

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

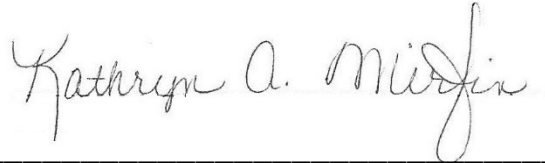
IN THE MATTER OF: FIRE ABOARD *GRANDE COSTA D'AVORIO*
AT BERTH 16 IN THE PORT OF NEWARK
IN NEWARK, NEW JERSEY ON JULY 5, 2023
Examination of Capt. David Rogers

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.



Kathryn A. Mirfin
Transcriber