

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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FIRE ABOARD *GRANDE COSTA D'AVORIO* *

AT BERTH 16 IN THE PORT OF NEWARK IN *

Accident No.: DCA23FM039

NEWARK, NEW JERSEY ON JULY 5, 2023 *

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* * * * *

Union Township City Council Chambers
1976 Morris Avenue
Union, New Jersey 07083

Wednesday,
January 17, 2024

Hearing Day 5 of 6

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D.C. Area 301-261-1902
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7735267-BRR-060

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United States Coast Guard

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LT BRANDON REED, Investigating Officer
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GINO ZONGHETTI, Attorney
(On behalf of Ports America)

ROBERT O'CONNOR, Attorney
(On behalf of Grimaldi Deep Sea)

JOHN REILLY, Attorney
(On behalf of Port Authority of New York and New Jersey)

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City of Newark Law Department
(On behalf of City of Newark and the Department of
Public Safety, Division of Fire)

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E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
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<u>ADMINISTRATOR</u>			
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P R O C E E D I N G S

(8:30 a.m.)

CDR BARGER: Good morning, ladies and gentlemen. The time is now 8:30 a.m. local time in Union, New Jersey. We are back on the record in the formal hearing into the fire and subsequent fatalities on the Grande Costa d'Avorio that occurred on July 5th, 2020 while conducting cargo operations in the port of Newark, New Jersey.

I ask those attending in person to silence all cellphones at this time and please exit the hearing room to make or receive phone calls. Today is Wednesday, January 17th, 2024. It is the fifth day of the formal hearing into the previously mentioned matter.

I am Commander Christian Barger, the lead investigating officer for this First Coast Guard District formal investigation and the presiding officer for these proceedings. The commander First Coast Guard District convene this investigation under the authority of Title 46 United States Code, Section 6301 and Title 46 Code of Federal Regulations, Part 4, to investigate the facts and circumstances surrounding the fire and subsequent fatalities on the Grande Costa d'Avorio.

The investigation team members present today, other than myself, are Lieutenant Commander Stephanie Moore, Mr. Willie Pittman and Lieutenant Brandon Reed, who is also our reporter. The legal advisor to this investigation is Lieutenant Commander Katherine

1 Ward. The National Transportation Safety Board is participating
2 in this hearing and represented by Mr. Bart Barnum and Ms. Nancy
3 McAtee.

4 The Coast Guard has designated five parties in interest to
5 this investigation. We will now take appearances for the parties
6 from my left to right. When I call the party, please state your
7 name and spell your last name for the record.

8 City of Newark?

9 MR. LIPSHUTZ: Good morning. My name is Gary Lipshutz, L-I-
10 P-S-H-U-T-Z, first assistant corporation counsel, City of Newark.
11 I represent the City of Newark and its Department of Public
12 Safety, Division of Fire. Good morning.

13 CDR BARGER: Thank you.

14 The Port Authority of New York and New Jersey?

15 MR. REILLY: Good morning. My name is John Reilly, R-E-I-L-
16 L-Y. We represent the Port Authority.

17 CDR BARGER: Thank you.

18 Grimaldi, DC?

19 MR. O'CONNOR: Good morning. Robert O'Connor, O-C-O-N-N-O-R
20 from Montgomery McCracken for Grimaldi.

21 CDR BARGER: Okay, thank you.

22 Ports America?

23 MR. ZONGHETTI: Good morning, Gino Zonghetti, Z-O-N-G-H-E-T-
24 T-I, Kaufman and Dolowich on behalf of Ports America.

25 CDR BARGER: Thank you.

1 American Maritime Services?

2 MR. PALLAY: Good morning, Matthew Pallay, P-A-L-L-A-Y of
3 Freehill Hogan Mahar for American Maritime Services.

4 CDR BARGER: Thank you.

5 Mr. Barnum, do you have any opening remarks on behalf of the
6 NTSB?

7 MR. BARNUM: Yes, thank you. Good morning. I am Bart
8 Barnum, investigator in charge for the National Transportation
9 Safety Board for the investigation into this casualty. The NTSB
10 has joined this hearing to avoid duplication of the development of
11 facts. Nevertheless, I do wish to point out that this does not
12 preclude the NTSB from developing additional information
13 separately from this proceeding if that becomes necessary.

14 At the conclusion of this hearing, the NTSB will analyze the
15 facts of this casualty and determine the probable cause
16 independent of the US Coast Guard. We will issue a report of our
17 findings and, if appropriate, we will issue safety recommendations
18 to correct problems identified in this investigation. Thank you.

19 CDR BARGER: Thank you. We will now take a 10-minute recess
20 to prepare the first witness, Assistant Public Safety Director
21 Rufus Jackson. The time is now 8:34 AM. We will reconvene at 8:45
22 a.m.

23 (Off the record at 8:34 a.m.)

24 (On the record at 8:45 a.m.)

25 CDR BARGER: The time is now 8:45 a.m. local time in Union,

1 New Jersey. The hearing is now reconvened and back on the record
2 regarding the fire onboard Grande Costa d'Avorio. Our next
3 witness is Director Rufus Jackson.

4 Lieutenant Reed, please swear in the witness.
5 (Whereupon,

6 RUFUS JACKSON
7 was called as a witness by and on behalf of the Administrator and,
8 having been first duly sworn, was examined and testified on his
9 oath, as follows:)

10 LT REED: Mr. Jackson, I have a few preliminary questions for
11 you. Would you please state and spell your last name for the
12 record?

13 MR. JACKSON: Rufus Jackson, R-U-F-U-S J-A-C-K-S-O-N.

14 LT REED: Okay. On July 5th, 2023, what was your profession?

15 MR. JACKSON: I was the fire chief of Newark, New Jersey.

16 LT REED: Okay. And who were you employed by?

17 MR. JACKSON: The City of Newark.

18 LT REED: And what professional certificates or certification
19 do you hold related to that position?

20 MR. JACKSON: Incident management levels one and two,
21 management level 300, 700, instructor certifications, HAZMAT tech,
22 HAZMAT incident command certification. I once served as a PT
23 certification, also arson investigator certification, trainer,
24 instructor, so level one. A whole sort of the leadership
25 certifications and those are the main ones that they require you

1 to be a chief officer in the State of New Jersey.

2 LT REED: Okay. Thank you very much. And on July 5th, 2023
3 how long had you been employed at that position?

4 MR. JACKSON: Twenty-eight years.

5 LT REED: Okay, thank you very much, Mr. Jackson.

6 And the witness is ready to proceed.

7 CDR BARGER: Thank you. I will be conducting the direct
8 examination of this witness.

9 DIRECT EXAMINATION

10 BY CDR BARGER:

11 Q. Good morning, Director Jackson.

12 A. Good morning.

13 Q. You just said that you had been employed for 28 years. Is
14 that your entire time with the Newark Fire Department?

15 A. Yes. Well, probably close to 30 years with the city as a
16 whole. I started out as a -- in the municipal court as a -- in
17 the violations role receiving -- in the violations bureau in the
18 ticket area. I did that for eight months then I crossed over to
19 the Newark Fire Division in 1995.

20 Q. Okay. And when did you become a chief officer?

21 A. My first rank of chief officer was in 2009. I was a
22 battalion chief.

23 Q. Okay. And then did you promote to a deputy chief?

24 A. Yes, in 2012.

25 Q. And what were your assignments as a deputy chief?

1 A. I did field ops for about four to five years where I had a
2 tour, which was Tour 01. And I also served as the chief of staff
3 to a director for Team Z at during 2010 or '11 through 2013.

4 Q. When did you become the fire chief?

5 A. I was acting 2016. October of 2016 I became the acting fire
6 chief and January will be tested for the position, and then in
7 January of 2017 I was sworn in as the chief of the Newark Fire
8 Division.

9 Q. Now, have you ever worked for another fire department besides
10 the Newark Fire Department?

11 A. No, sir.

12 Q. And you personally, what, if any, training have you ever
13 received related to ship order maritime fire response?

14 A. I was always assigned in the, like, the middle of the city
15 area, but I have worked overtime and -- where Rescue 1 as a
16 captain. And went to the port and we did a drill on rules and so
17 on from the -- I don't know the name of the machines, but they
18 actually load the cargo or the containers on to the ships.

19 Q. Like a gantry crane?

20 A. Yes.

21 Q. Okay.

22 A. I don't know the name of it, but it actually has, like, a --
23 it's a boot that you're in and it actually goes out over the water
24 and you're able to look down in it. So we simulated rescuing
25 someone from there.

1 Q. Is that is that, is that the only maritime port or shipboard
2 training that you have had?

3 A. Yes, sir.

4 Q. Have you, besides that, have you ever participated in any
5 drills or exercises related to the maritime port or shipboard
6 incidents?

7 A. I do not remember.

8 Q. Okay. And then just to clarify with the training that you
9 did attend with Rescue 1 back when you were a captain, did you
10 ever go on board a ship as part of that training?

11 A. No, we didn't go on a ship at that.

12 Q. Okay. And then what, if any, experience have you -- what, if
13 any, experience have you had related to -- what experience, if
14 any, have you had responding to cargo ship fires?

15 A. I never had an incident where we responded to a cargo ship
16 fire --

17 Q. Okay.

18 A. -- prior to this.

19 Q. Okay. If you could, describe to us what your duty were as
20 the fire chief of the Newark Fire Division.

21 A. Running the day-to-day operations. I was in charge of all
22 tours, close to 600 -- 500 or 600 members uniformed. Training was
23 approved or went through my office. I'm trying to -- the
24 managing, well, not managing but budget-wise I'm involved in that
25 process of establishing budgets and stuff. The attendance of

1 members, the equipment, making sure that they have and we were
2 purchasing the adequate equipment for the members. The policies
3 and stuff like showing that we're following the ones that we have.
4 And when it came to discipline recommend discipline when I was at
5 the chief level. Let's see, and making sure that members on the
6 department are following the rules and regulations and the
7 policies and procedures.

8 Q. Okay. Thank you. And there are a couple of those that I'd
9 like to hit on specifically. But to -- but first, who do -- as
10 the fire chief who do you directly report to?

11 A. As the fire chief I directly report to the assistant public
12 safety director and occasionally, well, not occasionally, but and
13 the director -- and the director, too. And the responsibilities
14 that I say this is because the department is so large there's
15 layers --

16 Q. Okay.

17 A. -- because it's a paramilitary department.

18 Q. Okay, could you explain that --

19 A. Yeah, so --

20 Q. -- there's layers of the structure of the --

21 A. There's layers of the structure, yes. So me being the fire
22 chief I'm solely accountable for those things, but there's deputy
23 chiefs, there's battalion chiefs and there's captains that are
24 managing different divisions. It's like the military. We're a
25 paramilitary department because the chief of the department can't

1 be everywhere and can't supervise over 600 people. It's beyond my
2 span of control, right? So I just wanted to state that.

3 Q. So the -- what, I guess, divisions --

4 A. Yeah, we have --

5 Q. -- fall underneath of the fire chief then?

6 A. Ah, yes, so there is, there is the operations division.

7 There's port command. There's training. There's special
8 services. There's communication. There's the clerk, I mean, when
9 you talk about the finances and stuff like that. This is -- so
10 there's different divisions for different forces of the, of the
11 department.

12 Q. And does each of those divisions have a deputy chief?

13 A. Most of them, yes. They have a deputy chief but if this is a
14 civilian position there's a supervisor over that position.

15 There's a -- and then there's supervisors below them if the
16 department has that many employees to try to reduce this span of
17 control.

18 Q. So when it comes to -- or when it came to decision-making as
19 the fire chief you have a boss, right, the assistant public safety
20 director. How much autonomy were you given as the head of the
21 department when it came to decision-making on things like
22 training, budget, attendance, equipment?

23 A. Well, I think it depends on the administration, but this
24 administration and the administration at the time have been more
25 generous with accepting the decisions of the chief than I've ever

1 seen. I think we --

2 Q. There were -- as the fire chief were you able to set your own
3 budget then for the department?

4 A. I don't have the final say so on that, but there is budget
5 and I do have input on it.

6 Q. Okay. Who -- I understand -- or I don't know the Newark
7 structure. Who did have final say on, like, budget for --

8 A. The directors have the final say on the budget.

9 Q. Okay.

10 A. So the structure is the director, the assistant director and
11 then the fire chief.

12 Q. And if the department wanted to purchase a new piece of
13 equipment, a new engine let's say, who would have to, like, who
14 has to sign off on that as the final decision maker?

15 A. The director does.

16 Q. The director?

17 A. Mm-hm.

18 Q. As the fire chief was one of your duties to inspect units or
19 inspect companies, I guess?

20 A. Yes, I did inspections quarterly.

21 Q. Okay. And did that include inspections of equipment itself?

22 A. Equipment and the members and the stations.

23 Q. Okay. And then how were you made aware of resource
24 availability or how does the department monitor resources
25 (indiscernible)?

1 A. It depends on what equipment are you talking about?

2 Q. Engines, trucks, fireboats, air truck, you know --

3 A. All right.

4 Q. -- resources like that.

5 A. So each division, like I said earlier, each division has a
6 division head and that person would relay or submit if there was
7 an issue with any piece of equipment or it needs to be replaced.

8 Q. Did you -- is there any method of tracking resources that are
9 unavailable for department leadership to have a warning?

10 A. Yes. Yes.

11 Q. How does that process work or what is it?

12 A. We have, I would say, out-of-service and in-service sheet
13 that actually gets emailed out daily by orders (phonetic) if
14 you're talking about apparatus. For equipment, the members will
15 write a report to the -- through the chain of command to the
16 Office of the Fire Chief, but if there's something that needs to
17 be repaired or replaced right away they would go to the special
18 services and pick up whatever equipment they want and then do a
19 report afterwards and stuff.

20 Q. Okay. For July 5th, 2023 what, if any, significant pieces of
21 apparatus were out of service to your awareness?

22 A. We had two -- we had a ladder -- Ladder 10 had went out of
23 service I think 4 o'clock, around 4 o'clock or 5 o'clock that
24 evening. They had -- it was overheating. And Engine 19 had an
25 issue with the inability to go into a pump and it had been sent to

1 a vendor and they determined that it was -- the computer
2 (indiscernible) needed to be replaced.

3 Q. Okay. Was your air truck or cascade truck in service that
4 day?

5 A. It was not. June, you know, called me June -- around June
6 8th or 9th or whatever, there was -- so this had already been
7 planned so they'd be USAR -- that's a USAR asset, the cascade. So
8 it had been planned for all of the cascade truck's compressors to
9 be replaced. I think it was, like, at least six months prior the
10 coordinator had advised us that they were going to do this and it
11 was our turn on that date, June -- around June 8th or June 9th to
12 get ours done. And they took it out of service and it went for
13 the new compressors to get put in.

14 Q. And when you say it's a UASI asset, who does that -- I guess,
15 who owns the UASI asset?

16 A. I would say this. There's federal money that's -- it was
17 purchased and the city's manages it. We repair it if any
18 mechanical or compressor issues but upgrades they would handle it.
19 So it's a joint, I would guess, joint effort with a piece of
20 equipment. We repair it. We house it and we utilize it, but we
21 utilize it not just for Newark because it's throughout the state
22 if needed.

23 Q. Okay. And if that piece of equipment, when operational,
24 needed to -- was needed in a neighboring county, who would man it?

25 A. We have firefighters that are assigned or companies that are

1 assigned to manage the cascades, so they take turns. So figure
2 that approximately two or three. It's been so long since I looked
3 at that sheet, but they rotate it. It may be four, one in each
4 battalion. They take turns managing it four months so you have to
5 go down and make sure it's working every day, start it up, check
6 the compressors. If there's any empty bottles on it they should
7 be filling them up. And they rotate, each company rotates --

8 q. Okay.

9 A. -- that are assigned cascade duties.

10 q. Okay.

11 A. And in the event that we do get an incident they would -- the
12 people who are assigned to check it that particular month they
13 would go out of the city or -- to assist.

14 Q. Okay. And then what about the status of the fireboats on
15 July 5th, 2023?

16 A. From the best -- they both were in service from what I got.
17 I believe they both were in service at that.

18 Q. Okay. And you mentioned that you inspect apparatus and
19 inspect companies. Do you recall when the last time was that you
20 had inspected the fireboats or the company that mans the
21 fireboats?

22 A. No. Yeah, that was -- excuse me. Yeah. That same day I
23 inspected Ladder 4 and Engine 27 at the boat and I had them start
24 it, start both of the boat or vessels -- the boats for me and
25 walked around and they showed me around. And went to both sides

1 -- both docks.

2 Q. At that time did you observe both fireboats operate?

3 A. I believe so.

4 Q. Are they stationed together or you said docks? Are they --

5 A. No.

6 Q. -- two separate locations?

7 A. There's two separate locations.

8 Q. Two separate locations? All right. Where within the port

9 are they located?

10 A. 502 is at the (indiscernible), 501 is off of quarter

11 (phonetic).

12 Q. Okay. And is, if I heard you correctly, the companies

13 assigned to man the boats are Engine 27 and Ladder 4?

14 A. Yes.

15 Q. Are they -- so you have two fireboats and two companies. Are

16 they specifically assigned to one of the fireboats to man or --

17 A. No, they -- either one they take. It depends on the type of

18 incident, but the one that's at Quartering is the older -- it's an

19 older boat. And we got that one in 2006 and the one that's up at

20 St. Value (phonetic), we got it in 2013 and they're different

21 sizes.

22 Q. Okay.

23 A. So different areas of the channel. It depends on where the

24 incident is and stuff on which boat they take when they both are

25 up and running to deal with it.

1 Q. And who makes the decision that the fireboat needs to respond
2 to an incident?

3 A. Our dispatch will call us. They're part of a UASI fireboat
4 task force.

5 Q. Okay, so that decision is being made by the dispatcher?

6 A. Yes, and then we get mutual aid calls from other cities that
7 are in the UASI task force who are -- there's about 13 of them, I
8 think 12 or 13 throughout the coast, all the cities around us that
9 are near the waterways. So sometimes, you know, they will

10 dispatch multiple boats at once to try to get a company there as
11 soon as possible, especially for someone in distress in the water.

12 Q. So for an incident that occurs in the Newark Fire Department
13 jurisdiction, how does a dispatcher know if they should dispatch a
14 fireboat?

15 A. That's through their training. Whenever someone's in
16 distress and they call and if it's within the City of Newark or
17 coming from one of our mutual partners we usually go.

18 Q. Is there, is there a written policy or a checklist that a
19 dispatcher has that says in this type of incident dispatch a
20 fireboat or -- I guess that applies to any other specific
21 resources?

22 A. They do have checklists, and I can confirm -- affirm. I can
23 (phonetic) speak to that.

24 Q. Okay. For Engine 27 and Ladder 4, who you said were the
25 companies that man the fireboats what, if any, specific training

1 were they required to have to man the fireboats?

2 A. I wasn't a part of the process when they first started the
3 fireboat, but I know that they, they did receive training going
4 back as far as 2008. I know that they should have their
5 certifications for piloting a boat and -- can you repeat that
6 again? So I can just make sure I answer it correctly?

7 Q. Just what specific or special training should -- was expected
8 for those two companies in order to be able to man the fireboats?

9 A. They must keep their certifications up and they trained on
10 the piloting of the boats.

11 Q. What certifications are you referring to?

12 A. They are -- I know years ago that they sent them to pilot
13 school and there's a list of members that are on our job that has
14 those, those certifications.

15 Q. Okay, so like actually how to drive the boat?

16 A. How to drive the boat, yes.

17 Q. Do you know if they require any kind of Coast Guard-issued
18 mariner credential?

19 A. I believe so.

20 Q. As far as -- you mentioned running drills on the fireboats.
21 Is that -- who prescribed what drills for those companies in
22 relation to the fireboats?

23 A. So the -- I know we had the chief that was over the port
24 command along with the captain. As far as the drills, I know a
25 lot of them were spearheaded by I believe it was the Port

1 Authority and the UASI Task Force. I have some records of them
2 having, like, committee meetings and, like, Elizabeth, the chief
3 over there, was very -- only, like, took the lead in making sure
4 that -- I would say that he was guiding, like, that task force in
5 the beginning. They met regularly. They seat (phonetic) Port
6 Security funding. They planned classes together whether it was in
7 New York or at the Naval Yards (indiscernible) was Middletown.
8 They also went there for training. It was just different places
9 over the years and I know some funding was allocated toward
10 training.

11 Q. So it sounds like, if I'm understanding you correctly, the
12 training related to fireboats, because they were part of the
13 fireboat task force --

14 A. Yes.

15 Q. -- was largely coordinated by -- I guess who's the
16 coordinator for the fireboat task force?

17 A. Who is it now?

18 Q. I guess who -- positional-wise, you know, who is that person
19 who coordinates?

20 A. Right now I don't know. I believe Gorman plays a big part in
21 it. I forgot his -- I can't believe I forgot his (indiscernible)
22 person, but he plays a big part of it. I'm on a lot of the
23 correspondence that comes in about the meetings and stuff and we
24 would say our command -- port command chief there and he would
25 coordinate with other chiefs from other departments and

1 municipalities who also (indiscernible) those. And they would
2 come together. They would just talk about different types of
3 training that are out there, funding that's out there and
4 maintenance on the boats. And then in some cases they would work
5 together, like, some of the municipalities would send different
6 people from each municipality to these courses and so.

7 Q. Okay. For the members who were in those companies that
8 manned the fireboat, did they have any specialized training for
9 shipboard firefighting? I think you mentioned that they can
10 operate the boats --

11 A. Right.

12 Q. -- but did they have training on how to then go -- any
13 specialized training on how to go on a ship and fight a fire?

14 A. Yes. I think it was spearheaded for the actual ship, the
15 task force members because they were I think -- I'm not -- I can't
16 think for the previous chiefs or whatever, but it makes sense
17 because they were going to most likely encounter what they were --
18 we were -- a vessel in distress, small boats in distress and maybe
19 they would have to use their shift to extinguish a fire or maybe
20 to rescue somebody from a small vessel. So --

21 Q. Okay. So generally then the intent with the Newark fireboats
22 sounds like it was primarily focused on smaller craft and
23 incidents that would occur on those?

24 A. Our -- the boats that we have?

25 Q. Yeah.

1 A. Yes.

2 Q. You've mentioned a couple of times the port command as one
3 divisions that fell under you as the fire chief. Could you
4 describe what that is?

5 A. Well, we just called it -- because I know at one point there
6 was a -- we had a dive team. We had the boats and then there was
7 someone that was over that division which was called port
8 division. And as time went by we -- this member of the dive team,
9 I mean, he would just solely devote, and like I said earlier, you
10 have to -- excuse me -- have someone over to break down the chain
11 of command. And we had someone over, which was common. I mean,
12 someone had to attend the meetings. I can't attend all the
13 meetings, you know? And that information is brought back to us.

14 Q. Okay. And is that a -- so was that port division or port
15 command in place on July 5th, on July 5th, 2023 just to be
16 specific?

17 A. The chief had retired in -- the one that was mainly running
18 it, he retired in either '21 or '22 or late '21. And then I still
19 had a captain there. I think late -- yeah, around that time he
20 was going to the meetings, the captain that was assigned there,
21 but --

22 Q. Okay. And was that, was that captain somebody separate than
23 the captain for Engine 27 or Ladder 4?

24 A. At one time he was assigned there and he was also working
25 with the chief that was there in charge of that division. And

1 they -- when he retired he was no longer there, but then I think
2 shortly before that I moved him back there in charge of it. And
3 he attended a couple of meetings.

4 Q. Okay. Was that his -- I guess what I'm trying to find out is
5 that captain, was that his sole job to be --

6 A. No.

7 Q. -- in charge of the --

8 A. No.

9 Q. -- port command?

10 A. No. He was on the other stuff. He was in charge of
11 communications also.

12 Q. Okay, so dual-hatted.

13 A. He was dual, yeah.

14 Q. Okay. So you previously mentioned that training was one of
15 the things that you were ultimately the decision-maker on. Is
16 that correct?

17 A. Oh, it depends on if it -- if it was in-house type of
18 training yes, but if it required going out of the city, funding
19 and stuff like that I had to get approval for training.

20 Q. Okay. So what kind of -- what kind of training in the past
21 year or two had come up to your desk as far as what would be in
22 your purview?

23 A. I mean, the day-to-day stuff being -- that it was -- if we
24 had the come down for a lecture from one of the chiefs that's in
25 the academy it was no problem. I would sign off on it. And we'd

1 just send out the schedules and stuff. If it was a matter of --
2 was it -- whether it was hole stretching, mask confidence, manage
3 rails or something -- stuff pertaining to that or just in-service
4 training, like, bail out jumps and stuff. But if it required to
5 have -- given members time off and stuff like that I'll have to
6 run it up and just get it approved, but nine times out of -- I
7 would say most of the time it wasn't an issue.

8 Q. Okay. And so all those different individual training-type
9 topics, like mask confidence, all that stuff came up through the
10 chief's office for approval?

11 A. Well, me and the training officer (indiscernible), we had a
12 girl (phonetic) for it so he would send it up. He would send it
13 up with the schedule, information about what the training was and
14 I would just create the notice or my office would just create the
15 notice and I would just sign off and send it out.

16 Q. Okay. Did any recommendations ever come up from the training
17 division related to shipboard training?

18 A. Yes. In June of '22.

19 Q. June of '22?

20 A. June of '23, excuse me.

21 Q. June of '23? Okay.

22 A. Yeah.

23 Q. And what was -- was that the first time that you had received
24 any type of requests to conduct or hold maritime or shipboard
25 training?

1 A. Since being chief, yes. Since being chief -- as chief, yeah.

2 Q. Okay, so since 2016, right? That's when you took over as
3 fire chief?

4 A. Right.

5 Q. Had no request come up for maritime training at that time?

6 A. No. When I was deputy they did training, but it was in
7 Brooklyn. They did a simulator training.

8 Q. Okay.

9 A. Actually I was -- yeah, I was deputy then and they, I don't
10 know what month they went, but then I took over in October of that
11 same year.

12 Q. Okay. If we could bring up Coast Guard Exhibit 13? And
13 we'll look at Page 1. Direct your -- do you have an image on your
14 screen?

15 A. Yes.

16 Q. Okay. And are you familiar with what this document is?

17 A. Yes.

18 Q. Okay. Can you tell us what the document is?

19 A. It's the notice for the maritime electric vehicle seminar.

20 Q. Okay. And is this the -- is this the training you were
21 referring to just previously that had come up for approval in your
22 office?

23 A. Yes.

24 Q. And what was your understanding of what this training was or
25 was going to be?

1 A. About EV vehicles and lithium batteries that are stored in --
2 on ships and that catches fire and that if they were going to go
3 over some of the dangers of fires on the side of the ships. And
4 also not only vehicle fires but in containers. I guess we all
5 about the heightened awareness now of the lithium batteries. I
6 thought it was a great course to get. We have been getting car
7 fires and stuff like that with lithium batteries and stuff and it
8 only makes sense. But this was specifically related to maritime
9 though.

10 Q. Okay. And was this -- so the -- I guess the reason behind
11 doing this training at the time you did it was related to battery
12 fires? Is that --

13 A. I don't know. It was battery fires but it was on ships
14 though.

15 Q. Okay. And what was your -- what was your understanding of
16 how this training was going to be conducted?

17 A. It was all classroom awareness stuff.

18 Q. Okay.

19 A. And we were -- we wanted to roll it out to everybody.

20 Q. Okay. And then how -- for training like this where you're
21 trying to roll it out to everybody and then there's a bunch of
22 companies and tours, you know, listed on here, how do you go about
23 -- how does that get coordinated?

24 A. The battalion chief will look into it (phonetic). He does a
25 great job with coordinating the schedules, so when he brings --

1 when he sends up different requests for training and stuff he also
2 has his schedules attached to it, so how we're going to get it
3 done.

4 Q. Okay. When this notice that we're looking at in Exhibit 13
5 here, was that distributed by you?

6 A. Yes.

7 Q. When you distributed this notice what was your intent behind
8 the attendance for the training?

9 A. To get as many members in the class as possible. It was
10 awareness.

11 Q. Was it mandatory?

12 A. If you were on duty it was mandatory --

13 Q. Okay.

14 A. -- for your attendance.

15 Q. And then if somebody wasn't on duty was there an ability to
16 -- or was there an expectation that they would somehow make up?

17 A. Yeah. That's the thing. We try to schedule -- because this
18 is a outside agency which was giving the class we try to plan for
19 another date or a couple of dates for members who miss training.
20 I know in the past we try to work that out with -- well, it's
21 easier in-house when we had training to have the training for the
22 members when they come in. But this one I don't, I don't think we
23 had a contingency plan for that, but there was supposed to have
24 been another course in July, which was a walkthrough of, of an
25 actual ship. And it was -- from what I got through correspondence

1 from DC LaPenta that was canceled because of the labor issues they
2 were having there. And then August, I don't know what day it was,
3 but in August we did go through with the course, the walk-
4 throughs.

5 Q. Okay. All right. Lieutenant Reed, thank you. You can take
6 it down.

7 So a final question of the training issue or training
8 conversation, what, if any, types of training would get
9 recommended up to your office or for, you know, that would have to
10 go on up further? Would -- was there any training that ever got
11 denied?

12 A. I can't say for sure, but I'm pretty sure that not -- I can't
13 say for sure but we have so much training that comes up. I can't
14 -- I can't say whether or not --

15 Q. Okay.

16 A. -- right offhand and I don't want to, you know, say something
17 that I'm not sure.

18 Q. Okay. I guess in general what would be a reason that a
19 training request or suggestion would -- or recommendation would
20 get denied?

21 A. If it doesn't relate to the job or financial, if it's too
22 many people off all at once. Whether it's in-house or out of the
23 city, I think those would be factors that will play into whether
24 or not it's approved or not.

25 Q. Okay. Going back to the conversation about equipment and

1 when equipment is out of service, what kind of contingency plans
2 does the department have when a piece of equipment does have to be
3 taken out of service?

4 A. It depends on what it is.

5 Q. Okay. What if an engine or a truck has to be taken out of
6 service?

7 A. We have spares.

8 Q. Okay.

9 A. In most cases we have spares, but --

10 Q. Is there a backup spare for every engine or truck or do you
11 have just a limited pool, I guess, of equipment?

12 A. A limited pool, a limited pool.

13 Q. Okay. We were talking about the air truck that went out of
14 service. What kind of contingency plan is there for that?

15 A. Special Services. That was the contingency plan for us to
16 use them. Special Services has a fill station, actually two fill
17 stations for bottles, and they actually go to the, to the pods.
18 We have pods in each station which the empty bottles go in. Well,
19 not each station, for approximately three to four stations
20 centrally located and all the empties go there. Special Services
21 pick those bottles up. They take them to Special Services and
22 fills them over there and then put them back in service. So they
23 have a stash of SEVA (phonetic) bottles there and they have a
24 truck that they have loaded up with bottles and stuff. So any of
25 it that we needed and that -- even at this incident they came.

1 And also we have our mutual aid UASI partners, too, who have --
2 who have cascade units also.

3 Q. Okay. And so if I'm understanding correctly, the Special
4 Services truck does it actually have the ability to refill bottles
5 or does it just carry a bunch of spare bottles?

6 A. It carries a bunch of spare bottles.

7 Q. Okay.

8 A. They refill at Special Services, though.

9 Q. Okay. And then if one of the -- if a fireboat went down or
10 both fireboats went down what contingency did you have for that?

11 A. We notify the UASI task force that it's down and they'll -- I
12 guess they take us off the call in the event that there's an
13 incident. But if we have an incident in the City of Newark in our
14 waterways we would call them and the task force members would
15 come --

16 Q. Okay.

17 A. -- to assist us.

18 Q. Okay.

19 A. And vice-versa.

20 Q. And we've heard in previous testimony the mention of USAR, I
21 guess, company or within the Newark Fire Department. Can you
22 explain to us what the USAR is?

23 A. USAR is -- strike team you're talking about, right?

24 Q. I'm sorry?

25 A. The strike teams?

1 Q. I --

2 A. The land teams, right?

3 Q. I just know that the phrase USAR has been used, urban search
4 and rescue, I think?

5 A. Urban search and rescue, yes.

6 Q. Okay.

7 A. All right. So there's, like, another 11 to 12 USAR strike
8 teams throughout the State of New Jersey. They all are equipped
9 with specialized training for confined space, collapse, all sorts
10 of tools. You could build a house with the amount of equipment
11 that they have on these trucks. They train together annually.
12 We've hosted probably the last 10 years maybe. We've hosted the
13 training in the City of Newark. And they are an asset for the
14 state. They're crews of members who are specially trained, more
15 advanced than the regular firefighter and they work well together.
16 It's a great program. It's federally funded. They all -- the
17 trucks were bought with this asset -- I mean, with these agencies.

18 Q. And is there -- does Newark Fire Department have one of those
19 units?

20 A. Yes.

21 Q. Okay. How is that staffed?

22 A. It's --

23 Q. Is it specific -- a specific company?

24 A. Yes. We have two companies that are assigned to man the unit
25 and between the two companies we established a team daily so that

1 the deputy chief knows who's going to be assigned there in the
2 event they are deployed. They are Ladder 5 and Engine 10 and each
3 of them, you know, if you're assigned to that unit you have to get
4 the training.

5 Q. Okay. So for Ladder 5 and Engine 10 no matter what tour
6 you're on?

7 A. All four tours.

8 Q. You're trained to be --

9 A. You're trained to --

10 Q. -- a USAR asset?

11 A. Yes.

12 Q. Similar to how 27 and --

13 A. Yes.

14 Q. -- 4 worked for the fireboats?

15 A. Yes.

16 Q. Okay. And then so do those companies have their standard
17 rig, the engine or the ladder and then have a different truck for
18 the USAR aspect?

19 A. Yes.

20 Q. Okay.

21 A. So we call it, you know, our unit in our city we call it
22 Rescue 2.

23 Q. Okay. So Rescue 2 is specific to --

24 A. USAR.

25 Q. -- USAR. Is there a Rescue 1?

1 A. Yes.

2 Q. Okay. Is that part of the USAR, too, or --

3 A. No. That's our Asset. That's the City of Newark's asset.

4 Q. Okay.

5 A. And they handle any -- they're specially trained, too, and
6 they know how to handle, you know, HAZMATs, extrication and
7 collapse, too. They're a skilled group, too, also.

8 Q. Regarding policy, what, if any, standard operating procedures
9 or policies does the New York -- Newark Fire Department have
10 related to shipboard firefighting?

11 A. The -- I looked. There is none unless I'm missing it, but I
12 looked through our general orders and I didn't see one in there.

13 Q. Okay. And in some of the previous testimony we've heard
14 there's been mention of language barriers experienced with ship's
15 crew. Does the Newark Fire Department have any access to
16 translators or translator service in the case that there is a
17 language barrier with an individual?

18 A. No. No.

19 Q. Okay. As the firechief, what types of incidents would you
20 -- would be reported to you directly? Did every incident get
21 reported that occurred in the city?

22 A. Fire incident or emergency incidences, excuse me --

23 Q. Fire incident.

24 A. -- or emergency. So I -- I made a -- I had it so that any
25 full assignment or anything that is newsworthy or anything that

1 they'd notify me right away. Excuse me. I've had it so that --
2 yes, that's right. So any signal 11 or full assignment or
3 anything drastic or deemed out of the ordinary they would notify
4 me via phone before the notifications goes out.

5 Q. Okay. And in relation to when the dispatcher is notifying
6 the equipment and resources to head out. when would you then hear
7 about it?

8 A. After this, after they have gone. So if UASI units were
9 deployed to a city because of a collapse or something they would
10 let me know. If it was a second alarm they would let me know.
11 Third alarm or anything better they would let me know.

12 Q. Okay. And when you receive those notifications would you
13 ever give any type of direction?

14 A. It -- no, not from home because I'm not there. It depends on
15 if it was, like, whether or not they called the wrong piece of
16 asset or something like that. Just say, like, they would -- oh,
17 we would discuss it on the phone, just say like they say, all
18 right, we're sending fireboat I or fireboat -- I know Fireboat I
19 is out of service so I say no. You need fireboat II or you're
20 sending our rescue company out of the city and I'll say no. You
21 can't send our asset outside of the city. Send Rescue 2, so just
22 stuff like that, but you mean over the air type of stuff? I don't
23 know.

24 Q. Okay. You answered my question, yes.

25 A. Okay.

1 Q. So in that phone call from the dispatcher notifying you about
2 the incident, if it seemed like they were sending something wrong
3 or hadn't sent something you might give a recommendation.

4 A. Yeah.

5 Q. Is that fair to say?

6 A. Or a directive to do something different.

7 Q. Okay, all right. As the fire chief would you ever respond
8 personally to incidents?

9 A. Yes. Off-site -- most second alarms I've responded on and,
10 like I said before, any full assignments that -- or anything that
11 happen that's out of the ordinary I usually will respond. I mean,
12 you could have a full assignment and maybe someone got severely
13 injured there or a firefighter got injured or a civilian got
14 severely injured I would respond then.

15 Q. Okay. Was that always a choice that you made or did you ever
16 experience having one of the chief officers say, hey, hey, chief,
17 we need you down here?

18 A. I've had incidents where they called me personally, the
19 chiefs and said that, for me to come down.

20 Q. Okay. And then when you, when you go to an incident scene do
21 you assume command?

22 A. So historically the fire chief didn't take the command from
23 the deputy chief. I was a deputy chief and my -- no matter -- and
24 I've had some severe injuries -- severe incidents and the command
25 never was taken from me. Because I respond to the incidents quite

1 often I was -- I would be taking the command every time I go there
2 and then what would the chief or the deputy chief learn what to
3 do? So I -- when I go on the scene I give them -- and this is
4 established that I give them direct -- I give them recommend --
5 well, I -- this is established that I tell them, like, you know,
6 although I'm on the scene and I don't take command. When I tell
7 you something or I give you a recommendation it's a directive, you
8 know, especially if I'm correcting some -- a safety matter or I
9 see something that's not right or whatever. So I like to go there
10 and see how the equipment that we may have put in service is
11 working, to see -- making sure that the operation is running safe,
12 making sure that people have on the right attire. And in some
13 cases I'll address it right then and in some cases I'll address it
14 in our biweekly meeting -- or not biweekly -- quarterly meetings
15 with the chiefs and stuff. But I tell them -- they know that if
16 I, if I give them a directive on the scene that it's a directive.
17 And I don't want to embarrass them in front of their crew or
18 anything like that because ultimately I'm accountable because I'm
19 the chief of the department for the incidents for when I'm there.
20 So --

21 Q. Okay. And is there any specific standard operating
22 procedures or directive for the Newark Fire Department or
23 otherwise that indicates when a fire chief should assume command
24 going on the scene?

25 A. Yes, after incident command.

- 1 Q. Okay.
- 2 A. Incident management.
- 3 Q. Okay, so based on the incident command system and training?
- 4 A. Excuse me?
- 5 Q. Are you saying based on the incident command system --
- 6 A. Yeah.
- 7 Q. -- training and doctrine for as far as when you as --
- 8 anything -- or any fire chief?
- 9 A. Yeah, I'm sure it's in the incident command F-10 (phonetic).
- 10 Q. Okay. And then as it relates to mutual aid, how does the use
- 11 of mutual aid get decided upon, if it's needed and if it's going
- 12 to be --
- 13 A. In the city?
- 14 Q. In the city, yeah.
- 15 A. It's we have, like, running card, I would say, but this --
- 16 it's actually in the system now and the system can let us know,
- 17 you know, what towns to call in and so it's already predetermined
- 18 who we call for first, the first round of mutual aid, the second
- 19 round and stuff like that. And then once they get into the city
- 20 at major incidents I would send someone to dispatch, a battalion
- 21 chief or a captain or someone and they would help our dispatchers
- 22 coordinate the resources that are coming into the city on mutual
- 23 aid.
- 24 Q. Okay. And who's deciding -- who makes that decision of when
- 25 mutual aid needs to be activated?

1 A. I think -- know they call -- I've been called several times
2 and they tell me, chief, when I'm on the same or the deputy chief
3 we have X amount of companies in the city and then at that point
4 we've told them or I've told them, you know, bring mutual aid in
5 to the city. I'm trying to think if it's automatic, but I know
6 that our dispatchers they're pretty experienced. We have
7 experienced ones that know, you know, when the city gets depleted
8 a certain amount they start making the calls or whatever. And
9 then they would let us know also. So it could go both ways.

10 Q. Is there, is there a time that dispatch can on their own
11 decide mutual aid is needed and reach out or does that decision
12 have to be signed off by yourself as the fire chief or the
13 incident command?

14 A. Are you talking just regular fire department mutual aid --

15 Q. Yes.

16 A. -- from fire departments?

17 Q. Like, if you needed assistance from Elizabeth or Union or a
18 neighboring fire department, is there somebody that has -- do you
19 have to sign off on that as the fire chief --

20 A. No.

21 Q. -- or does the incident commander make that decision?

22 A. The incident command -- sorry. I apologize.

23 Q. Okay.

24 A. The incident -- oh, okay. Yeah, the incident commander can
25 make that decision.

1 Q. Okay.

2 A. Not just -- no. No.

3 Q. All right. Before we get into specifics on the incident that
4 occurred on July 5th, we've been going for about an hour so we're
5 going to take a five-minute recess and then we'll come back and
6 continue with Director Jackson. The time is now 9:48 a.m. We'll
7 reconvene at 9:53 a.m.

8 (Off the record at 9:48 a.m.)

9 (On the record at 10:01 a.m.)

10 CDR BARGER: The time is now 10:01 a.m. local time in Union,
11 New Jersey. We're back on the record in the matter of the fire
12 and subsequent fatalities on board the Grande Costa d'Avorio on
13 July 5th, 2023. Our current witness -- and this is continuation
14 of testimony from Director Jackson. Director, I'll remind you
15 that you're still under oath.

16 BY CDR BARGER:

17 Q. Director, do you remember the incident that occurred at the
18 Port of Newark on July 5th, 2023?

19 A. Thank you. Yes.

20 Q. How did you first become aware of this incident?

21 A. I received a call from dispatch.

22 Q. Okay. And what was reported to you?

23 A. That there was five or six cars on fire on top of a ship, on
24 the top level of a ship at the Port of Newark on Corbin and Mars.
25 Corbin and Mars -- and Marsh.

1 Q. Okay. And what was your understanding of resources that were
2 being dispatched?

3 A. I believe she ran down the resources, and I turned on my
4 radio immediately and started listening to the incident.

5 Q. Okay. Did -- you mentioned that sometimes, for instance, you
6 will, if you feel there's something else that should be
7 dispatched, you'll give guidance.

8 A. Yes.

9 Q. In this particular case did you give any guidance related to
10 resources that were being sent out?

11 A. When I, when I turned on -- when I got the call and turned on
12 my radio it was I think DC Carlucci was arriving on the scene.
13 And I think shortly after that they were operating over there and
14 he said it was under control.

15 Q. Okay. Was there ever a discussion on if the fireboats were
16 needed?

17 A. I mean, I got it later but when I -- I had my radio on at
18 that time I didn't hear that aspect of it.

19 Q. Okay. For a ship fire why or why not would you dispatch your
20 fireboats?

21 A. I can't speak for someone else.

22 Q. Okay. So that would have the incident commander's decision
23 or dispatch's decision?

24 A. Yes. I mean, I wasn't there to see, you know, what he was
25 seeing so I can't make that decision.

1 Q. Okay. And at the time was there any mention of any mutual
2 aid resources that were being called up?

3 A. No. I believe when I turned on my radio they were -- the
4 fire was out. It was under control. Something about the CO had
5 been deployed and stuff and that they were going below to check on
6 the lower floors then.

7 Q. Okay. So --

8 A. And that was after listening to it for a little while, but I
9 didn't hear the reason. I don't think I had my radio on when the
10 actual resources went out. But I don't know.

11 Q. Okay. And did you respond to the scene that night?

12 A. Yes.

13 Q. When did you respond to the scene?

14 A. I responded when I heard the report of someone saying that
15 they were lost and -- or the chief -- I heard the chief say bring
16 the line back to the door. And then shortly after that it was,
17 you know, someone was lost and they couldn't find their way out or
18 something to that order. And then I immediately jumped in my
19 truck and I responded.

20 Q. Okay. You decided to respond because there were firefighters
21 lost?

22 A. Yes, right.

23 Q. How long did it take for you to arrive on the scene?

24 A. About 25 minutes, maybe 30.

25 Q. And when you arrived on scene what was your initial

1 impression of what was going on?

2 A. I mean, I seen that the large ship, I seen the crowd of
3 people on the tail of the ship, on the ramp of the ship. So I
4 walked up the street to the command post to speak to Al Carlucci.

5 Q. Okay. And when you say crowd of people on the back of the
6 ship, was that fire department personnel?

7 A. Firefighter personnel. It was firefighters. Excuse me, yes,
8 a crowd of firefighters standing around on the tail and Carlucci
9 was with them and their attention was to the radio and
10 communicating back and forth.

11 Q. Okay. And when you walked up and met with Carlucci what was
12 the conversation that occurred?

13 A. He briefed me what was going on. He said that he had two
14 firefighters lost. He said that they found one person but they
15 didn't know who it was. And I'm not sure. I think in the middle
16 of a par maybe? I don't know. I'm not sure if he told me at that
17 time that they weren't, they weren't able to use the line on the
18 ship.

19 Q. And what do you mean by that, unable to use the line?

20 A. They were using the hose lines of the ship --

21 Q. Okay.

22 A. -- because they didn't connect. I remember at point I went
23 into the -- inside the ship and looked at the hose myself and I
24 seen it was, like, an inch and a half or whatever that was to the
25 right -- to the left.

1 Q. So when you arrived on-scene what was your understanding of
2 the operations that were taking place at the time?

3 A. Well, at that point it was I thought, you know, it was really
4 just rescue mode for the two firefighters that were missing.

5 Q. Okay. What were you told about the conditions on the ship?

6 A. As far as --

7 Q. As far as presence of fire, yeah, CO2 system?

8 A. They said it wasn't no -- I'm not sure. I mean, I don't -- I
9 think they had extinguished the fire and they just was focused on
10 finding Acabou and Brooks. We had multiple companies standing by
11 and then shortly after I was there that's not -- well, there was
12 stuff that happened before that, but shortly after I was there
13 they identified who it and he said he was breathing hard and he
14 was trapped in between the cars and they needed different
15 equipment. So they started asking -- so we started shuttling up
16 the people who were standing there with different pieces of
17 equipment that they needed.

18 I was told that they put the rib pack on them so that he can
19 -- which would give him extended air supply.

20 Q. And how was that information flowing?

21 A. Via radio and face-to-face. You had some -- some guys were
22 coming and they were taking a beating, these guys. They were
23 doing everything they could. I mean, it's amazing. You've seen
24 guys. It was 80 degrees that day, extremely warm and our guys
25 were going up and down, you know, 10 flights of stairs after going

1 inside and then turn around and going back in. That's what I seen
2 from below. I'm not even going to say what was going on the top,
3 on the deck.

4 Q. And did you ever go up top?

5 A. I didn't. I stayed at the command post, me and Carlucci
6 where there for a little while. I immediately asked him when I
7 got on the scene, so also I was, like, are you right? Do you have
8 it? And he say, yeah. Yeah, I got it, Chief. I said all right.
9 At that point I needed -- we needed to work together, you know,
10 and I couldn't -- and try to get through this. And he was working
11 the accountability with his aid and stuff and trying to get a par
12 on the members who were lost. And at the same time trying to
13 communicate with the members upstairs who were conducting rescues
14 themselves. So and at the same time, and then at some point I
15 just felt (indiscernible) that this was beyond us and we needed
16 some specialized units. And I didn't want to risk more
17 firefighters so I reached out. Well, at some point LaPenta came,
18 CD LaPenta came, which was another added resource to the command
19 at the time because it was just me and him for a moment and we're
20 trying to command and manage what what's going on and wrap our
21 heads around what was going on. And I think he said something to
22 the order of, Chief, you want a UASI response? And I say, I say
23 yes. I says send all 11. Tell them all 11 and then I got on the
24 radio. So he reached out to direct via phone and I reached out on
25 the radio and asked for UASI to come.

1 Well, that's what dispatch -- they dispatched UASI and tell
2 them. So --

3 Q. And had the Newark Fire Department USAR units already come to
4 the scene?

5 A. Yeah, they had already been there. They were working --
6 Ladder 5 five was, I believe, they were one of the main companies
7 that actually located them and tied off the first life line into
8 there and it was putting the (indiscernible) right back on them.
9 They took a beating, those guys.

10 Q. And do you know, did they respond with their engine and
11 ladder truck to the scene or did they respond with Rescue 2?

12 A. They didn't respond with Rescue 2. They responded with their
13 engine and ladder truck.

14 Q. Did the Newark Rescue 2 ever come to the scene?

15 A. Those two companies are the companies that man it, so there
16 was no one to bring it to the scene. But we had our, you know,
17 the other departments en route, you know, and we called for them
18 to come. And I think it was Elizabeth and Jersey City was, like,
19 one of the first ones to get on the scene and we put them to work.
20 Not before, you know, first establishing getting more equipment up
21 there. We needed more bottles. We tried to speak to the people
22 who worked for the ship and the crew, I would say. And it was a
23 tough language barriers with them, like I said before, but they
24 were able to, I guess, understand us because they brought out the
25 map. But the map was big and it was -- I don't know. The

1 lighting was bad in there first of all on that first level and the
2 map was just so involved that -- and especially for your first
3 time seeing it.

4 So at some point I just said, just -- well, when we finally
5 did get the UASI teams and we got more people in I just told them
6 to escort them to where the fire is. And we compiled water up
7 there. We told them to take water. We told them to take extra
8 bottles. We told them to take lights. We brought Pelican case
9 lights up there so that -- and so I wanted to make sure that we
10 put them by the door, life lines. But before that happened when I
11 did go inside and looked at the hose and when I came back out I
12 told one of our companies to -- I think it was Engine -- it was
13 Engine 10 and I told them to get as much hose as you could, the
14 two and a half inch and bring it up here and piece in as much as
15 you could. And I said also get the rope bag and shortly, you
16 know, after putting that all up there and then I turned around it
17 was charged, the line was charged because I told them, I said we
18 had to -- we might have to get it up there. And it was, you know,
19 filled with water and that was more manpower-intensive for them to
20 try to empty -- get the water out and then at the same time more
21 resources are being requested upstairs and more fire personnel was
22 requested up there.

23 So we, kind of, avoided that at the time.

24 Q. So what was the concern about the hose being charged?

25 A. It's extremely heavy. You're talking about 200 -- you're

1 talking about a bed of two and a half inch hose wet and, you know,
2 hoisting it 12 stories high.

3 Q. Okay. So you were intending to have the two and a half inch
4 hose --

5 A. Hoisted up, yes.

6 Q. -- hoisted up the side of the ship?

7 A. Yes. Yes.

8 Q. Okay.

9 A. I was going to -- that's I was -- we were going to try to --
10 have intent on trying to use the ropes to actually tie it off and
11 pull it up there to see if we can get some type of water source.
12 But at the time there wasn't water. I mean, there wasn't -- fire
13 wasn't an issue where they were at. It was just manpower which
14 was needed.

15 Q. Had you previously had any -- heard any reports that there
16 was water supply issues for the hoses they were using on the ship?

17 A. No, other than when just when DC Carlucci you told me that
18 and then I went inside and looked at the line myself.

19 Q. Okay. And when you went inside are you referring to the deck
20 of the ship that's right at the top of the ramp?

21 A. Yeah, the aft.

22 Q. Yep.

23 A. Yeah, on the left -- the port side of it.

24 Q. Okay. And when you went inside was the ship's electricity
25 still on? Did they still have --

1 A. It was on.

2 Q. -- lighting.

3 A. It was on.

4 Q. Okay. Did at any point during the incident did you assume
5 command?

6 A. I didn't. I didn't. But like I said earlier, everything was
7 being ran through me although I didn't verbally assume command of
8 it. Carlucci was there and LaPenta was there at the command post
9 so we were working together just trying to make this situation
10 better. LaPenta, DC LaPenta was, like, in the operations mode.
11 He actually was coordinating with us when the UASI assets did
12 arrive and he just coordinated with the two -- with us with them.
13 And as the assets were coming in as the different resources would
14 be -- at some point they would -- they did Brooks, excuse was.
15 Acabou was removed and he was taken to the starboard side. And I
16 know at the time there was so much -- so many people going out
17 with heat exhaustion and maydays on the radio and stuff like that.

18 But at the same time we were ready or ready to deploy
19 Elizabeth and Jersey City. That's when we're compiling everything
20 in the -- just beyond the rent inside the ship. And we gave them
21 direction. We told them, you know, where everything was, who was
22 -- who we're looking for. Take a light. Take a lifeline, who's
23 entry, who's rapid intervention. They said there were going to
24 stage below and, you know, and then they would deploy. And then
25 shortly after that some more members arrived. It was just -- they

1 gave it their all just trying to find these guys.

2 Q. When you first arrived on-scene and then during your time in
3 the command post, was there an accountable -- accountability board
4 being used?

5 A. I did see the accountability board, but LaPenta was -- not
6 LaPenta, excuse me, Carlucci was using his command sheet because,
7 like, every time before somebody would go in I was, like, I told
8 him and his aid I said you've got -- you see who is going in so
9 you've got to account for them. I got it, Chief. I got it,
10 Chief. All right. Make sure you got a count for them. I didn't
11 -- I did see the accountability board, I think.

12 Q. Okay. My understanding is sometimes firefighters will use
13 tags and a physical board. Was that being used that day or was it
14 just paper?

15 A. I don't know. I do -- we did give them -- they do have tags.
16 They do have a -- I mean, supposedly. I'm not sure.

17 Q. Okay. And when -- during your time in the command post did
18 you interact with any crew members from the ship?

19 A. Yeah. At one point, like I said, we met, like, in the aft
20 area and we were trying to talk to them but the language barrier
21 was an issue.

22 Q. Okay.

23 A. And then they went and got the maps for us.

24 Q. So prior to your arrival, or I guess when you arrived and
25 went up to the command post, was there a map of the ship already

1 being used?

2 A. When I arrived?

3 Q. When you arrived.

4 A. No.

5 Q. Okay. And can we put Coast Guard Exhibit 7A. Director, is
6 this -- does this look familiar to you?

7 A. Yeah. Yes.

8 Q. Okay. And how does it look familiar?

9 A. It's similar to the map that was -- that we were given.
10 There was multiple layers, though. It was maybe three. I don't
11 know how many but it was different copies of different areas of
12 the boat, of the ship.

13 Q. Multiple sheets of --

14 A. It was multiple sheets.

15 Q. -- the ship?

16 A. Yes. And it was folded and we had to unfold it and try to
17 find somewhere to lay it out. It was --

18 Q. How big would you say the paper was?

19 A. I don't know, maybe about this big?

20 Q. Okay. How would you describe that? Yeah, for the record,
21 the witness just indicated with his hands a --

22 A. Two feet.

23 Q. -- width of about two feet.

24 A. I would say.

25 Q. Okay.

1 Thank you, Lieutenant Reed. You can take that down.

2 We've heard previously that there was eventually two command
3 posts that were established at the scene, the original incident
4 command post and a second one for UASI. Did you observe that?

5 A. I don't recall seeing that but I know we were right by the
6 door so whoever came in they had to go by us and ask us what we
7 were wanting, but the UASI assets were excellent at this incident.
8 And we were working -- obviously, we were working together.

9 I know Robert Siber (phonetic), battalion chief from Bailey
10 (phonetic) was there. He was a great help. They had aligned --
11 when New York got there they were able to give us -- maybe before
12 that -- they were able to give us radios and so we could be all on
13 the same frequency, which we thought was going to be a little
14 better for us communicating.

15 And that was something else that Battalion Chief LaPenta -- I
16 came and said you want New York? And I say, yes, absolutely. And
17 then not long after that, because the crews that we were sending
18 in weren't able to find Brooks initially. And then New York --
19 shortly after our request New York was there and they went in and
20 they found him.

21 Q. And how was the UASI units and New York when they showed up,
22 how were they taking -- tasking for what they were supposed to be
23 doing?

24 A. They had -- they were, they were self-equipped with
25 everything from rebreathers to they came with an entry team, a

1 rapid intervention team. They had their own lines. They had
2 everything, communication radios. They took our radios but I
3 think, excuse me, and they also had the chief officers, too,
4 because each time we sent the crew out there we tried to have
5 somebody as operations. We had chiefs that we had already used
6 two or three times, you know, that was recycling through. And it
7 was already emotionally affected I would think. And then when
8 they came they would -- and Jersey City also had a chief, I
9 believe, too, but when New York came they were, they were quick
10 with everything that they needed for the (indiscernible).

11 Q. Okay. So was -- I guess what I'm trying to figure out was
12 UASI -- were the UASI units directing their own operations, their
13 own tasking or was that flowing through Chief Carlucci or
14 yourself?

15 A. Yeah, it was flowing through us.

16 Q. Okay. So you guys were directing them what to do.

17 A. Yes.

18 Q. Okay.

19 A. Or they would direct -- they would recommend or suggest and
20 then it would go through us.

21 Q. Okay. So there was interaction between the UASI units
22 saying, hey, we should do this and --

23 A. By the time all the assets got on -- got there and I think we
24 sent up maybe a team or two, if that, New York had got on the
25 scene and they just went right and they went to work. And then

1 within, I don't know how long it took but it felt like an
2 eternity, I'll tell you that, but they found them and it was over.
3 We brought Brooks down and then that was it. And then I think
4 when we brought Brooks down everybody went down, except for
5 LaPenta. I think he stayed up top and just made sure that -- was
6 making sure that everybody got off. And the people -- we wind up
7 at the -- it was late, but after Brooks came off the ship and he
8 left with an escort to the -- I might be mixing it up. I'm not
9 sure if he left or Acabou left. Yeah, after he left I went back
10 up where LaPenta and I had asked the union president if he can go
11 to Brooks' family's house and just to let them know what happened.
12 But I wanted to make sure that everybody got off the ship because
13 we still had guys from our departments and New York still on the
14 ship. So I went back and then I relieved LaPenta. And then I
15 stayed and just made sure that everybody got off. The guys were
16 still there. They were still trying to shut the door, New York,
17 and I'm friends with one of the chiefs that was there, too, so I
18 wanted to personally thank him again for coming over and doing it.

19 Q. Backing up just a little, were you ever a part of any
20 conversations related to turning on ventilation on the ship?

21 A. No. No. No. Me and Carlucci, DC Carlucci had went back and
22 forth with a conversation about the CO2, I mean, the CO, yes,
23 about utilizing that system again, but it wasn't an option because
24 we hadn't found Brooks and we knew that if you had to seal the
25 compartment that no one will be able to enter or exit that

1 facility. So that wasn't -- it quickly was dispelled or whatever
2 because at that point the ship was burning out of control.

3 Q. Okay. Were you were you ever a part of a conversation about
4 evacuating Newark Fire Department off the ship?

5 A. At the end.

6 Q. At the end?

7 A. At the end when I was telling them -- everybody off the ship.
8 That's when I went back to the command where LaPenta was.

9 Q. And when we say, "at the end," is that after Brooks came off?

10 A. Yes.

11 Q. Okay. We've heard previously that there was an order given
12 to pull off Newark firefighters off the ship after Acabou was
13 found and taken ashore. Were you part of conversations about
14 that?

15 A. No.

16 Q. Okay.

17 A. Why would that happen?

18 Q. Accountability perhaps? Any --

19 A. Was it transmitted?

20 Q. I believe so.

21 A. Over the radio?

22 Q. I believe so.

23 A. At what point?

24 Q. Well, we can, we can look at the -- but anyway, I'm trying to
25 find out from your recollection.

1 A. No. No.

2 Q. Okay.

3 A. No, sir.

4 Q. And then once Brooks was off, whose decision was it for the
5 Newark Fire Department to, I guess, evacuate and then leave the
6 scene?

7 A. Once Brooks was found?

8 Q. Yes.

9 A. Once Brooks was found, like I said, that there were still
10 guys straggling, still on the ship. New York was still on there.
11 I didn't want to leave until I made sure everybody got off that
12 ship. At that point we found our two brothers. There was no need
13 for us to be on there anymore. And I think I was communicating
14 with CD Maresca (phonetic) and he was with the guys from New York,
15 I believe and they were still on the ship. They was -- were the
16 last, I think, to be on the ship and I just wanted them off. If
17 that's what you're talking about that happened probably 5 o'clock
18 in the morning.

19 Q. Okay.

20 A. It was -- the sun was coming up. I know that.

21 Q. Okay. So was there still active fire on the ship at that
22 point?

23 A. Yes.

24 Q. Okay. Was there any conversation to continue firefighting
25 efforts?

1 A. After that?

2 Q. After -- yeah, after Brooks came off?

3 A. We were done. We were done.

4 Q. Okay. Was the decision to -- that you were done communicated
5 to the ship's crew in any way?

6 A. No, I didn't see them. I didn't see the ship's crew or
7 anything. At that point most of the firefighters that were there
8 I'm sure followed Brooks to -- and wanted to get home to honor and
9 respect. But then you still had a couple that were still on there
10 and I just wanted to make sure they got off.

11 Q. Okay. And then my final question for you, what limiting
12 factors do you think challenged this response?

13 A. I don't know. I don't know. There's a lot.

14 Q. Has the department conducted a post-incident brief or
15 debrief --

16 A. Not yet.

17 Q. -- for lessons learned?

18 A. Not yet. Most of, most of the members we've kept them out
19 and we kept the chiefs out for a standard period of time, given
20 members peer counseling and stuff like that. It's a traumatic
21 moment. It's not like a regular incident, multiple alarms, you
22 know, it was --

23 Q. Okay. All right. Thank you, Director. That's all the
24 questions I have for you. I'm going to open it up to questions
25 from the rest of the investigative team.

1 Lieutenant Commander Moore, any follow-up questions?

2 LCDR MOORE: Yes, Commander, just a few.

3 BY LCDR MOORE:

4 Q. Mr. Jackson, very early on you discussed some meetings that
5 you have with the different chiefs. I think you called them
6 quarterly meetings?

7 A. Yes.

8 Q. Can you give us a little bit more on what those meetings
9 consist of and who participates?

10 A. The battalion chiefs and the deputy chiefs. I meet with them
11 and we go over some things that I may have observed at incidents
12 they need to work on or correct, training, future equipment, give
13 them the opportunity to express themselves about some concerns
14 they may have and within their tour or battalions, future plans
15 and stuff like that. I go with them and tell them to document it
16 any way you want and just take it back to the, to the members,
17 especially the positive stuff. Sometimes -- that's it.

18 Q. You also spoke about the cascade system. You mentioned there
19 being some mutual aid for that system. Who is the mutual aid for
20 the cascade system?

21 A. Whatever -- I don't know the running cars for the mutual aid
22 aspect but it's usually the closest department to you with that
23 piece of equipment. So with, like, us I believe Elizabeth did
24 come with their cascade unit.

25 Q. Are you aware if theirs was in service or not?

1 A. I do not. I do not. I know they were reached out for for
2 them to come, but I'm not aware if it was in service or not. I
3 know that Special Service did come with bottles on their truck. I
4 actually called one of the captain that's in charge and he sent
5 one of his members in.

6 Q. So we brought up one of the notices you put out about
7 training and it seems like those -- once you put a notice out you
8 expect all members to participate. Is there some way for members
9 to communicate if they're unavailable for the times that they're
10 assigned to attend training?

11 A. No. Do you mean, like, a response from the member?

12 Q. Yes, like, their tour is assigned to go on this date and
13 they're not available that day. Is there a way to communicate
14 that through their chain?

15 A. There was times in the past, like, especially when I sent out
16 notice, like, hands-on training and stuff that I wanted done. I
17 would require the deputy chief to submit a report on who didn't
18 take the training so that in the future we can give them the
19 training or I will have them follow up when the member comes back
20 to work with the particular training and then they would have to
21 do a report, a follow-up report indicating that, you know, if it's
22 a -- let's say the first tour has five members that didn't take it
23 or the second two has three and so on, we would follow up that way
24 with the report. And I would have them in two weeks or three
25 weeks send me an update on that report. So there's times I've

1 done that. It depends on what type of training it was and when it
2 was and so forth, if it was something that we can actually do in-
3 house.

4 Q. And what if it was something that you couldn't --

5 A. That we couldn't do in-house? We would try to, in some
6 cases, LaPenta would -- DC LaPenta was good at this, try to get,
7 like, the slideshow of the particular training and then try to
8 issue it ourselves next time and, like, the person. And so this
9 is a large department so it's -- well, not the largest, but this
10 is a larger department and, you know, it takes a lot of time to
11 train members on one block of instruction. Yeah, it takes weeks
12 just to get everybody through it, you know, in some cases. And
13 so --

14 Q. Thank you.

15 LCDR MOORE: That's all I have, Commander.

16 CDR BARGER: Lieutenant Reed, do you have any follow-up
17 questions?

18 Lieutenant Commander Ward?

19 BY LCDR WARD:

20 Q. Good morning, Director. I just have a couple of questions.
21 You mentioned that sometimes you might report to an incident and
22 not necessarily take command but you still might give directives
23 which are understood to be directives. Did you -- do you recall
24 giving any directives the day of the incident, July 5th, 2023?

25 A. To who?

1 Q. To anybody because before, and correct me if I'm wrong, I
2 interpreted it to be a directive where you perceived there to be a
3 safety issue or something that you would otherwise give a
4 directive on top of there being an incident commander.

5 A. Right. I mean, no. I wasn't in that mood of -- it was just
6 rescue, rescue, rescue and get it done.

7 Q. Okay.

8 A. No.

9 Q. Okay.

10 A. Not at the incident. Or I don't recall directing anybody or
11 telling DC Carlucci -- I mean, I gave directives of, you know,
12 like before they went in I told them, you know, make sure that you
13 have the lifelines, make sure you have your -- make sure Carlucci
14 and his aide are accounting for who's going in and who's coming
15 out. Make sure we bring the lights up, bring the water up and
16 stuff like that and telling them to bring the lines up to the
17 ramp. So I was giving direct, yes.

18 Q. So general oversight kind of directives, okay.

19 A. Oversight stuff, yes.

20 Q. Okay.

21 A. Not chastising or telling somebody you're doing this wrong or
22 something like that.

23 Q. Okay.

24 A. But you don't have -- no, I didn't do that.

25 Q. Okay. And then as far as the accountability you mentioned

1 possibly there being a board, maybe some discussion of using tags.
2 Do you recall there being a person filling a role as an
3 accountability officer that actually was assigned for that duty?

4 A. Yes.

5 Q. You do? Okay. The day of the incident, sorry, to specify.

6 A. Well, the deputies have an aide and that's their duty.

7 Q. Okay.

8 A. They are there for accountability. They get the deputy there
9 safe and also to be the accountability officer there.

10 Q. Okay. So you recall there being a person filling that
11 function that day?

12 A. Yes.

13 Q. Okay. And then as far as the distinction of accountability,
14 was there awareness of when firefighters entered certain decks or
15 just whether they were on the ship?

16 A. That they were on the ship. I think from our (indiscernible)
17 down there.

18 Q. Okay.

19 A. But at one point DC Carlucci we had -- he was taking time.
20 We were doing time checks. I think it was a five or 10-minute
21 check. We were getting status reports back and forth.

22 Q. Okay. All right. You also previously mentioned several
23 mayday calls that might have been coming in at the same time. Did
24 you ever overhear those directly?

25 A. Say that again?

1 Q. The mayday calls that came through, did you hear those?

2 A. The initial ones?

3 Q. Any of them. Not the initial ones before you showed up on
4 the scene, when you were actually on the ship.

5 A. When I was on the scene, yes. Did I hear maydays?

6 Q. Yes.

7 A. Yes.

8 Q. Was there any confusion or belief that they were possibly
9 attributable to Firefighter Brooks?

10 A. There were there was a little confusion with -- I think it
11 was around when Acabou was found and he was removed from the fire
12 floor and -- he was removed from the fire floor and they were
13 moving him to the deck 12. And at the same time there was some
14 communication and correspondence that went on, and it, kind of,
15 confused us. We didn't, we didn't know whether it was Acabou that
16 they were talking about or did they find a second person because I
17 think there was a mayday then. They said we found the
18 firefighter. It was, like, something simple like that and we were
19 looking at each other like did they find him? We thought that
20 they found Brooks.

21 Q. Okay.

22 A. And I'm not sure. I believe the firefighter was brought down
23 but he was brought down before Acabou. And the ambulance was
24 there and I said you know what? Stay -- I said I'm going to go
25 look myself and I walked over off the deck and went around to the

1 side on the starboard side and actually looked before they closed
2 the door. No, don't close the door, let me look. And it wasn't
3 Acabou and it wasn't Brooks. And I went back and I said, no,
4 that's not them. And we knew -- we straightened it out from that
5 point on.

6 Q. Okay. And when you say it's not them, was that --

7 A. It's not them. It's not either one of our guys.

8 Q. Who did you report that to you as far as incident command?

9 A. I think me and Carlucci had that conversation.

10 Q. Okay. You mentioned previously that prior to the evacuation
11 of the ship there was some discussion about closing a door. What
12 door were you referring to?

13 A. Oh. They were trying to, I guess, close the door on the 12th
14 floor, the -- I mean, the water door or whatever, the vapor door.
15 The one that the cars were driving through. They were trying to
16 close that one.

17 Q. Did they (indiscernible) just trying to close there or what
18 it was intended to --

19 A. So this was after everyone was off and they was attempting to
20 close it so that they can utilize their suppression system.

21 Q. Okay. You also mentioned having interactions with the ship's
22 crew. Do you remember exactly who you spoke to and how you
23 identified them as that role?

24 A. When they report to me I know one of the guys, I think
25 Carlucci or LaPenta, I believe, said this is such-and-such, but I

1 don't know what titles they said they were.

2 Q. Okay.

3 A. I don't recall right now what titles they say they were.

4 Q. Okay. Those are all the questions I have questions. Thank
5 you.

6 CDR BARGER: Mr. Pittman, any follow-up questions?

7 MR. PITTMAN: No questions.

8 CDR BARGER: Okay.

9 And for the NTSB, Mr. Barnum?

10 MR. BARNUM: Thank you, Commander.

11 BY MR. BARNUM:

12 Q. Thank you, Director Jackson. On July 5th, 2023, your
13 department, did you have any pre assigned department response
14 plans in place?

15 A. For what?

16 Q. Well, in general for marine, for a marine incident in the
17 port? How about that?

18 A. I mean, we respond to the port like anywhere else in the
19 city. It depends on the severity of the incident. So if it's a
20 motor vehicle accident we'll send out a certain number of
21 companies preassigned. If it's a structure fire we will send out
22 a certain number of companies preassigned.

23 Q. Okay. And are those response plans, are those within the
24 department's, you know, policies and procedures or are those --

25 A. Yeah, we have policies on responses and stuff.

1 Q. Okay. And is there training associated with those response
2 plans? Are you -- if you have a port fire, is that outlined in a
3 particular response plan that is being practiced on or that you
4 train on?

5 A. In port, what do you mean?

6 Q. Port of Newark.

7 A. The facilities? You mean in the vehicles?

8 Q. Yes to any.

9 A. Huh?

10 Q. Yes to any of those.

11 A. Yeah, like I said, we have running cars. We have a response
12 that we use for particular incidents and it could be from anything
13 from a structure fire, like I said, or whether it's a vehicle fire
14 or a motor vehicle accidents, HAZMAT, we respond the same way.

15 Q. After a response you have a, you know, hot wash of the
16 incident or an evaluation of your response?

17 A. We normally do post-incident critiques. The deputies run it
18 and it's for major incidents, second alarm or better usually.

19 Q. And depending on the results of those briefs, is that -- are
20 your findings incorporated into your response plan a next accident
21 or incident?

22 A. I would say it's a tour by tour, company by company type of
23 deal where so that they have an incident and to say that their
24 response -- maybe they made a mistake or whatever, that deputy
25 would have that conversation with his members under his command.

1 And then sometimes the chiefs would, and I used to and at one
2 point I was trying to make every pos-incident critique. But for
3 the most part the deputy would have that plan out for him. In
4 some cases the chiefs do send it up to us and we put it out to
5 everybody to be aware of this. This happened on this tour or be
6 aware of this type of construction or this structure particularly,
7 you know? And we will put it out to everybody.

8 Q. Within the incident command structure are you familiar with
9 the position of safety officer?

10 A. Yes. Can I take a break to use the bathroom?

11 Q. Yes. Commander, go ahead, please.

12 CDR BARGER: Okay. We'll now take a five-minute recess. The
13 time is 10:53 a.m. We'll reconvene our 10:58 a.m.

14 (Off the record at 10:53 a.m.)

15 (On the record at 11:03 a.m.)

16 CDR BARGER: The time is now 11:03 a.m. local time in Union,
17 New Jersey. The hearing is now reconvened and back on the record
18 regarding the fire onboard Grande Costa d'Avorio. Our current
19 witness is Director Jackson.

20 Director, I'll remind you that you're still under oath.

21 MR. JACKSON: Yes.

22 CDR BARGER: Mr. Barnum, please continue your questioning.

23 MR. BARNUM: Thank you, Commander.

24 BY MR. BARNUM:

25 Q. So, Director Jackson, you answered the Commander earlier

1 regarding any policies or procedures in place for Newark Fire
2 Department for response to a fire onboard ship. And I believe
3 your response was no, you did not have that. So I just wanted to
4 know as far as your response to a shipboard fire, does Newark Fire
5 Department -- on July 5th were you doing anything different than
6 -- would you do anything differently for a shipboard fire as you
7 would compared to, say, a structure fire with respect to response?

8 A. I would think so. It's not the same as a structure, similar
9 but not the same.

10 Q. Is that written down anywhere or --

11 A. No.

12 Q. -- whose responsibility is it to do something different?

13 A. To do something different it would be the department's
14 responsibility to inform the members to do something different.
15 Is that what you're saying? I don't, I don't get it.

16 Q. Yeah. How would you respond to -- how would the department
17 respond to a shipboard fire compared a structure fire or a car
18 fire or a brush fire?

19 A. I mean, you would do the things that -- some of the things
20 that you would do the same as a structure but it's still a
21 structure. Do you want me -- are you asking me to tell you what
22 -- how we will respond to an incident like this?

23 Q. So when the call comes in there's a shipboard fire in the
24 Port of Newark --

25 A. Right.

1 Q. -- are the assets that are sent to the scene any different
2 than the assets that were sent to a scene for a structure fire?

3 A. Prior to this I would say yes, but knowing now what I know,
4 no. You wouldn't send the same people unless they were trained
5 with the same level of training needed for the knowledge of that.
6 We did have awareness of the ships, but we have members that are
7 -- who had went through this course in the past of shipboard
8 firefighting and I don't know. I think that they would have to be
9 the ones who have to actually respond.

10 Q. Okay. So thank you. On that topic of the shipboard
11 firefighting training, you had members in the past, when was that
12 course given or when did those members take that course?

13 A. So it goes back. 2008 we had -- we got the ship 501 in 2006.
14 I believe in 2008 members went through shipboard firefighting.
15 2010 members went through shipboard firefighting and I believe the
16 first time they went, from what I got from some people that went,
17 it was at Earl's Naval Base in Middletown. And 2010 they went to
18 Brooklyn Naval Yard, I think. This is what was told to me by
19 members who were actually -- had went to those courses. And 2014
20 they went to Middlesex County, and I think it was mainly members
21 who were assigned in the east and that being the four companies
22 that are six -- the eight -- the six companies that are down
23 there. Most of them, from what I see on the list, they all --
24 they attended those courses.

25 Q. And why the ones in the east? Is that --

1 A. And like I said earlier, because I think it was focused
2 around the UASI task force and it was port security funding that
3 was given to the department for this specific training back then.

4 Q. Now, does Newark Fire Department have any requirements that
5 members need to take shipboard firefighting train?

6 A. I didn't initiate this so I don't know. When I picked up it
7 was we was fast-forwarding into '16 when I became acting. So
8 prior to that I can't account for when they first started the
9 program in '08 and '10. Well, what I seen when they went to the
10 courses in '08 and '10 when they had certified members who were
11 certified -- who are certified in shipboard firefighting. I was
12 not the chief then. I don't, I don't know.

13 Q. So to your knowledge in the nine years since 2014 up until
14 the time of the fire, none of your members had been to shipboard
15 firefighting training?

16 A. No. So they, they had the training in '14. '16 they had the
17 simulated training. That was all part of port security funding.
18 '17 I become the chief. '19 is COVIC years. '20 is COVID years,
19 the world was shut down. '21 was COVID years, the world was shut
20 down.

21 '22 Battalion Chief LaPenta, along with Mr. O'Neill from the
22 Port Security, I believe, and Homeland Security came with this
23 training, which is, like, the start of what we had planned on
24 moving forward with the marine. So the gap was parted by the
25 world being shut down.

1 Q. All right, so just so -- just so I'm clear, though, there's
2 no -- Newark Fire Department doesn't have any requirements that
3 anybody takes this training?

4 A. Yeah, there is requirements. The members who are -- I know
5 who was assigned with the UASI Fireboat Task Force, which is 27
6 and Ladder 4 --

7 Q. Yeah.

8 A. -- they are required to take these courses definitely.

9 Q. So again, so I'm clear, I'm not talking about operating a
10 fireboat or rescuing something in the water. I'm talking about,
11 like, large, shipboard firefighter training.

12 A. I can't speak for what was the requirement in the past
13 because I don't know.

14 Q. But at July 5th --

15 A. For me -- for me looking from the outside or not from the
16 outside from internally and seeing the members that were going, it
17 was basically the members who were a part of Ladder 4 and Engine
18 27. And the members who are assigned down here in the east who
19 were responding. That's from my observation of the names that
20 were on the list of going. But in '22 when LaPenta brought this
21 to us, we rolled it out to everybody as an awareness, not just the
22 east. And like I said, they had planned -- we had planned on a
23 walk-through of a ship and if -- who knows? It probably wouldn't
24 have been a RoRo ship because so many of these, what we're
25 learning, types of ships.

1 Q. You mentioned walk-through and I think you said earlier that
2 you participated in the walk-through in August? Did I hear you
3 correctly?

4 A. I don't say that.

5 Q. Oh, you didn't say it?

6 A. No.

7 Q. Did your department participate in a walk-through of a vessel
8 in August of last year?

9 A. Yes.

10 Q. Okay. Who went on that walk-through?

11 A. The companies from the east. I don't have it directly in
12 front of me, but I'm sure I submitted it to you guys.

13 Q. Okay. And the companies from the east that's going to
14 include the Ladder 4 and Engine 27?

15 A. Yes.

16 Q. Okay.

17 A. I think at the time one of the companies, the members who are
18 assigned there, were still out so I'm not sure if -- I don't know,
19 It was something with -- it was during the period where we still
20 was in the midst of grieving severely, and a large number of
21 members weren't on duty at the time. So we sent who was available
22 to go.

23 Q. Before we broke I was asking about the incident command
24 structure and the title of safety officer. You said you're
25 familiar with that?

1 A. Yes.

2 Q. Okay. We've heard previously that it's practice within
3 Newark Fire Department that the second battalion chief is
4 designated as safety officer. Is that understanding?

5 A. Yes.

6 Q. What would your expectations of the safety officer be while
7 on-scene of a fire?

8 A. Managing the scenes -- the safety of the incident, making
9 sure that members are operating in a safe manner, positioning of
10 apparatuses, provision of -- positioning of equipment, proper use
11 of equipment.

12 Q. Is that more of an administrative role or would you expect
13 them to be actively engaged in the firefighting operation?

14 A. You have to be engaged to be the safety officer. You have
15 to. You know, he's walking around the incident. He's in the
16 incident. In some cases he's radioing in to members. He's
17 looking at the integrity of this structure. We have a policy on
18 that.

19 Q. Would you expect him to be fully dressed out?

20 A. Yes.

21 Q. Out-of-service equipment, we touched on that earlier and you
22 were explaining how your battalion chiefs are, kind of -- they're
23 responsible for their equipment and then they report it to you if
24 something's out of service?

25 A. Yeah, or the division. We had got to the point where we felt

1 that we was -- that direct -- we were swinging everything away
2 from just sending it to the fire chiefs office where we were
3 sending it to the fire chief's office who will be notified and
4 also the division.

5 Q. I mean, help me understand that, the division. Is that a
6 specific company or --

7 A. No, like, the administrative division, Special Services,
8 motors, special operations.

9 Q. Okay. Okay, I got you.

10 A. So they wouldn't, you know, they were sending notification --
11 my office was sending notification to if it's in breakdown it'll
12 go to motors --

13 Q. Yeah.

14 A. -- and a report comes up. If it's a I'm missing my mask or
15 my mask is cracked it will go to Special Services.

16 Q. Got you. Okay. So motors, they're out-of-service equipment,
17 that division. Are you -- is there a certain threshold that you
18 as chief want to see? Want to see -- is there a certain limit
19 that you don't want to fall below with out-of-service equipment as
20 far as motors? If 50 percent of your fleet was out-of-service
21 would that be alarming? Like, is there a number of what you want
22 to see?

23 A. I mean, any piece is alarming but there's a -- we have enough
24 companies that we can work with what we have. Fifty percent is
25 drastic. You can't operate that way --

1 Q. Okay.

2 A. -- safely.

3 Q. What is a number that you can operate safely with out of
4 commission motors?

5 A. I never thought about that. I don't know.

6 Q. I mean, would you expect -- so in this instance, I understand
7 Engine 16 they had some out-of-service equipment at motors and
8 they responded in a truck, a Dodge Durango. Is that your
9 understanding as well?

10 A. Yes. They were used as manpower. So that when we have
11 breakdowns and we don't have a spare, there's times that I would
12 either disperse the companies or use them as manpower. So in the
13 event that there is a fire throughout the city, especially if it's
14 a ladder company, they become the automatic rapid intervention
15 crew in some cases. Or they can come to assist with if it's an
16 engine, the hose lines, they can just take the hose line off of
17 the apparatuses that are there. They can use a ladder that is
18 there because a lot of times the equipment is placed and the
19 resources and additional members can be used to supplement still.

20 Q. So is that typical? How often would you say that happened is
21 they don't respond in their engine and they have to respond in the
22 company's truck?

23 A. I mean, we had some rough years, but it's definitely
24 improved. We've taken on a lot of new equipment over the years.
25 And when I was deputy chief it was tough with the equipment. But

1 we've definitely improved over the last several years.

2 Q. You were talking -- we were talking about port command, the
3 port command chief earlier and how he had retired and now captain
4 has that role?

5 A. Yes.

6 Q. On July 5th who is the captain of the port command?

7 A. Alfano. He was assigned back into the unit. He was actually
8 a dual -- he's doing dual. He was the chief or the commandant of
9 communications in Spanish.

10 Q. Yes.

11 A And --

12 Q. Did he respond to the fire?

13 A. I think he might have. I'm not sure if he was at dispatch.
14 I'm not sure. He didn't -- I don't recall seeing him at the fire.

15 Q. And do you know if he has shipboard firefighting training?

16 A. He does.

17 Q. Okay. And he would have taken it in 2014? Do you know when
18 he took the course?

19 A. Yeah. I believe he took it in 2000 -- I'm pretty sure I saw
20 his name on there.

21 Q. And so the port command had a battalion chief before. Is
22 there plans to assign a new battalion chief?

23 A. Yes, definitely, definitely, a deputy chief. We had a whole
24 new plan for the specialized units and stuff going forward.

25 Q. And this plan came about following the fire of July 5th?

1 A. Yes.

2 Q. The Rescue 2, we've heard from witnesses on previous days
3 that that asset had 60-minute air bottles onboard, but it wasn't
4 -- it didn't respond because the company was already responding
5 with another apparatus. Is that correct?

6 A. Yes.

7 Q. Was there any, was there any attempt to get Rescue 2 with
8 those hour-long bottles to the scene on July 5th or 6th?

9 A. We got the UASI from the other towns that came who has the
10 same assets.

11 Q. So there was no effort to bring your Rescue 2?

12 A. No.

13 Q. Okay. And my last line here is we talked about -- you've
14 been talking about manpower and then I think you said earlier
15 that, you know, manpower was an issue on July 5th and 6th.

16 A. It wasn't an issue.

17 Q. It was not?

18 A. I didn't say it was an issue. The weather and the beating
19 that they got, the men and women that were there were taking from
20 the heat. People were just exhausted and trying to do whatever
21 they could to help.

22 Q. Okay. How is manning determined within your companies? You
23 know, yesterday I think we learned that a company consists of a
24 captain and three firefighters. How is that -- in the City of
25 Newark how is that number determined?

1 A. What do you mean? Every company has firefighters from three
2 to five firefighters, a captain and three to five firefighters
3 assigned.

4 Q. Three to five?

5 A. Three to five.

6 Q. You know, the company we spoke to yesterday only had three.
7 Is there a reason why they didn't have five?

8 A. Which company?

9 Q. I believe that was Maresca's company. I'm sorry, I don't
10 know the exact number -- 16?

11 A. 16 engine?

12 Q. Yes.

13 A. So during that time all the companies in the city on roll
14 call assigned had one officer and three firefighters with the
15 exception of Engine 16 on the first tour. So he had three but on
16 paper it was one officer in two. Rescue has five people. I
17 forgot what tour it is. And Ladder 5 has five people, I believe,
18 on another tour. So all but one or two -- I think Ladder 4 on the
19 second tour also has one and two on paper during that time.

20 Q. So how are those numbers established? Is there an NFPA
21 standard or a state standard that says this is the benchmark that
22 you should have on your ladder, your engine, your rescue teams?

23 A. I mean, the NFPA is recommendations and they have established
24 numbers. The City of Newark is unique. We're not -- and I
25 believe that those standards that they set is, like, the minimum,

1 like, smaller departments. They set it at that because it's,
2 like, the minimum. Small departments that may only have, like,
3 two or three trucks or engines or ladders that respond to
4 incidents within their borough or city or municipality. Newark we
5 have 25 companies and an additional three-people company which is
6 special operation, three to two people for just special
7 operations.

8 In the event of a fire in the City of Newark we're throwing
9 four engines, two ladders, three battalion -- two battalion
10 chiefs, an additional ladder for our rapid intervention and the
11 deputy chief at an incident. So I think we more than surpass even
12 if all of the companies were one and three or one and two.

13 Q. To your understanding on the company level, your
14 understanding is that Newark Fire Department exceeds the NFPA
15 minimum standard for manning at the company level.

16 A. Yes. And I stated that there was two companies that was one
17 and two, right?

18 Q. Yes.

19 A. Right? But in this city I have a ladder company that was one
20 and five and I have a rescue company that's one and five. So I
21 could have easily took those two people and transferred them to
22 the one and twos that was on paper in the city. But we didn't do
23 that or I didn't do that because it's a specialized company. You
24 want it to be stacked as much as you could. Or the special
25 operations members, the three members assigned to them I could

1 have easily put them on those two engines or the engine and the
2 ladder to fulfill the one and three if you're looking at that as a
3 standard, the one and three.

4 Q. Yeah.

5 A. All right.

6 Q. You said Newark has -- Fire Department has 600 employees.
7 How many firefighters are there out of that 600?

8 A. Now or then?

9 Q. Both.

10 A. Then it -- I don't really know this. You can't quote me on
11 that. I can't remember what it was, but now --

12 Q. Was it less than?

13 A. It's less now because after the incident we had, over the
14 last several months, we've been having a lot of members that are
15 retiring --

16 Q. Okay.

17 A. -- rapidly so it's less now. Then probably, like, 435 or
18 something like that firefighters? Don't quote me on it, but not
19 counting the chief officers --

20 Q. Right.

21 A. -- and the captains.

22 Q. Yeah. All right. That's all the questions I have. Thank
23 you, Director Jackson.

24 CDR BARGER: Ms. McAtee, any follow-up questions?

25 BY MS. MCATEE:

1 Q. I just have a few. One question on the safety officer, are
2 the actual duties of the safety officer listed in the standing --
3 standard operating procedures?

4 A. Say that again, ma'am? I'm sorry.

5 Q. The duties of the safety officer are they mentioned in
6 standing operating procedures of the department?

7 A. Yes. I think I have six.

8 Q. Okay. My other questions are about the on-scene status
9 reports that you mentioned. What would be the content of those
10 reports?

11 A. Do you mean at the incident, right?

12 Q. Correct.

13 A. The status reports was -- and you mean the ones that we
14 established when the members were in conducting the rescue?

15 Q. Correct.

16 A. It's just the status of basically just asking are you okay
17 basically or did you see anything or did you -- and they would
18 give us a report back, you know, still looking, nothing.

19 Q. If they needed extra resources?

20 A. Or if they needed extra resources, yes.

21 Q. And those reports went to Chief Carlucci, to you?

22 A. He manned the radio. He was the one voice that we left
23 consistent in communicating. He was doing a good job with that.
24 He was maintaining that aspect of it.

25 Q. And how often were you doing those reports?

1 A. I think we had set it at, like, 10 minutes at one point.

2 Q. Okay. That's all the questions I have. Thank you.

3 CDR BARGER: Any other follow-up questions from the
4 investigation team?

5 Okay. So as we've done with previous witnesses in order to
6 ensure an equitable time and opportunity for each party in
7 interest to ask questions, each party in interest will have
8 approximately eight minutes to cross-examine -- for cross-
9 examination within the scope of the direct examination questions.

10 City of Newark?

11 MR. LIPSHUTZ: Thank you. I don't have any questions at this
12 time, thank you.

13 CDR BARGER: Thank you.

14 Port Authority of New York and New Jersey?

15 MR. REILLY: Thank you. We don't have any questions at this
16 time.

17 CDR BARGER: Grimaldi?

18 MR. O'CONNOR: Yes, thank you.

19 CROSS-EXAMINATION

20 BY MR. O'CONNOR:

21 Q. Director, earlier I believe that you described how you met
22 with the ship's crew and what -- in the aft area of the ship; is
23 that correct?

24 A. Yes.

25 Q. And that there was some language barrier but that you were

1 able to work through it, right?

2 A. I mean, yes, we got done what we wanted, which was the exact
3 location where the members went in.

4 Q. And so you asked the crew to bring you the fire plan and they
5 did, right?

6 A. They bought us some maps, yes.

7 Q. And when you couldn't understand the maps you asked the crew
8 members to provide you with escorts around the ship. Is that
9 right?

10 A. Yes.

11 Q. And they did that for you?

12 A. Yes.

13 Q. Was the ship's crew responsive and helpful whenever you asked
14 them for assistance?

15 A. The interaction we had with them, yes, on the first -- on the
16 level three, yes.

17 Q. And to back up in time for a moment here, I believe you had
18 described that you got a call from headquarters and that you
19 responded from home, right?

20 A. Yes.

21 Q. And that you turned on your radio and you were listening to
22 your radio as you were traveling to the scene, right?

23 A. Yes.

24 Q. Lieutenant Reed, can we bring up Coast Guard Exhibit 17 at
25 Page 4? It should be the radio timeline. Director, is it up on

1 your screen?

2 A. Yes. Yes.

3 Q. I'd like to draw your attention to the cell for the time
4 period 2230 to 2232. Do you see that cell towards the top?

5 A. Yes.

6 Q. And at the bottom there's a radio transmission headquarters
7 to D1. "We are still missing Brooks, Acabou and two other
8 firefighters on deck 10." Do you see that?

9 A. What time is that you're saying?

10 Q. 2230 to 2232. It's a cell on the table that's got one, two,
11 three, four, five, six lines and it is the very bottom line. It
12 begins, "Headquarters to division -- to deputy one." And it says,
13 "We are still missing Brooks, Acabou and two other firefighters on
14 deck 10."

15 A. Yes.

16 Q. Do you see that? And that was about seven to nine minutes
17 after the mayday. I'd like to draw your attention to 2236, which
18 is about halfway down. And this would be the second entry for
19 2236. And this entry describes Deputy One saying, "We are looking
20 for Brooks, Acabou and one other firefighter." Do you see that?

21 A. Yes.

22 Q. And I believe that you had said when you reached the incident
23 command post at the scene you weren't sure how accountability was
24 being maintained. There might have been a board. There might
25 have been a sheet. There might have been tags. But sitting here

1 today you're not exactly sure. You don't remember, right?

2 A. I didn't say that.

3 Q. Can you explain then?

4 A. I said that DC Carlucci he was keeping accountability.

5 Q. He was keeping accountability?

6 A. On his -- he had a clipboard with the tactical sheet.

7 Q. And earlier today I think you described how later in the

8 process during the search and rescue phase there was some

9 confusion because there were multiple maydays and it wasn't clear

10 which ones were -- it wasn't clear which ones had been resolved

11 and what firefighters still needed help. Is that right?

12 A. There was a little mix-up, yes.

13 Q. Do you think that the incident commander had full command and

14 control of all firefighter accountability throughout the response?

15 A. I believe so.

16 Q. And why is that?

17 A. Because I've observed him and I, and I communicated with him

18 throughout the whole process and numerous times I asked him if he

19 had everything under control, if he needed anything.

20 Q. And this is despite the confusion that you've mentioned

21 earlier concerning multiple maydays?

22 A. That's nothing new. I mean, this is a new incident but we've

23 had incidents like that where we have multiple maydays. And I've

24 had multiple instances like that as a company chief myself. It

25 doesn't mean that you don't have control over it.

1 Q. What does firefighter accountability mean? Does it mean
2 knowing where all firefighters are at the scene and who's entered,
3 I think the phrase was, IDLH?

4 A. Yes.

5 Q. And was that done here?

6 A. Yes. As far as I know it, yes.

7 Q. And this is despite there being radio transmissions shortly
8 after the mayday that certain firefighters were missing when, in
9 fact, they were not missing?

10 A. I mean, this is a large scale incident and you're dealing
11 with multiple layers. It's a unique situation so, of course,
12 there are. I think normally, naturally, it's going to not be a
13 smooth situation.

14 Q. Was it difficult at this scene to maintain accountability?
15 Was it was challenging?

16 A. Not from, not from downstairs where we were, no. It wasn't
17 challenging. We knew who was going in. We knew who was coming
18 out with the communication, although that at times that the radios
19 may have not picked up certain things, but I don't -- I didn't
20 think that was nothing out of the ordinary. Maybe I'm used to
21 this, this type of business. This type of business there are
22 challenges with communication even on the street in front of --
23 standing in front of multi-story building fire. All right?
24 There's times that -- and that's the purpose and the reasons for
25 the system that we have in place, the personal accountability

1 report, the conducting and communicating on the radio.

2 Q. Am I --

3 CDR BARGER: Less than one minute.

4 Q. Am I to understand you correctly that from the incident
5 command post on the stern ramp that you believe you were able to
6 maintain accountability for the firefighters who entered the deck
7 10 cargo space?

8 A. Yes. I think we had accountability, yes.

9 Q. No further questions.

10 CDR BARGER: Ports America?

11 BY MR. ZONGHETTI:

12 Q. Good morning, Chief -- Director. My name is Gino Zonghetti.
13 I have some questions for you to follow up. You talked about the
14 training that was done for shipboard firefighting in 2014. Are
15 you aware of any single chief, deputy chief, firefighter, rescue
16 firefighter, anyone who responded to the fire of July 5th, 2023
17 who had shipboard firefighter training?

18 A. Yes.

19 Q. And who was that? I'm sorry, go ahead.

20 A. Battalion Chief Kupko had the training in '14.

21 Q. Anyone else?

22 A. There were other firefighters. There's other firefighters
23 that has it that were on -- they were on other tours.

24 Q. So one person. Is that your best recollection?

25 A. Right offhand that stands out. I think there is more. I

1 don't recollect who it is, but if I would have the list in front
2 of me I probably could point out the person, but I don't, I don't.
3 There were others. A lot of them have retired --

4 Q. Right.

5 A. -- that were on the list but there are others.

6 Q. Training often comes with or it leads to the development of
7 policies and procedures. It appears from your testimony that
8 there were no policies and procedures in place at the Newark Fire
9 Department for marine firefighting. Did I understand that
10 correctly?

11 A. When this was initiated I was not the chief, so no, there --
12 and I haven't been able to find them so far, so I don't know.

13 Q. And those policies and procedures, had they been in place,
14 firefighters are typically required to read them, right?

15 A. Yes.

16 Q. You indicated that when you were asked about manning you used
17 the phrase "on paper there were two companies with one and two,
18 one officer and two firefighters." Were there companies with one
19 and two that actually responded to this fire?

20 A. Yes. Yeah.

21 Q. How did the -- how does that compare with other major cities
22 such as New York or other -- or Boston or other major cities, that
23 type of staffing level?

24 A. I don't --

25 Q. Do you have any awareness?

1 A. No, I don't.

2 Q. You indicated in your testimony that you were given some maps
3 by the ship's crew. Do you recall that?

4 A. Yes.

5 Q. Did you understand that those maps were actually the ship's
6 firefighting plan?

7 A. No.

8 Q. You had no familiarity, nor did your command structure at the
9 scene, with the concept of the ship's firefighting plan. Is that
10 fair?

11 A. That's fair.

12 Q. You also had no protocol for the boarding of a vessel at the
13 time of a fire, meaning there was no protocol in place with the
14 Newark Fire Department for meeting with the captain, sitting down,
15 going over who had command of the firefighting and what it should
16 entail. Is that correct?

17 CDR BARGER: I'll overrule it.

18 A. Other than the awareness training that they got the month
19 before was -- I think that was mentioned in there that they were
20 to meet the crew.

21 Q. But that didn't happen. There was no -- the command center
22 did not include the ship's captain; is that correct?

23 A. Well, he, from what I got I believe he was in the operations
24 above.

25 Q. Right, but you never sat down at a table with him, you or any

1 of your leaders and went over what had been done, what needed to
2 be done, where the apparatus was on the ship that could be used,
3 things of that nature?

4 A. I can't attest to what the operations chiefs did above.

5 Q. With respect to the Fireboat Task Force did -- were you aware
6 that the Fireboat Task Force disseminated to the Newark Fire
7 Department the fire -- the marine firefighting procedures used by
8 FDNY? Did that ever come to your attention?

9 A. No. When was this done?

10 Q. According to the Coast Guard civilian coordinator this was
11 done in recent -- recently before the fire.

12 A. I never seen it.

13 Q. You testified that the ships -- the boats that the Newark
14 Fire Department had were operable. Were you aware or did anyone
15 ever tell you that both boats were tagged out on the day of the
16 fire?

17 A. That's not what the paperwork says, the documentation that I
18 have.

19 Q. Were you aware that the Fireboat Task Force was a mutual aid
20 type of situation where as a member of the task force if you were
21 called upon to respond to an incident in the harbor you were
22 required to respond?

23 A. Yes.

24 Q. Were you aware that the Newark Fire Department had not
25 responded to anything in the harbor for several years and as a

1 result they were in the process of being asked to leave that task
2 force?

3 MR. LIPSHUTZ: I'm going to object respectfully. I don't
4 remember this being the subject of any direct. It's far afield.

5 MR. ZONGHETTI: All right, I'll move on.

6 CDR BARGER: Sustained.

7 MR. ZONGHETTI: Just I'll move on.

8 BY MR. ZONGHETTI:

9 Q. My understanding, Director, is that at the time you became
10 aware of this fire, what you heard was that the fire was out?

11 A. Yes.

12 Q. And from your testimony my understanding is at the time that
13 you said we're done here, we're done, the fire was raging. Did I
14 understand that correctly?

15 A. Yes.

16 Q. Who took over firefighting of that vessel which was in the
17 jurisdiction of the Newark Fire Department when you were done?

18 A. We had no one to take care of it. The fireboat from New York
19 was still there, I believe, wetting down the vessel.

20 MR. ZONGHETTI: That's all I have, thank you.

21 CDR BARGER: American Maritime Services?

22 BY MR. PALLAY:

23 Q. Good morning, Director. My name is Matthew Pallay of
24 Freehill Hogan Mahar, just a few follow-ups. Building on what
25 counsel said about the ones -- a one and a two or a one and a

1 three, at any time would a probie or a new firefighter be included
2 in that, kind of, a two or three?

3 A. No. Well, since I've been chief we haven't been counting the
4 probies until they've been a firefighter for a year.

5 Q. Okay, all right. I believe you testified earlier today
6 talking when there's a fire call the typical response is four
7 engines, three ladder, two battalion chiefs, a ladder, an
8 additional ladder with the rapid intervention team and a deputy
9 commander, correct?

10 A. Yes.

11 Q. Okay. And assuming that's all of those, each engine and each
12 ladder is a one and a three so it's four members, that would be
13 approximately 35 firefighters in total?

14 A. I didn't add it when you said it, but yeah.

15 Q. So four engines times four people 16, four ladders times
16 four, 16 again so 16 and 16 is 32 and then two battalion
17 commanders or battalion chiefs, 34 and then a deputy commander,
18 35. Is that correct?

19 A. Did you give special OPS too?

20 Q. I'm going by what you said in the --

21 A. I said did you say special OPS?

22 Q. I did not. I'm saying a fire, like, when you have a fire
23 call the typical response is four engines, three ladders, two
24 battalion commanders, you said, a ladder that's a rapid
25 intervention team and then a deputy commander.

1 A. Yes.

2 Q. Is there anyone else for a fire that's dispatched?

3 A. Special OPS.

4 Q. Okay, Special OPS, all right. And how many firefighters or

5 team members are on a fire on a special OPS?

6 A. Two to three.

7 Q. Okay, so 35 and the other number of two to three and we'll

8 give three, so 38. Does that sound about right for a fire?

9 A. Yes.

10 Q. Okay. Do you know on July 5th, 2023, when the call came in

11 were there 38 firefighters dispatched?

12 A. The initial alarm you mean?

13 Q. Correct.

14 A. No, it wasn't -- I think they had a couple of one and twos

15 down there.

16 Q. So possibly less?

17 A. Yeah, possibly less than 38.

18 Q. And are there any documents that would show the initial

19 complement that was dispatched?

20 A. Yes.

21 Q. Can we pull up Exhibit 13, Page 3 just briefly? And,

22 Director, if you could just look at the screen. Would that

23 document you're seeing that would reflect who was dispatched to

24 then. Is it similar a document to this? I know this is a

25 different date.

1 A. It's a different date.

2 Q. Okay, but the document that we're reflecting was on July 5th.
3 Would it be similar looking to this?

4 A. Yes.

5 Q. Okay, thank you. Thank you, Lieutenant.

6 Prior to July 5th, 2023, had you received any complaints
7 about inadequate or short staffing on any of your companies?

8 A. No. So in the morning the deputies do arrive and list, like
9 this. They call when the numbers drop down probably below 10 one
10 and twos in the city they will call me. And I would -- I had for,
11 like, the last -- the months prior to that, two or three months
12 prior to that during the summer, I had been assigning overtime to
13 them when they did call me and said that the city wasn't balanced
14 or they needed -- they felt as though they needed extra
15 firefighters on duty.

16 Q. Were you aware of any calls of that nature on July 5th?

17 A. No.

18 Q. Prior to July 5th were there any calls or requests to
19 increase from the typical one and three to a larger complement?

20 A. A larger complement of one and three?

21 Q. Correct.

22 A. I believe the unions definitely were pushing for larger, but
23 the unions definitely were pushing for it.

24 Q. As fire captain, sorry, Chief, I apologize, you were aware
25 and familiar with all the equipment at your fire department's

1 disposal?

2 A. Yeah, can I just say something to that last question? So the
3 unions, like I said before, most of the companies are one and
4 three and one and four, but they were pushing for more people on
5 duty on the day-to-day because of leave time, people sick, long-
6 term sick and personal days and stuff like that.

7 Q. Okay. I'll just repeat my next question. As a Fire Chief
8 were you aware or familiar with all the equipment at your fire
9 department's disposal?

10 A. I believe so.

11 Q. And I believe you testified earlier about cascade trucks, the
12 fireboats, isn't that correct?

13 A. Yes.

14 Q. And you also mentioned, at least just in response to my
15 colleague down to the right, my right, about issues with
16 communications on the ship. Is that -- on July 5th; is that
17 correct?

18 A. Yes.

19 Q. All right. Does Newark Fire Department have tactical
20 repeaters?

21 A. I'm not sure.

22 Q. I'm not a firefighter. Do you know what a tactical repeater
23 is?

24 A. No. Can you explain it to me?

25 Q. To my understanding a tactical repeater is a communication

1 device used to amplify radio communications.

2 A. No, we don't have that.

3 Q. Have you ever heard of the term tactical repeater prior to
4 today?

5 A. Now that you put it that way, yes, I have heard of it.

6 Q. Okay. And in what context?

7 A. I believe New York has something similar to that that they
8 put in their trucks.

9 Q. And do you know why New York uses tactical repeaters?

10 MR. LIPSHUTZ: I'm objecting to this. I permitted a lot of
11 it to continue but it's well beyond the scope.

12 CDR BARGER: Yeah. I would ask that you rephrase or move on.

13 MR. PALLAY: Respectfully, Commander, there's an issue here
14 about communications in a multi-level structure in which the
15 tactical gear could have been used and just trying to find out
16 what the knowledge of that equipment and whether or not it was
17 possible to use that here.

18 CDR BARGER: And, Director, do you have knowledge of why the
19 New York Fire Department uses that equipment?

20 MR. JACKSON: I'm not a radio -- I've never worked in
21 communications as far as knowing the different radio frequencies
22 and stuff like that, but New York is a big department I know. And
23 it's a large city so I would guess that to enhance their
24 communication.

25 BY MR. PALLAY:

1 Q. Okay. And just one last question on this, do you know if the
2 UASI assets and the USAR asset when it comes to, you know,
3 building collapses in confined spaces do they have such technology
4 is a tactical repeater?

5 A. I'm not sure.

6 Q. Do you know what a pack tracker is?

7 CDR BARGER: (Indiscernible).

8 MR. JACKSON: Did you say something?

9 MR. PALLAY: You said one minute, correct?

10 CDR BARGER: Less than one minute.

11 MR. PALLAY: Okay.

12 BY MR. PALLAY:

13 Q. Director, are you familiar with a piece of equipment called a
14 pack tracker?

15 A. Yes.

16 Q. Okay. And what is a pack tracker?

17 A. It's a device that picks up transmitters. It's all the new
18 SCBAs have, like, a sensor in it that picks up, that the pack
19 tracker is able to pick up.

20 Q. And does Newark Fire Department have pack trackers?

21 A. Yes.

22 Q. Okay. Do you know how many pack trackers they have?

23 A. Three.

24 Q. Okay. And are they issued to any specific company?

25 A. They're issued to the Battalion 4 and Battalion 3 and the

1 deputies.

2 Q. And a pack tracker, could you describe the device? Is it
3 large? Is it small? Is it handheld?

4 A. Handheld.

5 Q. Okay. And it uses --

6 CDR BARGER: Last question.

7 Q. Do you know if pack trackers were used on July 5th to locate
8 Captain Brooks and Captain Acabou?

9 A. It was not used.

10 Q. Thank you.

11 CDR BARGER: Any follow-up questions from the investigation
12 team?

13 LCDR MOORE: Yes, Commander, I just have one point of
14 clarification.

15 REDIRECT EXAMINATION

16 BY LCDR MOORE:

17 Q. You stated that Chief Carlucci had a clipboard and you
18 thought he was keeping accountability on that. Were you aware of
19 what was actually on that clipboard or did you ever see it?

20 A. I never looked at it, no. I just kept referencing to him you
21 see who's going in. You got it? Yeah, we have it, and that was
22 it.

23 Q. And then I think previously you stated that the deputy's aide
24 fulfills the role of the accountability officer.

25 A. Yes, under normal circumstances, yes.

1 Q. Was that the case for July 5th, 2023?

2 A. It appeared like DC Carlucci was handling it mainly himself.
3 I know he was paying attention to the -- paying attention intently
4 to the radio transmissions and as they went through the bars he
5 was checking off on the pad and stuff.

6 LCDR MOORE: Thank you. That's it for me.

7 CDR BARGER: Director Jackson, thank you for your time and
8 testimony today. You are subject to my recall and my
9 sequestration order remains in place until released by me. You'll
10 be notified by Lieutenant Reed, our recorder, once you are
11 released from that order.

12 (Witness excused.)

13 The hearing is now in recess for 10 minutes. The time is now
14 11:55 a.m. We will reconvene at 12:05 a.m. -- or p.m.

15 (Off the record at 11:55 a.m.)

16 (On the record at 12:10 p.m.)

17 CDR BARGER: The time is now 12:10 p.m. local time in Union,
18 New Jersey. The hearing is now reconvened and back on the record
19 regarding the fire onboard the Grande Costa d'Avorio. Our next
20 witness is Mr. Francis Gorman of the United States Coast Guard
21 Sector New York.

22 Lieutenant Reed, please swear in the witness.

23 (Whereupon,

24 FRANCIS GORMAN

25 was called as a witness by and on behalf of the Administrator and,

1 having been first duly sworn, was examined and testified on his
2 oath, as follows:)

3 LT REED: Okay, Mr. Gorman, I have a few preliminary
4 questions for you. Will you please state your name and spell your
5 last name for the record?

6 MR. GORMAN: Yes, sir. My name is Francis E. Gorman. Last
7 name is spelled G-O-R-M-A-N.

8 LT REED: All right. And, Counsel, will you please state
9 your name and spell your last name for the record?

10 MR. MILLIKEN: My name is Paul Milliken, last name is M-I-L-
11 L-I-K-E-N.

12 LT REED: And, Mr. Gorman, in July of 2023 what was your
13 profession?

14 MR. GORMAN: I was employed by the United States Coast Guard
15 at Coast Guard Sector New York as a civilian. My title is port
16 security specialist.

17 LT REED: And what, if any, professional certificates or
18 certifications do you hold related to that position?

19 MR. GORMAN: I have a Master's degree from Monmouth
20 University in homeland security and I am a retired Command Master
21 Chief from the United States Coast Guard, having served 32 years
22 in both active and reserve capacity.

23 LT REED: And how long have you been employed in that
24 position?

25 MR. GORMAN: I came aboard Sector New York as a civilian in

1 September of 2016.

2 LT REED: Okay, thank you.

3 Commander, the witness is ready to proceed.

4 CDR BARGER: Thank you.

5 Lieutenant Commander Moore will be conducting the direct
6 examination of this witness. Lieutenant Commander Moore, please
7 proceed.

8 LCDR MOORE: Thank you, Commander.

9 DIRECT EXAMINATION

10 BY LCDR MOORE:

11 Q. Good afternoon, Mr. Gorman.

12 A. Good afternoon, Commander.

13 Q. What are your roles and responsibilities as a port security
14 specialist at Sector New York?

15 A. My roles and responsibilities include being the assistant
16 secretary of the Area Maritime Security Committee. I am the
17 custodian and subject matter expert for the area maritime security
18 plan. I'm an adviser for the area contingency plan. I liaise
19 with all the fire departments in the Coast Guard Sector New York
20 area of responsibility. I was chosen to do that because outside
21 of my Coast Guard employment I have 37 years' experience as a
22 volunteer firefighter in New Jersey, and I had attended back in
23 the '90s marine firefighting schools. My initial training in the
24 Coast Guard was as a fire safety technician, which was a rate
25 designed for marine firefighting which was abolished in 1993.

1 My other responsibilities involve liaising with other
2 government agencies throughout the Sector New York area of
3 responsibility. I maintain the maritime security risk analysis
4 model database, better known as MSRAM for terrorist attacks
5 against critical infrastructure and key assets in the port region.

6 Q. You mentioned several plans that you're part of and help
7 maintain. What department at the sector would that fall under?

8 A. It falls under the Department of Emergency Management and
9 Force Readiness.

10 Q. Can you describe its external relationships that that
11 department maintains?

12 A. We maintain relationships with both other government
13 agencies, OGAs, such as fire departments, police departments, law
14 enforcement agencies, environmental protection agencies at the
15 state, local and federal and tribal levels. We also maintain
16 relationships with members of industry from the private sector,
17 such as container ships, container ship facilities, marine oil
18 transfer facilities, cargo ship terminals, excuse me, cruise ship
19 terminals and bulk cargo facility terminals, as well as the owners
20 and operators of vessels throughout the port.

21 Q. You mentioned an area contingency plan. What is that?

22 A. The area contingency plan is a plan that the Coast Guard has.
23 It's mandated by Congress that every Coast Guard sector has an
24 area contingency plan, also known as an ACP. And its purpose is
25 primarily to respond to threats to the environment that are caused

1 by environmental spills, whether it be an oil spill or a chemical
2 release into the marine environment. If it falls within the
3 marine environment then the Coast Guard is the primary responsible
4 party. If it's in the inland region the EPA is the responsible
5 party.

6 Q. Is that plan exercised or practiced?

7 A. Yes, regularly.

8 Q. Does it address marine firefighting?

9 A. It does. There is an annex to the ACP for salvage and marine
10 firefighting.

11 Q. And what's the purpose of that annex?

12 A. The purpose of the plan is to define the roles and
13 responsibilities of the Coast Guard, other federal agencies and
14 state and local authorities with regard to response and
15 extinguishment of fires and threats to the port that may be caused
16 by a fire aboard a vessel or a designated waterfront facility.

17 Q. In your words, who is the intended audience for that annex?

18 A. The intended audience for that plan would be all members of
19 industry that own and operate vessels in the designated port
20 region, the state and local government agencies in particular and
21 municipal fire departments, as well as state hazardous material
22 response authorities et cetera.

23 Q. Lieutenant, can you pull up Exhibit 14, please?

24 Mr. Gorman, what is this?

25 A. That is Section 8000 of the Coast Guard Sector New York area

1 contingency plan, which is also known as the marine firefighting
2 annex of the plan.

3 Q. How is this annex communicated to the, like, users that you
4 just spoke about?

5 A. It is available to them on the Coast Guard public-facing
6 website called Home Port of which all industry members are
7 encouraged and invited to have a Home Port account so that they
8 can access this plan, as well as other relevant operation
9 information regarding port conditions, waterway restrictions
10 within the port, the area maritime security plan, which is
11 available there. But in order to access that because it is
12 sensitive security information for official use only and law
13 enforcement sensitive, they must sign an NDA, non-disclosure
14 agreement with the Coast Guard in order to access anything on the
15 secure side of Home Port. This plan, however, is not on the
16 secure side. It is public-facing.

17 Q. So you mentioned it being posted. Do users of this annex,
18 the marine firefighting annex meet or discuss it?

19 A. Well, yes. One of my other responsibilities I failed to
20 mention is in addition to being the overall liaison to fire
21 departments in the, in the sector region, I head up a New Jersey
22 Regional Fireboat Task Force. And they do have copies of this
23 plan. They are familiar with it as is the FDNY and other
24 government agencies. It is talked about at exercises that we have
25 and at area committee meetings which the area committee has great

1 input to the development and annual and quadrennial rewrites of
2 this plan, annual review and quadrennial rewrites.

3 Q. Would you call that a collaborative plan?

4 A. Yes, I would.

5 Q. When would the marine firefighting annex of the ACP be used?

6 A. It would be executed when there is notification to the Coast
7 Guard of a serious fire in the port. It's not necessarily
8 designed for reference in a fire in a recreational vessel marina.
9 This is more akin to commercial vessel fires, so tank ships,
10 container ships, bulk freighters, cruise ships, et cetera, or a
11 designated waterfront facility such as a container terminal or
12 both a freight container terminal or a cruise ship terminal.

13 Q. And what's the Coast Guard's role when this annex is used?

14 A. Well, the Coast Guard's role is to serve as the federal on-
15 scene coordinator as stated in the plan, but also this plan
16 doesn't make direct reference to but is an outcome also of the
17 marine safety manual, which states that the Coast Guard's role in
18 marine fires -- fires in the maritime domain is to advise and
19 assist municipal agencies, state agencies, OGAs and the private
20 sector in the event of a fire in the maritime domain.

21 Q. Lieutenant, can you go to the Page 9, please?

22 Mr. Gorman, what is the purpose of having this page in the
23 annex?

24 A. So the purpose of having this page in the plan is that in the
25 event of a notification to the Coast Guard Command Center on

1 Staten Island of a fire in the marine environment there is a quick
2 reference card that the watch standards would use. And it would
3 advise them to refer to the area contingency plan, specifically
4 this annex. And this gives them the availability of assets, known
5 assets that could respond to a marine firefighting incident in the
6 port.

7 Q. Okay. Does the marine firefighting annex address preparation
8 or training for marine fires?

9 A. It makes reference to the need for collaborative training
10 efforts coordinated among OGAs in conjunction with the Coast
11 Guard.

12 Q. When you say OGAs, can you clarify?

13 A. Sure, other government agencies, primarily fire departments
14 but also law enforcement agencies for the purpose of enforcing a
15 safety zone around any ongoing marine firefighting operations.

16 Q. Okay, you can take the exhibit down.

17 So translating that to the Newark area, what training
18 resources would be available?

19 A. Training resources would be available to participating fire
20 departments to use the NYPD, New York Police Department
21 Counterterrorism Bureau's, fire -- correction, boat operation
22 simulator. They offer classes free of charge to any OGA. They
23 literally train hundreds of OGA personnel every year. That
24 simulator was paid for by Coast Guard/FEMA port security grant
25 program funding.

1 There is also training available through the New Jersey
2 Office of Homeland Security and Preparedness under the Area
3 Maritime Security Committee that the training subcommittee has
4 coordinated training with the Port Authority of New York and New
5 Jersey for fire departments to make use of. There is also the New
6 York City Fire Department, also known as FDNY, has a shipboard
7 firefighting simulator which was also paid for with port security
8 grant program funding. That is available. It's a regional asset
9 as is the NYPD counterterrorism simulator. These simulators are
10 available to all OGAs, and since it went live, I believe in 2014,
11 literally thousands of firefighters have taken advantage of that
12 simulator training.

13 Q. So we talked about the marine firefighting annex to the area
14 contingency plan. Are there any other references on the topic of
15 marine firefighting for the Coast Guard?

16 A. There is the marine safety manual has a whole chapter on it.
17 There is also the quick reference cards in the Coast Guard Sector
18 New York Command Center that refer to it. Going way back there
19 was the national firefighting review plan that was released in
20 1974 and updated in 1988 that specifies that marine firefighting
21 is the responsibility of the municipality in which the fire occurs
22 and that the Coast Guard's role is to advise and assist.

23 Q. You previously mentioned the New Jersey Fireboat Task Force.
24 Can you explain what that task force is and why it was
25 implemented?

1 A. Yes, I can. So post-9/11 when the port security grant
2 program became a reality there was a need identified on the Jersey
3 side of the port that fire could be used as a weapon as history
4 has shown it was in World War II and other more recent conflicts
5 And there was a gap identified that the New Jersey side of the
6 port was entirely reliant on the New York City Fire Department for
7 fireboat protection. So as this gap was identified, numerous fire
8 departments were brought together under the auspices of Coast
9 Guard Sector New York and identified this gap and developed a plan
10 to put together a New Jersey Regional Fireboat Task Force. It
11 consists of 12 fire departments protecting 17 municipalities,
12 covers approximately 60 miles of coastline in the Port of New York
13 and New Jersey. And they currently operate a fleet of 17
14 fireboats of various size and capabilities. It went live as a
15 task force in September of 2018.

16 North Hudson Regional Fire Rescue Department, which is a
17 member of the Fireboat Task Force received a grant and took on the
18 role and responsibility for dispatching the Fireboat Task Force.
19 They went ahead and went live in 2018. They monitor VHF 16 and in
20 the MOU with the Coast Guard they have the ability to launch, to
21 self-deploy if they hear a distress call. They also take calls
22 from the member departments and dispatch the fireboats as needed.
23 And then they close the loop by calling the Coast Guard Command
24 Center to make sure that the Coast Guard is aware of the incident.

25 Another way is if the Coast Guard hears something on their

1 QRC it will, say, notify New Jersey Regional Fireboat Task Force.
2 They assist with search and rescue operations, marine domain
3 awareness patrols, as well as marine firefighting.

4 Q. You mentioned a few departments, but specifically is Newark
5 Fire Department part of this task force?

6 A. They are.

7 Q. And do you know what their individual capabilities are?

8 A. They have two fireboats, a 50-footer and a 27-footer.

9 Q. For the Fireboat Task Force is the status of the fireboats
10 kept by the Coast Guard?

11 A. It is kept by North Hudson regional Fire Rescue dispatch on
12 behalf of the Coast Guard so that in the event of an emergency the
13 dispatchers know which assets are in service, which assets are out
14 of service, which assets are underway, et cetera.

15 Q. So the dispatch keeps that record --

16 A. Yes, they do.

17 Q. -- and communicates it to the Coast Guard?

18 A. Yes, they do.

19 Q. Does the New Jersey Fireboat Task Force have recurring
20 meetings or communications?

21 A. Yes, we do.

22 Q. How often does that occur?

23 A. At least semiannually.

24 Q. You previously mentioned grants for training. Were there any
25 grants associated with the New Jersey Fireboat Task Force?

1 A. Yes, very many grants, tens of billions of dollars have been
2 awarded to the membership departments over the past.

3 Q. And specific for the incident we're going to speak about, did
4 Newark Fire Department receive grant money as part of the New
5 Jersey Fireboat Task Force?

6 A. Yes.

7 Q. Do you know what that grant was for?

8 A. It was for the fireboats and for training.

9 Q. And who issues those grants?

10 A. Those grants are actually issued by the Federal Emergency
11 Management Administration, FEMA, but the Coast Guard has a role in
12 grading who is worthy of grant recipient -- receipt.

13 Q. You mentioned that the grant Newark Fire Department received
14 included training. What specific training was included for that
15 grant?

16 A. I would have to go back. I don't, I don't recall
17 specifically what Newark may have received.

18 Q. Would that have been a part of their package that they
19 submitted?

20 A. Yes.

21 Q. So you spoke about your role as almost a liaison with the
22 fire departments in the area.

23 A. Correct.

24 Q. How is that relationship with the departments that you
25 interact with?

1 A. It's excellent. You know, like, most of these fire
2 departments are paid fire departments. As I indicated, I've been
3 a volunteer since 1987, and the community of firefighters really
4 embraced me as one of their own, kind of, had a level of street
5 cred when I took the position. So there's pretty much regular
6 communication between myself and members of the task force if they
7 have a question about Coast Guard operations or, you know, a
8 general question about marine firefighting or Coast Guard policy.

9 Q. You stated there are meetings for this group. Did Newark
10 Fire Department attend those meetings?

11 A. Sporadically.

12 Q. Were you aware of a fire that occurred July 5th, 2023 at Port
13 Newark?

14 A. Yes, ma'am.

15 Q. How were you made aware of that fire?

16 A. I was initially made aware of the fire because when the
17 Fireboat Task Force is dispatched I get a text message. So I
18 received that text message approximately 2100 hours that evening.

19 Q. And in relation to your duties with the Coast Guard, were you
20 ever asked to respond to that fire?

21 A. Yes, I was.

22 Q. Why were you asked?

23 A. Well, I was asked -- you know, I was on the phone for many
24 hours that evening of July 5th and one of my last phone calls was
25 with my supervisor, Commander Kyle Wiest (phonetic). It was

1 approximately 0100 on the 6th of July. And he said, you know,
2 that we know this is a bad situation. He said, "I need you to go
3 there as a liaison for the Coast Guard." I said, "Okay, I'll
4 leave right now." He said no. He said, you know, "You've been on
5 the phone. It's late. You worked all day. I want you to get six
6 hours rack time and then get up there." So that's what I did.

7 Q. So when did you end up reporting to Port Newark?

8 A. 0830 hours local time on the morning of the 6th of July.

9 Q. When you came on on-scene, what was your role at that time?

10 A. My role at that time was to represent the Coast Guard on
11 scene. They were in the process of moving the unified command
12 post from the pier to the Port Authority building on Kellogg
13 Street, approximately two miles away. So my directives were to
14 stay on scene and liaise with the firefighting efforts, the fire
15 departments and report back as needed periodically to the UCP,
16 unified command post.

17 Q. So when you arrived what was the incident command structure?

18 A. At that time, the incident command structure was in a tent,
19 as I indicated, at the bottom of the pier. By that time, the FDNY
20 had responded with their big fireboats and the captain of the port
21 was there. She was meeting with some representatives from the
22 Port Authority. They were making the decision, as I said, to move
23 the UCP. And then I met with the chiefs from the FDNY and they
24 indicated that a lot of the Newark Fire Department leadership had
25 left the scene at that time, so they were my lead points of

1 contact. And I also met with representatives from Gallagher
2 Marine who were serving as the qualified individual for the
3 vessel.

4 Q. And as you began to understand what was occurring, were you
5 aware if the marine firefighting annex to the ACP was being used
6 or had been used prior to your arrival?

7 A. I needed to determine that. It was not clear upon my
8 arrival.

9 Q. What did you determine?

10 A. I determined that, yes, indeed, it was being used. As the
11 plan indicates, the Coast Guard's role would be the FOSC, Federal
12 On-Scene Coordinator and would go to the unified command post
13 which Captain Merchant (phonetic) did do.

14 Q. And that's when you arrived but prior to your arrival, prior
15 to I think you said Gallagher arrived --

16 A. Yes.

17 Q. -- do you -- are you aware if it was used prior to that?

18 A. I believe it was, yes, by the Coast Guard and others, yes.

19 Q. Are you aware if the New Jersey Fireboat Task Force was
20 activated to either suppress the fire or respond to it --

21 A. I --

22 Q. -- afterwards?

23 A. Yeah, I am aware they were dispatched and then they were
24 cancelled about five minutes later by Newark.

25 Q. Are you aware of why they were cancelled?

1 A. Well, I can only refer to transcripts that I read of phone
2 calls that the Newark chief on-scene advised North Hudson that the
3 Fireboat Task Force was not needed.

4 Q. And just in particular to clarify, North Hudson is the
5 dispatcher?

6 A. For the New Jersey Regional Fireboat Task Force, yes.

7 Q. What was your understanding of the roles of the incident
8 command structure when you came on the scene? Was it a unified
9 command?

10 A. It was.

11 Q. Mr. Gorman, that's all the questions I have for you right
12 now.

13 A. Thank you.

14 LCDR MOORE: I'm going to go around to the rest of the
15 investigation team.

16 MR. GORMAN: Okay.

17 LCDR MOORE: Commander Barger, do you have any questions?

18 BY CDR BARGER:

19 Q. Good afternoon, Mr. Gorman.

20 A. Good afternoon, Commander.

21 Q. Just a couple follow-up questions from throughout your
22 testimony, so going back to the area committee, which I believe
23 you said the area contingency plan is developed under, is that
24 correct?

25 A. The other way around. The marine firefighting annex is a

1 portion of the area contingency plan.

2 Q. And then is the area contingency plan a product of the area
3 committee or --

4 A. Yes.

5 Q. Okay. Does the -- so does the area committee here in the
6 Port of New York and Newark have a subcommittee on maritime
7 firefighting or is that collaborative effort that comes together?

8 A. The collaborative effort is really primarily under the
9 Fireboat Task Force, as well as members of industry.

10 Q. Okay. And then you mentioned that the area contingency plan
11 is exercised?

12 A. Yes.

13 Q. How is that exercised?

14 A. It's exercised when we have exercises, whether they be
15 tabletop exercise, full-scale exercise or a -- I'm having a moment
16 here. There's a third type I forget in between the tabletop and
17 the full-scale, but the full-scale exercise was -- there was one
18 in the spring simulating, you know, an oil spill.

19 Q. Okay, and that's spring of 2023?

20 A. Yes.

21 Q. Okay. For an exercise like an oil spill --

22 A. Yes.

23 Q. -- is the marine firefighting annex utilized or exercised?

24 A. Not for an oil spill, no.

25 Q. All right. Is there -- are there separate exercises for the

1 marine firefighting annex?

2 A. There are the training and exercises that the Fireboat Task
3 Force does do on their own, yes.

4 Q. Okay. Prior to July 5th of 2023, do recall when the last
5 exercise was of the marine firefighting annex?

6 A. Probably would have been the previous summer.

7 Q. Okay. How frequently is the annex required to be exercised?

8 A. I don't recall.

9 Q. All right. Is there a requirement for the plan as a whole --

10 A. Yes.

11 Q. -- that's required to be --

12 A. Yes, yeah.

13 Q. -- a frequency?

14 A. Annually, yes.

15 Q. Okay. Is that a full-scale exercise every year?

16 A. Yes. Yes.

17 Q. Okay. How are notices about those exercises distributed?

18 A. They're placed out by e-mail, telephone notification and
19 sometimes Home Port.

20 Q. All right. And then how are they coordinated?

21 A. They're coordinated by the by the Coast Guard, my department
22 Emergency Management in conjunction with the incident management
23 team and then also with partners of industry.

24 Q, And have you ever had anybody from the Fireboat Task Force or
25 otherwise suggest to you that that they wanted to include marine

1 firefighting in a port-wide exercise?

2 A. Yes, we have. Yes, and it's an idea. It is a -- it's a bit
3 of a daunting task, but yes.

4 Q. And why do you say that?

5 A. It takes a lot of resources. Sometimes it's, you know, the
6 nature of shipping today it's difficult. You know, ships come and
7 arrive and depart very, very quickly. It's not like years ago
8 when, you know, containerized freight ships are in and out of port
9 in eight hours. So to ask a ship to remain in port basically
10 that's very difficult, so we rely on the training through
11 simulators to prepare for such contingencies. So that would
12 really be the best you can do is use the simulator for training.
13 I mean, we can flow water. We can -- and we do that, and we can
14 do hose relays. As recently as 10 days ago the Fireboat Task
15 Force was supplying water ashore for a major structure fire in
16 Elizabeth. So those are the kinds of real world incidents that
17 count towards exercises that the fireboat task force routinely
18 participates in.

19 Q. You mentioned the area contingency plan is posted to the
20 public-facing Home Port site.

21 A. Yes, sir.

22 Q. If there are changes made to the plan, and I would say that
23 marine firefighting annex in particular, how are local agencies
24 and port partners made aware of these changes?

25 A. So there would be a Home Port announcement that would be put

1 out which would trigger an e-mail to anyone who has a Home Port
2 account, as well as e-mail that we would send out to the e-mail
3 distribution lists we maintain.

4 Q. And does the area contingency plan talk -- or in the marine
5 firefighting annex in particular, establish any kind of training
6 or exercise requirements for the plan or for the departments
7 operating under it?

8 A. It does not get very specific. It says that they should
9 train and exercise regularly.

10 Q. Okay.

11 A. Excuse me.

12 Q. Now, you mentioned that a grant was issued to or given to the
13 Newark Fire Department. Do you remember when that was, what year?

14 A. I don't recall. Certainly, both of their fireboats were paid
15 for with grant money, so I think that the newer boat is a 2014 but
16 their -- I believe they did receive some grants since then. But I
17 would have to go back and verify that.

18 Q. So it sounds like the bulk of the grant money was definitely
19 prior to July of 2023?

20 A. Yes, sir, that's accurate.

21 Q. So you mentioned the New Jersey Fireboat Task Force initially
22 dispatched for the Newark ship fire on July 5th, 2023. Do you
23 know what capabilities they were planning to bring to the
24 incident?

25 A. They were planning to bring -- on a first alarm assignment

1 they would have dispatched three fire departments. There is a
2 whole matrix that we have. The port is divided for the Fireboat
3 Task Force into eight zones and for each first alarm assignment
4 three assets would respond and they would bring with them the
5 fireboat that has the capability to provide water ashore, water to
6 a vessel through the international shore connection, and as well
7 as a complement of firefighters who have had a minimum training in
8 shipboard firefighting.

9 Q. Okay. So the, if I'm understanding you correctly, the
10 members -- the fire department personnel that would be on the
11 fireboats would not only be able to operate their fireboat and
12 spray -- and how to spray water from the fireboat but could also
13 have specialty training that would allow them to go onto the
14 vessel itself?

15 A. Yes. I just want to clarify that that's an ongoing process,
16 so depending upon the firefighters that were working the fireboat
17 they may be fully qualified in operating the fireboat but some --
18 but not necessarily all would have that training to go aboard the
19 ship and engage in shipboard firefighting.

20 Q. Okay. So is there a requirement in the New Jersey Fireboat
21 Task Force, I'll say bylaws or policies or within a plan that has
22 established that, that requires the personnel onboard the boats to
23 have shipboard firefighter training?

24 A. There is a guideline that they should attend the FDNY
25 simulator training.

1 Q. Okay. And do you know is that a guideline that is met by
2 most are all of the departments within the task force?

3 A. They do endeavor to do so, but a lot of these municipal
4 departments have other priorities. You know, not all of them have
5 big critical infrastructure of industry within their immediate
6 response district.

7 Q. Okay. And then when you arrived on the scene, I believe you
8 said it was the morning of July 6, 2023 --

9 A. Yes, sir.

10 Q. -- at the Port Newark fire, you said that a unified command
11 had been established at that point?

12 A. Yes, sir.

13 Q. Who was the membership within that unified command?

14 A. At the time I arrived it was the Port Authority of New York
15 and New Jersey, the Coast Guard and Gallagher Marine.

16 Q. All right. Thank you, Mr. Gorman. That's all the questions
17 I have word.

18 LCDR MOORE: Lieutenant Commander Ward, do you have any
19 questions?

20 BY LCDR WARD:

21 Q. Good afternoon. I just had one clarification question for
22 the sake of the public. When you said QI previously can you give
23 more details to who that is and what role these are?

24 A. Certainly. So QI stands for qualified individual, so every
25 commercial vessel that calls into port, any tank ship over 150

1 gross tons and any freight ship over 400 gross tons is required to
2 have what we call a VRP, a vessel response plan. And within that
3 vessel response plan they are required to have a qualified
4 individual for every port in which they intend to call. This VRP
5 is approved by the Coast Guard and the QI has to respond within a
6 designated timeframe that is specified within the VRP. And do you
7 need more on what a qualified individual is qualified in or are
8 you good?

9 Q. You can expand as far as when you say respond. What does
10 that necessarily entail?

11 A. Okay. So they need to be available to respond on the
12 telephone almost immediately, within an hour tops, and they need
13 to be on scene for the incident, I believe within four hours.

14 Q. So just to verify, when you arrived on scene that morning the
15 qualifying individual was present?

16 A. Yes.

17 Q. And you -- there was a transition from the response because
18 there was still an active fire that morning?

19 A. Very active fire, yeah.

20 Q. You also mentioned the fireboats and on behalf of the Coast
21 Guard they asked for a status of the fire boats from the Hudson
22 River dispatch?

23 A. North Hudson dispatch, yeah.

24 Q. Yes.

25 A. And can you clarify your question?

1 Q. As far as the status, if you can recall, last year around the
2 time of this incident are you aware of what the status of those
3 fireboats were?

4 A. I am, yes. Specifically Newark's fireboats were out of
5 service at that time and Bayonne was getting ready to respond, as
6 was Jersey City and North Hudson, but they were told to stand down
7 within five minutes of the initial alarm.

8 Q. Can you expand as to why they were out of service?

9 A. Newark's fireboat, the big one, had been out of service for
10 an extended period of time due to lack of maintenance.

11 Q. Okay. That's all the questions I have. Thank you.

12 LCDR MOORE: Lieutenant Reed?

13 BY LT REED:

14 Q. Hi, Mr. Gorman.

15 A. Yes, sir.

16 Q. You said the purpose for the marine firefighting annex to the
17 ACO was to -- for the Coast Guard's purpose was to assist and
18 advise?

19 A. Yes.

20 Q. Is there a mechanism which the Coast Guard is requested for
21 the assistance or the advisory capabilities?

22 A. The annex states that it is the responsibility of the vessel
23 but also of the municipal department responding to notify the U.S.
24 Coast Guard of an incident within the port.

25 Q. Thank you. I'm going to bounce around a little bit. For the

1 New Jersey Fireboat Task Force is there a recommended recency for
2 marine firefighting training?

3 A. Not that I recall. I'd have to dig into it and get back to
4 you.

5 Q. Okay. And just for benefit of everybody here, what is an
6 international shore connection and what's it used for?

7 A. An international shore connection is a firefighting
8 appliance. An appliance is a piece of hardware and what it is
9 designed to do because ships are made all over the world and call
10 over the world there are different threads on firefighting
11 appliances. There are different hose diameters, et cetera, and
12 this is designed so that it's an adapter. It's an international
13 shore connection but it is an adapter that will allow a fire
14 department anywhere in the world to adapt their firefighting
15 appliances, their couplings to feed the fire hydrant system aboard
16 the vessel.

17 Q. Okay. So its primary use is to supply the ship with water if
18 the ship is dead?

19 A. If the ship -- right. I mean, initially the ship is supposed
20 to have its own fire pump and even if it does have its own fire
21 pump and it is operating, the international shore connection can
22 be used to augment the pressure for firefighting efforts aboard
23 the ship either by the ship's crew or by firefighters based
24 ashore. In the event that the emergency fire pump fails or is
25 consumed by fire, then the international shore connection can be

1 utilized to provide water to the shipboard hydrant system.

2 Q. Okay, thank you very much. One last question, do you know if
3 the Coast Guard was notified by the vessel that a fire was on
4 board?

5 A. I do not know if the if the Coast Guard was notified by the
6 vessel. I do not. I believe the first notification that the
7 Coast Guard got, I believe, was by a New Jersey State Police boat.

8 Q. Okay.

9 A. I believe.

10 Q. All right, thank you very much. That's all the questions I
11 have.

12 LCDR MOORE: Mr. Pittman, do you have any questions?

13 MR. GORMAN: Yeah, thanks.

14 MR. PITTMAN: No, questions.

15 LCDR MOORE: We'll move to the NTSB. Mr. Barnum, do you have
16 any questions?

17 MR. BARNUM: Thank you, Commander.

18 BY MR. BARNUM:

19 Q. Thank you, Mr. Gorman, thank you. With respect to the New
20 Jersey Fireboat Task Force and your roles with that organization,
21 do you know who the contact is in the Newark Fire Department for
22 their participation in the New Jersey Fireboat Task Force?

23 A. Yes. It was at the time of the incident Chief Rufus Jackson.

24 Q. Okay. And staying on that topic, you said that task force
25 had semiannual meetings and that Newark's participation in those

1 was sporadic?

2 A. Yes.

3 Q. Compared to the other 16 municipalities in that task force,
4 were there others that were sporadic as well?

5 A. No.

6 Q. Okay. How about in the exercises? You said you have annual
7 exercises. How was Newark's participation in those?

8 A. Minimal.

9 Q. And how about the other 16 municipalities?

10 A. It was strong.

11 Q. Okay. Would you say all 16 would attend every year or --

12 A. They would try, yes. I mean, another mitigating factor for
13 two of the departments is they are volunteer departments so it's,
14 you know, if we're having an exercise on a weekday it's hard for
15 people to take work off to, you know, participate in an exercise.
16 But the paid departments were very responsive and excellent in
17 supporting Coast Guard missions.

18 Q. So the task force you said started in 2018?

19 A. Yes, sir.

20 Q. So there would have been five annual drills?

21 A. No, there hasn't. You have to remember, sir, we did have
22 COVID in that period so that really, kind of, curtailed our
23 activities.

24 Q. Okay. So potentially you only had how many drills, two,
25 three?

1 A. Three.

2 Q. Three? And how many of those did Newark participate in?

3 A. None.

4 Q. Okay. You were -- we were talking about training before that
5 New Jersey Fireboat Task Force and what was available to them,
6 that New York Police Department had a simulator for operating.
7 The New York Fire Department had a simulator for shipboard
8 firefighting. How about was there any training available for
9 hands-on shipboard training?

10 A. There were grants available to go to marine firefighting
11 schools that are operated by third-party private sector firms.

12 Q. Okay. And did anybody utilize those grants and receive them
13 and go to the training?

14 A. I believe some of our departments did take advantage of that,
15 some of the departments in the task force, yes.

16 Q. Okay. Do you know if Newark was one of those?

17 A. I believe Newark did a very long time ago. I did provide to
18 the board some documentation several months ago. I believe the
19 last time Newark actively participated was, like, before the task
20 force went live and that was 2012 or 2014.

21 Q. Okay. You indicated that tens of millions of dollars were
22 granted to these municipalities to purchase assets and to attend
23 training. Is your understanding -- so after that initial monies,
24 when Newark bought their fireboats, was there any -- is there any
25 additional money coming in for the maintenance, the servicing of

1 these vessels and for continually -- continual training?

2 A. Yes. Newark had put in for small grants because when asked
3 they were -- and they were saying that the city was not able to
4 come up with the matching funds so they would put in for minimal
5 grants of, like, \$15,000 that required no match for, like, fuel
6 and fuel for training, et cetera and for maintenance of the
7 vessels.

8 Q. Okay. And that, kind of, leads into the next question. Is
9 there any kind of obligation that these municipalities have in
10 order to, you know, keep their vessels operable and in a ready
11 state, to participate in training, to participate in exercises?

12 A. Yes, sir, there is.

13 Q. What are those obligations?

14 A. Okay. Those obligations are they sign an MOU, a memo of
15 understanding with the U.S. Coast Guard at the Sector New York
16 level that the vessels will be available for 24/7 response, 365 --
17 24/7, 365.

18 Q. Okay. And does the -- is the Coast Guard responsible to
19 audit these municipalities to ensure that they are maintaining 24
20 hours (indiscernible)?

21 A. We are responsible for letting FEMA know because they
22 administer the grants. And we do that and FEMA reserves the right
23 to go down and do a field audit on any recipient of any grant,
24 whether it's a port security grant or any other grant program they
25 administer.

1 Q. Okay. So as of July 5th, 2023, we talked about Newark's
2 participation in some of these drills. Do you know of any audits
3 that were planned or had taken place on Newark Fire Department
4 with respect to their participation?

5 A. No, I don't know of any audits, but I do know that I had
6 reminded Newark that they were under an obligation to be available
7 to respond 24/7.

8 Q. And when did you do that and how?

9 A. I'd have to go back and check, but it was certainly more than
10 once.

11 Q. Was it before July 5th?

12 A. Yes, sir.

13 Q. Yes. And that's to the chief of the department?

14 A. Yes.

15 Q. Via e-mail or a phone call?

16 A. E-mail and phone call, yeah.

17 Q. And what was your -- what was -- did you receive a response?

18 A. I don't recall. I'd have to I'd have to go back and check on
19 that. I mean, verbally it was, like, oh, we're doing our best,
20 you know? I mean, the big boat was out of service, as I
21 previously indicated, for an extended period of time and the City
22 of Newark at the time of the fire was in negotiations with the New
23 Jersey State Police because the State -- the New Jersey State
24 Police wanted to take custody of that asset and rebuild it and
25 repurpose it for a multipurpose response, multi-mission utility

1 boat.

2 Q. Just a -- no further questions, thank you.

3 A. You're welcome.

4 LCDR MOORE: Ms. McAtee, do you have any questions?

5 MS. MCATEE: Just a couple questions.

6 BY MS. MCATEE:

7 Q. How often has the task force actually been activated for an
8 incident?

9 A. I just asked for the 2023 statistics, but in 2022 they
10 responded to 112 calls for assistance.

11 Q. Was Newark a part of any of those incident responses?

12 A. No.

13 Q. I have no further questions, thank you.

14 A. I'm sorry, ma'am, just for my edification, what -- whom are
15 you representing?

16 Q. The NTSB.

17 A. Thank you.

18 LCDR MOORE: Commander, that's all the initial questions for
19 this witness.

20 CDR BARGER: As we have done with previous witnesses, in
21 order to ensure equitable time and opportunity for each party in
22 interest to ask questions, each party in interest will have
23 approximately eight minutes for cross-examination within the scope
24 of the direct examination questions.

25 We'll begin with City of Newark.

CROSS-EXAMINATION

BY MR. LIPSHUTZ:

Q. Hello, Mr. Gorman.

A. Yes, sir.

Q. Gary Lipshutz, L-I-P-S-H-U-T-Z.

A. Yes, sir.

Q. The initial alarm from North Hudson dispatch, what were the assets that would have been dispatched?

A. Bayonne, Jersey City and North Hudson.

Q. And what are those assets?

A. Bayonne at the time had a 20-foot boat, their primary boat. They were using a loaner boat because their primary boat had been seriously damaged in an accident.

Q. Okay.

A. And Jersey City had a sister ship to the large Newark boat, a 55-foot vessel, and North Hudson has a 36-foot vessel with -- both the Jersey City and the North Hudson boat had high GPM capacity to supply firefighting water.

Q. Gallons per minute?

A. You want the GPM?

Q. No, no. That's what you meant, right?

A. Yes.

Q. Okay. What about the manpower resources that you had mentioned, the firefighting special resources?

A. Each boat would have brought a crew of four firefighters.

1 Q. And so they would have to go to the dock, drop them off. Is
2 that how that would work?

3 A. How those departments operate is, yes, an engine company
4 would respond from their quarters ashore to the dock and get their
5 vessels underway and respond.

6 Q. And are you confident that the complement would have had
7 marine firefighting training, the complement of individuals that
8 would have been dispatched by North Hudson?

9 A. I am somewhat confident. Again, as I previously indicated,
10 it depends upon who was working that shift and what level of
11 training that they had had for actual shipboard firefighting as
12 opposed to operating the fireboat.

13 Q. And I know you're aware that a few minutes after that alarm
14 was dispatched it was cancelled by the deputy chief of Newark,
15 right?

16 A. Yes, sir.

17 Q. And you were not present at the time of the cancellation at
18 the scene?

19 A. That's correct. I was not.

20 Q. And do you have an understanding as to exactly what Newark
21 was facing at that point, what they understood it to be?

22 A. They understood it to be, from the briefings I received
23 later, a fire on one of the cargo decks of the vessel involving
24 approximately six motor vehicles.

25 Q. And is it correct that when they initially arrived, Newark

1 Fire, if you know this, Newark fire was advised that the boat had
2 put the fire out?

3 A. I was not aware of that.

4 Q. Okay. In any event, you would agree with me that whether or
5 not to call in additional assets is a discretionary call based
6 upon what the commander knew at that time?

7 A. Yes, it is a discretionary call.

8 Q. Okay. When was the, if you know, when was the First Coast
9 Guard representative or entity at the scene? It was not you,
10 right?

11 A. Oh, no, it was not I. I believe it probably would have been
12 a 45-foot response boat from Coast Guard Station New York, and I
13 believe they were on-scene around 2230.

14 Q. 1030 p.m.?

15 A. Yes.

16 Q. Okay. Do you know if they provided any advice?

17 A. No. They're -- I'm sorry.

18 Q. You have been anticipated my question but let me ask it
19 first. Do you know if they provided any advice or assistance to
20 the Newark Fire Department?

21 A. I do not believe they did. That would not have been the
22 small boat's role.

23 Q. Well, you have said that the Coast Guard provides advice and
24 assistance to the local the firefighters.

25 A. That's correct. I did.

1 Q. So who would from the Coast Guard provide such advice and
2 assistance?

3 A. That would have been members of the incident management team
4 that would have responded and personnel from our prevention
5 department, which you had initially asked me who was the first
6 Coast Guard asset on scene so I answered that it was the boat
7 crew.

8 Q. Thank you.

9 A. But additionally, personnel were responding ashore.

10 Q. Okay. Do you know when they arrived?

11 A. I do not.

12 Q. So was it fair to say you don't know if they provided any
13 advice or assistance to the Newark Fire Department?

14 A. I am --

15 UNIDENTIFIED SPEAKER: Objection.

16 CDR BARGER: I don't know if we've established the witness'
17 knowledge of the Coast Guard response, so if you would frame the
18 question that way first?

19 MR. LIPSHUTZ: Well, that's what I asked him.

20 BY MR. LIPSHUTZ:

21 Q. I said he doesn't know. You don't know if they provided
22 advice or assistance to the Newark Fire Department?

23 A. I wasn't there so, no, I don't know.

24 Q. That was all I asked. And briefly, you mentioned three
25 drills that have been conducted out of perhaps five that might

1 have but interrupted by COVID. Did I say that right?

2 A. Yes.

3 Q. What were those drills?

4 A. I don't recall right now.

5 Q. Well, did they involve -- not simulator. Did they involve
6 actual marine firefighting onboard a vessel?

7 A. No.

8 Q. I think you mentioned -- did you mention one had to do with
9 HAZMAT earlier?

10 A. No. Yeah, that -- I mentioned an oil spill.

11 Q. Yeah, oil spill.

12 A. Yeah.

13 Q. So was that one of them?

14 A. Yes.

15 Q. And you don't remember the type of the other two?

16 A. Not right now, no.

17 Q. But we can confidently say it did not involve going on a ship
18 for marine firefighting?

19 A. Yes.

20 Q. I appreciate that. Thank you very much, sir, no more
21 questions.

22 A. You're welcome.

23 CDR BARGER: Port Authority of New York and New Jersey?

24 MR. REILLY: We have no questions.

25 CDR BARGER: Grimaldi?

1 BY MR. O'CONNOR:

2 Q. Hi, Mr. Gorman, Robert O'Connor. I represent Grimaldi.

3 A. Good afternoon, sir.

4 Q. Earlier I think you had mentioned the phrase VRP. Can you
5 explain what law or regulation requires vessels to have a VRP?

6 A. It's in Title 33 of the Code of Federal Regulations. The
7 exact cite escapes me at the moment.

8 Q. Do you know what the name of that law or regulation is?

9 A. I believe it's the Safe Port Act. I'm not sure. It predates
10 the Safe Port Act for sure, but it may have been referenced again.

11 Q. Can you explain under what circumstances a VRP is activated?

12 A. A shipboard fire is one of them. An oil spill, a marine
13 casualty involving significant damage to the vessel, loss of cargo
14 such as a container over the side. Any of those circumstances.

15 Q. Do you know in this instance who acted the VRP?

16 A. Who activated it? I do not know. It should have been a
17 senior member of the crew.

18 Q. Thank you. I have no further questions.

19 A. You're welcome, sir.

20 CDR BARGER: (Indiscernible)?

21 MR. LIPSHUTZ: May I please ask one question that I
22 neglected? Only one.

23 CDR BARGER: I'll allow it.

24 BY MR. LIPSHUTZ:

25 Q. Mr. Gorman, of the first alarm vessels that would have

1 responded did any of them have the ability to launch water up to
2 the top of the 12th deck of that ship?

3 A. The 12th deck? Probably not, but there was no fire on that
4 12 deck at that time.

5 Q. That was my one question. I'll stick with it. Thank you.

6 A. If I may? Don't? Okay, I'll let it go.

7 CDR BARGER: Ports America?

8 BY MR. ZONGHETTI:

9 Q. Why don't you tell us what you wanted to tell us, sir.

10 A. Ask me a question first.

11 q. All right. We're all on pins and needles now.

12 A. I'm sorry, sir?

13 Q. We're all on pins and needles now with that (indiscernible).

14 A. Okay.

15 Q. Okay. The New Jersey Regional Fireboat Task Force, I'll
16 refer to that as the task force, okay, did the FDNY -- were they
17 member of that or did they play any role in that?

18 A. They are a member, yes. They are -- we'll call them an
19 ancillary member.

20 Q. Okay. And did they provide any resources to the task force?
21 For example, did they provide their firefighting manual for marine
22 fires or anything of that nature?

23 A. They did, yes.

24 Q. And that was provided to the Newark Fire Department as a
25 member of the regional task force; is that correct?

1 A. Yes.

2 Q. The Director -- the Chief today testified that there were no
3 firefighting procedures for marine firefighting in the Newark Fire
4 Department but they would have had access to the FDNY procedures;
5 is that correct?

6 A. Yes.

7 Q. So this Exhibit 14 which is Section 8000, that you --
8 CDR BARGER: Can you bring it up, please?

9 BY MR. ZONGHETTI:

10 Q. Can you just explain what that is for us lay folks?

11 A. Could you, like, just help me out with a paragraph or
12 something?

13 A. Well, what is this document? So what is, what is it? What
14 is the plan?

15 A. The plan is, as the opening paragraph says, "Provides
16 guidance for marine fires occurring at any location within the
17 jurisdiction of Coast Guard Sector New York." So what it does is
18 it outlines the roles and responsibilities of federal, state and
19 local government agencies to respond to an emergency, whether it
20 be a fire department, police department, environmental protection
21 agency, office of emergency management, et cetera.

22 Q. And do fire departments such as the Newark Fire Department
23 have access to this?

24 A. Yes, sir.

25 Q. If we go to Page 6 of 10, if you would, sir, Lieutenant? In

1 Section 8330, marine firefighting priorities -- do you see that?

2 A. Yes, sir.

3 Q. The third bubble or the third -- it says, "Containment. to
4 accomplish proper containment all closures and generally all
5 ventilation unless personnel are trapped inside this space should
6 be secured, establish primary fire smoke and flooding boundaries.
7 Primary boundaries are critical to the control of a fire. Monitor
8 and cool the boundaries as necessary on all six sides of the
9 fire." Did I read that correctly?

10 A. Yes, you did.

11 Q. The flooding boundaries does this -- is that a reference to
12 boundaries for CO2 containment?

13 A. In this context, yes, yeah.

14 Q. And this indicates that in shipboard firefighting all
15 containment should be closed, correct?

16 A. Yes as opposed to structural firefighting where you want to
17 vent the fire. It's the next bullet explains you want to use
18 sealing off all hatches and boundaries in order to smother the
19 fire.

20 Q. Okay. Now, the resources that would have been activated
21 included the three fire departments, Bayonne, Jersey City, North
22 Hudson if that activation had remained active, correct?

23 A. Yes.

24 Q. And chances are that the folks on those fireboats would have
25 had shipboard firefighter training. That's your belief, right?

1 A. I stated it's possible that some of the firemen working that
2 night may have had that training from those departments, yes.

3 Q. And in this whole process of activating the Fireboat Task
4 Force where does FDNY come into play? Are they activated or is
5 that some other procedure?

6 Q. The membership of the New Jersey Regional Fireboat Task Force
7 would not hesitate to call the FDNY in their capacity as an
8 ancillary member. If they had arrived on scene or when they
9 arrive on scene and they see a bigger fire as they did last week,
10 they realized FDNY was needed.

11 Q. Were you at all involved in communicating after you were
12 activated and then -- you meaning the task force and then
13 deactivated with FDNY in terms of them arriving on the scene?

14 A. At approximately 2200 hours on the 5th of July I received a
15 phone call from Battalion Chief Joe Abbamonte (phonetic) of the
16 FDNY marine division.

17 Q. And had he been contacted by Newark or by any of the fire
18 department to arrive? Had they been contacted?

19 A. No. They were making preparations to take it in under their
20 own volition.

21 Q. So they were monitoring the scene and were preparing to come
22 without being called in?

23 A. That's affirmative.

24 Q. When were they finally called in?

25 A. My understanding is they never were. They -- by Newark.

1 They established communications with the Bayonne fire chief who
2 was there in the UASI capacity and that Bayonne chief indicated to
3 Chief Abbamonte take it in. We need you.

4 Q. One other thing, there's been testimony in this case -- in
5 this proceeding by the chief of the Newark Fire Department and by
6 another battalion chief that UASI, that the New Jersey Regional
7 Task Force is -- comes under UASI. That's not correct is it?

8 A. No, that is not correct, not at all because there are fire
9 departments that are part of the New Jersey Regional Fireboat Task
10 Force that fall outside of the UASI area.

11 Q. Would you expect the chief of the department to know that the
12 Fireboat Task Force is separate from UASI, that they're not one in
13 the same?

14 A. Yes.

15 Q. I have nothing further.

16 CDR BARGER: American Maritime Services?

17 BY MR. PALLAY:

18 Q. Good afternoon, sir. Thank you for your testimony here
19 today.

20 A. Thank you, sir.

21 Q. I'm going to try and be as quick as possible because I'm sure
22 you want to get to lunch as most people in this room do. I think
23 we talked a little bit earlier, or you talked a little bit earlier
24 about the grant that was given to Newark Fire Department. You
25 said you didn't recall what that figure was. If I told you it was

1 over \$2 million would that help refresh your recollection?

2 A. Honestly, no. It sounds reasonable but I cannot absolutely
3 say for certain.

4 Q. Okay. And it's your understanding with that grant, whatever
5 that number was, they purchased fireboats, the two fireboats.

6 A. Yes, sir.

7 Q. Okay. I think earlier you indicated that the fireboats were
8 out of service for an extended period of time.

9 A. One of them was one of service --

10 Q. One of them --

11 A. -- for an extended period.

12 Q. Do you know, do you know what that period was? Okay.

13 A. I'm sorry, sir.

14 Q. I'm sorry. Do you know what that period was?

15 A. In excess of a year.

16 Q. Okay. How did you come to know this information?

17 A. I was talking with a member of the Newark Fire Department and
18 he mentioned it to me.

19 Q. Okay. Are you aware of any circumstances where the Newark
20 Fire Department fireboats were called upon but were unavailable
21 because they were out of service?

22 A. Yes.

23 Q. And that happened prior to this incident?

24 A. Yes.

25 Q. Okay. The Newark -- you indicated that Newark Fire

1 Department when it came time for training exercises there was what
2 you called, using your words, sir, "minimal participation." Is
3 that right?

4 A. Yes, sir.

5 Q. Okay. Did you ever have any conversations with anyone from
6 Newark Fire Department, such as Chief Rufus Jackson, about this
7 minimal participation?

8 A. Yes.

9 Q. What was the sum and substance of those discussions, sir?

10 A. I'd say the sum is that they wanted to participate but they
11 just didn't have the money.

12 Q. Okay. I think you indicated earlier that the FDNY has a
13 simulator, right?

14 A. They do.

15 Q. Okay. And that simulator is used to train firefighters for
16 just the kind of thing that we're meeting about here today, right?

17 A. Yes, sir.

18 Q. Okay. That simulator is available to anyone in the task
19 force?

20 A. Yeah, it's available to anyone in the region.

21 Q. Right, including the Newark Fire Department?

22 A. Yes, sir.

23 Q. And that simulator is free?

24 A. No.

25 Q. Okay. What is the cost of signing a fire firefighter up for

1 that simulator?

2 A. It costs, I believe it's still \$8,000 for a one-day class for
3 30 firefighters.

4 Q. Okay. Newark Fire Department did apply for non-matching
5 grants of up to \$15,000, correct?

6 A. Yes.

7 Q. Okay. And you'll agree with me that \$8,000 is less than
8 \$15,000, right?

9 A. Yes.

10 Q. Were you aware of the cancellation of the Fireboat Task Force
11 on the night of the incident when the cancellation happened?

12 A. Yes.

13 Q. Did that distress you?

14 A. Not entirely because at the time that I received the
15 cancellation message it had only been six minutes, so I thought it
16 may have been a smaller incident for which they were not required.

17 Q. At what point, given your answer, it seems to me that you
18 eventually became distressed about that decision?

19 A. Yes.

20 Q. At what point did you become distressed?

21 A. When I received the phone call I --

22 MR. LIPSHUTZ: Commander, I'm objecting to this. It wasn't
23 testified to on direct to be on the scope.

24 MR. PALLAY: Well, may I be heard on that objection? Because
25 I have -- I believe we did cover this. I think the distress -- I

1 think that the phone -- the cancellation was certainly discussed
2 and this witness in his role in the Fireboat Task Force makes this
3 highly relevant, I think, to these proceedings and to the public's
4 knowledge. So --

5 CDR BARGER: Are we good?

6 MR. LIPSHUTZ: I also would like to be heard as well.

7 CDR BARGER: Mr. Lipshutz?

8 MR. LIPSHUTZ: It was not the subject of his direct and the
9 source of this testimony comes from a collateral source which was
10 not supposed to be utilized in this matter.

11 CDR BARGER: I'm sorry, what collateral source are you
12 referring?

13 MR. LIPSHUTZ: A statement.

14 MR. PALLAY: I'm not referring to any statement. I didn't
15 introduce any statement here. I don't know what Mr. Lipshutz is
16 talking about.

17 CDR BARGER: So I will allow it if it's to determine the
18 witness' real-time impression of the response. I'll allow it in a
19 limited form.

20 MR. PALLAY: Thank you.

21 BY MR. PALLAY:

22 Q. Sir?

23 A. Would you mind for clarity repeating the question?

24 Q. To the best of my ability. At some point I think you
25 testified before the objection that you were distressed, and my

1 question was when was that point? When did you become distressed
2 about the decision to call off Newark -- Newark's decision to call
3 off the Fireboat Task Force? That was during my conversation at
4 approximately 2200 hours with Chief Abbamonte of the FDNY.

5 Q. And I think you testified earlier that the impression you got
6 or the statement you heard was that the task force was no longer
7 needed. Did I paraphrase that correctly?

8 A. That was my quoting what I read weeks later on the transcript
9 of a telephone call.

10 Q. Okay. Was a subsequent investigation was ever -- I'm sorry.
11 Was a subsequent investigation ever undertaken either by yourself
12 or anyone else as to why the Newark FD thought the task force was
13 no longer needed?

14 A. I did not conduct any investigation into that. Whether or
15 not other authorities did I can't answer.

16 Q. Okay. Did you ever you got a question -- did you ever get an
17 answer or even ask the question as to why that they were pulled
18 off?

19 CDR BARGER: In less than one minute.

20 Q. Thank you.

21 A. I'm sorry?

22 CDR BARGER: Please answer the question.

23 Q. Yeah.

24 A. Yeah. I never asked. I wanted to ask but I didn't because
25 there were two deceased firefighters and it was just very

1 uncomfortable for all involved.

2 Q. The manual that Mr. Zonghetti took you through, do you know
3 if that information in that manual was ever affirmatively
4 disseminated to anybody in the Newark Fire Department? I
5 understand it was available for them.

6 A. I don't know.

7 Q. Okay. Who would be in charge of doing that from your
8 perspective within the Newark Fire Department?

9 A. The chief of department.

10 Q. And one last question do you know how many members of the New
11 York -- Newark, I'm sorry, how many members of the Newark Fire
12 Department have certifications specifically for fighting shipboard
13 fires?

14 A. I do not know, sir.

15 Q. Do you know who knows that?

16 A. It should be the chief, the training officer or the chief of
17 the department.

18 Q. Thank you. No further questions, thank you, Commander.

19 CDR BARGER: And if you would, I don't think we took
20 appearance for you, Mr. Karpousis, today.

21 MR. KARPOUSIS: Oh, I'm sorry.

22 CDR BARGER: For the record --

23 MR. KARPOUSIS: Yeah, for the record I'm John Karpousis and I
24 represent American Maritime Services in this matter. Sorry.

25 CDR BARGER: And can you spell your last name for the record?

1 MR. KARPOUSIS: Sure, of course. It's K-A-R-P-O-U-S-I-S.
2 Thank you.

3 CDR BARGER: Okay, thank you.

4 Any follow-up questions from the investigation team?

5 LCDR MOORE: Just two quick ones.

6 REDIRECT EXAMINATION

7 BY LCDR MOORE:

8 Q. Mr. Gorman, you were asked about the VRP and where the
9 initial phone call -- or the call would have been to activate it.
10 Where would you expect a phone call to activate anyone's VRP to
11 come in?

12 A. To come in?

13 Q. To the Coast Guard.

14 A. It -- when or to whom?

15 Q. Where?

16 A. To our Coast Guard command center.

17 Q. And do you know what they do with that information?

18 A. Yes. They, excuse me, they pull out the QRC for a vessel
19 fire and a QRC for activation, quick reference card, QRC for
20 activation of the vessel response plan and then they go down the
21 list and they notify the prevention department. And they notify
22 the captain of the port and they notify the port state control
23 duty officer. They notify Mr. John Hillen, (phonetic), who is in
24 charge of safety and security operations for the sector and that
25 mobilizes a response because they're also notifying the incident

1 management team to respond.

2 Q. And when you arrived to port on July 5th, 2023, were those
3 pieces of a response present?

4 A. Yes.

5 Q. You were asked about drills, specifically like exercises and
6 drills of the area contingency plan. During those drills is
7 communication exercised?

8 A. Yes.

9 Q. Is coordination exercised?

10 A. Yes.

11 Q. And equipment used?

12 A. Yes.

13 Q. That's it, Commander. Thank you.

14 A. But just to clarify, Commander, that would be at a full-scale
15 exercise not a tabletop.

16 Q. Can you explain what the difference is?

17 A. Yes. A tabletop exercise is when you have the players and
18 the exercise in a room. We usually set up in a horseshoe shape
19 and you have the exercise facilitator asking questions and there
20 is discussion and oftentimes a lot of simulation as to what is
21 going on, as opposed to a full-scale exercise where it is what it
22 implies. It is a full-scale exercise. For example, in the case
23 of a pollution incident there will be a containment boom deployed.
24 There will be actual communications going back and forth via
25 cellphone, via VHF radio, et cetera. There will be an incident

1 command post established, maybe a unified command depending upon
2 the scope of the exercise and the size of the incident.

3 Q. Thank you, Mr. Gorman. No more questions from me.

4 CDR BARGER: Mr. Gorman, thank you for your time and
5 testimony today.

6 MR. GORMAN: Thank you, Commander.

7 CDR BARGER: You are subject to recall and my sequestration
8 order remains in place until released by me. You will be notified
9 when you are released by Lieutenant Reed, our recorder.

10 (Witness excused.)

11 Before we break for lunch, just as a reminder no media
12 interviews or conferences are to take place here in the chambers.
13 We also ask that any interviews taking place on the premises avoid
14 disruption to the ongoing proceedings. The hearing will now take
15 a one-hour recess for lunch. The time is now 1:30 p.m. We'll
16 reconvene at 2:30 p.m. Thank you.

17 (Off the record at 1:30 p.m.)

18 (On the record at 2:36 p.m.)

19 CDR BARGER: The time is now 2:36 p.m. local time in Union,
20 New Jersey. The hearing is now reconvened and back on the record
21 regarding the fire on board the Grande Costa d'Avorio. Our next
22 witness is Mr. Peter Montella from the Port Authority of New
23 York/New Jersey.

24 Lieutenant Reed, please swear in the witness.

25 LT REED: Mr. Montella, I'd ask you to stand and raise your

1 right hand.

2 (Whereupon,

3 PETER MONTELLA

4 was called as a witness by and on behalf of the Administrator and,
5 having been first duly sworn, was examined and testified on HIS
6 oath, as follows:)

7 LT REED: Okay, Mr. Montella, now I'll ask a few initial
8 questions for you. Would you please state your name and spell
9 your last name for the record?

10 MR. MONTELLA: My name is Peter Montella, M-O-N-T-E-L-L-A.

11 LT REED: Okay. And what is your profession?

12 MR. MONTELLA: I am a senior security coordinator.

13 LT REED: And who are you employed by?

14 MR. MONTELLA: The Port Authority of New York and New Jersey.

15 LT REED: All right. What, if any, professional certificates
16 or certifications do you hold related to this position?

17 MR. MONTELLA: I have -- I don't have -- I have certificates
18 for doing site security surveys, risk assessments. I have lots of
19 instructor's certificates for general topics, firearms, to teach
20 basic awareness for explosives and a few other things such as
21 detection of surveillance, countersurveillance by the federal
22 certificates.

23 LT REED: Okay, thank you. How long have you been in
24 employed in your position?

25 MR. MONTELLA: It's over 10 years now.

1 LT REED: Commander, the witness is ready to proceed.

2 LT REED: Okay, thank you. Mr. Barnum will be directing the
3 questions on direct examination. Mr. Barnum, the witness is
4 ready. You may proceed.

5 MR. BARNUM: Thank you.

6 DIRECT EXAMINATION

7 BY MR. BARNUM:

8 Q. Thank you, Mr. Montella, Bart Barnum, NTSB. You said you
9 were in your current position for 10 years. Could you give us a
10 little background on your other work history?

11 A. Prior to the -- me joining the Port Authority?

12 Q. Yes, sir.

13 A. I'm a retired detective from the NYPD. I did almost 24
14 years. I was -- on my last eight years I was assigned to
15 counterterrorism where I did a lot of training in counterterrorism
16 activities such as active shooter, explosives, doing risk
17 assessments of critical infrastructure in and around New York City
18 and in the region, the port region as well.

19 Q. Do you have any marine firefighting training?

20 A. I do not.

21 Q. How about -- do you have any firefighting training in the
22 broader sense?

23 A. Only the -- nothing on a certificate, just my -- just
24 awareness.

25 Q. Okay. And could you please give us your job duties and

1 responsibilities?

2 A. Yeah. I conduct or I help facilitate security site's surveys
3 at the Port Authority or at marine terminals working with federal
4 and state and local agencies. I review facility security plans,
5 emergency operation plans, business continuity plans and post
6 orders for guards. I teach a four-hour DHS-certified maritime
7 security awareness class for new employees at the port department,
8 shipping agents, our customers ship -- ILA workers or people that
9 come do business at the port. And I also participate in the area
10 maritime security committee for sector New York and my involvement
11 with that is with training and exercise subcommittee where I work
12 with our first responders community.

13 Q. All right. For the benefit of all, could you give us a brief
14 rundown of the Port Authority's, you know, position hierarchy and
15 where you fall under that?

16 A. Yes. There's a chief security office -- officer for the Port
17 Authority. In that there's a couple of subdivisions. One is law
18 enforcement, the Port Authority Police Department. I'm off onto
19 the civilian side. I work for a special operations and programs
20 direct department, security operations and programs department. I
21 have an immediate supervisor who is in charge of port security for
22 marine terminals. And then it's me.

23 Q. You'd mentioned port facility security plans. What are those
24 and is that a requirement for the port to have that?

25 A. Yes. So our regulatory facilities, such as our container

1 terminals and/or our cruise terminals they're regulated by the
2 United States Coast Guard and there's regulations that -- there
3 needs to be a facility security plan. And we have, for example,
4 our public berth that falls under New Jersey marine terminals or
5 New York marine terminals and I help prepare them and work with
6 the terminal operators, the FSOs, the facility security officers
7 in making sure that we are in compliance with all the Coast Guard
8 regulations.

9 Q. Are local municipalities incorporated in these facility plans
10 at all, in particular are local fire departments incorporated into
11 these plans?

12 A. They're, they're incorporated in the plans for first
13 responders for, you know, if we have a security incident or if we
14 have a, what they call a TSI, which is a Transportation Security
15 Incident where we could have a fire. We can have, you know, an
16 explosion or, you know, any other type of, you know, flip and fall
17 that comes to our facilities.

18 Q. Okay. And did you respond to the fire on July 5th, 2023
19 aboard the Grande Costa d'Avorio?

20 A. I did not.

21 Q. How did you become aware of the fire?

22 A. I received the phone call from our project manager from our
23 contract security guards informing me that there was a car on fire
24 on the vessel at berth 1618. And from there I started making
25 notifications to my boss for his chain and reaching out to the

1 terminal for -- we have terminal representatives that are there
2 24/7 to confirm if we actually had that. And, you know, just was
3 there for -- more for resources when people started calling.

4 Q. So you did arrive at the pier at some point?

5 A. That would be Thursday morning.

6 Q. July 6th?

7 A. July 6th, yes.

8 Q. Okay. And what in particular did you do? I said -- you said
9 you were to be available if needed. Did you do anything in
10 particular?

11 A. Yes. Well, for that, you know, we have -- the public berths
12 have a fence line around it, a security zone, which we call the
13 restricted area. And with all those assets that were there, all
14 the different fire trucks and command posts and a lot of other
15 assets, we immediately started to extend that security perimeter
16 out further so it would still stay a restricted area. And I
17 conferred with our own security staff and the United States Coast
18 Guard.

19 Q. So you reference contract security staff. In your job
20 position are you associated with or deal with the Port Authority's
21 Police Department at all?

22 A. I collaborate with them. I work with them to -- I'm a
23 liaison between our contract security guard and our Port Authority
24 Police.

25 Q. Okay, but you're not directly in their structure? You're

1 in --

2 A. I am not.

3 Q. In your normal day-to-day activities, your job, do you have
4 interactions with -- do you have interactions with the
5 municipality that's responsible for responding to your port?

6 A. My day-to-day not directly but when we schedule events, such
7 as seminars or exercises or drills, I then -- then I am involved.

8 Q. Okay. And I may have missed this. Are you -- do you have
9 responsibilities for other Port Authority properties other than
10 the port, for instance, the airport or some other?

11 A. I'm just responsible for the marine terminals, so that would
12 be our cruise terminals, our container terminals pretty much. I'm
13 not, you know --

14 Q. And in Newark and --

15 A. And in New Jersey -- New York and New Jersey, so Brooklyn,
16 Staten Island and New Jersey. So we have Port Ivory in Staten
17 Island --

18 Q. Okay.

19 A. Red in Brooklyn. We have New York/New Jersey rail. That's
20 over on 65th Street on the New York side. And then on the Jersey
21 side we have Greenville Yards, which is the other end of New
22 York/New Jersey Rail, Port Jersey which is now Port Liberty
23 Container terminal, Royal Caribbean cruise terminal. And then
24 Port Elizabeth, Port Newark.

25 Q. Okay. In particular to Port Newark, what kind of

1 interactions do you have with the Newark Fire Department on a
2 daily -- on a normal basis?

3 A. On a normal basis I have a good working relationship with
4 them, with a few individuals, where we talk about different types
5 of events that have gone on or exercises or seminars that we are
6 planning to do for them.

7 Q. And has this been for your entirety of your 10-year career in
8 this position?

9 A. Yes, pretty much, you know, a lot of it's been even before
10 that when I was with the NYPD.

11 Q. And who is your primary point of contact in the Newark Fire
12 Department on July 5th?

13 A. On July 5th.

14 Q. On or before July 5th.

15 A. I had spoken to Chief Del Ortiz on occasion with -- when he
16 was in charge of HAZMAT, setting up -- trying to set up a schedule
17 to bring his HAZMAT teams onto our facility. We were working
18 with, well, Brian O'Neill from Office of Homeland Security, my
19 counterpart. Was dealing with Chief LaPenta for scheduling
20 different types of seminars that we were looking to do.

21 Q. Okay. How about with other fire departments? You mentioned,
22 like, Elizabeth and some of the other locations that you have a
23 facility.

24 A. Yeah.

25 Q. How was the interaction compared to Newark with those

1 facilities? Would you say it's equal, more or less?

2 A. Some of the other agencies are a little bit more involved, a
3 little bit more forthcoming. You know, schedules is probably the
4 most difficult part of setting up any type of exercise that we're
5 looking to do in the port, so some are more aggressive than
6 others.

7 Q. Could you elaborate a little, give an example of that?

8 A. Some agencies will be very direct with, you know, we'll stop
9 what we're doing and we want this training or, you know, do some
10 seminars or exercises, and there's others that, you know, it has
11 to go through a chain of command. And sometimes we wait for that
12 answer to come back, so sometimes, you know, it could be months or
13 a year before we even hear them coming back to us.

14 Q. And you said others, are you referring to Newark Fire
15 Department?

16 A. And there's a -- yeah. There -- yeah, and occasionally
17 there's another agency that --

18 Q. Which one would that be?

19 A. No fault of their own but, you know, that would be -- I
20 haven't had much interaction with Bayonne for the last two years.

21 Q. Does the Port Authority have any formal MOUs, Memorandums of
22 Understandings or other doctrine between Port Authority and local
23 municipalities' fire departments?

24 A. I believe we do, but they're, they're -- kind of, go through
25 the United States Coast Guard from my recollection of, you know,

1 when we do these seminars and exercises we -- these municipalities
2 have these MOUs with the United States Coast Guard. So --

3 Q. Okay. You've mentioned exercises a couple different times
4 that coordinates with the Coast Guard. We've heard previous
5 testimony about the New Jersey Fireboat Task Force. Are you
6 familiar with that organization?

7 A. I am familiar with the New Jersey Regional Fireboat Task
8 Force, yes.

9 Q. Is that -- are these the exercises that the Port Authority
10 participates in or are there other exercises outside that group?

11 A. Not with the fireboat task force but more with the land-based
12 units.

13 Q. Okay. So you're explaining that the Port Authority is
14 participating in an exercise with the Coast Guard on a land boat
15 -- land-based response or incident?

16 A. Well, with those first responder communities, yes.

17 Q. Okay. When was the last time you had one with the Newark
18 Fire Department?

19 A. The most recent one was in August for two days where we did
20 a, what we call -- it's a seminar which we call it the container
21 terminal emergency response seminar. It's about three, three and
22 a half hours.

23 Q. August of this year, so after the --

24 A. August of this year.

25 Q. -- the fire.

1 A. After the fire, yes, sir.

2 Q. How about before the fire?

3 A. Before the fire, yes, we did eight days of a two-hour seminar
4 from January 19th to the 23rd and then from the 26th to 29th.

5 Q. And you're speaking of the electric vehicle in the maritime
6 environment for firefighters seminar?

7 A. That was the seminar we did, yes.

8 Q. Okay, thank you. And I'll have a couple of questions for
9 that (indiscernible). You had mentioned earlier the maritime
10 security class, the four-hour -- I believe it's a four-hour class
11 earlier, can you briefly describe what that class is, the outline?

12 A. Yeah. There's five modules to that class. The first one's
13 an overview of global shipping around the world, if you will, like
14 a 20,000 foot overview of maritime infrastructure and how our
15 goods and services come to the port. Module two is more about
16 operational, you know, stuff with our first to respond or for our
17 first Port Authority police, security. We talk about MARSEC
18 levels, restricted areas. And then module three is more about the
19 different types of threats that are out there, your basic
20 chemical, biological, radiological, nuclear or explosive-type of
21 attacks at our facilities. Module 4 is a lot about HAZMAT as well
22 or suspicious behavior. And then module 5 is all about the TWIC
23 card, restricted areas, how do you, you know, perform escorts,
24 escorts of people that don't have a TWIC card and need to come
25 onto the facility, and what for -- are security guards to do on

1 looking at those security features on a TWIC card and how to
2 protect their facilities.

3 Q. And who developed this course?

4 A. The Port Authority did and then we had it certified by the
5 United States Coast Guard.

6 Q. And what prompted the development of the course, you know,
7 why was it --

8 A. I believe it was started in 2009. A lot of these, from what
9 I've been told and when I was part of giving some of those
10 information to when they were developing it when I was with NYPD,
11 a lot of these colleges or companies would charge over \$1,000 for
12 a four-hour class. So the Port Authority wanted to make sure that
13 people attended these classes so the Port Authority got the class
14 certified. And we deliver that class to anybody that needs it for
15 no cost.

16 Q. Is there a requirement to take this class?

17 A. It is in the regulations, yes. It's supposed to be that
18 people that work at the facilities attend these classes. So for
19 example, all new employees in the Port Department sit through this
20 class and I train each one of them.

21 Q. Do you -- is -- does the Port Authority have a requirement
22 that first responders take this class?

23 A. No, not on -- not for first responders, no.

24 Q. And I can't remember if you mentioned it today or maybe it
25 was something that we discussed previously, but the container

1 terminal emergency response seminar. Is that something else that
2 you teach?

3 A. It's a class that we facilitate. When I say we I mean Brian
4 O'Neill from Office of Homeland Security in New Jersey. He is --
5 helps develop these classes and helps facilitate these at these --
6 at our facilities, yes.

7 Q. So, you know, same questions as before, you know, why did
8 this class come about? Who teaches, I mean, you know --

9 A. So this container terminal it comes up for many different
10 things. As a former first responder myself being new when I first
11 got into the marine terminals as a police officer I knew nothing
12 about them. So I know that most first responders don't know how
13 -- even what gate to show up. There is a lot of activity that
14 goes on at these facilities and we've had accidents with straddle
15 carriers. We've had accidents or people getting hurt up on
16 cranes. All we're trying to do is bring the first responder
17 community into our environment and teach them or make them aware,
18 situational awareness of the environment that they're not used to
19 being in.

20 Q. And that's only for the container terminal or do you do it
21 also for the cargo terminal?

22 A. I will do what we -- so there's four categories, if you will,
23 of types of training we do. We do seminars. We do vessel
24 orientation tours. We do -- we have facility access where we
25 allow the first responder community to come to our facilities and

1 train themselves at no cost. We want -- we encourage them to come
2 down to our facilities, which they have done in the past. And
3 then we do tabletop exercises with our Port Authority Office of
4 Emergency Management. They'll run tabletop exercises where we
5 bring in the first responder community, fire departments, other
6 police departments depending on what the exercise is, so they have
7 a better understanding of our facilities.

8 Q. So prior to July 5th what was Newark's participation in these
9 seminars? Other -- and I'm not talking about the electric vehicle
10 training course that you did, but the familiarization seminars,
11 the tabletops.

12 A. It had been quite some time, but I did meet Chief Del Ortiz.
13 We had an incident at the terminal. He reached out to one of our
14 terminal representatives and said I'd like to know more about this
15 facility. So everyone there knows I'm the guy that brings the
16 first responder community around. I gave Chief Del Ortiz probably
17 a year prior to the fire a tour of Port Newark, showed him where,
18 you know, where we have our operations. And he brought some of
19 his crew there and we were trying to work out a schedule with his
20 agency to bring them and do a facility orientation tour.

21 Q. And how about Elizabeth? Are they there more frequently for
22 these things?

23 A. Yes, they are.

24 Q. They are.

25 A. So yeah.

1 Q. Okay. Now I want to ask you a couple questions about that
2 electric vehicle maritime environment for firefighter training.
3 We'll bring up the exhibit. Lieutenant Reed, Exhibit 15, please?
4 And go down to Page 3.

5 Okay. Mr. Montella, are you are you familiar with this
6 exhibit?

7 A. I am.

8 Q. Is this the training, the electric vehicles in the maritime
9 environment for firefighters training that you give?

10 A. Yes. This is the two-hour seminar that we give to the first
11 responders.

12 Q. Okay. And I think I think there's maybe 26 slides. Is that
13 the entirety of the class or is there supplemental material?

14 A. This is, this is pretty much the seminar from here in a
15 perfect world. I like to take them right from this class and
16 bring them on to a vessel.

17 Q. Okay. If we're not in a perfect world, what prevents you
18 from doing that?

19 A. Well, scheduling, getting the shipping, the shipping company
20 to let -- allow me on the ship, getting in touch with the shipping
21 agent, getting in touch with the facilities and getting in touch
22 with the workers, the ILA workers that are going to be on the ship
23 while we're bringing in first responders, coordination of the fire
24 departments, what their schedules are like. So my schedule, my
25 counterpart's schedule, you know, so there's a lot of working

1 parts which actually take sometimes a couple of months to schedule
2 on event.

3 Q. So prior to July 5th, which was the last fire department that
4 you took on these additional field trips?

5 A. I'm not following the questions.

6 Q. So prior to July 5th, the date of the fire, when you offered
7 this course, when was the last time you were able to supplement
8 this course with a trip to a vessel and boarding the vessel, some
9 of those things you just identified as --

10 A. We just had four vessel orientation tours this past December.

11 Q. I'm sorry. I didn't hear you.

12 A. We had four vessel orientation tours that we did this
13 December.

14 Q. Okay, but --

15 A. Yeah.

16 Q. -- I'm saying prior to --

17 A. Prior to that?

18 Q. Prior to July 5th, the date of the fire when was the last
19 time?

20 A. I think it was 2021 is when I had my last actual vessel tour.
21 My --

22 Q. Do you know, do you know who participated in that tour?

23 A. I remember it was I had some police departments on there,
24 state police, Elizabeth, Linden County Fire Department, I believe
25 Bayonne and Jersey City.

1 Q. And what type of vessel did you tour?

2 A. That was -- at the time that was a, I believe it was an ACL
3 ship. It was one of those combos, you know, the roll-on/roll-off
4 and a container terminal -- a container ship as well.

5 Q. Okay. And what did you -- what were the activities once
6 onboard? What was the tour? What did the tour consist of?

7 A. When we do these vessel orientation tours part of it, you
8 know, it starts right off the bat with them getting to the main
9 gate, okay? So from there they -- we have a safety brief. We
10 will have the security staff of the terminal escort the first
11 responders in, going no more than 15 miles an hour because it's an
12 active facility. We'll park vehicles at the ship off to the side.
13 We will bring them -- we'll do a little safety brief again. We
14 will -- I will describe things at the terminal that they need to
15 understand, such as traffic, where fire hydrants are located,
16 things about the terminal itself.

17 We have representatives that work 24/7, our maintenance
18 department, our operations staff, so if there are things that they
19 need such as increased water pressure I give them those phone
20 numbers of this is the people that you would be in contact with.
21 I also reassure them that they'll probably be there at the
22 incident so you should be looking for these people to help you.

23 Once I bring them to the vessel we normally go to the stern
24 ramp. I introduce them to normally it's the second mate of the
25 ship and the second mate of that ship brings them around the

1 vessel. And we'll start off maybe in the cargo hold area. We'll
2 bring them to, you know, one of the CO2 rooms where they -- the
3 fire suppression system rooms. We'll bring them up to the bridge
4 then we'll bring them over to where they store hazardous materials
5 such as oxygen bottles and acetylene tanks. We show them where
6 they must erupt on their vessel in case the crew has to abandon
7 ship.

8 And then we bring them down to the engine room and we show
9 them around the facility of the engine room talking about
10 communications. We have them test their radios when they're on
11 the bridge, when they're in the cargo hold, when they're in the
12 engine and that normally lasts about two, two and a half hours.

13 Q. Do Port Authority, Port Authority employees also accompany
14 you on these familiarization tours?

15 A. I have -- in the past I've had Port Authority Police. They
16 participate a lot. I have operational people that work 24/7 so
17 they have a better understanding of just the layout of a ship if
18 they have to provide information. A lot of these, our operational
19 people have to meet the vessel security officer so, again, they're
20 on a ship periodically. So yes, I make sure that my operational
21 people have situational awareness on what these vessels are like.

22 Q. When was the last time you were able to get Newark Fire
23 Department onboard one of these vessel familiarization tours?

24 A. Prior to the fire or after?

25 Q. Well, I guess my next question was going to be who you

1 brought in December, but yeah, prior.

2 A. Prior I -- it had been some time that I hadn't had Newark
3 Fire on one of our vessels.

4 Q. Sorry, what was that?

5 A. It was some time. I don't know. It was a couple of years,
6 quite a few years that we did not have Newark Fire Department on
7 these vessels tours.

8 Q. And do you remember what companies went on that tour several
9 years ago for Newark Fire Department?

10 A. A lot of the -- yeah, a lot of them are in Bayonne, Jersey
11 City, Elizabeth.

12 Q. How about -- I'm sorry, Mr. Montella, the -- sorry to confuse
13 you. The companies from the Newark Fire Department that attended
14 the tour several years prior to 2021?

15 A. I, you know --

16 Q. Do you remember what companies they were?

17 A. I don't. the numbers, no. I have -- most of the time it's
18 the first two companies, the ones that are closest to the port.

19 Q. Okay, yeah.

20 A. You know, I think it's Battalion 6 or 16, but --

21 Q. Okay. And then December, just a few months ago, you said you
22 took a vessel tour and wat that with Newark Fire Department?

23 A. Yes, Newark Fire Department was there, plenty of their chiefs
24 were there. Elizabeth Fire was there. FDNY participated as well,
25 yeah.

1 Q. Okay. And what type of vessel was that?

2 A. That was the Bermuda Container Line, the Oleander and it was
3 a combo as well. It's a roll-on/roll-off and has containers on
4 it. It's a small vessel which comes in weekly and it's a perfect
5 ship to do tours on because it's not one of those really huge
6 ships.

7 Q. Okay, thank you. Back to your training course, we kind of
8 got sidelined there, so what is this course and why did it come
9 about?

10 A. This course came about, we were reading through industrial
11 magazines, you know, Maritime Executive and Cargo News that vessel
12 fires were -- around the world were going on fire, such as -- so
13 we refer to in the class the Serenity Ace, which was I think
14 December 31st, 2018 where it was a roll-on/roll-off ship which had
15 all -- it was vehicles on it. I don't know specifically that all
16 were electric vehicles are not, but then there was the
17 Jacksonville fire in 2020 where nine firefighters were injured
18 fighting a car fire in Jacksonville. And then we just had one
19 again, and the last one we had was that we started this was in I
20 think February or March of 2022 where the Felicity Ace was on fire
21 and it sank off the coast of Portugal.

22 My colleague and I, Brian O'Neill from Office of Homeland
23 Security said, you know, this is a threat that's coming into our
24 ports. Our first responder community we've got to make sure they
25 know -- that they're able to fight this threat. So we started,

1 you know, learning on all these different types of incidents. And
2 it just so happened in February 28th of 2022 at one of the Port
3 Authority facilities at one of our auto processing plants, an
4 electric vehicle fire went off -- was in our building. And a
5 majority of those firefighters that arrived had no idea we even
6 had electric vehicles. They didn't know how to really put out the
7 fire. Even the people that worked for the facility were, kind of,
8 stunned that they didn't know how to put this fire out, so that,
9 kind of, motivated us to --

10 Q. What department was that?

11 A. That was Jersey City, okay, and Jersey City looked -- they
12 came to us as well. We invited them. We want to do this. They
13 were all, yes, we need to know more about these electric vehicles,
14 where they are on these vessels, how do we, how do we -- how do we
15 know how many are coming in? Where are they storing them at our
16 facilities and so it, it evolved from us then having a monthly
17 call on -- we call it the electric vehicle monthly call with other
18 port authorities, other first responders around the country. We
19 engaged with U.S. Department of Transportation, again, other port
20 authorities from around the country and them having the same
21 concerns that we had. And other port authorities had other
22 incidents that they talked about.

23 So that's where we said we needed to develop a seminar to
24 teach or to make our first responders aware of what goes on at our
25 facilities.

1 Q. So who developed this course?

2 A. Brian O'Neill from the Office of Homeland Security and myself
3 with a lot of people's help from all those different agencies that
4 I just talked about.

5 Q. Okay. And how long -- and who teaches it, yourself?

6 A. Brian O'Neill and I we partner and we team teach, if you
7 will. Yeah.

8 Q. Okay. And how long has this course been taught?

9 A. We started this in April of 2023.

10 Q. Okay. And does the port -- is this a requirement for the
11 Port Authority that responding municipalities take this course?

12 A. It is not a requirement.

13 Q. Okay. How do you encourage them to take it?

14 A. Well, one, we have a really good working relationship with a
15 lot of the fire departments and we, kind of, tell them this is a
16 threat that's coming in. You really need to, you know, take a
17 look at it. And most of the time we have to go in there and
18 convince, you know, being like a salesperson going in there. This
19 is a class that you guys need and New Jersey City Fire Department
20 was an easy sell because they just had it a month or two earlier.

21 Q. Okay. What other the fire departments in the area have taken
22 this course other than Jersey City?

23 A. We did Jersey City in April. We went over to the Fire
24 Department of New York. We didn't teach their firefighters. We
25 went to their Marine Bureau and trained their instructors, like a

1 train the trainer class. They have hundreds of firefighters and
2 different schedules and, you know, there they have their own group
3 of instructors. So we brought all the materials to them. We did
4 a one-day class for them and they took that on themselves to teach
5 their own people.

6 And then we went on to in June we scheduled Newark.

7 Q. A question I had when I was going through these slides is all
8 the -- is the entirety of the presentation contained on the
9 slides, the text on the slides or is there other, you know, off-
10 slide that you utilize in order to teach the class?

11 A. There should be stuff in the notes that, you know, just, kind
12 of, where we came up with the -- you know, it talks about a
13 certain incident or something that we want to add into the class.
14 There's also this class when we developed it we are looking to
15 spread this out to other agencies or to other port authorities and
16 to other fire departments. This is not just something we want to
17 keep close to our chest. We want to give it out to anybody who's
18 willing to take it.

19 Q. Okay. And then on July 5th, 2023, I understand that Newark
20 had started taking this course with you. Do you know if you had
21 gotten through the entire department yet?

22 A. We were done after eight days. You know, at this time, you
23 know, like, we've got the majority. I believe we did 363
24 firefighters and we were scheduled for July 10th to go to Port
25 Newark container terminal so we could do the container terminal

1 emergency response seminar.

2 Q. Okay. And just generally, what is -- what's the type of
3 feedback you get from this course? I mean, I'm assuming at the
4 end of the presentation you ask for any questions that were not --
5 are you -- what kind of feedback, what kind of questions are you
6 getting from the firefighters?

7 A. We also happen to do a participant evaluation after every one
8 of these seminars. And the feedback most of the time is
9 excellent, great, need more, when can we get on the ship. So it
10 is very, very positive. And a lot of times the firefighters in
11 the class contribute information and sometimes we need to update
12 part of that because they know more about their own experiences.
13 So we'll, you know, we're able to adapt. So sometimes it also
14 helps, you know, to let these programs, you know, we're hearing
15 right from the experts that have gone to these facilities or other
16 incidents and they talk about their experience.

17 Q. Thank you. And then so next I wanted to -- you have a video
18 contained in here and I was wondering if we could play it just for
19 the benefit of the public and everyone here? And I'm just going
20 to, kind of, ask you to narrate a little bit basically I believe
21 it's in a video that you grabbed off the Internet and what was the
22 purpose of doing that, the main reason (phonetic)?

23 A. The purpose of this is I don't have a ship all the time and
24 so how do I --

25 (Crosstalk)

1 A. -- how to -- to do a tour. So how do I, kind of, convince or
2 show a fire department, a first responder, police officer, EMS
3 personnel what's the inside of that box look like? So, you know,
4 we found one of these and that's the inside of a railroad ship.
5 It looks like a parking garage, right? It's super clean when it's
6 a brand new vessel. This gentleman is, you know, narrating it but
7 when it's empty like that it's pretty, you know, oh, this is
8 pretty easy, right?

9 Q. Yeah.

10 A. Once you see this filled up with 4,000 or 5,000 cars on it
11 it's a whole different experience, not a lot of walking room
12 behind there, okay?

13 Q. And these are new cars on there?

14 A. These are -- on this ship this is all brand new cars.

15 Q. Okay.

16 A. And I talk about these could be regular gasoline cars where
17 they all have about a gallon worth of gas on there or they could
18 be electric vehicles and they could all have, you know, lithium
19 ion batteries on them. As you can see there, and you'll see a
20 little bit, like you see there on the bumper there? There's a
21 bolt sticking out of it. That's for the lashing. All these brand
22 new cars get lashed down. There's about five inches of space in
23 between each car so it is those white lashings on the ground they
24 were actually on the car. These -- they're prepped to come off
25 the vessel right now.

1 You can see there's a low ceiling. There's no windows. You
2 don't know which is the front of the ship or the back of the ship
3 if you get turned around. So when I'm able to bring people up on
4 a vessel I'm able to show them this. So here we talk about it's
5 going to be hard to communicate when you have these exhaust fans
6 working and you may -- one, you may have difficulty operating your
7 regular radio, or two, now there's so much noise level that you
8 can't hear what's going on.

9 We talk about trips and falls. We talk about always when
10 you're on these vessels you should be with a crew member who knows
11 their way around these vessels. You don't -- should not be by
12 yourself. Again, there's, you know, there's no place to vent the
13 smoke out of these vessels except for those exhaust systems. As
14 you can see here all those bolts that are sticking out, at any
15 point those are trip hazards. And there you go.

16 So this is an environment where your average first responder,
17 whether it be police, fire or EMT or paramedic have never been on
18 something or anything like this before. I'm not here to train
19 them how to put out a fire, how to do their job. I'm here to show
20 them in an environment that they're not used to.

21 Then we talk about the actual decks that are there. And on
22 this here it tells you where all the cars are, but when you get
23 down further down past the water line it's pretty much one way in
24 and one way out. There are not emergency exits. So again, these
25 manifests, these fire safety plans that are on these vessels, we

1 show the first responders when they go on there where they're
2 located on the vessel. A lot of ships have them on every deck so
3 we point that out as we walk around these vessels. Most of these
4 vessels have a hospital and I make sure I bring all the first
5 responders to that hospital room, one, because there may be a crew
6 member that's actually hurt and they may not be at a port and have
7 to be able to take that injured seafarer off that vessel. They
8 may be out at sea and now they have to use a helicopter or carry
9 him out some other way off onto another boat. So, you know, most
10 first responders don't even know there's a hospital on this vessel
11 and they don't -- they're the ones that are going to be called at
12 2 o'clock in the morning to deal with that.

13 Q. Thank you for that narration. So, Mr. Montella, I guess my
14 last question here is we've been talking about this training and
15 other, you know, seminars and familiarizations and whatnot, but
16 just to be clear, does the Port Authority require responding fire
17 departments to have any kind of marine firefighter training?

18 A. The Port Authority doesn't require it. It's not a
19 requirement on any of the Port Authority. For my purposes
20 representing the Port Authority, for me this is best practices so
21 there -- it's a volunteer basis. If they want to participate they
22 can participate. If they tell me they don't want to participate,
23 you know, I get disappointed, but at the end of the day it's not a
24 requirement but we are here to make sure -- open our doors to make
25 sure they know our facilities.

1 Q. Okay, thank you. That's all the questions I had.

2 Commander Barger, back to you.

3 CDR BARGER: Before we move to the Coast Guard team, Ms.

4 McAtee, do you have any questions?

5 MS. MCATEE: I have no questions, thank you.

6 CDR BARGER: Okay.

7 BY CDR BARGER:

8 Q. Good afternoon, Mr. Montella. I just have a couple of
9 questions for you. You've mentioned that you're on the
10 subcommittee for training. I believe you said on the area -- area
11 maritime security committee? Is that correct?

12 A. Yes for Sector New York, the area maritime security
13 committee. I've been participating since 2007 on the training and
14 exercise subcommittee. When I left the Port -- Police Department
15 and joined the Port Authority I stayed in -- kind of, in that role
16 working with the chairperson of the training and exercise
17 subcommittee, which his name is Brian O'Neill and he's from the
18 Office of Homeland Security and Preparedness and he's responsible
19 for all the maritime, marine terminal infrastructure in the State
20 of New Jersey.

21 Q. Okay. And through that subcommittee what kind of training
22 and exercises do you all work on, coordinate, schedule, whatever
23 the right terminology would be?

24 A. So again, we do different types of seminars or drills. We do
25 these vessel orientation tours. We have our facilities active --

1 accessible for our first responder community to come in and drill
2 themselves if they want to exercise, do their own training. And
3 then our Office of Emergency Management will host tabletop
4 exercises and so will Brian O'Neill. He will create tabletop
5 exercises and if it's at a marine -- a Port Authority facility I
6 will partake -- participate more because it's a marine terminal.
7 But there are so many other facilities that he's responsible for
8 and they're not Port Authority, so he he's working throughout the
9 state.

10 Q. Okay. And what is the subject of these exercises that they
11 all coordinate?

12 A. They could be -- they can be from active shooter. They can
13 be from -- we just had a tabletop exercise in June on drones
14 coming, landing with explosives, guns, setting a fire to our
15 regular -- our restricted areas or regulatory facilities. And
16 that was all the FSOs of all those different container terminals
17 and cruise terminals working together. So you pick the topic. If
18 somebody has a topic they want us to research for them and design
19 we will do it, but most of the time it's, you know, has something
20 to do with security or a response to maybe, you know, explosions,
21 whether it's accidental or intentional. You know, we talk about
22 the active shooter, what's going on around the world. We're
23 working on now piracy in our own port. Could that happen? What
24 -- is our first responder community aware of that?

25 Again, I'm not here to teach them how to do their job. I'm

1 just putting them in an environment that they're not used to. So
2 what if we had an active shooter on a ship?

3 Q. Okay. And when you coordinate those exercises are they
4 generally open to organizations port-wide or are they for select
5 groups at any given time?

6 A. Most -- a lot of times it's, well, we try to keep it small so
7 it's not -- so it's manageable. We'll try to do one agency at a
8 time. Sometimes we involve other agencies like these vessel
9 orientation tours. I have multiple agencies working together,
10 which is what we encourage. I have Newark. I have Elizabeth,
11 FDNY at Port Elizabeth on a ship. We're planning for the next
12 month or two to have this done at Bayonne and Jersey City. So I'm
13 going to have Bayonne and Jersey City working with the FDNY. So
14 it's -- it all depends on where we're at, but our job, our
15 philosophy is we want to make them best prepared as possible.

16 Q. You mentioned you've been doing these various types of
17 training for several years now. We know we're all coming out of
18 several years of the COVID pandemic. How did that impact the
19 ability to do training?

20 A. It hurt greatly. None of the ships wanted us onboard their
21 ships. They had crew members that were on the ships for over a
22 year. They were afraid that if we put first responders on that
23 ship then the crew would get sick and then the crew couldn't
24 operate properly. They didn't want us, you know, in their
25 terminals in the beginning. So ultimately, after a while, you

1 know, we were able to start slowly getting back into these
2 facilities.

3 I remember we did -- in Port Elizabeth we were taking
4 firemen's temperatures just to come in to make sure they were --
5 that they didn't have a fever when they came into a training class
6 and to go out on to the facility. So it did have a great impact.

7 Q. Okay. And for the electric vehicle familiarity training that
8 we just looked at the slides and the video from, that I believe
9 you said you provided to Newark Fire Department in June of 2023,
10 do you all talk about how a responding agency should interact or
11 when they arrive on scene what they should do at a vessel?

12 A. Well, we talk about -- in this particular seminar we talked
13 about meeting up with the crew, the captain of the, of the ship,
14 the crew, look for that fire safety plan and start communicating
15 with people on the terminal. A lot of people on the terminal can
16 bring resources. A lot of the times the first responders don't
17 know where they are on these, on these, the property. You know,
18 some of our properties are 400 or 500 acres so there's
19 coordination that has to go in with our security, with our
20 terminal operators, with our maintenance staff, the maintenance
21 staff of the terminal, engineers that operate at these facilities.
22 Each -- there's a superintendent, you know, for each one of these
23 ships meaning the terminal that they're operating in. They have a
24 representative that's actually making sure the ship is being
25 unloaded properly. So there are a lot of people that are there

1 that are very good at what they do, and they're very -- they're
2 subject matter experts so we socialize them during these tours and
3 these seminars. These are the people you need to speak to when
4 you come here for an emergency.

5 q. Okay, thank you. I have no additional questions.

6 Lieutenant Commander Moore, any follow-up questions?

7 Lieutenant Reed?

8 Lieutenant Ward?

9 BY LCDR WARD:

10 Q. I just have one question relative to the fire safety plan
11 that you just mentioned. did you -- how much detail did you go
12 into as far as what information they can obtain from that document
13 specifically?

14 A. Myself or Brian O'Neill, we don't -- we just show them where
15 it is and then that's where the crew members, the second mate or
16 first ate, who's ever on that ship showing them. There's on the
17 right-hand side there's a lot of symbols. There are, you know,
18 this is where you can know where your fire suppression rooms are
19 at or just your way around the ship.

20 Q. Okay. So I just wanted to clarify that it was provided that
21 this document is not only a schematic of the ship itself but also
22 that there's fire suppressant and systems correlated with response
23 for a fire that was provided to them?

24 A. Yeah. We're just showing that there -- that there's a system
25 there. We're not showing them how to operate it. We're not

1 showing them it's, you know, because people say, you know, there's
2 a CO2 system. Well, how does that work? Well, we don't really
3 get involved with the workings of it but we'll -- when we go on a
4 vessel tour we'll show them one of those suppression rooms so they
5 get an idea what's on there. But again, that -- once we get past
6 that that becomes the fire tactics.

7 Q. Thank you.

8 CDR BARGER: All right. As we have done with other
9 witnesses, in order to ensure equitable time and opportunity for
10 each party of interest to ask questions, each party of interest
11 will have the -- approximately eight minutes for cross-examination
12 within the scope of the direct examination questions asked by the
13 investigation team.

14 City of Newark?

15 CROSS-EXAMINATION

16 BY MR. LIPSHUTZ:

17 Q. Thank you, Gary Lipshutz, L-I-P-S-H-U-T-Z. Thank you,
18 Mr. Montella, just some clarification really. I understand the
19 impetus of the June 2023 training was to focus on electric
20 vehicles and the potential for fires, right?

21 A. That's correct.

22 Q. But in performing or creating this training program, your
23 intention was to provide the responding entities with an
24 understanding of the environment of the RoRo vessel, right?

25 A. That's correct.

1 Q. So the things that you went over, not just the EVs but things
2 like lashings, right?

3 A. Yes.

4 Q. Low ceilings?

5 A. Correct.

6 Q. Lack of egress and ingress?

7 A. Correct.

8 Q. Confined spaces?

9 A. Correct.

10 Q. Narrow passages?

11 A. Correct.

12 Q. And an introduction, so to speak, to the existence of fire
13 suppression systems like CO2 system?

14 A. Correct.

15 Q. Okay. And then can you just tell me the training that was
16 scheduled for July just after the fire, which obviously did not
17 happen, what was that training again?

18 A. That was the container terminal emergency response seminar
19 which we did two days in August. I believe it's August 15th and
20 August 17. About 53 Newark firefighters and battalion chiefs
21 attended that. And that is a 45, 50-minute presentation on how a
22 container terminal operates, okay? Straddle carriers, trucks,
23 cranes, all that kind of activity going onto that vessel, and we
24 -- ultimately we'll get them up onto a crane itself. And so in
25 case there is an ILA worker, you know, the guy operating the crane

1 or the girl operating the crane is having a heart attack we bring
2 them up onto that crane.

3 But in the classroom once I talk about our facilities as a
4 Port Authority, talk about fire hydrants and locations and what
5 gate to come into, we bring in from that terminal the maintenance
6 guys, the engineer guys. And they are the ones that talk about
7 their specific equipment, such as the nomenclatures on a crane,
8 the 13,000 kilovolts that go through that crane to operate it. So
9 then we take them out onto the crane and we show them all those
10 things we just taught them on those nomenclatures. We'll bring
11 them up onto the crane and to see an environment, what's it like
12 to be 275 feet up in the air and you can see through the floor
13 because it's just grating and now you're over a ship or you're --
14 can see the water or you can see the ground itself.

15 And again, I'm not here to teach them how to do their job.
16 I'm here to put them in an environment that they're not used to.

17 Q. All right. And Newark was scheduled for that training?

18 A. They were July 10th.

19 q. And but my question is they were scheduled before --

20 A. Yes, before the incident. When we scheduled them for the
21 June seminars for EVs, Brian O'Neill from Office of Homeland
22 Security does all the scheduling because we keep it to one guy.
23 He already had commitments from Chief LaPenta to have those guys
24 attend that seminar for July 10th before the fire even happened.

25 Q. And, of course, the happening of the fire interrupted that.

1 A. It did. And to, may I say to Chief LaPenta's credit he
2 called Brian O'Neill and said we've got to get these -- we have to
3 get onto these -- continue these seminars. After, you know, at
4 the end of July he said we've got to do this because there could
5 be another incident and I want my guys to know.

6 Q. Okay.

7 MR. LIPSHUTZ: I have no further questions.

8 BY MR. REILLY:

9 Q. Thank you, Mr. LaPenta (sic). I just have two questions or
10 two points that I want to clarify. One, at the early part of your
11 testimony you were asked about dates. And I think you were asked
12 when was the last time prior to the fire that you gave one of
13 these courses, and I think you answered either August or December.
14 Do you recall that?

15 A. I do.

16 Q. And then the question was clarified and to -- and you
17 understood they were asking you about the last time prior to the
18 fire, and you identified that event in January. Do you remember
19 that? What did you mean that -- to say June?

20 A. It had to be, I believe, June was the --

21 Q. So the last time or last time prior to the incident that you
22 gave one of these events was June? Was there an event in January?

23 A. There was. I did have, working with the Newark Fire
24 Department, in 2022 I did give a tour to Chief del Ortiz from the
25 HAZMAT. He was the battalion chief for HAZMAT and I gave him a

1 tour along with some of his personnel. I gave him a tour, a
2 facility tour of Port Newark and he was then going to Newark to
3 his bosses to do this for all the firefighters.

4 Q. But to clarify, was there an event in January of 2023?

5 A. No, there was not an event.

6 Q. What was the first event in January of 2023 -- in 2023?

7 A. January of 2023 --

8 Q. No, in 2023.

9 A. You have a lot of feedback.

10 Q. I'm sorry. Was there an event in May of 2023?

11 A. Not with the Newark Fire Department, no.

12 Q. Any event?

13 A. It was with the FDNY.

14 Q. And that's May and then there was an event in June. And then
15 there -- this event that was cancelled, which would have been with
16 the Newark Fire Department, why was it cancelled?

17 A. I'm sorry, I can't hear you. What?

18 Q. I'm sorry. Why was it cancelled?

19 A. Why was it cancelled? Because the funerals.

20 Q. Yeah, but you haven't -- the event that would have taken
21 place in July, later in July with the Newark Fire Department, was
22 there a union issue?

23 A. No.

24 Q. Thank you.

25 LCDR WARD: No other questions.

1 CDR BARGER: Grimaldi?

2 MR. O'CONNOR: Yes.

3 BY MR. O'CONNOR:

4 Q. Thank you, Mr. Montella. I think you described in 2021
5 during the COVID pandemic when most shipping lines were hesitant
6 to allow these familiarization tours that you ran a
7 familiarization tour on an ACL vessel and a few fire departments
8 attended. Could the Newark Fire Department have attended that
9 tour?

10 A. Could just repeat the last part of that question?

11 Q. Could the Newark Fire Department have attended that tour,
12 familiarization tour in 2021 --

13 A. They could have, yes.

14 Q. -- on the ACL vessel?

15 A. Yes.

16 Q. Are you aware that ACL and Grimaldi are related companies?

17 A. I do.

18 Q. Was this ACL vessel similar to the Grande Costa d'Avorio in
19 the sense that it was a ConRo?

20 A. Yes.

21 Q. Do you know whether there were any electric vehicles on the
22 Grande Costa d'Avorio?

23 A. I am not aware.

24 Q. Thank you.

25 MR. O'CONNOR: No further questions.

1 CDR BARGER: Ports America?

2 BY MR. ZONGHETTI:

3 Q. Sir, just a couple of questions. The Jacksonville fire that
4 you used as an example was that electric vehicle fire?

5 A. I don't believe it was, no.

6 Q. Now, that was -- that was a Grimaldi vessel, correct?

7 A. I don't believe it was.

8 Q. It was a Grimaldi vessel that was charged --

9 CDR BARGER: Hold on one second, Mr. Zonghetti. Can you --
10 yeah, can you use the microphone and clarify the objection?

11 MR. O'CONNOR: I think that's beyond the scope of what the
12 witness had testified about on direct.

13 CDR BARGER: It would -- Mr. Zonghetti, if you could tell us
14 the relevance of pointing that out?

15 MR. ZONGHETTI: I'll just move on. The relevance was because
16 he mentioned that they used that as a training, part of their
17 training.

18 CDR BARGER: Okay. Sustained.

19 BY MR. ZONGHETTI:

20 Q. What you folks do in this, in the seminar that you teach that
21 you gave us the slides for, is basic awareness as to a different
22 environment that these first responders may encounter. Is that
23 fair to say?

24 A. That's correct.

25 Q. And in that seminar which involves the slides that we have as

1 an exhibit, is any part of the discussion -- because you mentioned
2 this but I'm not sure where this comes in -- that radios may not
3 work on the vessel as they would in other environments?

4 A. Yes. Sometimes there are difficulties with first responders
5 using their radios.

6 Q. So that's part of the training that was given to Newark prior
7 to the fire?

8 A. It's an awareness to say you need to test your, your
9 equipment when you come to the vessel tours that we're going to
10 schedule for.

11 Q. That's -- but that's part of the seminar they got?

12 A. Yes.

13 Q. Okay. And this awareness that you're providing, you're
14 letting them know that there's a layout that may be unfamiliar,
15 there are decks that might be unfamiliar with no windows, that
16 there might be different firefighting extinguishing systems on
17 board, all of that, correct?

18 A. Correct.

19 Q. And the idea of this is to make these departments aware so
20 that they can prepare in the event they have to board a vessel or
21 get training that might be required for them to board a vessel to
22 fight a fire? Fair?

23 A. Fair question, yep.

24 Q. And that is just not business as usual, right, when they --
25 meaning that if they board a vessel to fight a fire it's not what

1 they do in a high rise. It may not be what they do in a car fire
2 on land, right?

3 A. I simply put it out that, you know, you're not used to being
4 on this type of environment or structure so, you know, they're
5 aware now that they don't have what they normally would have in a
6 regular structural fire, correct.

7 Q. Now, we heard testimony yesterday, and it may just have been
8 mistaken, that the reason the post-accident onboard
9 familiarization that was scheduled for the Newark Fire Department
10 did not go forward was because there was a labor dispute in the
11 port. It sounds like that's not the case.

12 A. Well, the facility that we were going to use was having two
13 cranes being purchased and being built. They purchased them.
14 They were they built. And apparently they had -- I was told from
15 the facility that they have some labor issues.

16 Q. Okay, so there -- it was labor issues then. All right.

17 MR. ZONGHETTI: That's all, thank you.

18 CDR BARGER: American Maritime Services?

19 MR. PALLAY: Thank you.

20 BY MR. PALLAY:

21 Q. Good afternoon, Mr. Montella. my name is Matthew Pallay of
22 Freehill Hogan Mahar, just a few quick follow-ups and we can get
23 out of here. Since the introduction of these classes and vessel
24 tours what lines or what shipping lines, I guess specifically, you
25 know, RoRo carrier, ConRo carriers have been involved with these?

1 A. Like I just said, we had the BCL just recently, but before
2 that lot of times it was the ACL ship. NYK I believe years ago
3 was a, like, a One Line (phonetic) or a Spirit leader (phonetic),
4 one of the Spirit lines.

5 Q. Have there ever been any requests or requests for a vessel
6 tour or actual vessel tours on a Grimaldi vessel similar to Grande
7 Costa d'Avorio?

8 A. There's never been a request for a specific ship or vessel.
9 Whatever we have available the first responders are more than
10 happy to go on.

11 Q. The training slides that we had seen, is that how they
12 existed in June of 2023?

13 A. That is correct.

14 Q. Has it been updated or changed since?

15 A. No.

16 MR. PALLAY: Nothing further. Thank you.

17 CDR BARGER: Thank you. And --

18 COURT REPORTER: (Indiscernible). Do you have a microphone
19 (indiscernible)?

20 Mr. Reilly has the microphone but, yes, you may ask one more
21 question.

22 COURT REPORTER: You can press the button (indiscernible).

23 RECROSS-EXAMINATION

24 BY MR. REILLY:

25 Q. The slides that we're talking about, are they dated? Is

1 there is a date on those slides?

2 A. There is a date but, unfortunately, when you print it out --
3 when I printed it out to hand over to the committee it gives the
4 date that it was printed.

5 Q. And do you remember what that date was?

6 A. The date we printed it?

7 Q. Yes.

8 A. I believe it's, like, sometime in November of 2020.

9 Q. Although it was printed in November of 2023, the original
10 slides you were able to use in the June seminar?

11 A. Yes.

12 Q. Thank you.

13 CDR BARGER: And I apologize to my colleague. Mr. Pittman,
14 did you have any follow-up questions?

15 MR. PITTMAN: No questions.

16 CDR BARGER: Okay. And other follow-up questions from the
17 investigation team?

18 All right. Mr. Montella, thank you for your time today and
19 your testimony. You are subject to my recall and my sequestration
20 order remains in place until it is released by me. You will be
21 notified when you are released by Lieutenant Reed, our recorder.

22 (Witness excused.)

23 The hearing is now in recess for 10 minutes after which I
24 will provide the day's closing remarks. The time is now 3:45 p.m.
25 We'll return at 3:55 p.m. thank you.

1 (Off the record at 3:45 p.m.)

2 (On the record at 3:57 p.m.)

3 CDR BARGER: The time is now 3:57 p.m. local time in Newark,
4 New Jersey -- or Union, New Jersey. Apologies. There are no more
5 witnesses or exhibits to present on today's schedule today.

6 Today we heard testimony from the City of Newark Assistant
7 Public Safety Director Jackson, who was the Newark Fire Chief on
8 July 5th, 2023. We also heard from Mr. Gorman, a port security --
9 port safety and security specialist from Coast Guard Sector New
10 York, and Mr. Peter Montella, the senior security coordinator for
11 the Port Authority of New York and New Jersey.

12 We introduced Coast Guard Exhibit 14 and 15. They are
13 publicly available through the investigations newsroom.

14 Tomorrow we will hear from Battalion Chief Kupko of the
15 Newark Fire Department, Dr. Bryan Platt of the Armed Forces
16 Medical Examiner System and Mr. William Burket of the Port of
17 Virginia Maritime Incident Response Team. There are no additional
18 exhibits that we plan to introduce.

19 I request that party in interest counsel stay behind for a
20 follow-on discussion. Thank you again for attending today. It is
21 now 3:58 p.m. Hearing session day four is now adjourned -- or day
22 five is now adjourned. We will reconvene on Thursday, January
23 18th, 2024 at 8:30 a.m. Thank you.

24 (Whereupon, the proceedings in this matter were recessed, to
25 be continued, Thursday, January 18, 2024 at 8:30 a.m.)

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

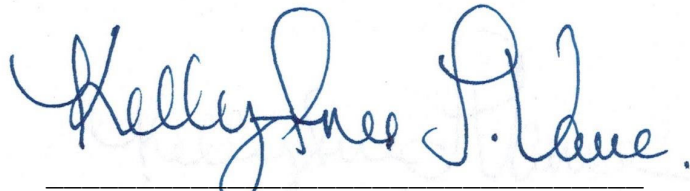
IN THE MATTER OF: FIRE ABOARD *GRANDE COSTA D'AVORIO*
AT BERTH 16 IN THE PORT OF NEWARK
IN NEWARK, NEW JERSEY ON JULY 5, 2023
US Coast Guard District 1 Formal
Investigation
Public Hearing Day 5 of 6

ACCIDENT NO.: DCA23FM039

PLACE: Union, New Jersey

DATE: January 17, 2024

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kelly Anne T. Vance
Transcriber