

## 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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\* \* \* \* \*

Examination of: CAPTAIN DAVID ROGERS  
 Newark Fire Department

via Microsoft Teams

Wednesday,  
 January 31, 2024

## APPEARANCES:

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United States Coast Guard

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P R O C E E D I N G S

(9:12 a.m.)

CDR BARGER: All right. Good morning, everyone. Today is January 31st, 2024, and the time is now 9:12 a.m. Eastern Standard Time. We are back on the record for the formal hearing regarding the fire and subsequent firefighter fatalities that occurred on board the *Grande Costa D'Avorio* on July 5th, 2023, in Newark, New Jersey.

I am Commander Christian Barger of the United States Coast Guard. I am the lead investigating officer for this First Coast Guard District formal investigation and the presiding officer over these proceedings.

The First District Commander convened this investigation under the authority of Title 46 United States Code, Section 6301 and Title 46 Code of Federal Regulations Part 4. Our purpose is to investigate circumstances surrounding the aforementioned incident. The investigation will determine as closely as possible the circumstances and factors that contributed to the incident so that proper recommendations to prevent similar recurrences can be made.

The Coast Guard investigation team consists of Lieutenant Commander Stephanie Moore, Mr. Willy Pittman and Lieutenant Brandon Reed who is also the recorder. The legal counsel to the investigation is Lieutenant Commander Katherine Ward.

The National Transportation Safety Board is also

1 participating in this hearing. Mr. Bart Barnum is the  
2 investigator-in-charge for the NTSB who is assisted by 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 As I call each, please state your name and spell your last name  
7 for the record. For the City of Newark.

8 MR. LIPSHUTZ: Good morning. Gary Lipshutz, L-i-p-s-h-u-t-z.  
9 I'm first assistant corporation counsel for the City of Newark,  
10 the Department of Public Safety, Division of Fire. With me is  
11 Captain Rogers. I will be off camera during his testimony. Good  
12 morning.

13 CDR BARGER: Thank you. Port Authority of New York and New  
14 Jersey. Mr. Reilly, are you there for the Port Authority of New  
15 York and New Jersey?

16 MR. REILLY: Good morning. My name is John Reilly, R-e-i-l-  
17 l-y, for Port Authority of New York and New Jersey.

18 CDR BARGER: All right. Thank you. Grimaldi Deep Sea.

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

21 CDR BARGER: Thank you. For Ports America.

22 MR. ZONGHETTI: Good morning. Gino Zonghetti, from the firm  
23 of Kaufman Dolowich, Z-o-n-g-h-e-t-t-i.

24 CDR BARGER: Okay. Thank you. And for American Maritime  
25 Services of New York.

1 MR. PALLAY: Good morning. Matthew Pallay, P-a-l-l-a-y, of  
2 Freehill, Hogan and Mahar, on behalf of AMS.

3 CDR BARGER: Okay. Thank you. All right. This morning, we  
4 continue our formal proceedings through virtual witness testimony  
5 via Microsoft Teams.

6 Today's witness is Captain David Rogers of the Newark Fire  
7 Department. Lieutenant Reed, please swear in the witness.

8 LT REED: Captain Rogers, if you would you please, raise your  
9 right hand.

10 (Whereupon,

11 DAVID ROGERS,  
12 was called as a witness, and having been first duly sworn, was  
13 examined and testified, as follows:)

14 LT REED: All right. Thank you very much. I have a few  
15 initial questions for the record. Will you please state and spell  
16 your last name?

17 THE WITNESS: Rogers, R-o-g-e-r-s.

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

19 THE WITNESS: I was a captain for Ladder 4.

20 LT REED: Okay. And who were you employed by at that time?

21 THE WITNESS: Newark Fire Department.

22 LT REED: What, if any, professional certificates or  
23 certifications do you hold related to that position?

24 THE WITNESS: Firefighter 1, Firefighter 2, ICS 100, ICS 700,  
25 ICS 200 and off the top of my head, I can't remember what else you

1 need for that position.

2 LT REED: Okay. And then how long had you been employed in  
3 that position at the time of the casualty on July 5th, 2023?

4 THE WITNESS: Are you asking as a captain or the overall time  
5 that I've spent on the department?

6 LT REED: Let's go with captain.

7 THE WITNESS: As a captain, two years.

8 LT REED: Two years. And then your overall time with the  
9 department?

10 THE WITNESS: Twenty-two.

11 LT REED: Twenty-two. Okay. Thank you very much, Captain  
12 Rogers. Commander, the witness is ready to proceed.

13 CDR BARGER: Okay. Thank you, Lieutenant Reed. Lieutenant  
14 Commander Moore will lead the questions for this witness.  
15 Lieutenant Commander Moore, please proceed.

16 LCDR MOORE: Thank you, Commander.

17 DIRECT EXAMINATION

18 BY LCDR MOORE:

19 Q. Good morning, Captain Rogers.

20 A. Good morning.

21 Q. In your own words, can you describe what the duties and  
22 responsibilities of a captain is at Newark Fire Department?

23 A. The duties and responsibilities of the captain are to extend  
24 training to the crew. Once you're promoted, you become an officer  
25 and you're overall responsibility is to train the personnel that

1 you work with, guide them in fires. That's pretty much it off the  
2 top of my head.

3 Q. Have you attended any shipboard firefighting training?

4 A. No, I have not.

5 Q. Have you ever been offered any shipboard firefighter  
6 training?

7 A. No, I have not.

8 Q. Did you attend a training surrounding electric vehicle fires?

9 A. That one, yes, we did.

10 Q. Can you tell me a little bit more about what that training  
11 entailed?

12 A. It was an awareness training that we went through. It was  
13 only a couple hours long. We sat in on the class and the  
14 gentleman explained to us the hazards of electric vehicles on the  
15 ships, how they're attached to the ships, and what to avoid while  
16 we're there.

17 Q. What's the typical structure of your crew for Ladder 4?

18 A. It depends on the day. Sometimes it's a captain and two  
19 firemen. Sometimes it's a captain and four firemen.

20 Q. On an average incident like a structure fire, how big would  
21 your crew be during that response?

22 A. That would also depend on the roll call for the day. It  
23 would be one captain and two firefighters or one captain and four  
24 firefighters. Sometimes it would be one captain and three. It  
25 really depends on the roll call for that day.



1 Q. When you arrive on an incident, can you tell me what the  
2 different roles and responsibilities are of your team, the captain  
3 and the firefighters that are assigned?

4 A. Well, it depends on what company you're in. If you're in a  
5 ladder company like I am, two members would go to the roof to  
6 perform vertical ventilation operations. That would be your  
7 driver and the person behind the driver. And if there is a third  
8 person, that person would go interior of the building with myself.

9 Q. Are there any policies or procedures that dictate that that's  
10 the typical response or is that just based on experience?

11 A. It's based on experience. I don't believe there's anything  
12 written down that that's how it goes. It's just how things are  
13 done in Newark. If there is another crew that has already gone to  
14 the roof, all three to four members will stay together and go into  
15 the building itself.

16 Q. Are here policies specific to an incident type? For  
17 instance, structure fire versus a vehicle fire or a garage fire or  
18 anything?

19 A. Yes, we do have general orders for each specifically.

20 Q. Are there any general orders for responding at the Port of  
21 Newark?

22 A. Not to my knowledge, no.

23 Q. Are there any manning requirements for Newark Fire  
24 Department? For instance, what each company must have to be able  
25 to respond?

1 A. No, we don't have a minimum standard for the rigs.

2 Q. What are the equipment carriage requirements for each  
3 firefighter?

4 A. So each firefighter, the standard gear they're issued from  
5 the fire department would be their full bunker gear. So it would  
6 be pants, jacket, Nomex hood, gloves, also the helmet. On top of  
7 that, the department provides a SCBA for them, has an integrated  
8 pass alarm system in it, and also a secondary system where we  
9 would be able to attach another bottle to that air pack if needed.  
10 So you would be able to supply that firefighter with extra air.  
11 Other than that, the captain is also issued a flashlight and a  
12 thermal imaging camera, and then there's also various forcible  
13 entry tools that are on a ladder company. Some are provided by  
14 the city and some guys purchase and put on the rig for various  
15 reasons, things are first to an area that we may come across that  
16 we know that we need, but the city doesn't provide that equipment.  
17 So we find something that works good for us. We purchase it,  
18 throw it on the rig and use it.

19 Q. You mentioned the SCBA. Is there a standard size that  
20 everyone is required to carry?

21 A. Yes, it's a 4500 psi bottle. It lasts anywhere from -- it's  
22 considered a 30 minute bottle but it lasts anywhere from 15 to 20  
23 minutes depending on your exertion.

24 Q. What about radio?

25 A. Yes, we're also given a radio. I'm sorry for that.

1 Q. And what's the carriage requirement for that radio? Is it  
2 required to be on you at all times?

3 A. Yes. Not in the firehouse, it's not required to be on you at  
4 all times in the firehouse, but pretty much everybody keeps them  
5 on them at all times. The city has provided a radio strap for us.  
6 So it just kind of throws over our shoulder. So the mic would be  
7 on your shoulder, and the radio is down load on your hip.

8 Q. On the night of July 5th, 2023, were you notified to respond  
9 to a fire at Port Newark?

10 A. Yes.

11 Q. And how were you notified of that fire?

12 A. Via our CAD system.

13 Q. Which apparatus or what crew were you with that night?

14 A. I was on Ladder 4, tour 1. I was working a mutual swap for  
15 another captain.

16 Q. Was this first time you had worked with that crew or was the  
17 rest of the crew --

18 A. No, it wasn't. I had worked with them several times before.

19 Q. When did you arrive on scene?

20 A. Shortly after the first two engine companies. I'm not sure  
21 of the exact timeline. We were the first companies to get there  
22 but Ladder 4 has a slightly delayed response time because there's  
23 a lower bridge closer to the firehouse. So the engine can fit  
24 under that bridge, but the ladder can't. So we have to go a  
25 different way to get there. So there's a slightly delayed

1 response for when Ladder 4 reaches the area that Engine 27 is down  
2 at the port.

3 Q. Who was your crew that night?

4 A. It was myself, Firefighter Brooks, Firefighter Soto and  
5 Firefighter DeSilva.

6 Q. What were their assignments when you arrived at the incident?

7 A. Okay. So, the normal assignments were -- should have been  
8 Brooks and Soto together but Brooks stayed with me. And Soto was  
9 also with DeSilva.

10 Q. When you arrived on the scene, on July 5th, 2023, who  
11 provided your initial tasking?

12 A. The initial tasking would have been Deputy Chief Carlucci  
13 because we got there slightly behind the engine. The engine was  
14 already on top of the ship. When we walked up to the deputy  
15 chief, I asked him if he wanted us to go up to help them overall  
16 on deck 12.

17 Q. And who was the incident commander upon your arrival?

18 A. When I got there, I believe when we first pulled up, it was  
19 Battalion Chief Kupko, and then after all the guys were dressed  
20 and we walked up to the loading area of the ship, at the rear  
21 ramp, Deputy Chief Carlucci had taken charge at that time.

22 Q. And who were you reporting to directly as --

23 A. Directly. In the command structure, I would directly report  
24 to Battalion Chief Kupko, but because he was on top of the ship, I  
25 reported to the highest officer which was Deputy Chief Carlucci.

1 Q. What interactions, if any, did you have with the ship's crew?

2 A. The little interaction I had with the ship's crew, I didn't  
3 really talk to anybody that was there. It was the chief level  
4 officers that were talking to them. But, standing next to them, I  
5 could see that there was a very large language barrier. A lot of  
6 the crew couldn't speak English and the few that could, it was  
7 very broken.

8 Q. At any time were you made aware that a fixed fire suppression  
9 system was used on the vessel?

10 A. I was not, no.

11 Q. Where did you first enter the ship from?

12 A. On the right side of the ship, I believe that's the starboard  
13 side, the middle stairwell.

14 Q. How did you progress up the decks of the vessel?

15 A. We climbed the stairwell all the way up to the top.

16 LCDR MOORE: Lieutenant Reed, please pull Coast Guard Exhibit  
17 7(b) I believe. If you could zoom in just a little bit.

18 BY LCDR MOORE:

19 Q. Captain Rogers, are you familiar with --

20 LCDR MOORE: Just page 1 is fine.

21 BY LCDR MOORE:

22 Q. Are you familiar with this?

23 A. The drawing that's on deck 10 right now. Is that what you're  
24 asking?

25 Q. Yes.

1 A. Yes.

2 Q. Okay. You said you entered the vessel and you were using a  
3 stairwell.

4 A. Yes.

5 Q. Are you aware if that stairwell is on this document?

6 A. Yes, it's at the very bottom of the document in the middle.  
7 It has an "X" crossing through it. Yes, right there.

8 Q. Did someone from the ship escort you up the decks or did you  
9 find your own way?

10 A. Yes, someone from the ship escorted us up the deck.

11 Q. And can you -- do you know who that person was from the crew?

12 A. No, I have no idea. I'm sorry.

13 Q. And this area that you were going up, can you describe it to  
14 me? Was there stairs? What did you see?

15 A. Yeah, very steep stairs and it almost seemed like every other  
16 set of stairs there was a door that we would come to, and it was  
17 just -- the stairs were very steep. I guess that's standard for a  
18 ship. I'm really not familiar with that.

19 Q. Were you made aware of the conditions on deck 10 before you  
20 entered it?

21 A. No, we were not.

22 Q. What were your initial observations of the conditions on deck  
23 10?

24 A. Are we talking about after we found out that there was a fire  
25 down there or prior to?

1 Q. The first time you entered the deck.

2 A. The first time I entered the deck was for fire suppression.  
3 So, that wasn't when we were descending the stairwell initially.

4 Q. Okay. Let's keep going on your initial entry then. So you  
5 were climbing up. Did you stop on any decks? Where did you end  
6 up?

7 A. We ended up on deck 12 at the top. There was a lower -- like  
8 a lower area on deck 12, and then we climbed up a small set of  
9 stairs and we were out by the cars. So after that, that's when --  
10 a couple of minutes after being up there, was when we were told  
11 that -- someone came across the deck to speak to the  
12 representative from the ship, and he referred back to us that  
13 there was fire below the decks at that time.

14 Q. On this page, page 3 (ph.) of the document --

15 A. Yes.

16 Q. -- do you recall where you came out on deck 12?

17 A. All right. So deck 12, it would be to the -- there's two red  
18 boxes. There's one on the right that has lines slashing through  
19 it and then there's one in the middle. So roughly to the left of  
20 that one in the middle was where we popped out.

21 Q. Okay. Thank you. And then you said you -- a representative  
22 from the ship, was that a different person than had --

23 A. I didn't meet him personally. He was standing talking to  
24 Battalion Chief Kupko.

25 Q. Okay. So that was a different than who escorted you up?

1 A. Than who brought us up, yes.

2 MR. LIPSHUTZ: Do me a favor, Cap, just because this is being  
3 recorded, because this will be transcribed, let the Commander  
4 finish completely with what she says, her question.

5 THE WITNESS: Okay.

6 MR. LIPSHUTZ: And then she'll give you a chance to answer.  
7 It just flows better.

8 THE WITNESS: Okay.

9 MR. LIPSHUTZ: Just let her finish.

10 THE WITNESS: Okay. I'm sorry.

11 CDR BARGER: That's okay.

12 LCDR MOORE: That's okay. Thank you, Mr. Lipshutz.

13 BY LCDR MOORE:

14 Q. Okay. So it was a different person that who had escorted  
15 you. Tell me what happened next?

16 A. After the person escorted us up or after we were made aware  
17 that there was fire below deck?

18 Q. After you were made aware that there was fire below.

19 A. We made our way across the deck. There was multiple cars  
20 that were chained down. So it took us a couple of minutes to get  
21 across, stepping over everything. And we made it over to the far  
22 stairwell in the top left corner of the map.

23 Q. You made your way over to the stairwell. Then what happened?

24 A. After that, I believe it was Battalion Chief Maresca made his  
25 way with two guys, but I'm not sure who they were, down to deck



1 11, deck 10 and I also believe deck 9 to check to see if there was  
2 fire, and they found smoke on -- the heavy smoke on 11, smoke on  
3 10 and nothing on 9.

4 Q. And how were you made aware of that? How was that  
5 communicated?

6 A. It was communicated I believe via face-to-face when they came  
7 back up.

8 Q. And just to clarify, all of that is in that same stairwell?

9 A. Yes, that's correct.

10 Q. All right. At what point did you use that stairwell?

11 A. Okay. The initial attack line, I was not on. I came down  
12 after those guys came out. Myself and Firefighter Brooks  
13 descended the ladder with another attack line, but we ended up  
14 leaving that at deck 11 by the door and then going all the way  
15 down to 10. We met up with Chief Maresca at the bulkhead door,  
16 and added some extra -- and pushed in some extra line and then  
17 continued in to follow the line in to knock down whatever fire was  
18 left by the initial attack.

19 Q. Just a point of clarification. When you say attack line, are  
20 you referring to a charged hose?

21 A. Yes.

22 Q. And what deck was that that you were --

23 A. That was on deck 10.

24 Q. Now, coming into deck 10 the first time, what was your  
25 initial observations of the conditions?

1 A. Initial observation of the conditions, the smoke was -- you  
2 were visible for about 10, maybe 15 feet into the environment.  
3 Once we got in, you got a little further in, visibility got a  
4 little bit worse. If you were standing up, you really couldn't  
5 see anything. If you were kneeling down, you could see back to  
6 the bulkhead door and see the light. And inevitably, when we made  
7 the turn on the line, the light from the bulkhead door  
8 disappeared. And everything else in the room was pretty much  
9 black. I would say it was a mixture between there being no  
10 lighting in the room at all and also the smoke from the fire.

11 LCDR MOORE: Lieutenant Reed, can you go to page 1 please?

12 BY LCDR MOORE:

13 Q. All right. You mentioned smoke. Do you remember what color  
14 the smoke was when you first observed it?

15 A. To me it was black. It would be hard to judge in a room that  
16 has no light what color the smoke was.

17 Q. What about flames? Did you see any flames?

18 A. Yes, I did.

19 Q. Can you describe on the document about where you saw those  
20 flames?

21 A. Okay. So roughly the middle line of the ship, there's 2-0.  
22 Yes, right, right about there.

23 LCDR MOORE: And for the record, the witness is indicating in  
24 the area of where the number 20 on the line going through the  
25 middle of the ship.

1 BY LCDR MOORE:

2 Q. You mentioned a few pieces of equipment that you had with  
3 you. Was there anything -- was there any other special equipment  
4 that you had on your when you made entry on deck 10?

5 A. No.

6 Q. Okay. Did you ever go on air?

7 A. Yes.

8 Q. When did you go on air?

9 A. Just before we entered the bulkhead door.

10 Q. Did you have your radio with you?

11 A. Yes, I did.

12 Q. Was it working?

13 A. It was working at the top deck. It did not work, and I found  
14 that out later, below deck.

15 Q. What about -- you mentioned you were with Firefighter Brooks.  
16 Do you know if he had his radio with him?

17 A. He should have had it with him, yes.

18 Q. And did you see it or hear it at all?

19 A. I did not visually inspect to see if he had his radio on him,  
20 but he did have it on him throughout the day.

21 Q. You mentioned a few people as you accessed different decks.  
22 When you accessed deck 10, was there anyone at the door for the  
23 stairway?

24 A. Yes. Battalion Chief Maresca and I believe there was another  
25 probationary firefighter that was kneeling behind him on the wall

1 and another firefighter that was also there, but they did not make  
2 entry and I don't remember who they were.

3 Q. Was there someone doing access control to deck 10?

4 A. You're going to have to explain access control to me.

5 Q. I think we heard previous testimony that there was immediate  
6 and dangerous to life or health area on deck 10.

7 A. Um-hum. Yes.

8 Q. Was someone doing access control for that area?

9 A. That would be -- if you're talking in fire department terms,  
10 that would be Battalion Chief Maresca I believe would be handling  
11 that.

12 Q. How was that done?

13 A. I'm not understanding the question. I'm sorry.

14 Q. Well, let me rephrase it. Was anyone keeping accountability  
15 of who was going in and out of deck 10?

16 A. Yes. Battalion Chief Maresca was keeping track of who was  
17 going in and out.

18 Q. Okay. And how was he completing that task?

19 A. Mentally I would assume because he was only letting certain  
20 groups of guys in at a time. We weren't flooding the entire area  
21 with people.

22 Q. Do you know if anyone was assigned the role of safety  
23 officer?

24 A. Not to my knowledge, but that would normally be Battalion 2  
25 for us. That would be the safe officer. Otherwise, I don't know

1 who that falls on.

2 Q. So as you made entry, who entered the space with you?

3 A. Firefighter Brooks entered the space first, and then I  
4 followed right behind him.

5 Q. All right. And we have the exhibit up if it aids your  
6 testimony, but can you describe the events that happened upon your  
7 entering into the space and then further while you were in the  
8 space?

9 A. Okay. So we entered into the space and followed the wall.  
10 The hose line was already pre-laid because the initial attack  
11 line, it was Engine Company 27 and two other firefighters from my  
12 crew had already gone in there. So we just followed the line to  
13 the tip. It looped out into the middle of the ship, and it was  
14 roughly about I'd say 75 to 100 feet of line into the ship.

15 Q. Can you help us understand where on this document that line  
16 would have led?

17 A. Almost to that 20, roughly where that 20 was where we spoke  
18 of earlier.

19 LCDR MOORE: Okay. Just to for the record, we're indicating  
20 that same area near the number 20 on the line running through the  
21 middle of the ship.

22 BY LCDR MOORE:

23 Q. Okay. And then what happened next?

24 A. So Firefighter Brooks and I were on the tip, and we noticed  
25 that there was small pockets of fire throughout the floor. They

1 weren't very big, and then there was a little bit left in what  
2 appeared to be a forklift that was in front of us. And so we were  
3 basically just knocking down what fire was left and then trying to  
4 put out the fire that was in the -- in what we thought was the  
5 forklift. I guess it turned out later to be the Jeep. So there  
6 was still fire inside that, but we weren't -- we didn't approach  
7 the Jeep. We didn't approach the cars. There was no need to. So  
8 we just stayed back. I was using the thermal imaging camera and  
9 holding it up in front of Firefighter Brooks so that he could  
10 visually see the fire and knock it down. Shortly thereafter,  
11 Engine 16 came up behind us on the line, and they were standing  
12 just to my right.

13 Q. Okay. And just getting our bearings, same area near that  
14 number 20?

15 A. Yes.

16 Q. All right. So 16 was there. And what happened next?

17 A. Yeah. So once 16 Engine was there with us, next to us, I  
18 noticed that the steel was starting to buckle on one of the I-  
19 beams. So it looked like it was starting to bend a little bit,  
20 and that's normally because of the white condition that was above  
21 it. We were trying to cool it down but it just wasn't really  
22 working. So we backed the line up a little bit, and I tried to  
23 communicate it with the battalion chief, that's what was going on  
24 in there, but the radio kept -- I call it booping. It just made a  
25 noise where you can't communicate with anybody. So I gave my

1 thermal imaging camera to Firefighter Brooks so that he could  
2 continue suppression operations with 16 Engine, and I followed the  
3 line back to the battalion chief to advise him of the conditions.

4 Q. When you say an I-beam starting to buckle, in relation to the  
5 ship, was that on the ceiling, on the --

6 A. Yes, it was --

7 Q. -- where was it?

8 A. It was on the ceiling, yes.

9 Q. And then when you say you gave your TIC to Firefighter Brooks  
10 and left him with Engine 16, did you ever see anyone from Engine  
11 16 with him before you departed the deck?

12 A. Can you say that again? I didn't really hear the question.

13 Q. Did you ever see anyone with Firefighter Brooks before you  
14 went to meet the battalion chief?

15 A. Yes, yes. The members of Engine 16 were with Firefighter  
16 Brooks when I went back.

17 Q. Is there some policy or procedure that talks about  
18 firefighter release when a team needs to separate or split up?

19 A. Just the two in, two out.

20 LCDR MOORE: Lieutenant, you can pull down the exhibit.  
21 Thank you.

22 BY LCDR MOORE:

23 Q. So before you left deck 10, how were you communicating inside  
24 the space?

25 A. Basically with other firefighters. We were just yelling at

1 each other inside the space.

2 Q. When you departed deck 10, what happened after that?

3 A. All right. So, when I, when I returned to the bulkhead door  
4 to speak with Chief Maresca about the conditions inside, I put my  
5 boot on the bulkhead door, and the bottom of my boot started to  
6 separate. So the bottom of the rubber part of my book, started to  
7 break apart. So Battalion Chief Maresca pulled me out of the  
8 bulkhead door. He had me stand behind him, and tell him  
9 everything that was going on in there. He kept me out from going  
10 back in because of the gear failure. I told him what was going  
11 on, and basically at that point he told me that he was going to  
12 pull everybody out because of the conditions. And, he told me to  
13 head up to deck 12.

14 Q. Were those boots that were issued to you or were those boots  
15 that you had purchased?

16 A. No, they were boots that I had purchased.

17 Q. All right. And then what happened after that?

18 A. After that, I ascended to deck 12, and on my way up, I met  
19 the two other firefighters that were on my crew, Firefighter Soto  
20 and Firefighter DeSilva, and I advised them to go back down to  
21 Battalion Chief Maresca to get with him and if he needed them to  
22 go back in to get those guys because of poor radio communications,  
23 they would be able to follow the line in and bring them out.

24 Q. And did they proceed to do that?

25 A. I don't know.



1 Q. And what -- where did you go next?

2 A. Up to deck 12. When I got up to deck 12, it was -- I was  
3 having a hard time standing on the deck. So I ended up opening up  
4 a mini van, sliding door on a minivan, and climbing into that to  
5 sit inside the minivan, and I took some of my gear off and that  
6 was pretty much it. I end up speaking with Battalion Chief Kupko  
7 about the conditions downstairs, let him know, and they were  
8 preparing to send more members down at that point.

9 Q. When you say you were having difficulty, what do you mean?  
10 What caused you to get in the minivan?

11 A. The heat from the steel decking.

12 Q. Now, that you were back on deck 12, were you able to hear any  
13 radio transmissions at that point?

14 A. At that point, yes. I was able to hear radio transmissions  
15 going back and forth, but nothing from inside the lower deck.

16 Q. Did you ever hear any mayday transmissions?

17 A. I did not personally, no.

18 Q. As you left deck 10 to come up to 12, were you aware of or  
19 what did you because conditions on deck 11 to be?

20 A. Deck 11, ma'am? Deck 11 or deck 12?

21 Q. Deck 11, as you're coming back up. So you're leaving deck 10  
22 after you spoke to -- about your boots. You were coming up to 12.  
23 Were you aware of 11 on your way back up?

24 A. Yes. Yeah, but I mean not the conditions in the actual room,  
25 but you could tell that there was something -- there was a large

1 amount of fire up there based on being in deck 10 where the  
2 thermal imaging camera, you could see how much white was on the  
3 actual steel.

4 Q. During the fire on July 5th, 2023, were there any limiting  
5 factors that you think challenged the response to the fire?

6 A. I would say equipment, training and manpower.

7 Q. Can you explain what you mean -- how did equipment limit it  
8 or challenge you during the response?

9 A. I would think that -- like our thermal imaging camera, the  
10 batteries don't last very long in them any more. They can't get  
11 the batteries for them from my understanding. A large bottle, air  
12 bottle and possibly just even more air bottles being up there at  
13 the time. It was, you know, limited getting the equipment to that  
14 area. I don't know what specialized equipment would be used in  
15 shipboard firefighting but I'm sure like everything else,  
16 including confined space and USAR operations and hazmat, there are  
17 always especially designed pieces of equipment for each specific  
18 type of hazard that we're coming into.

19 Q. Then you mentioned training. How did that impact the  
20 response?

21 A. None of us knew what we were getting into.

22 Q. And I'm sorry. I trying to read the last thing you  
23 mentioned.

24 A. Manpower.

25 Q. Manpower. Okay. Can you explain how that impacted the

1 response?

2 A. It was a manpower intensive operation, like a high rise fire  
3 would be. Excuse me. Other operations like hazmat --

4 MR. LIPSHUTZ: Take your time. Take your time.

5 THE WITNESS: Other operations like hazmat and confined  
6 space, they're all manpower intensive operations. You can't keep  
7 members and equipment in those area for very long. They have to  
8 be cyclically rotated. So you have to have a large amount of  
9 manpower to complete the operation. And, we just didn't have  
10 enough.

11 BY LCDR MOORE:

12 Q. You said about hazmat. Is that something that you would  
13 practice or prepare for ahead of coming to respond to the hazmat  
14 incident?

15 A. Yes. Also in USAR circumstances, yes.

16 Q. And in a hazmat response, does the manpower, with the manning  
17 requirements, does that change? Are more people called out to a  
18 hazmat incident than, for instance, a regular structure fire?

19 A. Well, yes, more people, and an initial response to a hazmat  
20 would be whatever simulator signal 9 that they originally send  
21 which would be an engine, a truck and a battalion chief or two  
22 engines, a truck and a battalion chief. And then the hazmat unit  
23 would be dispatched and that would be six members of the hazmat  
24 team would go down there. And then once we assess what's going on  
25 there, we call for more resources.

1 Q. Okay. Captain Rogers, that's all the questions I have for  
2 you at this time. We'll go around to the other members of the  
3 investigation team, both the Coast Guard and the NTSB. Thank you  
4 very much.

5 LCDR MOORE: Lieutenant -- actually, Commander Barger, do you  
6 have any questions?

7 CDR BARGER: Yes. Thank you, Lieutenant Commander Moore.

8 BY CDR BARGER:

9 Q. Captain Rogers, I have a couple of follow-up questions. I  
10 took notes as you were going through your testimony. So I'll go  
11 back to the beginning with my follow-up questions and press  
12 through. So you mentioned that you were -- I believe you said you  
13 were filling in for another captain --

14 A. Yes.

15 Q. -- on Ladder 4. Is that correct?

16 A. Yes, that's correct.

17 Q. Okay. And when did you start your shift with Ladder 4?

18 A. 8 o'clock in the morning is the standard shift time. I got  
19 there about -- somewhere between 6:50 and 7:10.

20 Q. Okay. And then you mentioned your crew consisted of Brooks,  
21 Soto and DeSilva. Did all four of you begin the shift at the same  
22 time?

23 A. Yes, that's correct.

24 Q. Okay. And then from when you started the shift and prior to  
25 your response for the ship fire, had you run calls during the day?

1 A. Yes, we had other calls during the day, three, maybe four  
2 calls during that day.

3 Q. Okay. And when you start your shift, what, if any, equipment  
4 accountability is done for you and your crew?

5 A. Okay. So in the morning, we fill out a journal. The  
6 captains fill out a journal, and any issues with the equipment is  
7 brought to our attention by the firefighters themselves. They go  
8 outside and they check over the rig in the morning. You know, on  
9 the ladder company, they start the saws, raise the aerial, make  
10 sure that all the equipment that we have on a daily basis is  
11 working properly and fueled properly. If there are any issues,  
12 it's brought to our attention first thing in the morning, and then  
13 we write it down in the journal, and then we call special service  
14 to have that piece of equipment replaced if they can, and if not,  
15 it's noted in the report we send up to the battalion chief who  
16 then sends it to the deputy chief and inevitably, it reaches our  
17 chief's office.

18 Q. Okay. And on July 5th, 2023, were there any equipment issues  
19 brought to your attention at the beginning of the shift?

20 A. Not to my knowledge at the moment. I would have to go back  
21 in the journal and look for that specific day, but I don't believe  
22 there was any.

23 Q. And then I believe you said each firefighter is assigned a  
24 SCBA. Is that correct?

25 A. Yes, they're assigned a SCBA and also I forgot to mention

1 earlier, that they're also assigned a radio.

2 Q. Okay. And is the SCBA assigned to them personally or is it  
3 based on where they sit on the rig?

4 A. It's based on where they sit on the rig.

5 Q. And then as far as the radio, is that assigned to them  
6 personally or is it also where they sit on the rig?

7 A. It depends. Every company's a little bit different. Some  
8 companies have specific radios. I know some captains, they assign  
9 radios to their members, and it's permanently their radio and so  
10 that way they know who they're calling every time. Some companies  
11 also assign their radio via the SCBAs and some are just random.  
12 They grab whatever radio they want.

13 Q. Okay. And so for Ladder 4 on July 5th, how did you handle  
14 the assignment and accountability for SCBAs and radios?

15 A. It's different for their crew. So I just let them do what  
16 they normally do, and when I filled out the paperwork in the  
17 morning, in the journal, everybody signs for the mask, and they  
18 write the letter of the mask and their initial next to it, and the  
19 same thing with the radio.

20 Q. Okay. And that was done that morning?

21 A. Yes.

22 Q. There should be a record indicating what SCBA and what radio  
23 was assigned to each member of your crew?

24 A. Yes, that's correct.

25 Q. And then when you arrive at a fire scene, as the company

1 captain, is there any equipment check that you do for the  
2 firefighters on your crew?

3 A. No. No, I don't overlook my crew. I generally trust all my  
4 guys to have their equipment that they would normally take into a  
5 fire. The only that stops is if we go up to something, and we  
6 realize that we need another specialized piece of equipment from  
7 inside the rig. So we're doing some type of forcible entry. It's  
8 a little different from the norm. We would have to go get those  
9 or extrication tools if we pull up and we need to cut somebody out  
10 of a car, we would have to go back and get those from the rig.

11 Q. Okay. And as -- for Ladder 4, was the Port of Newark in your  
12 first due area?

13 A. Yes, it is.

14 Q. I'm not sure if we asked this previously. What is your  
15 normal company?

16 A. My normal assignment is Ladder 11 on the 4th tour.

17 Q. Okay. And is the Port the first due area from Ladder 11?

18 A. No, it's not.

19 Q. And so you mentioned previously that some companies will have  
20 equipment on their trucks specific to different types of responses  
21 in their first due area. Did Ladder 4 have any special equipment  
22 on board for the Port of Newark even though it was in their first  
23 due area?

24 A. Not to my knowledge, no.

25 Q. Okay. And then moving onto your response to the actual ship

1 fire, you mentioned that when you got there, Firefighter Brooks  
2 would have normally been with -- I can't remember if you said  
3 Firefighter Soto or DeSilva, but in this case he stayed with you.

4 A. Yes.

5 Q. Can you explain that?

6 A. Initially when we first walked up, all four of us were  
7 together. When we split up is when were up top, and it was just a  
8 decision because Captain Manning was on the first -- the initial  
9 attack line. So I didn't know if there was going to be another  
10 captain coming down with me on the second attack line, if we were  
11 even going to need a second attack line. So I sent those two  
12 firefighters and kept one firefighter with me. It was -- just  
13 happened to be who was standing next to me. That's all.

14 Q. Okay. And when you went on board the ship, was there any  
15 accountability done for you and your team as you entered the ship  
16 initially?

17 A. As we entered the ship initially, yes, there was  
18 accountability and the deputy chief was keeping track.

19 Q. And how was that being one?

20 A. He had a little like clipboard in his hand.

21 Q. Okay. I understand that sometimes fire departments use a tag  
22 system.

23 A. Yes, we do have a tag system, sir.

24 Q. Okay. And did you all utilize the tag system on July 5th  
25 when you entered the ship?



1 A. Not initially, no, but I think -- the tags stay on the rig  
2 and then the -- depending on the assignment, if it's a fire, the  
3 captain generally brings the tags up with him, but at the time, we  
4 were already told that the fire was knocked down. So if that  
5 happens, then the fire, you know, if it becomes a fire again, the  
6 deputy chief's aide would then go into the rigs to get the  
7 accountability tags.

8 Q. Okay. And then when you got up to deck 12, what did you  
9 observe as far as conditions on that deck?

10 A. It looked like the fire -- the bulk of the fire was knocked  
11 down. The crew was just kind of putting everything out, and we  
12 were under the impression it would be -- we would be up there for  
13 overhaul process, helping them open up the hoods on the vehicles  
14 and extinguish whatever fire was left.

15 Q. Okay. And did you observe any actual fire on deck 12?

16 A. On deck 12, no. Just a majority of smoke on deck 12.

17 Q. Okay. And was it smoke or steam? Like please describe the  
18 smoke.

19 A. Like right at the time, there were visible pockets of fire  
20 that kept reappearing, but I was just assuming that that was stuff  
21 that was, you know, underneath the hood that they hadn't cut open  
22 yet and the fire would like reach out, things we would still have  
23 to get to for them.

24 Q. Okay. And at any point, did you observe the big ramp,  
25 vehicle ram door over on the portside of the vessel?

1 A. Not until we crossed the vessel when we were informed that  
2 there might be fire down at the -- on the lower levels.

3 Q. Okay. And at that point, when you observed the ramp door,  
4 what were the conditions?

5 A. It was open, and there was a light gray haze coming out of  
6 it.

7 Q. Okay. And then if you could, describe your path, going from  
8 your initial -- that starboard stairwell over to the portside.  
9 How did you make your way around the vehicles on deck 12?

10 A. Okay. So, there was no straight line of vehicles. Since I  
11 guess every vehicle's a different length, they were all kind of  
12 looked up haphazardly. So we just kind of followed a path between  
13 the cars. Sometimes you would have to like sit on the hood and  
14 slide across it, but they were attached to the decking by steel  
15 chains, and we just had to step around or step between cars to get  
16 across everything.

17 Q. Okay. Did you observe any type of open path around the  
18 perimeter of the ship between the cars and the railing on the  
19 side?

20 A. No, I didn't it initially but there was one that I noticed  
21 later on at the rear of the ship. So I don't know if it went all  
22 the way around, but I did see a space at the rear of the ship that  
23 was roughly about 2 to 3 feet wide.

24 Q. Okay. And then when you and your -- and Firefighter Brooks  
25 made initial entry into deck 10, what was your tasking?

1 A. Tasking was initially to go find out what was left of the  
2 fire. Just to knock down whatever was left and report conditions  
3 back to the battalion chief on deck 10.

4 Q. And as far as the typical assignments for a ladder company  
5 versus an engine company --

6 A. Um-hum.

7 Q. -- did it -- is it typical that it would be a ladder company  
8 being the single team making entry into a space on a hose line?

9 A. It's not typical, but there really wasn't much we could do  
10 overhaul-wise with our tools on the truck at the time. The fire  
11 still needed to be contained. So we laid tools down and used the  
12 hose line. We're all trained to use the hose, too.

13 Q. Okay. And then when you followed the hose in to the deck 10  
14 space, how did you do that? Was it in your hand? Was it at your  
15 feet?

16 A. It was between our legs sprawling, and you keep your hands on  
17 it while you followed it.

18 Q. Okay. So you -- if I'm following correctly, you and  
19 Firefighter Brooks were basically in a crawling posture following  
20 the hose line. Is that correct?

21 A. Yes, that's correct.

22 Q. Okay. And then was the -- describe the hose line's condition  
23 if you would. Was it charged?

24 A. Yes, it was a charged hose line. It was roughly an inch in  
25 diameter.

1 Q. And was it -- as you followed it, was it straight? Did it  
2 have any bends or go around any obstacles?

3 A. Okay. So, the hose line itself was straight, but it did  
4 curve out to the middle of the ship. There were no bends from us  
5 following it all the way out, and it wasn't contacting anything,  
6 any vehicles or steel posts or anything else like that.

7 Q. And then if you had to estimate, how far from the door at the  
8 stairwell into the space was the extent of the hose line?

9 A. I would say roughly 75 to 100 feet.

10 Q. Okay.

11 A. I couldn't be 100 percent certain because I don't know how  
12 much we pushed in. I don't know how much was in there initially.  
13 So that's my best estimate.

14 Q. Okay. And then when you and Firefighter Brooks reached the  
15 tip of the hose line --

16 A. Yes.

17 Q. -- were there any other fire department personnel in the  
18 space at the time?

19 A. No, there weren't. Not in front of us, no.

20 Q. And then did you, did you all advance the hose any from that  
21 position?

22 A. We moved forward slightly, but we stayed away from all the  
23 vehicles and just hit everything from far away.

24 Q. Okay. And then you mentioned observing pockets of fire on  
25 deck 10.

1 A. Yes.

2 Q. Could you describe those for us?

3 A. They were, I don't know, maybe small. I couldn't even really  
4 tell you the size, anywhere from 6 inches around to maybe 12  
5 inches around, and they were, they were everywhere. They were  
6 just small little things of fire and we'd put them out and then  
7 more would show up. Initially I didn't know what it was. Later  
8 after speaking to other members that had made entry into the  
9 space, they told me that there were holes in the ceiling where --  
10 in the steel decking, from 11 where they attach the chains to the  
11 cars. So I'm assuming those pockets of fire kept reappearing  
12 because something was dripping down from 11 to 10.

13 Q. Okay. And when you say pockets of fire, was that on the  
14 flat deck or floor, or was that on or in vehicles?

15 A. On the flat deck, sometimes on vehicles, mostly on the flat  
16 deck area.

17 Q. Okay. And did you physically observe anything falling or  
18 dripping down from above?

19 A. No, I didn't see that initially because my original concern  
20 was the actual -- the steel itself. That's more what I was paying  
21 attention to.

22 Q. Okay. And then when you were crawling in on deck 10 along  
23 the hose line, can you describe the conditions at the deck level?

24 A. Conditions at the deck level, once you reached a certain  
25 point, you couldn't see anything, and again I don't know if that

1 was because there was -- smoke was a problem or if it was just the  
2 fact that there was not lighting in the area at all.

3 Q. Okay. But down low, I guess, you know, along the floor, was  
4 the steel deck hot?

5 A. No, it was not.

6 Q. Was there any water, you know, any depth of water actually  
7 sitting on the steel deck that you were crawling through?

8 A. There probably was from the actual using the hose line, but  
9 nothing accumulated.

10 Q. Okay. And was the visibility conditions down low to the deck  
11 clearer than if you were standing up higher in the space?

12 A. You couldn't really tell a difference. I mean when you were  
13 lower, if you were further back on the line, you could see the  
14 bulkhead door, but if you were further towards the tip, you  
15 couldn't see anything. You would be able to kneel down and see  
16 like orange and what you could basically make out as cars, but it  
17 really wasn't -- you didn't have a really good distance on how far  
18 everything was.

19 Q. Okay. And then using -- when you were using the thermal  
20 imaging camera in the space, I believe you mentioned the ceiling  
21 in that space. So what would be the floor of deck 10 -- or deck  
22 11 being white hot, was that the entire deck or was there areas of  
23 it?

24 A. No, it was one solid area of the deck that was white hot, and  
25 at that time, we were, we were standing at the tip at that time,

1 and it was, it was tenable but uncomfortable was the way I believe  
2 that I put it in my original statement, and I would still stand by  
3 that. You felt the heat coming off of something. So it was  
4 definitely coming from the radiant heat from the deck above us.

5 Q. Okay. And then with a thermal imaging camera, if you had to  
6 estimate, how far deep into the space are you able to see, you  
7 know, like a heat signature return on the thermal imaging camera?

8 A. I couldn't tell you the actual distance, but I could see a  
9 lot with the thermal imaging camera.

10 Q. And then as far as I believe you mentioned a pocket of fire  
11 and what at the time you thought was a forklift. Could you  
12 describe what that looked like and where within that vehicle it  
13 was?

14 A. It was towards the rear of the vehicle and what made me think  
15 it was a forklift is on the Jeep, they had the bars that come down  
16 the back. So I thought that was, you know, a forklift area, the  
17 back end of a forklift. So that was the majority of where the  
18 fire was, was right there.

19 Q. Okay. And so when you say the back of the vehicle, would  
20 that have been as you were coming in on the hose line, the first  
21 part of the vehicle that you came across?

22 A. More facing the side of the vehicle, like almost at an angle.

23 Q. Okay. I believe you had described as far as, you know, how  
24 firefighter teams operate within a space. You had mentioned that  
25 the typical procedure is two in, two out. So in this case, you

1 described having left Firefighter Brooks at the tip with Engine 16  
2 when you went to head over to the door. Why did, why did you opt  
3 to leave Firefighter Brooks there in the space?

4 A. To continue suppression efforts, and honestly I didn't feel  
5 like there was anything wrong. I thought everything was darkening  
6 down. It wasn't going bad. Everything felt fine. So I just  
7 wanted to report the conditions of the steel to the battalion  
8 chief because I couldn't communicate that through my radio. And  
9 it's an important collapse hazard. So I wanted to make sure that  
10 that was relayed.

11 Q. Okay. And then you mentioned that you had an issue with your  
12 boots. If you hadn't had that issue, what was your intent of  
13 reporting to the battalion chief?

14 A. Follow the line back and go meet up with the crew. So it  
15 would be either to continue operators or go back and pull them out  
16 myself, depending on whatever he battalion chief told me to do.

17 Q. Okay. And then prior to exiting the space, did you have any  
18 communication with the members of Engine 16 that had followed you  
19 in?

20 A. Just yelling back and forth to them, no real communication.  
21 The slap on --

22 Q. Okay.

23 A. The slap on their shoulder. That was about it.

24 Q. Okay. And did you know who the company officer was in from  
25 Engine 16?



1 A. Not from the roster. In the morning I knew that it was  
2 Captain Robetto (ph.).

3 Q. Okay. And as captain to captain within the space, did you  
4 have any kind of communication about what your intent was for  
5 heading over to the door?

6 A. No, because I had already backed the line up with Firefighter  
7 Brooks to an area that I believed was safe if there was a  
8 potential collapse.

9 Q. Okay. And then when you followed the hose, the hose line  
10 out, how did you do that? Were you crawling again?

11 A. Initially I was crawling, and then at a certain point I did  
12 stand up when I got in, because I was able to see the light from  
13 the bulkhead door.

14 Q. Did you have, did you have contact with the hose line the  
15 entire way out?

16 A. Yes, I did.

17 Q. And could you describe the condition of the hose line as you  
18 followed it out?

19 A. It was straight. Like I said, the same bend initially that  
20 we went in, was the same bend that we followed out.

21 Q. Okay.

22 A. It was a slight curve to the line going from the edge of the  
23 wall that we followed in initially out to the middle of the ship.

24 Q. Okay. So no bends around obstructions as you went out?

25 A. No, not at all.

1 Q. Okay. No, kinks or, you know, bends of the hose line over  
2 itself, anything like that?

3 A. No, not at all.

4 Q. Okay. To your knowledge, was it the only hose line that was  
5 in the space?

6 A. To my knowledge, yes, though I did -- and I -- it was  
7 unconfirmed because I wasn't sure what it was, through the thermal  
8 imaging camera, off to my left, it was separated from us pretty  
9 far, what appeared to be a cool line on the floor, but I couldn't  
10 tell if it was another actual fire hose that had entered from a  
11 different section or it was just something else in the ship, maybe  
12 a straight pipe cooling line or something else on the floor. I  
13 have no idea.

14 Q. Okay. And how far away was that from --

15 A. I'd say probably 20 to 25 feet away from where we were at.

16 Q. Okay. And then when you observed the floor of deck 10 in the  
17 thermal imaging camera generally, what was the heat signature of  
18 the floor of deck 10?

19 A. The floor of deck 10 was cool.

20 Q. Okay. So you mentioned when you got over and reported to  
21 Battalion Chief Maresca, that's when you experienced issues with  
22 your boots. Can you describe what that issue was and why you  
23 think it might have occurred?

24 A. I've been going back and forth with the investigator out in  
25 Texas that has my boots. They were sent out there by NIOSH. The

1 initial thought process is that the cement that glues the bottom  
2 of the boot on failed due to the heated water up on deck 12. So,  
3 initially I think -- what we think happened was that since I was  
4 standing in the water on deck 12 prior to making entry on the --  
5 as the second attack line, the boots began to fail up there at  
6 that point in time from being in the hot water, and then when I  
7 got downstairs, they separated because initially I had felt like I  
8 was slipping, but I thought it was like an oil from the cars, you  
9 know, that would be on the decking. So I didn't really pay any  
10 attention to it while I was on deck 10. And then when I got over  
11 to the bulkhead door, and I put my boot on the bulkhead door, when  
12 I went to talk to the chief, the sides, like it basically curved  
13 over and then the side opened up roughly around where the ball of  
14 your foot would be, and that's when we realized that the boots had  
15 failed.

16 Q. Okay. So you -- if I'm understanding you correctly, you  
17 stepped on I'll call it the knife edge of the door frame?

18 A. Yes, that's correct.

19 Q. Okay.

20 A. Yes.

21 Q. Okay. So then can you describe that water standing on deck  
22 12 for us?

23 A. There was like -- there was steam coming off of the water.  
24 So it was hot, and it was hot enough to the point where I couldn't  
25 stand on it any more. So I'm assuming -- what we were discussing

1 was that when I finally got back up to deck 12, the boots just  
2 delaminated completely, and the bottoms came off of them, back  
3 when I got -- after I was pulled out.

4 Q. Okay. So prior to your first entry down into that port aft  
5 stairwell, was there standing water on all of deck 12 or were  
6 there pockets of standing water?

7 A. There was standing water in the area that we were working in.  
8 It was roughly ankle deep at the time. And then when I got back  
9 up to the top deck, it was much higher. It was probably another 3  
10 inches above that.

11 Q. And then as you -- at least once going down and once coming  
12 up in the port aft stairwell, when you passed by deck 11, what was  
13 the condition of the door that led into deck 11?

14 A. The door was closed.

15 Q. Okay. Both times?

16 A. Yes.

17 Q. Okay. And then I believe you mentioned when you got back up  
18 to deck 12, you took off some gear and you went inside of a  
19 minivan. What did you then do at that point?

20 A. Basically worked with whatever firefighters I could, just  
21 trying to keep an eye on radio communications. That was it. When  
22 the -- after the event, when the (indiscernible) was activated, I  
23 spoke with Captain Betaschano (ph.) about switching over to  
24 channel 5 and that ended up not working, just trying to give that  
25 a shot. Other than that, it was just trying to help out where I

1 could, but I really couldn't do much.

2 Q. Okay. And then at what point, if ever, did you become aware  
3 of the maydays and how?

4 A. Once I saw Captain Robetto, that's when I realized that the  
5 maydays had occurred.

6 Q. Okay. And did you hear that over the radio or directly from  
7 him?

8 A. No, I saw him directly when he came up out. I know the  
9 maydays had happened, but I didn't specifically hear them on the  
10 radio at the time.

11 Q. Okay. And did you participate in the search efforts at all?

12 A. No, I did not. I couldn't because of the gear.

13 Q. And then at what point did you depart the ship?

14 A. After -- about 20 minutes after they brought Firefighter  
15 Acabou up from deck 10.

16 Q. Okay. And then my last question, as far as usage of your  
17 SCBA and what you observed with Firefighter Brooks, from the time  
18 that you entered the ship, when did you utilize -- when did you go  
19 on the air?

20 A. When did I actually physically go on there and keep my mask  
21 on the entire time was once we got down to deck 10, right before  
22 we made entry in through the portal door.

23 Q. Okay. And was that your observation of what Firefighter  
24 Brooks did as well?

25 A. Yes.

1 Q. Okay. So going up the initial stairwell, did you utilize --  
2 go on air at any point?

3 A. When we were going up, both of us did turn our masks on and  
4 breathe through the mask every once in a blue moon. It wasn't, it  
5 wasn't constantly on us but it was because the air was like very,  
6 very hot and hard to breathe in that stairwell.

7 Q. Okay. All right. Thank you, Captain Rogers.

8 CDR BARGER: Before we go onto the rest of the follow-up  
9 questions from the investigative team, and then cross-examination  
10 questions from the parties in interest, I know we've been going  
11 for about an hour. So we will take a 10 minute recess. So the  
12 time is now 10:22 a.m. We will reconvene at 10:32 a.m.

13 (Off the record at 10:22 a.m.)

14 (On the record at 10:32 a.m.)

15 CDR BARGER: Okay. Good morning. The time is now 10:32 a.m.  
16 Eastern Standard Time. And the hearing is now reconvened and back  
17 on the record regarding the fire on board *Grande Acosta D'Avorio*.  
18 This is a continuation of Captain Rogers' testimony.

19 Captain Rogers, as a reminder, you're still under oath.

20 THE WITNESS: Understood.

21 BY CDR BARGER:

22 Q. So, Captain, I just have a couple of more follow-up questions  
23 for you before we turn it over to the rest of the investigation  
24 team for their follow-up questions.

25 So I had started to ask you about previous calls that you

1 ran --

2 A. Yes.

3 Q. -- with Ladder 4 on July 5th, 2023. On those calls prior to  
4 the ship fire, do you remember hearing Firefighter Brooks ever use  
5 his radio?

6 A. Not off the top of my head. There is a call in my head but  
7 I'm not sure if it was the same day or if it was a different time  
8 that I worked with that crew. So I would have to go back in the  
9 journal to actually see what the runs were to confirm or deny  
10 that.

11 Q. Okay. And then how frequently do the firefighters use the  
12 radio to actually make transmissions on the radio versus what the  
13 captain or the company officer does?

14 A. No, I would say it's fairly frequent since the introduction  
15 of the radios to all of the firemen. When I first got on the job,  
16 only the captain had a radio, and there was very little radio  
17 traffic at that time. As time went on and they purchased the  
18 radios for everybody for safety reasons, you start to hear more  
19 radio chatter from various guys discussing what they're doing and  
20 what conditions they come across.

21 Q. So would you say it's typical then on a routine call for a  
22 fire that you would hear the majority of the firefighters at some  
23 point communicate over the radio?

24 A. I wouldn't say all. Some guys yes, some guys no. I think  
25 that's more along guys liking to talk on the radio sometimes.

1 That's just a fireman thing. I always try to stay off the radio  
2 as much as possible unless it was important. And I always prefer  
3 relaying face-to-face with the battalion chief even in, you know,  
4 structure fires and stuff like that. Sometimes you key the radio,  
5 and there's so much going on, that your message never gets  
6 through.

7 Q. Okay. And then with your radio traffic or your attempts to  
8 use the radio when you were on deck 10 to communicate conditions  
9 back to Chief Maresca, I believe you mentioned you heard a tone on  
10 the radio?

11 A. Yes.

12 Q. And what did you believe that tone indicated?

13 A. I've heard the tone several times in various conditions, high  
14 rises, basements, buildings. Sometimes just when two people are  
15 trying to communicate at the same time, it makes the same noise.  
16 So it could have been multiple factors that caused that but my  
17 initial impression would have been that it was the steel from the  
18 ship being similar to being in a basement or in a high rise where  
19 communications are very hard in those buildings.

20 Q. Okay. So you would hear the same tone on your radio whether  
21 it was the inability for it to connect to let's say the repeater  
22 to transmit or if you were being stepped on by dispatch or another  
23 radio communication?

24 A. Yes, that's correct.

25 Q. Okay. And then just a couple of points for clarification.



1 So we've heard in some previous testimony during these  
2 proceedings, that when Engine 16 entered the space and followed  
3 the hose line, they only encountered Firefighter Brooks in the  
4 space at the tip of the line. Why would that be or why may we  
5 have heard that?

6 A. I can't answer that for you.

7 Q. Okay. So you -- based on your recollection of how things  
8 occurred that day, you for sure made contact with Engine 16 team  
9 when they came into the space?

10 A. Yes.

11 Q. And then we had also heard some previous testimony that you  
12 may have sustained an injury that caused you to leave deck 10?  
13 Did you sustain an injury at all?

14 A. No, outside of later on, I was transported by AMS to St.  
15 Barnabas Hospital for burns to my feet.

16 Q. Okay. But no injury to your ankle or anything like that?

17 A. No, the ankle injury I believe was Captain Robetto.

18 Q. Okay. All right. Thank you, Captain. That is all the  
19 follow-up questions I have. I'll turn it back over to LCDR Moore.

20 LCDR MOORE: Thank you, Command. Lieutenant Reed, do you  
21 have any questions?

22 LT REED: Yes. Thank you.

23 BY LT REED:

24 Q. Captain Roberto, I just have a couple of follow-up questions.

25 A. Captain Rogers.

1 Q. Oh, I'm sorry. Captain Rogers. Excuse me.

2 A. That's okay.

3 Q. On deck 12, during your time up there, did you notice any  
4 steel deformation happening?

5 A. On actual deck 12 itself?

6 Q. Yes.

7 A. No. And, we wouldn't have been able to see it anyway because  
8 of all the vehicles that were stacked on 12.

9 Q. Okay. That's all I had. Thank you very much.

10 LCDR MOORE: Mr. Pittman, do you have any questions?

11 MR. PITTMAN: I have no questions.

12 LCDR MOORE: Lieutenant Commander Ward?

13 LCDR WARD: I have no follow-up questions. Thank you for  
14 your time.

15 LCDR MOORE: Moving to the NTSB, Mr. Barnum, do you have any  
16 questions?

17 MR. BARNUM: Yes. Thank you.

18 BY MR. BARNUM:

19 Q. Thank you, Captain Rogers. Just a couple clarification  
20 questions here. At any point did you look into deck 11?

21 A. At any point did I look into deck 11?

22 Q. Yes, sir.

23 A. Yes.

24 Q. When was that? Was it multiple times or just once?

25 A. No, it was just one time. I couldn't tell you when it was,

1 and it was just a slight door crack to see the smoke.

2 Q. Did you see any --

3 A. Yeah, there was smoke coming out of the door.

4 Q. The smoke. Did you see any flames or fire in there?

5 A. No, I didn't open the door enough to see that.

6 Q. And you don't know when it was. Was it before you made entry

7 to 10 or after? Do you recall?

8 A. I'm not sure of the timeline on that. I'm sorry.

9 Q. And the only other line that I have here is regarding your

10 boots, and I know you're working with NIOSH on this. I appreciate

11 it. But just for the benefit of everybody here, I have a few

12 questions regarding those. Does Newark Fire Department supply

13 firemen with boots?

14 A. Yes, they do.

15 Q. Okay. So why did you purchase your own?

16 A. I purchased my own because the boots that we're supplied with

17 are uncomfortable for truck work, and I've been in a ladder

18 company for the majority of my career. The rubber boots they

19 supply are very stiff. So the leather boots give you a little bit

20 more mobility and ease when you're climbing the ladders.

21 Q. Okay. Do many of your peers also purchase their personal

22 boots or --

23 A. Yeah, I would say probably a large amount of guys do purchase

24 their own boots.

25 Q. And where are you getting the boots from?

1 A. Like Fire Store. There's also Turn Out in Jersey City. I  
2 don't know if they're still there any more but that was another  
3 place that you could purchase the boots. There's various stores  
4 throughout the state of New Jersey. I just recently repurchased a  
5 new set of boots since I had to replace those from Firefighter One  
6 in Newby.

7 Q. And the boots that failed, how long had you had them? And do  
8 you remember where you got those?

9 A. Five, five to six years. One of the guys that I work with,  
10 he ended up getting a set of boots for everybody in the crew and  
11 so we all had, all had leathers.

12 Q. Okay. And, you know, in your experience, is that a typical  
13 -- 5 years, is that a typical length of time that you expect a  
14 pair of boots to be good for or do you expect them to last longer  
15 or not as long?

16 A. I would say 5 to 6 years is usually, you know, you're getting  
17 in that area, as long as you take care of them, continually  
18 treating the leather on them and putting the waterproofing stuff  
19 back on them, the sealant. Usually what gives out first is the  
20 tread at the bottom, you know, the thickness of the actual tread  
21 starts to wear down. So that's usually when we replace the boots  
22 or if they get a small hole in them somewhere, that's about time  
23 to get them replaced.

24 Q. It sounds like a lot of folks go to this, you know, private  
25 boot option. How does the fire department, you know, handle that?

1 Do they have a standard or a policy, you know, safety standard or  
2 policy of what type of boots that you can buy?

3 A. Not to my knowledge, no. But, all of the boot companies do  
4 follow the standards, NFPA standards for the nationwide. So.

5 Q. Do you have to notify your department that you're using your  
6 personal boots, not their boots?

7 A. No, we haven't had to do that.

8 Q. Okay. So if you -- do people purchase their own turnout  
9 gear?

10 A. No, I haven't met anyone that's purchased their own turnout  
11 gear, no.

12 Q. Okay. So I guess this falls under the same area. So if you  
13 had used Newark Fire Department boots, the issued ones, do they  
14 inspect those periodically? Do they inspect your gear?

15 A. Yes. They also inspect our leather boots, too.

16 Q. They do?

17 A. Yes. Quarterly we have inspections.

18 Q. Is that the captain doing that or is that the battalion chief  
19 or someone else?

20 A. It would be the battalion chief, the deputy chief who's  
21 currently the tour commander and the chief of the department.

22 Q. Have you heard of boot failure similar to the one that you  
23 experienced from other firefighters or have you experienced one of  
24 those in your past?

25 A. Are you talking about on the ship that night or prior to

1 then?

2 Q. Well, yeah. Have you had a boot failure prior?

3 A. No, I have not.

4 Q. Okay. Have you heard of any other firefighters that have had  
5 boot failures with -- similar to the manner in which yours failed  
6 on July 5th?

7 A. Yes, there was one other firefighter from Engine 27 that had  
8 the same problem. His boots are also in Texas being reviewed, and  
9 to my knowledge, there were roughly 10 other firefighters who had  
10 some type of melt damage on boots on the ship that night.

11 Q. Okay. Were they leather boots or were they Newark rubber  
12 boots?

13 A. That I wouldn't know. I didn't -- I wasn't able to see  
14 everyone's gear. So I don't know who had Newark boots and who  
15 didn't.

16 Q. Okay. Thanks for that, Captain Rogers. I appreciate it.  
17 That's all the question I have.

18 A. You're welcome.

19 LCDR MOORE: Ms. McAtee, do you have any questions?

20 MS. McATEE: I have no further questions. Thank you,  
21 Captain.

22 LCDR MOORE: Thank you, Captain Rogers. Commander, that's  
23 all the questions the team has for this witness at this time.

24 CDR BARGER: Okay. Thank you. Captain Rogers, we'll now  
25 offer the opportunity for questions and cross-examination from

1 each of the parties in interest. As we have done with previous  
2 witnesses, in order to ensure equitable time and opportunity for  
3 each party in interest to ask questions, each party will have  
4 approximately 8 minutes for cross-examination within the scope of  
5 direct examination questions and relevant to informing the purpose  
6 of this investigation. And, we will start with the City of  
7 Newark.

8 MR. LIPSHUTZ: Thank you. Gary Lipshutz, L-i-p-s-h-u-t-z. I  
9 don't have any questions for this witness.

10 CDR BARGER: Okay. Thank you. The Port Authority of New  
11 York and New Jersey.

12 MR. REILLY: John Reilly, R-e-i-l-l-y. We don't have any  
13 questions for this witness.

14 CDR BARGER: Thank you. Grimaldi.

15 MR. O'CONNOR: Thank you.

16 CROSS-EXAMINATION

17 BY MR. O'CONNOR:

18 Q. Good morning, Captain Rogers. Can you hear me all right?

19 A. Yes, sir. Good morning.

20 Q. I'm Robert O'Connor, O-'-C-o-n-n-o-r. I'm an attorney for  
21 Grimaldi. I believe you had said earlier that when you boarded  
22 the ship, a crew member escorted you up the stairs on the right  
23 side to deck 12. Do I have that correct?

24 A. Yes, that's correct.

25 Q. When you arrived on deck 12, did you see any members of the

1 ship's crew?

2 A. Yes, I did.

3 Q. What were they doing up on deck 12?

4 A. When we first got up to the deck itself, it was a slightly  
5 lower area when we took the stairs up to the top of the deck.  
6 There was three gentlemen that were just standing over there in  
7 that area, and then we got up top, to the top of the steps, there  
8 were multiple men that were using hose lines to put out the fire  
9 on deck 12.

10 Q. The first three crewmembers that you just described seeing,  
11 were they using a hose line?

12 A. No, they were not.

13 Q. And the members up on -- crewmembers up on deck 12, I believe  
14 you said they were using hoses as well, right?

15 A. Yes, that's correct.

16 Q. Were they using the hoses to extinguish fires?

17 A. Yes, on deck 12, whatever car fire was left.

18 Q. Okay. And were the hoses good enough to do the job up there  
19 in your opinion? Were they actually extinguishing the fires?

20 A. They were extinguishing the fires. I wouldn't say they were  
21 the proper size for extinguishing that amount of fire, no.

22 Q. I believe you said that you met with a ship liaison up on the  
23 deck 12. Do I have that correct?

24 A. I didn't meet with him personally, no.

25 Q. So was that liaison talking with the chiefs who were up on



1 deck 12? I believe that would be Kupko and maybe Maresca?

2 A. Yes, he was speaking with battalion chief Kupko.

3 Q. And Battalion Chief Kupko I believe you had said earlier that  
4 you directly reported to him, right?

5 A. Yes, that's correct.

6 Q. And was he the one who ordered you to go down and enter deck  
7 10?

8 A. Yes.

9 Q. What, if anything, did he tell you about the conditions on  
10 deck 10 before you went down?

11 A. Conditions were relayed by Engine 27 since they were the  
12 first initial attack line to Battalion Chief Maresca, and they  
13 were also relayed to Battalion Chief Kupko. When we were making  
14 our way down, we were -- the understanding that we had was that we  
15 were going down to confirm conditions and that the fire was out.

16 Q. Did Battalion Chief Kupko tell you that CO2 had been released  
17 into that space?

18 A. No, he did not.

19 Q. So I believe you just said that when you were heading down to  
20 go into deck 10, and I might be using slightly different language,  
21 but you were going in to investigate and see if the fire was out?

22 A. Yes, we were making sure that the fire was knocked down.

23 Q. Did Battalion Chief Kupko tell you to go into deck 10 to  
24 search for any of the ship's crewmembers if any of the ship's  
25 crewmembers missing?

1 A. No, he did not.

2 Q. And when you entered deck 10, I believe you said that you  
3 only saw small pockets of fire. Is that correct?

4 A. Yes, that's correct.

5 Q. And were you able to knock down those small pockets of fire  
6 using the hose, the ship's hose that had been pushed into deck 10?

7 A. The small pockets of fire, yes, we were able to knock them  
8 down, but they did keep reappearing.

9 Q. I believe earlier you had said that you had no shipboard fire  
10 training. Is that correct?

11 A. That's correct.

12 Q. Are you familiar with fixed fire suppression systems?

13 A. No.

14 Q. So are you familiar with the use of CO2 as a fixed fire  
15 suppression system agent?

16 A. Are we talking about on a boat or are we talking in like a  
17 kitchen?

18 A. Let's talk about both. Let's talk about a kitchen first.  
19 Are you familiar with CO2 as a fixed firefighting suppression  
20 system in a kitchen?

21 A. No, but generally they're used as like a dry chemical  
22 extinguisher in the kitchen. So I'm just trying to relate myself  
23 to something that it would be.

24 Q. But you're not familiar with the use of CO2 as a fixed fire  
25 suppression system agent on a ship?

1 A. No, I'm not.

2 Q. Okay. I believe you had said earlier that when you went to  
3 Battalion Chief Maresca, to report to him the conditions that you  
4 saw inside of deck 10, that you had a TIC with you. Or, let me  
5 back up a second. When you went into deck 10, you had a TIC with  
6 you, right?

7 A. Yes, I had thermal imaging camera with me when I went into  
8 deck 10.

9 Q. And when you left deck 10 to report to Battalion Chief  
10 Maresca, what did you do with that TIC?

11 A. I gave that TIC to Firefighter Brooks.

12 Q. Do you know what happened to that TIC?

13 A. No, I do not.

14 Q. It was never returned to you?

15 A. No, it was never returned to me. There were multiple pieces  
16 of equipment that were never returned to me after the fire. And I  
17 also went to the hospital. So.

18 Q. I understand. When -- I believe you said that your boots had  
19 failed and Battalion Chief Maresca had ordered you to go back up  
20 to deck 12, and you opened up the sliding door on a minivan and  
21 you stepped inside to that minivan.

22 A. Um-hum.

23 Q. And then subsequently you were learned that there had been  
24 mayday calls. Is that correct?

25 A. Yes.

1 Q. Around that time, when you learned that there were mayday  
2 calls, did you notice any change in smoke conditions up on deck  
3 12, specifically in the area of the door to the aft port  
4 staircase?

5 A. Yes, there was smoke coming out of that door.

6 Q. Did they -- can you describe that smoke for me?

7 A. It was black and it came down maybe a quarter of the way down  
8 to the top of the door. So if you were facing the door, only a  
9 quarter of the top of the door actually had smoke coming out of  
10 it. It didn't fully charge the entire doorway?

11 Q. Did you notice that -- whether those smoke conditions changed  
12 around the time of the mayday or was it consistent from the time  
13 that you went down the stairs to enter deck 10 and also when you  
14 learned that there were maydays?

15 A. It changed around the time of the mayday. The initial --  
16 when we initially made entry, there was no smoke in the hallway at  
17 all.

18 Q. And can you just describe the change for us?

19 A. All I saw was it coming out of the door. That's the only  
20 change that I saw.

21 Q. Okay.

22 CDR BARGER: Mr. O'Connor, about 1 more minute.

23 MR. O'CONNOR: Thank you, Commander. And thank you, Captain  
24 Rogers. I have no more questions at this time. I appreciate it.

25 CDR BARGER: Thank you. Ports America.

1 BY MR. ZONGHETTI:

2 Q. Good morning, Captain. My name is Gino Zonghetti. Can you  
3 hear me?

4 A. Yes, sir. Good morning.

5 Q. I just have a few follow-up questions for you, sir. I'm  
6 correct, and we've heard this phrase used through prior testimony.  
7 The fire department, the Newark Fire Department is essentially a  
8 paramilitary organization. Is that correct?

9 A. Yes, that's correct.

10 Q. And am I correct that given that, you are required to follow  
11 the instructions of battalion chiefs that you're given at the  
12 scene of a fire?

13 A. Yes, that is correct.

14 Q. And at the top deck of the vessel in this case, there were  
15 two battalion chiefs present, Maresca and Kupko?

16 A. Yes, that's correct.

17 Q. And who -- which one of them or both, if you could please  
18 tell me, indicated to you or ordered you folks to go down and  
19 investigate deck 10?

20 A. Deck 10, the original investigation would have been Chief  
21 Maresca went down with two other firefighters. So he was the  
22 initial investigator.

23 Q. And then your group was ordered to go inside the deck?

24 A. Later in the incident, yes.

25 Q. Okay. Were you ever told or trained that when there's a

1 shipboard fire with a vessel that has a fixed CO2 suppression  
2 system, that the proper and safe protocol is not to enter that  
3 space and to literally wait up to 48 hours to see if the fire's  
4 extinguished?

5 MR. LIPSHUTZ: You know, I think an objection is appropriate  
6 here. I don't believe this was the subject of direct examination.  
7 This is Gary Lipshutz. So I'm just going to post that objection  
8 please.

9 LCDR MOORE: Mr. Zonghetti, do you have anything to add?

10 MR. ZONGHETTI: Yes. Well, he was asked about what he was  
11 instructed to do. He was also asked about his training and his  
12 lack of training with respect to a CO2 fixed fire suppression  
13 system. The witness further testified that he believe the  
14 limiting factor was a lack of training. What I'm asking him now  
15 is whether he was ever told or trained as to what he should do in  
16 the circumstance of the fixed CO2 fire suppression system aboard a  
17 vessel that's been set off. We heard from the witness who was  
18 from the Port of Virginia who testified that the proper training  
19 would have required these firefighters not to enter this space for  
20 at least 24 to 48 hours. And I'm just trying to find out if this  
21 witness, who is a captain of the Newark Fire Department was ever  
22 given the benefit of that training or instruction.

23 LCDR MOORE: I'll allow the question to the extent that it  
24 does probe his knowledge as to responding with fixed fire  
25 suppression systems.

1 THE WITNESS: No, I was not trained on that.

2 BY MR. ZONGHETTI:

3 Q. Had you know this at the scene of the fire, I assume that  
4 that would have been something you would have considered before  
5 entering the space. Is that fair?

6 A. Yes. Yes, that's fair.

7 Q. And if you had been ordered to enter the space by your  
8 battalion chiefs with your men and you had known about this  
9 protocol, I assume you would have questioned the battalion chief  
10 and had a discussion. Is that fair?

11 A. I have that ability. I have that ability, yes.

12 Q. You testified you didn't know what you were getting into.  
13 You and your men didn't know what you were getting into when you  
14 indicated a lack of training was a limiting factor. By that, did  
15 you mean that you had no training with respect to shipboard  
16 firefighting and you didn't know these types of things such as the  
17 system should just be allowed to work and suppress the fire for up  
18 to 24 to 48 hours?

19 A. Yes, that -- I believe that would be correct, but it was also  
20 tactics itself was more why I said that.

21 Q. Now, you folks, the Newark Fire Department, you yourself  
22 personally and your men, you know things like putting out car  
23 fires, right? That's something you do regularly.

24 A. Yes, that's correct.

25 Q. But this shipboard firefighting environment was a completely

1 different environment that you had never been trained in?

2 A. Yes, that's correct.

3 Q. In terms of manpower, you testified there's no minimum  
4 staffing I believe. Did I get that correct?

5 A. Yes, that's correct.

6 Q. And on the day you responded with your -- was it a ladder or  
7 engine company?

8 A. Ladder company.

9 Q. You were the captain and you had two firefighters, correct?

10 A. I had three firefighters.

11 Q. Three. Some days you have four?

12 A. Sometimes we have four. Sometimes we have five if the  
13 company's lucky enough, yes.

14 Q. But the fire department itself doesn't set a minimum level  
15 at which you can work on a particular day?

16 A. I believe if there is a minimum, it would be one and two, but  
17 I don't believe it's anywhere in writing.

18 Q. And you said that this is determined at roll call. Can you  
19 explain that? Is it a matter of who's there when you do roll  
20 call?

21 A. Not from my personal roll call. It's done in the morning at  
22 the deputy chief's level, and they move firefighters or call in  
23 overtime.

24 Q. Okay. So there's a decision making process by the deputy  
25 chief at roll call as to how many folks -- how many firefighters



1 you're going to get on a particular day?

2 A. Yes, and that's based on vacations and sick leaves in the  
3 morning.

4 Q. Now, you testified that equipment was a limiting factor, and  
5 if I have it correctly, the radios did not work so that you could  
6 effectively communicate inside the deck of the vessel?

7 A. That is correct.

8 Q. And you were left then I would assume with hand signals or  
9 face-to-face contact with the -- in communication with the other  
10 firefighters?

11 A. Yes, that's correct.

12 Q. So if you were out of sight -- out of the sight of line of  
13 one of the firefighters or vision, and far enough away that you  
14 couldn't speak to the firefighter, you had no way of effectively  
15 communicating with them that day on the vessel?

16 A. Correct.

17 Q. You testified about the bottles and the 30 minute efficiency  
18 or time or air supply which actually effectively means 15 to 20  
19 minutes, right?

20 A. Yes, that's correct.

21 Q. And that includes --

22 A. Depending on -- that depends on exertion.

23 Q. Right. But that includes the time that it takes you to get  
24 to the spot inside the vessel in this instance where you're going  
25 to fight the fire, right? You put the, you put the mask on and

1 you're breathing through it, through the system from the time you  
2 get into the affected space?

3 A. Yes, that's correct.

4 Q. So if it takes you 5 minutes to get -- follow the hose line  
5 to where you're fighting the fire, then you might only have 5 or  
6 10 minutes left before you have to get out, right?

7 A. That's correct.

8 Q. And that implicates manpower. You indicated that manpower  
9 was another limiting factor, right?

10 A. Yes.

11 Q. So if you have 5 minutes inside the space or 10 minutes  
12 inside the space to fight a fire before you have to leave to get  
13 out safely, you have to have enough men on your crew or backup men  
14 to continually go in and out, right?

15 A. Yes, that would be correct.

16 Q. Now, just a few questions about your boots. You had leather  
17 boots because they allow you to -- more maneuverability, more  
18 comfort at doing your job and your job requires a lot of climbing  
19 and stepping up and so on and so forth. You're on the feet all  
20 the time, right?

21 A. Yeah. Yes, that's correct.

22 Q. But the leather boots, you're also in, whether it's on the  
23 ship or at a fire, you're in a water environment all the time,  
24 right? You're always stepping in water. You're always getting  
25 your boots wet.

1 A. Yes, that's correct.

2 Q. And that requires I assume, and you mentioned this, that  
3 requires waterproofing at some interval of those boots to keep  
4 them in reasonable condition, right?

5 A. Yes, there's proper care and maintenance for every piece of  
6 equipment.

7 Q. The Newark Fire Department doesn't issue these boots to you.  
8 They just issue the standard rubber boots, right?

9 A. Yes, that's correct.

10 Q. And they have no standards as to the leather boots, whether  
11 -- how many years you can use them, that sort of thing?

12 A. Not to my knowledge, no.

13 Q. That's all I have. Thank you, sir.

14 CDR BARGER: All right. Thank you. And American Maritime  
15 Services.

16 MR. PALLAY: Thank you, Commander.

17 BY MR. PALLAY:

18 Q. Good morning, Captain Rogers. My name is Matthew Pallay,  
19 Freehill Hogan and Mahar. Thank you for appearing today. Thank  
20 you for your service. Just a few questions, hopefully just to  
21 clarify things and we can wrap this up and everybody can go to  
22 lunch. You're normally with Ladder 4 -- Ladder 11, correct?

23 A. Yes, that's correct.

24 Q. And on this date, you were with Ladder 4?

25 A. Yes, that's correct.

1 Q. Okay. And is there any particular reason you were with  
2 Ladder 4 on July 5th?

3 A. I was working a mutual swap for another captain. I owed him  
4 a day.

5 Q. Okay. And is it fair to say that at least the day after 4th  
6 of July people were taking vacations. I don't want to say, you  
7 probably had a lot of calls with fireworks or something the night  
8 before but could that have affected I guess manpower or the reason  
9 for these swaps on the day after a holiday like that?

10 A. I wouldn't be able to speculate that, no.

11 Q. Okay. No problem. And how many times have you worked with  
12 Ladder 4?

13 A. Multiple times throughout my career.

14 Q. Okay. Can you approximate it? Is it -- multiple means  
15 multiple things. Are we in the 10s, 20s, 100s or are we less than  
16 10?

17 A. I would say 10s and 20s.

18 Q. Okay. All right. And when's I guess the last time prior to  
19 July 5th that you worked with Ladder 4?

20 A. That I'm not sure. I'd have to go back in the book for.

21 Q. Okay. Do you think it was in 2023 or further than that?

22 A. I don't remember. I can't keep track of that to be honest  
23 with you. I would have to go back into my personal records and  
24 then go back into the journal of that company to make sure. I  
25 wouldn't be able to give you a proper answer. I'm sorry.

1 Q. Okay. And approximations, and that's general rules, that's  
2 fine. If you don't have an exact date, that's okay. In terms of  
3 I guess working with Brooks, DeSilva and Soto, have you done that  
4 before?

5 A. Yes, I have.

6 Q. Okay. And that would have been one of the times you had  
7 switched to Ladder 4 or was that with other companies?

8 A. The times with Firefighter Soto and Firefighter DeSilva, yes,  
9 it was when I did those swaps, but Firefighter Brooks and I were  
10 friends.

11 Q. Okay.

12 A. When he first got on the job, he was a probie and I had him  
13 as one of my guys when I was stationed at Ladder 8. So I knew  
14 Wayne for a long time.

15 Q. We're sorry for your loss. We know he was a close colleague.  
16 But then transitioning, you know, to something you said earlier  
17 about, when you split up the team, you and Captain Brooks worked  
18 together because you guys had worked together before, right?

19 A. Yeah. That wasn't specifically why I split up the teams the  
20 way that I did. It just happened that Soto and DeSilva were  
21 standing furthest away from me and they were closest to the crew  
22 that was going in, and Wayne happened to be standing on my left.

23 Q. Okay. All right. You mentioned earlier about the equipment  
24 checks usually at the beginning of the day, correct?

25 A. Yes.

1 Q. Are there any other periodic checks of equipment throughout  
2 the day?

3 A. Throughout the day, sometimes if we're using equipment at  
4 other runs, and it's brought to my attention that it fails, we'll  
5 call special service and fill out the paperwork. I've got the  
6 equipment and make the proper notification.

7 Q. Okay. Are there any mandatory equipment checks after being  
8 used even if there isn't a problem reported? So if you had a  
9 couple of calls earlier that day and you used a certain piece of  
10 equipment, is it mandatory you check that after that call?

11 A. Yeah, every piece of equipment is re-inspected after that  
12 call. Once we -- either on scene or once we get back to the  
13 firehouse.

14 Q. That makes sense, yeah. And obviously that's time  
15 permitting, you know, if you had to go to another call, correct?

16 A. That's correct, yes. But it will be done. If we happen to  
17 get a call on the way back, you know, from whatever call we were  
18 responding to, and we happen to have to go to another call, as  
19 soon as we get back to the firehouse, the first available moment  
20 we recheck that equipment and make sure it functions on the rig  
21 properly.

22 Q. That makes sense. Now, would there be records reflecting  
23 that, you know, post-call check or is that just a policy to do and  
24 it's just checked?

25 A. No, there's no, there's no physical record of it. It's just

1 a policy, and every fireman does it. Everybody knows, you know,  
2 you clean the saw blades, you check them after every use, you  
3 check all your equipment that, you know, from when we're cutting  
4 cars open and stuff like that. Every piece of equipment is  
5 checked multiple times.

6 Q. Okay. With respect to I guess radios or radio  
7 communications, are there any, you know, check -- subsequent  
8 checks during the day prior to arriving at a scene?

9 A. No, but there is a radio check in the morning, every morning,  
10 at roughly between 0830 hours and 0900 hours that comes from  
11 dispatch and they check every single company to make sure that the  
12 radios are working properly, from the captain's radio to whatever  
13 radios the firefighters have and whatever other radio that may  
14 actually not be used that day that's locked away in the captain's  
15 office.

16 Q. Okay. And then I guess prior to entering a space, is there a  
17 radio check before a space is entered by firefighters?

18 A. No, there's not.

19 Q. Okay. You mentioned earlier about two in, two out rule.

20 A. Yes.

21 Q. We can surmise what that means but I guess explain that a  
22 little bit more what that is.

23 A. Two firefighters enter a structure, and two firefighters  
24 leave a structure.

25 Q. Okay. Now, forgive me. As attorneys, we like to dissect

1 words as much as possible. When you say enter a structure, when  
2 you say two in, two out, is that before entering say a threshold  
3 of a structure or is it just in general, two go in, two come out?

4 A. It would be prior to you entering the threshold of the  
5 structure, but that's set up at the curb. It's not -- we don't  
6 wait until we get right at the door to say, okay, us two are going  
7 in and us two are going out.

8 Q. Um-hum. But in terms of I guess when -- if you have two  
9 firefighters that are in, right, and then two more going to enter,  
10 do the two who are going to enter wait for the other two to  
11 actually come -- exit the threshold or is the transitioning  
12 inside?

13 A. That's what our RIT team is there for. The rapid  
14 intervention team is there to cover that. So that if anything  
15 does happen to firefighters going in, there is a team ready  
16 outside to go rescue those firefighters if anything happens.

17 Q. Okay. I guess my question was just a little different in the  
18 sense of if -- so you're with a team, another firefighter and  
19 you're going to go in, and there's already two firefighters  
20 inside. Do they actually have to exit, I mean cross the threshold  
21 out before you -- the next two enter in or can the two enter in  
22 and then shortly thereafter the other two come out?

23 A. No, multiple firefighters can enter the structure at the same  
24 time. What's covered in the two in, two out rule would be the  
25 FAST team outside. They would cover for any firefighter that has



1 to come out or any firefighter that's injured inside. It's not a  
2 rule where two firefighters enter, two firefighters leave, two  
3 more firefighters enter, two more firefighters leave.

4 Q. Okay. So what I was going to get at, is in terms of the next  
5 thing, when you're entering deck 10, I guess where the transitions  
6 occurred when the teams switched off? Was it, you know, you have  
7 -- we have the stairwell that comes down, you know, the portside  
8 stairwell or ladder well as you call it, and then there's the  
9 bulkhead door and then there's the cargo hold. Was it  
10 transitioned in the cargo hold or was it transitioned in the  
11 stairwell?

12 A. Transitioned in the stairwell.

13 Q. Okay. So, at no point -- so now, we'll go specifically, when  
14 you entered with Captain Brooks, was it Engine 27 coming out or  
15 was this Firefighter DeSilva and Soto coming out?

16 A. It was two members from Engine 27 and two member from my  
17 company, Ladder 4.

18 Q. Okay. So all four of them came out of the cargo hold, were  
19 in the stairwell, and then you and Captain Brooks walked in?

20 A. Yes.

21 Q. Okay. And when you -- at that point in time, where was the  
22 Battalion Chief Maresca? Was he in the stairwell or was he in the  
23 cargo hold?

24 A. He was in the stairwell outside the bulkhead door kneeling.

25 Q. Okay. And he had -- and there was -- I believe he -- was it

1 one or two probationary firefighters were also with him?

2 A. I remember seeing one probationary firefighter that was  
3 kneeling behind him. And another firefighter but I don't know if  
4 that was a probationary firefighter or just another firefighter  
5 that was there with them.

6 Q. Okay.

7 CDR BARGER: Mr. Pallay, less than a minute.

8 MR. PALLAY: No problem.

9 BY MR. PALLAY:

10 Q. Okay. And then so you obviously go into the space with  
11 Captain Brooks. Was the same -- when you transitioned and Engine  
12 16 came in with Captain Robetto and the other firefighter, I'm  
13 looking for his name, Captain Acabou, did the transition -- did  
14 you guys transition in the stairwell as well or did you transition  
15 in the cargo hold?

16 A. There was no transition. They were supposed to be part of  
17 our team.

18 Q. Okay. When you went to leave, you said Captain Brooks was  
19 still on the line. Did you have any verbal communication with  
20 Captain Brooks that you were leaving?

21 A. Yes.

22 Q. And --

23 A. I handed him my thermal imaging camera and I told him that  
24 was going to be returning to the battalion chief to let him know  
25 what the conditions were, to get orders and then take everything

1 from there.

2 Q. Okay. And that's because your radios weren't working?

3 A. That's correct.

4 Q. And did he ever try on his radio or was it just your radio?

5 A. I don't know if he tried on his radio. I was -- generally  
6 the firemen won't use the radio if the captain's there.

7 Q. Okay. And how -- and at that point in time, had you already  
8 made contact with members of Engine 16 or not?

9 A. Yes, we had made contact with Engine 16 at that point in  
10 time.

11 Q. And approximately how far away or how close were they to you  
12 and Captain Brooks when they -- at that time?

13 A. They were right to my right.

14 Q. Okay. So they were standing --

15 A. They were standing right next to us.

16 Q. Okay.

17 CDR BARGER: And, Mr. Pallay, just one more question please.

18 MR. PALLAY: Okay. No problem.

19 BY MR. PALLAY:

20 Q. You mentioned earlier that on thermal imaging camera you  
21 thought you saw potentially another cold line on the ground?

22 A. Yes, behind us.

23 MR. PALLAY: Okay. I hate to do this to you, Commander, but  
24 could we possibly bring up Exhibit 7 and see if there's a possible  
25 way to locate where he may have -- where he believes he saw that.

1 CDR BARGER: Yes. Yeah, we can do that as the last line of  
2 question there.

3 MR. PALLAY: That works perfect, yeah.

4 CDR BARGER: All right. Lieutenant Reed, if you could bring  
5 up Exhibit 7(b), and it should be page 1.

6 BY MR. PALLAY:

7 Q. All right. Now, I guess, Captain Rogers, I guess, you know,  
8 start I guess where you were and then, you know, from there move  
9 it to where you saw this line?

10 A. All right. I would say probably it was where 20 is. That's  
11 where we were --

12 Q. Okay.

13 A. -- roughly. I would say it was probably around the 30 mark,  
14 maybe 35. Somewhere in that area.

15 Q. Okay. Was it directly in front of you or was it towards --

16 A. No, it was behind us.

17 Q. Okay.

18 A. Does that answer your question? Sorry.

19 CDR BARGER: I'm sorry, Captain. This is Commander Barger.  
20 Was it in the center of the space where Lieutenant Reed's cursor  
21 is on the screen or was it more to starboard or more to port?

22 THE WITNESS: No, I believe it was in the center of the ship  
23 following roughly where that line is but I'm not sure if that was  
24 actually a hose line or if it was something else in the ship. It  
25 was a very straight line that was cold.

1 CDR BARGER: Okay. Thank you.

2 BY MR. PALLAY:

3 Q. If I told you that the ship's crew had been using hand lines  
4 prior, you know, prior to emergency services dispatched and  
5 whatnot, to fight the fire, would that -- could that line be  
6 consistent with I guess hoses being used on the deck prior?

7 A. I wouldn't know because I wouldn't know where they hooked up  
8 from and come in from.

9 Q. Okay. All right. Thank you, Captain. I appreciate it.

10 A. You're welcome.

11 MR. PALLAY: Thank you, Commander.

12 CDR BARGER: You're welcome. Are there any other follow-up  
13 questions from members of the investigation team?

14 (No response.)

15 CDR BARGER: Okay. None heard.

16 BY CDR BARGER:

17 Q. Captain, I just have one last question for you. When you  
18 left deck 10 to go over and communicate with Battalion Chief  
19 Maresca, what was your air supply like at that point?

20 A. I had a little more than half a tank left.

21 Q. Okay. All right. Thank you. Captain Rogers, thank you for  
22 your time and testimony today. You are subject to recall and my  
23 sequestration order will remain in place until you're notified by  
24 Lieutenant Reed, our recorder, that you're released from these  
25 proceedings in that order.

1 CDR BARGER: At this time, the hearing will be in recess, and  
2 will remain in recess until Friday, February 2nd, 2024, at 9 a.m.  
3 Eastern Standard Time and at that time, we'll reconvene and call  
4 our next witness virtually through Microsoft Teams for that  
5 session as well. All right. Thank you. And we will end the  
6 recording now.

7 (Whereupon, the above entitled matter was adjourned.)  
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

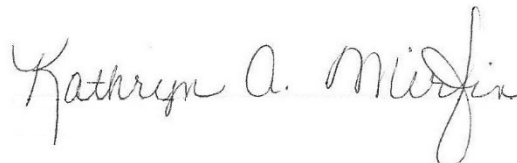
IN THE MATTER OF: FIRE ABOARD *GRANDE COSTA D'AVORIO*  
AT BERTH 16 IN THE PORT OF NEWARK  
IN NEWARK, NEW JERSEY ON JULY 5, 2023  
Examination of Capt. David Rogers

ACCIDENT NO.: DCA23FM039

PLACE: via Microsoft Teams

DATE: January 31, 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.



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Kathryn A. Mirfin  
Transcriber