).

We use two way radios and PA system for communication. We have never had to evacuate since I have been at the company. When the power goes out it is dark. There is no emergency lighting. We always carry flashlights with us.

4<sup>th</sup> floor where tops of A-H bins are located: There is only sugar on ledges and overhead pipes if there is a spill on 5<sup>th</sup> floor it falls on pipes and scrolls. We blow down with air hoses with reducing air nozzles. We do not turn power off. We continue to run the sugar process while we are blowing down. Motors are on the scrolls on the 4<sup>th</sup> floor. We do not have a lot of dust when blowing down because it is lumped. Only a little dust is generated. We do not blow on the floor.

I have the capability to turn in a work order. Sometimes a mechanical ee comes over and if he finds out it is an electrical problem then the electrician is called.

We walk across the top off the J bins from Bulk station to get to whse #6.

We only process granulated sugar.

We have companies (Hershey, McKee Baking) and AIB inspections. Dept of Ag comes by to check our scales. More than likely they generate reports. They do not have a set time to come.

We have not had fire drills in years. We do not have a fire alarm as far as I know. I have never heard it. We have a PA system that they would announce evacuation if need be. The PA system is constantly being use. They give us this information during the safety training each year.

I have been trained during birthmonth and other special supervisor meetings that sugar dust is combustibile. The hazard of sugar dust is explosion. I knew that sugar was combustibile before 2/7/2007. The company puts a lot of emphasis about smoking in the smoking area. No smoking in bulk station.

None of my employees are on the EMT.

Braddy installs or replaces lighting in the Bulk Station.

My track mobile operators (Sam Brown) goes in air slides which are smaller rail cars and have confined spaces. Markland Davis and Sylvester Wilson are Switch Attendants. Isaac Scott Jr. is Rail Car Attendant

Our procedure for confined space entry: Sniff for gases; oxygen is not a problem in the hopper because of the openings on top, hook up safety lines and harness with man up top, fill out confined space permit and turn into safety dept. There are 6 lids on hopper car (no entry), 12 port holes on hop on air slides , 4 swing gates that open on bottom. We go in when it is full and rake towards the swing gate (2 employees go in at a time). We have a ventilator that we put on top. Our sniffers are maintained by a contractor. Pevey would be able to tell you the contractor. We have never had a mock rescue. The sniffer is used by the attendant and trained to use it during birth month training. They have been trained in confined space. The last time they had to enter one was first part of 2008. They wear tyvek (paper) suits, steel toe shoes, safety glasses, and dust mask. We are going away from the air slides and using mostly hoppers. We have a database which Tony Boyd maintains that tells how many cars we get in each year.

I am on safety committee and responsible for writing JSA.

We have CPI unit that introduces spinning hot water and then released in the bottom. No one enters for cleaning.

I have read the foregoing statement of \_\_\_\_\_ pages, and each page has been numbered. I have initialed each correction and initialed or signed each page. I declare under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge. I understand it is a felony under 18 U.S.C. 1001 to knowingly make a false statement or omit facts in relation to a federal investigation. I request that my statement be held confidential to the extent allowed by law -OR- initial here \_\_\_\_\_ to waive confidentiality.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Witness:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Secretary of Labor v. Imperial Sugar Company and Imperial-Savannah, L. P.*

OSHRC Docket No. 08-1104

Respondents' Opposition to Complainant's Motion for Leave to Take the Depositions  
of Witnesses Who Were Interviewed under Oath by OSHA During the Investigation

Administrative Law Judge Covette Rooney

Exhibit D

Relevant Portions of Transcript of Deposition of Jerome Stokes

Filed Electronically on August 25, 2009



**Capital Reporting Company**  
**J. Stokes**

Page 1

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO.: 08-1104
	)	
IMPERIAL SUGAR COMPANY and	)	
IMPERIAL-SAVANNAH, L.P.,	)	
	)	
Respondents.	)	

Deposition of:

JEROME STOKES

called for oral examination by counsel for Complainant, at the Hilton Garden Inn Airport, 80 Clyde E. Martin Drive, Savannah, Georgia, before Mynjuan P. Jones, CCR, of Capital Reporting Company, beginning at 8:36 a.m., when were present on behalf of the respective parties:

Capital Reporting Company  
J. Stokes

16 (Pages 58 to 61)

Page 58	Page 60
<p>1 on. Whether you're there or not, you'll get 2 information on what the meeting was about. 3 Q. And who did you get your information from? 4 A. It's not no particular person. I just 5 talk to people. Julius is a two time shop on 6 everything. 7 Q. He's what? 8 A. Two time shop. He's always ahead of 9 everything going on. He's going to let you know what 10 you need to know. 11 Q. I mean, I know like in my workplace if I 12 miss a meeting, you know, I've got a particular 13 person I can always say, hey, what went on. 14 I was wondering if you had somebody that 15 you really felt like if you went to that you could 16 get the lowdown? 17 A. He's going to make me -- I'm going to get 18 the lowdown. That ain't no problem. He's going to 19 make sure I know. 20 Q. If there was something crucial covered in 21 a meeting, he's going to make sure you have it? 22 A. Yes. 23 MS. MOCK: Want to take a quick break? 24 THE WITNESS: Sure. 25 (Recess from 9:48 a.m. to 9:57 a.m.)</p>	<p>1 kind of training to be a forklift driver? 2 A. Yes. You have to get a license. 3 Q. Where did you get your license? 4 A. Through the safety department. 5 Q. Is that when you were in the pallet shop? 6 A. No. This was after I got with the 7 company. When I was at the pallet shop, it wasn't 8 required. I never heard of a forklift license until 9 I got in the plant. 10 Q. Before the accident what did you learn 11 about sugar dust and any dangers associated with 12 sugar dust? 13 A. Honestly I don't remember anything, any 14 particular training about sugar dust. As a matter of 15 fact, we didn't even talk about explosions or 16 nothing, even the people that you work around every 17 day. 18 It wasn't never on nobody's mind about no 19 explosion. Nobody never heard of none as far as I 20 know. No film or anything about sugar dust 21 explosion. We go to work and talk about everything 22 but explosions. That's the way it was. 23 Q. So to your recollection, the best of your 24 recollection, you don't recall, you know, anyone 25 talking about, you know, that sugar dust could be</p>
Page 59	Page 61
<p>1 BY MS. MOCK: 2 Q. Mr. Stokes, we're back on the record after 3 a short break, not the 30 minutes that you requested 4 but I think you'll be thankful we didn't take 30 5 minutes. 6 When you first went over and started 7 working, for example, at the white sugar warehouse, 8 how did you learn about what kinds of hazards were 9 present in that particular area? 10 A. Regular conversation and the regular 11 safety meetings. That pretty much was it. 12 Q. So when you became a forklift driver in 13 the white sugar warehouse roughly in '81, did you 14 have any particular on-the-job training to kind of 15 orient you to that particular location? 16 A. They actually had films that they show 17 you, you sit down with. 18 Q. A film? 19 A. Right. 20 Q. Like a video? 21 A. Right, forklift driver, and also give you 22 literature to go along with it. 23 Q. Was this really specific to forklift? 24 A. To forklift driver. 25 Q. Do you have to be certified or have some</p>	<p>1 explosive? What about sugar dust being able to burn? 2 A. Not to my knowledge. Honestly I really 3 didn't work with sugar dust. I've been always in 4 package goods or either at the bulk station. So I 5 wasn't really where sugar dust actually occurred. 6 My thing, you always had bag products on 7 pallets. You pick them up and put in the truck. 8 That's pretty much it. But being in a sugar dust 9 area, I wasn't really never in an area with sugar 10 dust. 11 Q. And I understand and that's helpful as far 12 as an explanation. I guess what I'm trying to get at 13 before we talk about whether you were in any areas 14 where you saw sugar or sugar dust is just what you 15 had learned from Imperial about, you know, whether 16 there were any dangers that you needed to look out 17 for based on sugar dust. 18 A. None that I know of. 19 Q. Did you ever see a material -- do you know 20 what a material safety data sheet is? 21 A. Yes. 22 Q. Did you ever see a material safety data 23 sheet for sugar? 24 A. No. 25 Q. Did you --</p>

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17 (Pages 62 to 65)

Page 62	Page 64
<p>1 A. For chemicals.</p> <p>2 Q. How did you learn about ones for</p> <p>3 chemicals?</p> <p>4 A. In safety meetings. We're required to</p> <p>5 tell you where you need to go at in case you need to</p> <p>6 find one, to get one.</p> <p>7 Q. Say that last part again.</p> <p>8 A. In case you may need one, they tell you</p> <p>9 where to go get one. As a matter of fact, they give</p> <p>10 us a little wallet size to carry out around with us.</p> <p>11 Q. Did they do that before the accident?</p> <p>12 A. That was before the accident.</p> <p>13 Q. Can you give me an example of one you were</p> <p>14 given in a wallet size?</p> <p>15 A. I'm trying to remember. As a matter of</p> <p>16 fact, I ain't too long took mine out my wallet. I</p> <p>17 don't remember exactly what was on it. It was just</p> <p>18 like the bigger version. It had just about the same</p> <p>19 thing on it.</p> <p>20 Q. Had you ever heard of a material safety</p> <p>21 data sheet for sugar dust or for sugar?</p> <p>22 A. Mostly just chemical and fires. Tell you</p> <p>23 about the type fire extinguisher you would need to</p> <p>24 put out certain fires.</p> <p>25 Q. Did they tell you what kind of fire</p>	<p>1 granulated sugar -- would come from the dangers of it</p> <p>2 because if you got a leak any kind of way with</p> <p>3 granulated sugar, you still don't have dust. You</p> <p>4 just have granulated sugar leaking but you don't have</p> <p>5 dust.</p> <p>6 Q. Do you understand now that sugar can burn?</p> <p>7 A. Well, I know sugar can explode and dust</p> <p>8 can explode but I ain't never seen sugar burn. I</p> <p>9 know after the explosion was I think there was a</p> <p>10 sugar fire they had in the silo, trying to put that</p> <p>11 out, but until that time I never seen it and never</p> <p>12 thought it could.</p> <p>13 Q. Tell me about the fire in the silo you're</p> <p>14 talking about.</p> <p>15 A. I'm talking about after the explosion and</p> <p>16 the fire was burning all these many days --</p> <p>17 Q. Oh, that the sugar burned in the silos for</p> <p>18 a long --</p> <p>19 A. That's what I'm talking about.</p> <p>20 Q. And so would you agree with me then that</p> <p>21 sugar can burn?</p> <p>22 A. Oh, yeah, I have to now.</p> <p>23 Q. Is it fair to say that before the accident</p> <p>24 you didn't think you had any reason to discuss any</p> <p>25 kind of fire hazard associated with sugar?</p>
Page 63	Page 65
<p>1 extinguisher should be used for sugar fires?</p> <p>2 A. I can't recall --</p> <p>3 Q. Before the accident.</p> <p>4 A. I can remember paper, electrical. It was</p> <p>5 four types, but remembering the four types out of my</p> <p>6 head, I can't remember off the top of my head, but</p> <p>7 there were four types of different fire extinguishers</p> <p>8 we would use to fight fires with, but off the top of</p> <p>9 my head I can't remember.</p> <p>10 Q. So did you talk about -- as the bulk sugar</p> <p>11 supervisor did you ever talk about any kind of</p> <p>12 dangers of sugar dust with any of your employees?</p> <p>13 A. Well, we never discussed it because we</p> <p>14 actually was really -- we just work in granulated.</p> <p>15 In granulated you don't have a bunch of sugar dust.</p> <p>16 You know, everything is granulated.</p> <p>17 Even if you got a leak, you don't leak</p> <p>18 dust. It leaked granulated sugar. We wouldn't be</p> <p>19 involved in dust in any kind of way. Most of ours</p> <p>20 would be granulated sugar. That's practically it.</p> <p>21 Q. If I'm understanding you correctly, is it</p> <p>22 fair to say that you didn't discuss with your</p> <p>23 employees any kind of dangers presented by granulated</p> <p>24 sugar?</p> <p>25 A. Well, I don't know the danger that</p>	<p>1 A. No.</p> <p>2 Q. So you would agree with that statement?</p> <p>3 A. Right.</p> <p>4 Q. Since you're a longer-time employee, I</p> <p>5 want to ask you about a couple of incidents. Do you</p> <p>6 recall hearing about a fire in the powder mill back</p> <p>7 in the fall or around August of 2001?</p> <p>8 A. No.</p> <p>9 Q. Do you recall hearing about a fire in the</p> <p>10 powder mill in October of '07, so the fall just</p> <p>11 before the explosion?</p> <p>12 A. I didn't hear about a fire. I was told</p> <p>13 that they had a minor explosion up there but I never</p> <p>14 heard about a fire.</p> <p>15 Q. So what did you hear about -- did you hear</p> <p>16 about what you're calling an explosion in the powder</p> <p>17 mill, you heard about that before the accident?</p> <p>18 A. Right.</p> <p>19 Q. What did you hear about?</p> <p>20 A. Nothing but they had a little small</p> <p>21 explosion down there. That's all. It couldn't have</p> <p>22 been nothing major because to me it was like a whole</p> <p>23 bunch people wasn't talking about it --</p> <p>24 Q. They weren't talking about it or were</p> <p>25 talking about it?</p>

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<p>1 out or whatever they need to clean out and then once 2 you start up it will be back doing what it's supposed 3 to do. 4 Q. Where do the lines run that are connected 5 to the dust collector, where do they run from? 6 A. Each line was connected to a bin. 7 Q. So it was connected to the storage bins? 8 A. Right. 9 Q. So it was designed to pull the dust -- 10 A. Out of the bins. 11 Q. -- out of the bins? 12 A. Right. 13 Q. And so where would the dust come from that 14 was going into the dust collector? 15 A. I guess from the sugar moving about. 16 Dropping the sugar into the bins create dust, from 17 the fall they have to make to fill up the bins. 18 Q. Did you or anyone under your supervision 19 have any responsibility for maintenance of the dust 20 collectors? 21 A. We don't get into no maintenance. 22 Q. Did you have any responsibility for any 23 kind of preventative maintenance on the dust 24 collectors? 25 A. The only thing we do is call -- if we have</p>	<p>1 collector is not doing what it's supposed to do. 2 Because every time if you open the cap and 3 you get like a little poof when you let the bin up, 4 because it's done build up that dust inside, so if 5 the dust collector is not doing its job, then that's 6 what happens inside the bin. 7 Q. And the poof is a poof of air or is it a 8 poof of dust and you're like -- 9 A. It's air and dust. And believe me, it 10 comes up pretty good once it come out there. 11 Q. Do you have any way of knowing whether 12 it's going to poof on you or not when you do that 13 test? 14 A. Well, most all your bins, you know, I 15 don't know whether they have another system to help, 16 you know, airflow or dust flow out of it. 17 But the majority of the time when you open 18 it up you can tell what's working and what's not 19 working. And the majority of the time you open it 20 it's no problem. 21 But if the dust collector is stopped up or 22 something like that, you can tell which one is which 23 because it usually does that. 24 So then when that happens, we'll call and 25 say, well, the G bin need the dust collector pipe</p>
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<p>1 a problem, just call the GO shop. I mean, there's 2 nothing we could really do because all of that really 3 applies to taking loose stuff and putting stuff back 4 together, and that was mechanical. We didn't do any 5 mechanical work. 6 MS. MOCK: Let's go off the record for a 7 second. 8 (Discussion off the record.) 9 BY MS. MOCK: 10 Q. So prior to the accident what was your 11 understanding of the purpose of the dust collector? 12 Anything else beyond that it was supposed to just 13 draw dust out your bins? 14 A. That's the only thing I know it was used 15 for. 16 Q. Do you know why they needed to draw the 17 dust out of the bin? 18 A. I think to keep from building up pressure 19 inside the bins. Why I say that is because we do 20 stock count about once a month. 21 Q. Stock count? 22 A. Right. And we actually have to drop a 23 measurement inside of each bin to come up with the 24 amount of sugar in a bin. If you open that bin and 25 it's pressure on that bin, you know the dust</p>	<p>1 cleaned or whatever, and they'll come over and send 2 somebody to clean the line up. 3 Q. So would that be a way -- that little poof 4 of air and dust when you open up the bin, was that a 5 way to know that the dust collector wasn't working -- 6 A. Wasn't working properly. 7 Q. That's what I was going to say. It wasn't 8 working maybe as efficiently or properly. I mean, 9 it's still working because if it wasn't then your 10 system -- 11 A. Would be shut down. 12 Q. Did you guys have any -- how often would 13 you do this stock check? 14 A. Once a month. 15 Q. Was there any other check, you know, for 16 this puff by anyone else other than the once a month 17 stock check? 18 A. Well, we got the Sweco man. The fourth 19 floor is his. He keeps it clean. He runs the Sweco 20 and he checks the stockings and stuff on the bins to 21 make sure everything is straight. 22 A lot of times -- Elliott, he's pretty 23 good. If you got a problem, he'll let you know 24 pretty much. 25 Q. Did you say he was checking the stockings?</p>

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<p>1 A. Yes.</p> <p>2 Q. What is a stocking?</p> <p>3 A. A boot you put over the bin cover itself</p> <p>4 so the bin can breathe.</p> <p>5 Q. Is the stocking designed so it won't let</p> <p>6 the dust out?</p> <p>7 A. Right. Nothing don't come through it at</p> <p>8 all.</p> <p>9 Q. Do those stockings have to be changed?</p> <p>10 A. Yes.</p> <p>11 Q. How often?</p> <p>12 A. Well, we don't change it unless you see</p> <p>13 some kind of tear or something in them. Then we</p> <p>14 change them out.</p> <p>15 Q. How would you know that there's a tear in</p> <p>16 it?</p> <p>17 A. Eventually. He checks them every day. He</p> <p>18 blows them off and he physically checks them.</p> <p>19 Q. He blows them off. What's he blowing off?</p> <p>20 A. Stockings.</p> <p>21 Q. I know. But what is he blowing off the</p> <p>22 stocking?</p> <p>23 A. Accumulated dust I guess.</p> <p>24 Q. Does he check to see whether there's dust</p> <p>25 on the area where the stocking is connected to the</p>	<p>1 Q. Is it another --</p> <p>2 A. Sweco is on the top floor of the bulk</p> <p>3 station, the fourth floor, and we got -- I think it's</p> <p>4 14 of them.</p> <p>5 Q. Fourteen Sweco machines?</p> <p>6 A. Right.</p> <p>7 Q. Do the Sweco machines give off any dust in</p> <p>8 their process?</p> <p>9 A. No.</p> <p>10 Q. Is it a completely enclosed system?</p> <p>11 A. Right.</p> <p>12 Q. Except where you said the bag that --</p> <p>13 A. It's like a -- it's a boot that connects</p> <p>14 the Sweco where the sugar pass through and some of</p> <p>15 them is -- it's like a vinyl, a rubber that closes</p> <p>16 together and we don't get no -- it's no dust or</p> <p>17 anything that pass. It's just the sugar itself,</p> <p>18 nothing outside Sweco at all.</p> <p>19 Q. Have you ever heard of a system or</p> <p>20 something called CARE, C-A-R-E, that's kind of</p> <p>21 quality related? Does that ring any bells?</p> <p>22 A. No.</p> <p>23 Q. Would have been something related to</p> <p>24 Hannah Badenschneider?</p> <p>25 A. I don't know.</p>
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<p>1 bin?</p> <p>2 A. Right. He cleans Swecos, the bins.</p> <p>3 Anything in that area that will cover the operation</p> <p>4 of the filling system, he take control of all that.</p> <p>5 Q. And remind me what the Sweco, what that</p> <p>6 is?</p> <p>7 A. Sweco?</p> <p>8 Q. Yes.</p> <p>9 A. That's where you get your different grain</p> <p>10 sizes of your sugar. One time they called them</p> <p>11 shakers.</p> <p>12 They just shake and vibrate and got</p> <p>13 different screens and each grain of sugar would fall</p> <p>14 in that particular screen and you'll know which</p> <p>15 screen is what.</p> <p>16 You got A bin which is what we call medium</p> <p>17 grain sugar. Then you got your fine grain. Then you</p> <p>18 got your baker's special grain. That's the fiber</p> <p>19 grain. Then the three types that we actually get</p> <p>20 through our system.</p> <p>21 (Discussion off the record.)</p> <p>22 BY MS. MOCK:</p> <p>23 Q. So is the Sweco a separate system from the</p> <p>24 hummers?</p> <p>25 A. Yes.</p>	<p>1 Q. Are you familiar with the term bubble</p> <p>2 sheets?</p> <p>3 A. Yes.</p> <p>4 Q. What's a bubble sheet?</p> <p>5 A. It's something that the safety department</p> <p>6 had put out and it's like an inspection sheet of your</p> <p>7 area of what you do and fill it out on a daily basis,</p> <p>8 whatever findings you find in the department, what's</p> <p>9 right and what's wrong with it. You turn it in once</p> <p>10 a week to the safety department.</p> <p>11 Q. Did you have a bubble sheet before the</p> <p>12 accident? Did you have a bubble sheet for your area?</p> <p>13 A. Well, Graham Granahan had shipped the</p> <p>14 bubble sheets off before the explosion started.</p> <p>15 Q. That wasn't my question. You had bubble</p> <p>16 sheets before --</p> <p>17 A. Before the explosion, yes.</p> <p>18 Q. What was a bubble sheet -- what was on a</p> <p>19 bubble sheet for -- did you have a bubble sheet for</p> <p>20 bulk sugar station?</p> <p>21 A. Yes.</p> <p>22 Q. And what was on a bubble sheet for bulk</p> <p>23 sugar to the best of your recollection?</p> <p>24 A. I don't remember. It was such a long</p> <p>25 list. It was a bunch of stuff on there but I</p>

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<p>1 couldn't tell you point blank. 2 Q. And you mentioned that Graham had stopped 3 the bubble sheet, had you guys stop the bubble sheet 4 fill out? 5 A. Right. 6 Q. How did you learn you were going to stop 7 using the bubble sheet? 8 A. We didn't learn it. It was just told to 9 us. 10 Q. By whom? 11 A. By the department head after we went to a 12 meeting. 13 Q. So you learned this from Julius Scott? 14 A. Right, that the bubble sheets were 15 finished, that we were through with those. 16 Q. What was your last comment? 17 A. That we were through with the bubble 18 sheets. 19 Q. Did those start up at any time -- 20 A. Afterwards? 21 Q. No, no, no. You stopped them some time 22 before the explosion and they never resumed before 23 the explosion? 24 A. No. 25 Q. Have you ever heard of the term, in</p>	<p>1 A. Not as I know. 2 Q. Was there an evacuation plan for the bulk 3 station? 4 A. None. 5 Q. Was there any kind of little map on the 6 wall, posted on the wall in the bulk station of this 7 is how you get out of the bulk station? 8 A. No. 9 Q. Before the accident did you know how to 10 get out of the bulk station in the event of an 11 emergency? 12 A. Well, the bulk station is so wide open 13 till you can get in and out of the bulk station from 14 anywhere. 15 I mean, once you come out on the steps, 16 you can go straight across. You can come down and go 17 out the west side, the backside. 18 You weren't blocked in where you 19 couldn't -- it wasn't surrounded where you couldn't 20 get out. 21 The bulk station is real open. It wasn't 22 closed in. The only thing is we had a roof over our 23 head, but other than that, everything else is wide 24 open in the bulk station. 25 Q. Your Sweco man, was he physically located</p>
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<p>1 reference to like something going on with a piece of 2 equipment, of a hiccup? 3 A. No. 4 Q. Never used that term? 5 A. No. 6 Q. Or a burp? 7 A. No. 8 Q. Some people have particular ways that they 9 refer to it. 10 Did you have any special terms like when 11 you had an elevator bucket come loose? 12 A. It just tore up. That's it. 13 Q. On your north elevator were there spare 14 buckets that were kept near the elevator? 15 A. No. They had to bring some over when we 16 need it. If we needed to replace any, they always 17 brought them over when they came. 18 Q. Was that true for the south side elevator 19 too? 20 A. Right. 21 Q. Before the explosion do you recall having 22 a fire drill at the facility? 23 A. Not as I can remember. 24 Q. Do you recall having any kind of 25 evacuation drill, not necessarily a fire drill?</p>	<p>1 up on the fourth floor? 2 A. The majority of the time, yes. 3 Q. Before the explosion how would he exit? 4 How would he evacuate from the fourth floor? 5 A. Well, he could either come down go to -- 6 go through J bin and come out. He can either go back 7 through the -- from the Sweco room he can actually go 8 out through the packing house. He can actually come 9 downstairs to the office. There were three different 10 routes from where he was up there. 11 Q. Did anyone work on the third floor? 12 A. The third floor, just if something was to 13 go wrong, we just have to go up there and see what 14 the problem is. 15 But other than the Sweco floor which was 16 the fourth floor and the office, that's where most of 17 your occupants spend most all the time. 18 Q. And the office is on the first floor? 19 A. It's really the second floor but it's not 20 connected to the second floor. 21 Q. So from the office, how would you evacuate 22 the office? 23 A. Well, you had a ramp that you could come 24 out the door. You could go down to the bottom floor, 25 take the ramp and go back through the packing house</p>

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<p>1 side or you could go cross the track toward the 2 warehouse. 3 Once you got on the ground, you were wide 4 open to go any direction you want to go in. If you 5 were up top and you had to go out and go toward the 6 packing house or either go across the tracks and come 7 out by the Number 4 warehouse. 8 Q. To your knowledge were any employees who 9 were working in the bulk station the day of the 10 accident, were any of them injured? 11 A. No. 12 Q. Now, I apologize but I just want to 13 clarify one thing. As bulk station supervisor did 14 you have any responsibility over the white sugar 15 warehouse? 16 A. None. 17 Q. As bulk station supervisor did you have 18 any occasion to go into the white sugar warehouse? 19 A. Yes. A lot of times all of the 20 supervisors that work under Julius Scott, we have 21 meetings upstairs in the office. And the majority of 22 time the only reason I needed to go up there is if we 23 have a meeting or something like that. 24 Q. Who's that individual? 25 A. Julius Scott.</p>	<p>1 You call a golf cart a bucket? 2 A. A buggy. 3 Q. It's still a particular term. 4 You had fire extinguishers in the bulk 5 sugar station? 6 A. Yes. 7 Q. Do you recall how many you had before the 8 accident? 9 A. I probably can. We had one on each 10 loading ramp and we had three on the bottom floor, 11 the very bottom floor. You had two on the catwalks 12 that lead to the second floor. 13 You had one on the third floor alongside 14 the manlift. You had one on the fourth floor 15 alongside the manlift. You had two inside the halls 16 leading out into the fourth floor on the back of the 17 house. 18 Q. Who was responsible for inspecting the 19 fire extinguishers in the bulk station? 20 A. I was. That's how I knew how many we had 21 up there. 22 Q. Pardon? 23 A. I was. 24 Q. How often did you inspect them? 25 A. Once a month.</p>
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<p>1 Q. Oh, I know, but you were saying you would 2 go to have a meeting with Julius Scott but there was 3 another supervisor -- 4 A. No, supervisor meetings for his 5 supervisors that work under him, he would call 6 occasional meetings and we would go up there, have 7 meetings up there. 8 Q. And -- 9 A. Also -- well, I worked as the warehouse 10 attendant one time. And when Tony Boyd, the guy who 11 actually does all the trains, rails, and brings the 12 trains in and out, I relieve him at times. I've had 13 to go up there when he go on vacation or take a day 14 off and do his job. But other than that, that's it. 15 Q. Now, when you went to Julius Scott's 16 office for a meeting, would you have to walk through 17 the white sugar warehouse? 18 A. Not actually because I got a buggy that I 19 ride around in. I could just drive around and come 20 out the front door and come upstairs. 21 Q. What did you ride around in? 22 A. A golf cart. I call it a buggy but it's a 23 golf cart. 24 Q. Well, that's that kind of term that I'm 25 talking about when I mentioned burps and hiccups.</p>	<p>1 Q. Did you ever recall coming across fire 2 extinguishers that were empty? 3 A. No. 4 Q. And did you record the inspections? 5 A. Yes. We turn in an inspection sheet once 6 a month to the safety department. 7 Q. So the bubble sheets that we were talking 8 about just a few moments ago, were those -- can you 9 explain to me a little bit more what kinds of things 10 you were recording on the bubble sheet. 11 A. I have a vague memory of everything on 12 that sheet. I couldn't tell you off my head without 13 having one. 14 Q. That's fair. 15 Had you ever heard of a powder mill dust 16 project? 17 A. No. 18 Q. Or a powder mill action plan? 19 A. No. 20 Q. Did you ever have occasion to go to the 21 hummer rooms? 22 A. The only time I would go up is if Elliott 23 Gibbs wanted me to come up there with him and see 24 something. Other than that, I wouldn't have a need 25 to go up there for anything.</p>

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<p>1 Q. Do you remember the last time you were in 2 the hummer rooms before the accident? 3 A. To be honest with you, I don't think I've 4 been up there twice in a year. 5 Q. So you can't think of -- 6 A. No. 7 Q. Do you recall what the hummer room looked 8 like the last time you were up there or why you were 9 up there? 10 A. It got to be five or six different hummers 11 in there and I know two of them actually sent sugar 12 to the bulk station and the rest of them supplied the 13 packing area. 14 One thing when I went up there, we were 15 looking at the screens, checked to make sure the 16 screens are clean and clear, but that's practically 17 it. 18 Q. Were the two hummers that served the bulk 19 sugar, were they located in the same room as the 20 other four? 21 A. Yes. 22 Q. Were they at one end versus the other? 23 Were your two hummers separate from the other four? 24 A. Everything was in line together. They had 25 them one, two, three, four, numbered across and</p>	<p>1 up that glaze on it. 2 Q. When you went to the hummer room and saw 3 sugar accumulation on the floor, can you give me a 4 sense of how much you saw? 5 A. Maybe about fifteen or twenty thousand 6 pounds. 7 Q. Can you quantify that in inches or feet or 8 how much -- you know, keeping in mind for me fifteen 9 to twenty thousand pounds, that's hard for me to -- 10 A. Maybe about a dump truck load. 11 Q. And how big is this room, the hummer room? 12 A. It might be a little bigger than this room 13 here. 14 MS. MOCK: I will have to get the specs on 15 this room, Jeremy. 16 MR. TUCKER: Did you bring the measuring 17 tape? 18 MS. MOCK: No. 19 THE WITNESS: Not much bigger. 20 BY MS. MOCK: 21 Q. Fifteen to twenty thousand pounds of 22 sugar? 23 A. (Nodded head affirmatively). 24 Q. Were you walking on top of the sugar? 25 A. You have to get to the hummer to clean</p>
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<p>1 everything was in line together. 2 Q. Where were your two in that line? 3 A. I think could be the third and fourth I 4 believe. I can't say that's permanent or definite. 5 Q. The last time you went to the hummer room 6 do you recall seeing sugar dust on the floor? 7 A. No, not the last time, no. 8 Q. Do you ever recall going up to the hummer 9 room and seeing sugar dust on the floor? 10 A. Not dust. 11 Q. Just sugar on the floor? 12 A. Just granulated sugar, right. 13 Q. Do you have any idea what was causing the 14 sugar on the floor? 15 A. A lot of times if your screens glaze up 16 and the sugar won't flow, it's going to back up 17 because it can't flow across the hummer screen and go 18 through like it's supposed to. So if those screens 19 glaze up, the sugar will back up and come out of the 20 hummer. 21 Q. What causes the glaze on the screen? 22 A. You know, just what I would say, if the 23 sugar is not properly dried, you know, sometimes and 24 it cause -- the dampness of the sugar will cause the 25 buildup and the hardness, cause the screen to build</p>	<p>1 them off. Yes. 2 Q. So were you going in there to clean off 3 the hummers? 4 A. Elliott came and got me and asked me 5 because he thought he had to go in there and clean up 6 that sugar, which like I'm saying that's the silo man 7 responsibility. And he wanted to make sure I seen 8 that up there and nobody would come get him to go up 9 there to do it. That's when I went up there and saw 10 it. 11 Q. What did you do? 12 A. Well, then I called the silo man. The 13 silo man called his supervisor and he came up there 14 and the big deal was who was going to clean it up. 15 Q. Did they have to figure out which hummer 16 was causing the problem? 17 A. Well, honestly it had to be more than one 18 to put that much sugar out, right. 19 Q. And so did it get cleaned up? 20 A. Yeah. 21 Q. Do you know how long it took to clean up 22 that much sugar? 23 A. I didn't go back up there. But we had a 24 cleaning crew. Bruce Long, he take care of most of 25 our cleaning out there and he got his crew and they</p>

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<p>1 went up there. I'm quite sure they were up there 2 quite a while. 3 Q. Do you remember when that was? Was that 4 in '07 or '06? 5 A. I think it was in '07. 6 Q. Do you remember whether it was earlier in 7 the year or later in the year? 8 A. I'm thinking it was during the summer 9 months. It was piping hot. 10 Q. So June, July, August? 11 A. Somewhere around there. 12 Q. Did you ever learn what the problem was 13 that caused that amount of sugar buildup? 14 A. No. It wasn't my responsibility honestly. 15 I went up there because one of my guys that actually 16 works up there, he wanted to know whether he had to 17 go up there and try to get all that sugar up, but I 18 never knew what caused it. 19 Q. Had you ever seen that much sugar up there 20 before like that? 21 A. No. Like I said, I don't hardly go up 22 there. If I'm not called to come up there and see 23 anything, I don't go up there. 24 Q. When you saw that amount of sugar in the 25 hummer room, did you consider that to be a safety</p>	<p>1 Q. Well, I guess I'm trying to understand. 2 When he saw that sugar up there, why did you guys -- 3 I had the impression that you guys were like, okay, 4 whose responsibility is it going to be to clean it 5 up. Why would you guys have thought that it may be 6 your responsibility to clean it up? 7 A. Because he don't maintain those but he 8 actually make sure they're running, that we're 9 getting sugar. 10 He go up there and check and make sure 11 they're running. Especially if we slow down and we 12 stop getting sugar, a lot of times it could be 13 because we don't have but so much sugar coming to us 14 and then it could be because the screens are all 15 caked up so -- and that's practically what he done. 16 Q. And it's kind of like, well, if you're not 17 checking your screens and making sure your hummer is 18 running correctly and it starts to spew sugar, then 19 it may be considered your responsibility to clean it 20 up? 21 A. Well, he had that in his mind, to tell you 22 the truth. And being that the hummers are up there 23 and he had to check them, I really felt like he 24 should have been part of the crew to clean it up. 25 Q. Did you tell Elliott that?</p>
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<p>1 hazard in any way? 2 A. Not really. I wouldn't say it was a 3 safety hazard because at the time everything shut 4 off. It wasn't nothing running. 5 Q. How was it that nothing was running? 6 A. Because by the time I got up there they 7 already cut everything off. I guess whoever saw the 8 sugar up there must have told somebody and they had 9 the system shut down. 10 Q. So someone besides Elliott was aware that 11 there was an issue? 12 A. Right. He just came and got me after he 13 saw it to make sure what he had to do concerning it, 14 but that's it. 15 Q. Was it part of his responsibilities if 16 there was -- to kind of deglaze the hummers that fed 17 the bulk station? 18 A. He would actually let the silo man know 19 what's wrong with the hummers. The silos and the 20 hummers belong to the silo attendant and the packing 21 house. His thing was just to make sure ours was 22 running. That's all. 23 Q. So if he saw that yours weren't running -- 24 A. Then he'll notify the silo man or either 25 the packing house supervisor.</p>	<p>1 A. I had to. 2 Q. But he got a pass that time? 3 A. Elliott is the type guy, if you work with 4 him, he'll work with you. He's just that type. 5 Q. That's good. 6 Before the accident had you heard of 7 something called a housekeeping and sanitation 8 program? 9 A. Well, we did have a housekeeping program 10 but it's not nothing that -- we had a small group of 11 guys that had to go around and clean certain areas. 12 That's all I know about it. 13 Q. I guess what I'm talking about is some 14 kind of formal written housekeeping and sanitation 15 program. 16 A. I think every area had a responsibility of 17 keeping their areas clean, and then, like I say, they 18 had the quality people would actually come and 19 inspect your station and you get a write-up if your 20 station isn't clean. Whether it was set up as a 21 program, I won't definitely say, but you did have 22 responsibility for your areas. 23 Q. So you hadn't seen something written that 24 was called a -- 25 A. No.</p>

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<p>1 Q. Okay. Since you mentioned the 2 housekeeping responsibility, prior to the accident 3 when someone used the term housekeeping, what did 4 that mean to you? 5 A. The place having to be kept clean. 6 Q. What did that mean -- in the bulk sugar 7 station what did that mean? 8 A. Well, being where the bulk station is, 9 cleaning spiderwebs, keeping the floor swept, clean 10 up any spillage. 11 And every Monday we would actually have a 12 cleaning activity that we had every Monday. The 13 first four hours of the day on Monday we would shut 14 down the station to actually clean the station on 15 Mondays. 16 Q. So you mentioned spiderwebs, floor swept, 17 and what was the third thing? 18 A. Spills. 19 Q. And cleaning up spills? 20 A. Uh-huh. 21 Q. And then the Monday cleaning? 22 A. Right. 23 Q. What would be done on the Monday cleaning? 24 A. Monday cleaning we'll clean from top to 25 bottom. And any major spills, that's when we take</p>	<p>1 Q. A what? 2 A. A Subaki door. That's what they call it, 3 a little square door. 4 Q. How do you spell Subaki? 5 A. You're talking to the wrong person. 6 Q. Is that also known as an observation door? 7 A. Yes. 8 Q. And those are on the bins? 9 A. Right. And in order to actually clean to 10 get the lumps out the bin because you don't want to 11 run them through the system. So if we have to get a 12 bin that we have a problem with lumps, we actually 13 open that Subaki box door and drain that bin. So 14 then that following Monday that's your job, to get 15 whatever sugar you have to drain out that bin, then 16 you go ahead Monday to try to get them cleaned up. 17 Q. How would you drain it out through that 18 observation door? 19 A. At the bottom of the bin. Once you open 20 the bin, it will flow out. And then the lumps, 21 you've got to just knock the lumps out with your 22 hands so we can get everything out. Once we get 23 through cleaning the lumps, then we fill the bin 24 again. 25 Like I'm saying, you didn't have but two</p>
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<p>1 our time. If it's too much we can't get through the 2 week as we're working, when we come in on Monday, we 3 designate a Monday to get everything up and out the 4 station. 5 Q. What do you kind of consider -- you know, 6 you say major spill. Give me a sense of what you 7 mean by a major spill. 8 A. Well, if a bin -- like I say, you're 9 talking about a scroll, a scroll back up and we drop 10 more sugar than we can actually pick up during the 11 run of that day. Then on Monday we're going to make 12 it our business to come in on Monday and get 13 everything up on Monday so we can have a clean slate 14 to start the week out with. 15 Q. I think you mentioned before like if you 16 have to take the scroll cover off to -- 17 A. And then sometimes -- 18 Q. -- cup it out, what size bucket are you 19 dumping it into? 20 A. Five gallon. 21 Q. Okay. 22 A. And then sometimes you might have a bin 23 that's clogged up and the only way to actually clean 24 that bin out, if you got some lumps in the bin, you 25 got a Subaki door --</p>	<p>1 people per shift on a station so you can't really 2 take a man away to clean that much sugar so we 3 designate a Monday as a cleaning day to get 4 everything out of there. 5 Q. Did you ever have the situation where you 6 got sugar clumps, you know, middle of the week in a 7 bin? 8 A. Well, it's according to how much sugar is 9 in the bin, you know, it determines how much sugar 10 you have to take out the bin. A lot of times, just 11 like in that silo, when you get to your lowest point 12 in your bin, that's where most of your lumps are. 13 So a lot of times there's not a whole lot. 14 You may average maybe fifteen or twenty thousand 15 pounds. The bin hold 300,000 pounds. So when you 16 get down to that low point, that's where your 17 accumulation of lumps normally build up at. 18 Q. So your Monday cleaning is top to bottom 19 and possibly doing some draining of bins as 20 necessary. Anything else? 21 A. We would come out maybe once a month and 22 actually do a total wash down. 23 Q. Once a month total wash down. And that 24 would be on a Monday? 25 A. No, weekend.</p>

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<p>1 Q. Okay.</p> <p>2 A. Why we can clean on the weekend is because</p> <p>3 we load trucks through the week and a truck takes up</p> <p>4 a lot of our business.</p> <p>5 We average something like 20 trucks a day</p> <p>6 and you don't get a chance to do that type cleaning.</p> <p>7 So on the weekend we usually just load railcars. So</p> <p>8 all the bays are open. The warehouse is open. We</p> <p>9 can get in and do a thorough wash down.</p> <p>10 So once a month we go in there with fire</p> <p>11 hoses and wash everything down, squeegee it down and</p> <p>12 clean it out.</p> <p>13 Q. The once a month cleanings, was there a</p> <p>14 record kept of those?</p> <p>15 A. I guess it should have been. I ain't</p> <p>16 going to say it was.</p> <p>17 Q. Like if I was looking for a paper trail on</p> <p>18 those --</p> <p>19 A. I never kept records. We just go in there</p> <p>20 and clean. That's it.</p> <p>21 Q. The top to bottom cleaning, how would --</p> <p>22 the Monday top to bottom cleaning, how would that be</p> <p>23 done?</p> <p>24 A. Elliott, like I say, he handle the fourth</p> <p>25 floor, and if he got like any kind of buildup of</p>	<p>1 Q. Have you ever been up to the fourth floor</p> <p>2 where you actually could see kind of like a film of</p> <p>3 sugar on the wall?</p> <p>4 A. Well, really the wall part of it is -- we</p> <p>5 didn't have -- the walls were practically away from</p> <p>6 the bins itself.</p> <p>7 Most of your accumulation would be over</p> <p>8 your bins and each bin surrounding got a gap between</p> <p>9 each bin. It won't flush together.</p> <p>10 So a lot of sugar, when he's blowing it</p> <p>11 down, is dropping between those bins. That's how it</p> <p>12 get to the next floor.</p> <p>13 It get to the bins, and when you're on</p> <p>14 let's say the second floor, we actually have a pipe</p> <p>15 on the floor, that once we get so much buildup we can</p> <p>16 drop it in that pipe until it shoot into the floor.</p> <p>17 Q. My question is before Elliott starts his</p> <p>18 cleaning on Monday, when he goes up to the fourth</p> <p>19 floor, you know, you said there could be some sugar</p> <p>20 on some beams and, what, sugar on top of the scroll?</p> <p>21 A. Right.</p> <p>22 Q. Sugar on the floor?</p> <p>23 A. Right.</p> <p>24 Q. Would you ever see sugar kind of like</p> <p>25 attached to the wall at all or not really?</p>
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<p>1 sugar anywhere, he just blows it down to the next</p> <p>2 level until we get everything down to the bottom</p> <p>3 floor.</p> <p>4 Q. I thought there was a solid floor on</p> <p>5 the --</p> <p>6 A. But you still can blow -- you got a</p> <p>7 stairway that we go down, so we just blow it to the</p> <p>8 stairway until we get everything down to the bottom.</p> <p>9 Q. Did he clean elevator surfaces too?</p> <p>10 A. Elevators?</p> <p>11 Q. You know, like on the fourth floor -- have</p> <p>12 you ever been up to the fourth floor where you saw</p> <p>13 any kind of sugar on the wall?</p> <p>14 A. He blows everything down. As he comes</p> <p>15 down, he blows everything down as he comes down. You</p> <p>16 got sugar buildup on beams because you got beams</p> <p>17 running in all different angles to hold them bins up.</p> <p>18 And the only way to get to them is by blowing.</p> <p>19 You have the long nozzles on the hoses and</p> <p>20 you blow everything down to each floor until you get</p> <p>21 to the bottom.</p> <p>22 Q. Was his responsibility on Monday to clean</p> <p>23 off the beams as well?</p> <p>24 A. Right. As he comes down, he blows</p> <p>25 everything as he come down.</p>	<p>1 A. Not sugar. You might have a little dust</p> <p>2 but not sugar itself. Most of your sugar is</p> <p>3 granulated and falling.</p> <p>4 Q. And so would he blow down -- if he went up</p> <p>5 there and he saw like some fine dust on the wall,</p> <p>6 would he blow down the wall too?</p> <p>7 A. Elliott will blow you away. He's just</p> <p>8 that type fellow with cleaning. Two things he love,</p> <p>9 a water hose and an air hose. If you give him one of</p> <p>10 them, you just leave him alone and he'll be good to</p> <p>11 go the rest of the day. But it will be clean.</p> <p>12 Q. Is he also -- on his Mondays is he also</p> <p>13 trying to get out any spiderwebs too?</p> <p>14 A. We cleaning whatever that we can clean,</p> <p>15 we'll clean.</p> <p>16 Q. Third floor, you said that's a scroll.</p> <p>17 Would someone clean the third floor?</p> <p>18 A. Right.</p> <p>19 Q. Who got third floor?</p> <p>20 A. Elliott.</p> <p>21 Q. Did Elliott just work his way down?</p> <p>22 A. He work his way down. Everybody take</p> <p>23 everything below him and when he get through with</p> <p>24 it -- he's through once he gets things blown down.</p> <p>25 Then everybody else, we take care of everything else</p>

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<p>1 that needs to be done. 2 Q. Did he use water on the fourth floor? 3 A. Only when we wash down the fourth floor. 4 We got a drain that will drain down. Normally we 5 don't wash -- when we wash you have to wash 6 everything at the same time so we get up there and 7 clean together. 8 Q. When would you do that? When would you do 9 a wash? 10 A. On the weekend. I ain't saying every 11 weekend but we have weekends we do that. We have 12 shutdown time. We got extra time. Because if you're 13 loading through the week, you got two people loading 14 railcars and doing trucks. The biggest time is when 15 the weekend roll around because if we have to do 16 anything, we just load railcars, so that free up some 17 time to do some things. 18 Q. Am I understanding you correctly that 19 Monday cleaning did not include water cleaning? 20 A. If we couldn't get the sugar up and with 21 the normal time where we can get to the water, yes, 22 we would, but if not -- it's according to how much 23 sugar you got on the floor to pick up. 24 If you got enough sugar to sustain the 25 whole four hours, then that's what you spend the time</p>	<p>1 A. The GO shop take care of all our 2 maintenance other than electrical. 3 Q. Right. Okay. Did you have any kind of 4 vacuum system for cleaning in the bulk sugar -- 5 A. Well, we were always told that we were 6 going to get a vacuum but they got to test one for 7 dust proof and all that other kind of stuff and we 8 never got it. 9 Q. Tell me about what do you mean test for 10 dust proof? 11 A. That you'll be able to use in certain 12 environment. You got to have a certain -- some kind 13 of ratings. If you're going to use a vacuum in 14 certain areas, it's got to be some kind of special 15 rated vacuum cleaner and they never got us one. 16 Q. In the liquid sugar, did you supervise 17 cleaning in the liquid sugar? 18 A. Liquid sugar is mostly just washed down. 19 Everything is washed down. You don't have no open 20 floor or no kind of powder dust or anything. 21 Q. Any kind of granulated sugar over there? 22 A. No kind of granulated. Everything is 23 melted and produced and sent to us. The only thing 24 we do is just house it in the tanks until the time to 25 load it and load it out. The only thing you're doing</p>
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<p>1 in. If we can get it all up, then we'll go ahead and 2 wash the bottom floors down and everything once we 3 got people over there to do it. 4 Q. Whether you wash down, did that depend on 5 how much time you had to let it dry before you had to 6 start back up? 7 A. Well, we don't put water inside the 8 scrolls. We just blow down the scrolls. All the 9 washing that's done is getting the floors clean. 10 Q. Okay. So washing is strictly floors only? 11 A. Right. Because if you ever wet them 12 scrolls, you're going to have to give them scrolls 13 practically eight hours time drying time to dry. 14 Q. On the observation doors, are they -- how 15 are those designed in terms of -- how are they 16 designed in terms of being sealed so you wouldn't 17 have any sugar coming out? 18 A. They got gaskets, got a big gasket around 19 the door. You got a pull lock. The lock handle 20 flips over on the latch and put it back down and 21 tighten it down. It don't leak. 22 Q. What was the gasket made of? 23 A. I think it's rubber. 24 Q. Who was responsible for any kind of 25 maintenance on the --</p>	<p>1 over there is just water hose and washing down 2 everything. 3 Q. Do you recall any kind of inspections by 4 outside parties like, you know, AIB? 5 A. Yes. 6 Q. That's what, American -- 7 A. Institution of Bakers. 8 Q. Can you recall any other outside 9 inspections? 10 A. We have different companies that buy from 11 us that come by and give us inspections periodically. 12 Q. Who was that before the accident? 13 A. H.C. Brill, McKee Baking, Hershey. 14 Q. Hershey like the chocolate? 15 A. Yes. That's all I can think of. 16 Q. Do you have any idea how often they came 17 in before -- AIB was, what, once a year? 18 A. Yes. 19 Q. What about H.C. Brill? 20 A. They just wanted to come and look at the 21 facility, but we didn't have a specific time frame 22 for any of the companies to come in. 23 Q. Do you recall H.C. Brill, McKee, or 24 Hershey coming for an inspection any time in '07? 25 A. The only one I believe was out there was</p>

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<p>1 Hershey. That's the only one I believe. 2 Q. Do you recall any of those companies 3 coming to inspect in '08 before the accident? 4 A. No. 5 Q. Did you clean before the AIB inspection? 6 A. Everybody does. 7 Q. What kind of cleaning did you do for AIB? 8 A. Wash it down, clean spiderwebs, mopping, 9 whatever it take to get your station clean. It's 10 nothing specific, just general cleaning. 11 Q. Was there any difference between the 12 cleaning that you did, you know, the Monday cleaning 13 or the weekend cleaning? 14 A. It would actually be the same type 15 cleaning. 16 Q. No extra effort, no different focus? 17 A. No. The only thing they do, they give you 18 more time to clean. 19 Q. About how much time? 20 A. We usually start cleaning about a week in 21 advance for AIB. 22 Q. So what would you be doing over that week? 23 A. Clean spiderwebs, making sure your white 24 lines are clean like it's supposed to be around the 25 station and stuff like that.</p>	<p>1 Q. So you know it's going to be Tuesday next 2 week? 3 A. Right. 4 Q. And if AIB is not coming, then it's the 5 Monday morning cleaning? 6 A. Right. 7 MS. MOCK: It's noon by my clock. Let's 8 take a little lunch break. 9 MR. TUCKER: Okay. 10 (Lunch recess from 11:59 a.m. to 12:50 11 p.m.) 12 BY MS. MOCK: 13 Q. Back on the record after a lunch break. 14 Mr. Stokes, one housekeeping item. Could 15 you provide your address and a contact telephone 16 number, please. 17 A. 1430 Eleanor Street, E-l-e-a-n-o-r, 18 Street, 31405, (912) 232-7697. 19 Q. Is that Eleanor Street in Savannah? 20 A. Right. 21 Q. One follow-up question. We were talking 22 about -- before the break talking about vacuums and 23 you said that you-all didn't use vacuums in the bulk 24 station because they needed to get one that was 25 rated?</p>
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<p>1 Q. What are the white lines for? 2 A. I think it's a spot, you know. It's sort 3 of like a pest control, you know, and pest usually 4 travel alongside the walls, and it's this light they 5 shine around, dark light or black light or blue light 6 or whatever they call it, to just check pest traffic 7 I believe that's what you might want to call it. But 8 that. Just general cleaning. I mean, you're doing 9 the exact same thing, just a little bit more of it. 10 Q. Are you doing some of it each day during 11 that week? 12 A. Right. As a matter of fact, you know, 13 being, like I'm saying, we ain't got but so many guys 14 on the shift, they'll let these guys, if they want to 15 stay over a couple hours for cleanup, they'll allow 16 them to stay over and get the station clean. 17 Q. Is it fair to say that you're doing that 18 cleaning in that approximate week before the AIB 19 inspection, that you're doing that cleaning each day 20 to kind of maintain that high level of cleanliness? 21 A. Right. 22 Q. Do you know exactly what day AIB is 23 coming? 24 A. They give us an announcement and let us 25 know when they're coming.</p>	<p>1 A. Special rated. I think we can't use, you 2 know, any kind of vacuum cleaner. It has to be some 3 special type. I don't know what it is. 4 I was going to volunteer and buy a vacuum 5 cleaner but they had to be some kind of specially 6 rated vacuum cleaner. 7 Q. Whose idea was it to have a vacuum? 8 A. The guys who be shoveling up all that 9 sugar. 10 Q. Which guy is that? 11 A. The same guys that I list right there. 12 Q. Elliott Gibbs? 13 A. Everybody that works in the bulk station 14 thought it would be a good idea to have a vacuum in 15 there. 16 Q. Did you take that idea up your chain? 17 A. Well, I talked with Tom Wilson, the 18 quality -- head of the quality out there and he was 19 telling us about it had to be kind of special rated 20 for certain things if you're going to use one in the 21 facility so... 22 Q. Did he say why it needed to be specially 23 rated? 24 A. I guess because of the environment. I'm 25 guessing.</p>

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<p>1 A. 2 feet wide, 3 feet high. 2 Q. And then once you take that off, then will 3 the sugar kind of cascade out? 4 A. Right. 5 Q. And you mentioned about, you know, 6 sometimes it could be there for a couple days, 7 depending on how long it takes you to clean it out. 8 What's the longest you can recall the 9 sugar accumulation at the bottom of the bucket 10 elevator if you had kind of an upset situation before 11 it was cleaned up? 12 A. Well, it depends because even if we can't 13 clean it up then, sometimes we would actually get the 14 trackmobile guys to come over and clean it because if 15 they're not doing anything, they're caught up with 16 their track, cleaning up over there, then we'll get 17 them to come over and give them guys a hand and clean 18 it up. We try to get it up as soon as possible. 19 Q. Is it fair to say that sometimes that 20 spill wouldn't get cleaned up until the following 21 Monday if you had a busy week? 22 A. Sometimes. 23 Q. In November of 2007 do you recall that 24 being a period where you were having some upsets with 25 the elevator such that you would have sugar at the</p>	<p>1 south side hummer that feeds the -- that the sugar go 2 through. 3 Q. Is that like where we were talking about 4 before -- 5 A. That's Sweco. We're talking hummers now. 6 Q. Right. 7 A. We got two hummers up there too on the 8 fifth floor, not on the roof. 9 Q. So these are different hummers than the 10 ones we were talking about earlier? 11 A. Right. These are a lot smaller. Them 12 other hummers are huge. These are just two small 13 hummers that the sugar goes through before it 14 actually go into the system. 15 Q. So they go through the hummers in the 16 other room that we were talking about earlier and 17 then they come to these hummers? 18 A. Right. 19 Q. What are these hummers called to 20 distinguish them from the other hummers? 21 A. The only thing I know is one is bigger 22 than the other. They do the same job, send sugar 23 through them. 24 Q. And the manlift -- so in order to access 25 those two hummers, are they in their own separate</p>
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<p>1 base of the manlift? 2 A. I couldn't give you an exact time frame as 3 far as the date go because, I mean, sometimes you 4 might run that elevator six, seven, eight, nine, ten 5 months with no problem but then, you know, you come 6 up with a problem. 7 Just to label a date and time, I really 8 couldn't tell you off the top of my head. 9 Q. Am I correct in thinking that the manlift 10 would get off at each floor, second, third, fourth 11 floor? 12 A. Right. 13 Q. Did it end at the fourth floor? 14 A. Fourth floor. 15 Q. Would there ever be an occasion where 16 there would be sugar accumulated when you would get 17 out of the manlift on the fourth floor? 18 A. It's not the fourth floor where we would 19 have the sugar accumulated. It would actually be the 20 fifth floor, but the manlift don't take you to the 21 fifth floor. You have to get off at the fourth floor 22 and walk up to the fifth floor. 23 Q. How would you have sugar accumulated up on 24 the fifth floor? 25 A. You got the north side hummer and the</p>	<p>1 room? 2 A. It's not a room. It's just in an area. 3 It's not a room itself. It's just an area up there, 4 a manlift, got one on one side and one on the other 5 side. 6 Q. Oh, I'm sorry. I'm confused. I thought 7 you said the manlift ended at the fourth floor and 8 you had to take the steps up. 9 A. The manlift, it goes up to the fifth floor 10 but you can't ride it to the fifth floor. That's 11 your cutoff. 12 When it turns and come over, you can't 13 ride it that far so you have to get off at the fourth 14 floor and walk up to the fifth floor. 15 Q. Would sugar from the hummers ever cause 16 problems in the manlift up on the fifth floor? 17 A. The sugar from the hummers don't cause a 18 problem. You asked me how do sugar get on the floor. 19 I mean, that's how the sugar get on the floor, is 20 from the hummer. 21 What it is, how sugar get on the floor 22 from the hummer, you got lumps that go through the 23 hummer just like it does on the other side. 24 In order to get that sugar down from the 25 hummer, you have to put it in buckets and sometimes</p>

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<p>1 you get more sugar -- more lumps than you can full up 2 buckets. 3 So several times we have several buckets 4 that fill up and run over trying to get all those 5 lumps out so we can start it back up and keep it 6 running. 7 Q. So if you've got to clean up the sugar up 8 on the fifth floor at the hummers, then do you bring 9 it down in the manlift? 10 A. Bring it down in buckets, down the steps. 11 Q. Down to the fourth floor? 12 A. Right. 13 Q. Then would you ride it down in the 14 manlift? 15 A. No. You don't ride nothing on the 16 manlift, only you. Nothing can ride on the manlift. 17 As a matter of fact, you have to have a certified 18 card to ride the manlift. Anybody can't ride the 19 manlift. 20 Q. Are all your employees certified? 21 A. Yes. 22 Q. I'm sorry. I guess I'm not completely 23 understanding. So do you tote the -- how do you get 24 the sugar down off the fifth floor in the hummers if 25 it's too much to bring down in a bucket?</p>	<p>1 you get them in the next spot. It's better to catch 2 them at the hummer if you can catch them at the 3 hummer than to let them go through the scrolls 4 because once they go through the scrolls you have a 5 big problem. 6 If you get them at the hummer, get the 7 hummer clean, then you don't have to worry about it 8 going through the system. 9 Q. Who was responsible for keeping an eye on 10 those hummers? 11 A. The operator and inspector, bulk operator 12 and inspector. 13 Q. Was Elliott Gibbs the one who would check 14 the hummers over with the other -- 15 A. No, that wasn't his responsibility. He 16 took care of the Swecos and, like I say, he look at 17 the hummer on the roof, but the hummer inside the 18 bulk station belong to the bulk operator and the bulk 19 inspector. 20 Q. And the bulk operator, when he's looking 21 at his computer screen, does he have an indicator on 22 those two hummers? 23 A. Not for that. 24 Q. How does he know he has got a problem? 25 A. You have to troubleshoot. If it go to</p>
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<p>1 A. You kept shoveling it in buckets, in 2 5-gallon buckets. Every time we full up and we go on 3 the fourth floor, you got another one of them port 4 holes on the fourth floor. You take it down there 5 and we dump it in there and we go back up the steps, 6 keep filling up that bucket until we get it all up. 7 Q. Is there anything else in this area 8 besides the two hummers? 9 A. That's practically it. 10 Q. And the top part of the motor -- 11 A. That scroll on top of the hummer that feed 12 the sugar down to the hummer. 13 Q. Do you have any kind of upset conditions 14 up in that hummer that are different than the other 15 ones where you said like the screen will get glazed? 16 A. It's about the same condition in all of 17 them. 18 Q. When was the last time before the accident 19 that you were up in -- looking at those fifth floor 20 hummers? 21 A. Well, we do it occasionally because if you 22 get the lumps in one area, you're going to get lumps 23 there too. They got to travel through the same 24 system. 25 So if you don't catch them in one spot,</p>	<p>1 backing up and start getting lumps, I mean, if you 2 work there for a while, I mean, that comes from 3 experience. 4 If you work there for a while, then you 5 pretty much know where to go check first because the 6 hummers is going to be one of the first. 7 Even if you don't worry about checking the 8 scroll, you're going to check the hummer because 9 everything got to come through the hummer to get to 10 the scroll. 11 Q. If you've got a problem in the scrolls, 12 you've got a problem in the hummers? 13 A. Right. 14 Q. So how often would that -- those two 15 hummers in that area, how often would you clean up 16 the sugar up there or clean out that area? 17 A. Only if you got problems is the only 18 reason you have to clean it out. I mean, it's on a 19 daily cleanup schedule, but, I mean, as far as having 20 problems where you have lumps and stuff in sugar like 21 that, it's only coming when you start having lumps 22 coming from the silo coming to us. 23 But, like I say, as long as you got good 24 sugar coming, you probably would have no problem with 25 the hummers at all. They do their job.</p>

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<p>1 Q. Was that part of the Monday cleaning? 2 A. The hummers? 3 Q. Yes, those two hummers. 4 A. No. 5 Q. Why not? 6 A. Because you clean the hummers as you need 7 to. It might be every day you might have to do 8 something to it but it is not set on a schedule that 9 you go and clean the hummers on Monday. 10 Because if you're going to be checking 11 your hummers and you find out you have a problem with 12 your hummers, you clean them then. 13 Q. Staying with those two hummers for a 14 second, what's the most accumulation you've ever seen 15 at those two hummers? 16 A. Well, it all depends on the silo and what 17 the silo sending us. I mean, like I'm saying, if you 18 are in -- the silo send you good sugar, you got no 19 problem, but if you got the silo getting down to its 20 lowest points and they're sending sugar to you, you 21 might have a lump problem all that day and you're 22 going to accumulate more sugar because you got to 23 pull it out. 24 In order to keep it running you got to 25 steady go over there pulling sugar out. You ain't</p>	<p>1 Q. He has? 2 A. Right. 3 Q. Have you ever gone up there to inspect 4 that? 5 A. As a matter of fact, I've went up there 6 and helped clean the hummers out, as a matter of 7 fact, to keep them running, to keep the inspector 8 doing what he was doing. 9 I had to get me a pair of gloves and stand 10 up to the hummer and take the lumps out the hummers 11 while he's doing his job and he's doing his job in 12 order to kept it running. 13 Q. Do those hummers experience that glazing 14 problem? 15 A. Yes. Any time you got sugar coming off a 16 screen and, you know, like you got a curing time, and 17 if the sugar hasn't cured for its full time, the 18 sugar will be kind of damp. 19 That's why you got a curing time at the 20 bulk station. Before we even use any sugar, sugar 21 has to cure in that bin for at least six hours. 22 Q. Do the bins have some system where they -- 23 what's the curing process in the bin? 24 A. We run Kathabar air through the sugar. 25 Q. I was just wondering if there was a</p>
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<p>1 got time to clean up every time you drop a piece of 2 sugar out of there, to clean it up. So you might 3 have to come back on a later date and clean it up. 4 But you got to keep it running, and you got two of 5 them going the same way. 6 As long as the silo is low, running your 7 sugar, you're going to have lump problems. 8 Q. So how does the operator keep the hummer 9 operating? What does he do with the sugar? 10 A. What he does with the sugar? 11 Q. Yes. 12 A. How do you mean? 13 Q. You're saying that you've got to clean out 14 the lumps in order to keep the hummer operating, 15 right? 16 A. Uh-huh. 17 Q. Is that right? 18 A. Right. 19 Q. What's he putting the sugar into? 20 A. Buckets. 21 Q. So have you ever gone up there to that 22 or -- let me back up this way. Has an operator ever 23 come to you and said, Mr. Stokes, we've got a problem 24 with the hummers, we got sugar on the floor? 25 A. Uh-huh.</p>	<p>1 similar situation. 2 A. Right. 3 Q. Have you ever gone up to the hummer room 4 where these two hummers are located and seen sugar on 5 the floor? 6 A. Yes. 7 Q. How much sugar on the floor? 8 A. Quite a bit. I mean, if you're running 24 9 hours and you're steady getting lumps the whole time 10 and you're trying to keep it running, you full up all 11 the buckets you're going to full up. Once you done 12 moved the buckets and you come up and the hummer 13 steady running, you just have to keep shoveling out 14 and keep it running. And then when everything level 15 off, then you get a chance to go back and clean the 16 sugar up. 17 Q. So if the buckets are full, then you're 18 just going to put the sugar on the floor? 19 A. You don't have much of a choice. 20 Q. You've got to keep it running? 21 A. Right. 22 Q. Can you think of the last time you were up 23 there before the accident where you were having a 24 problem with the hummers, with those two hummers? 25 A. I couldn't give you an exact date. To be</p>

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<p>1 truthful about it, I couldn't give you an exact date. 2 Q. Sometime in '07? 3 A. Oh, yeah, sometime definitely. 4 Q. More than once in 2007? 5 A. Yeah, more than once. 6 Q. Once a month? 7 A. I ain't going to say once a month. You 8 might have the same problem three or four times that 9 week until you get that system clean of that sugar 10 that you're running. 11 Q. To your knowledge would there be any 12 record of -- you know, would you be reporting that 13 problem to anybody? Would there be any way of me 14 understanding how often that happened? 15 A. I don't think it's -- I mean, we didn't 16 kept paper record on how much time we had to go in 17 there and dig the hummer out. You know, we didn't 18 keep record on that. 19 Like I'm saying, it's a cycle. As long as 20 you got good sugar coming, you don't have no problem 21 with the hummers, only when you start getting lumps. 22 Then that's what back the hummers up. 23 As long as you got good sugar, no lumps in 24 the sugar, you don't have a problem. Like I'm 25 saying, you might run two, three, four, five, six</p>	<p>1 Anderson. Those were the four silo men. 2 Q. Willie Brown, Bernard Anderson, and 3 Mr. Quarterman. Would you-all contact one of the 4 silo men when you were having a problem with the 5 lumpy sugar? 6 A. The silo man was under the direction of 7 the packing house operator. We would talk to the 8 packing house operator and he would contact the silo 9 man. 10 Q. Who would that be? Who was that? 11 A. One of the supervisors were Isaac Green, 12 Alphonso Fields. I don't know the other two but I do 13 know those two. 14 Q. Alphonso Fields, is he one of the people 15 that died? 16 A. Right. 17 Q. So how long would it take to clean up that 18 hummer room when you run out of buckets? 19 A. Well, it's according to how much time you 20 want to spend in there. I mean, we can go up there 21 actually and as long as we're just concentrating on 22 getting the sugar out, within an hour or two you can 23 get all the sugar out. That's no problem. It's 24 according to what time you got dedicated toward 25 cleaning it.</p>
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<p>1 months and never experience anything as long as the 2 sugar flowing good but... 3 Q. So if I'm understanding you correctly, as 4 the sugar in the silos get lower, it gets more 5 dampness in it? 6 A. I don't know whether it dries better from 7 the top to the bottom. I'm not a silo man. But I do 8 know the lower it get, that's when you start having 9 problems. 10 Q. With the lumps? 11 A. Right. 12 Q. To your knowledge are there any other 13 situations other than the amount in the silo getting 14 lower that causes lumpy sugar for you-all? 15 A. That's the only problem I can think of. 16 Q. You know, you mentioned a silo man. Can 17 you recall the names of any of the silo men that you 18 dealt with? 19 A. I think one of them was Charles Johnson. 20 Q. Tom Johnson? 21 A. Charles. 22 Q. Charles Johnson. Okay. 23 A. Two of them I think -- one of them got 24 killed in the explosion. I'm trying to remember his 25 name. Earl Quarterman. Willie Brown and Bernard</p>	<p>1 Q. Can you think of a time where it took you 2 more than a day to get it cleaned out? 3 A. Only if you kept getting lumps off, all 4 through the night and all through the next day, which 5 that has happened on occasion, all day long and all 6 the next day. 7 Q. So at that point are you into the third 8 day to get it cleaned out if it's been running bad 9 for two days? 10 A. Right. 11 Q. Can you ever think of a situation where 12 it's lasted more than three days? 13 A. Well, it has lasted all the way up to a 14 week. We had accumulated quite a bit of sugar. But 15 as soon as we can get everything back running smooth, 16 then we go up there and we get it out. You have to 17 because you ain't got but so much room to walk around 18 up there so -- 19 Q. How big is that area where those two 20 hummers were located? 21 A. It's a very small walk area. It's not no 22 big area. Because you got your elevators there. You 23 got your hummers there. And the walkway space ain't 24 but so big up there. 25 So actually in order to keep room you have</p>

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J. Stokes

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<p>1 A. In cabinet drawers. 2 Q. Is that communicated to employees? 3 A. Everybody knew because everybody use the 4 same drawer. 5 Q. Who was responsible for restocking the -- 6 A. Mainly all our restocking is really done 7 by the day shift personnel. The man on the day 8 shift, whoever was on day shift, they supposed to get 9 whatever we need to help out through the rest of the 10 day and the rest of the night. 11 Q. Would they let you know that, hey, we're 12 running low on batteries? 13 A. They know they needed batteries. They 14 don't have to ask me to go get batteries. They just 15 go up there and get batteries and come back. 16 Q. Where do they go to get the batteries? 17 A. To the storeroom. 18 Q. Am I correct in understanding that other 19 than the exit signs over doors, there was no other 20 lighting -- 21 A. No. Not once the power go out, no. 22 Q. Was there any kind of natural light in the 23 bulk station when the power went out? 24 A. If you're working day shift, you got 25 sunlight.</p>	<p>1 evacuation from the building? 2 A. Well, David Mayes never came back after 3 the explosion. He went and joined the service and 4 the brief telephone call I had with him he was just 5 mostly telling me about what had happened. 6 And Hilton, he came back -- I think Hilton 7 was affected emotionally than actually being hurt. 8 He came back to work. 9 But as far as them two, that's only the 10 two that actually been involved in it. Everybody 11 else was off that day. 12 Q. What did David Mayes tell you about 13 getting out? 14 A. Well, he told me he just ran through the 15 Number 6 warehouse where J bin is and just ran out 16 the door. 17 Hilton ran down the stairs and went out 18 the railroad tracks down toward the river. And 19 that's practically it. 20 Q. No physical injury to either one? 21 A. Not as far as I know. 22 Q. The manlift that y'all used in the bulk 23 station, did it have any kind of self-closing gate or 24 maze system on it? 25 A. No.</p>
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<p>1 Q. That's my question. Where would the 2 sunlight be coming in from? 3 A. Well, like I said, the bulk station is not 4 closed in. The only thing you got is a roof over 5 there so you got all the daylight outside still 6 flowing into the office part of the bulk station. 7 But inside the bulk station itself past 8 beyond the office then there's no light because that 9 building is closed in so you don't have no light once 10 you pass the bulk station office. 11 Q. So like if Elliott Gibbs is up on the 12 fourth floor -- 13 A. He'd be in the dark. 14 Q. But he has a flashlight? 15 A. He has a flashlight. 16 Q. Did any of your employees evacuate after, 17 you know, that evening when the explosion happened? 18 A. Evacuate? What you mean? 19 Q. You know, that they got out. 20 A. Had to get out? 21 Q. Yes. 22 A. Yes. 23 Q. Do you recall who was working? 24 A. Hilton Smith and David Mayes. 25 Q. Did you talk with them about their</p>	<p>1 Q. Did it have any kind of gate on any of the 2 floors? 3 A. No. 4 Q. And you were aware it didn't have a gate? 5 A. Right. 6 Q. Did you flag that to anyone as any kind of 7 problem or safety concern? 8 A. Well, we had safety over there and safety 9 would come over there and inspect to make sure it's 10 running and everything. Nobody specified that we had 11 to have a gate. 12 Q. Did you consider it to be at all dangerous 13 not having a gate on the manlift? 14 A. No. I figured if you followed procedures 15 on how to ride it, you know, wasn't no problem. 16 Q. Now, was there also some kind of emergency 17 ladder that ran alongside the manlift? 18 A. Well, you had the steps to take you up to 19 the same floors that the -- 20 Q. Was there also some kind of ladder? 21 A. No. 22 Q. So your recollection, there was no kind of 23 emergency ladder in the vicinity of the manlift? 24 A. It's some railings that's fixed up like a 25 ladder but you couldn't climb down that. That's why</p>

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