

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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 *

* * * * *

Interview of: ALFONSE CARLUCCI, Deputy Chief
City of Newark

via Microsoft Teams

Wednesday,
March 13, 2024

The above-entitled matter came on for hearing, pursuant
to notice, at 9:00 a.m. Eastern Time.

APPEARANCES:

INVESTIGATIVE TEAM:

CDR CHRIS BARGER
United States Coast Guard

LT. BRANDON REED, Recorder
United States Coast Guard

LCDR STEPHANIE MOORE, Assistant Investigating Officer
United States Coast Guard

LCDR KATIE WARD, Legal Advisor
United States Coast Guard

WILLY PITTMAN
Investigations, National Center of Excellence
United States Coast Guard

BART BARNUM, Office of Marine Safety
National Transportation Safety Board

NANCY McATEE, Fire and Explosion Specialist
National Transportation Safety Board

PARTIES-IN-INTEREST:

GARY LIPSHUTZ, ESQ.
City of Newark, New Jersey

PAUL KIM, ESQ.
Squire Patton Boggs
Counsel for Port Authority

ROBERT O'CONNOR, ESQ.
Montgomery McCracken
Counsel for Grimaldi Deep Sea

GINO ZONGHETTI, ESQ.
Kaufman Dolowich
Counsel for Ports America

MATTHEW PALLAY, ESQ.
Freehill Hogan & Mahar
Counsel for American Maritime Services

I N D E X

<u>WITNESS</u>	<u>EXAMINATION</u>	<u>PAGE</u>	
Mr. Carlucci	Direct by CDR Barger	7	
	Direct by Mr. Barnum	55	
	Direct by CDR Barger	58	
	Cross by Mr. O'Connor	60	
	Cross by Mr. Zonghetti	68	
	Cross by Mr. Pally	74	
	Redirect by CDR Barger	84	
	Redirect by LT Reed	88	

1 participating in this hearing. Mr. Bart Barnum is the
2 investigator-in-charge for the NTSB and 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 party as
6 I call each. First the City of Newark.

7 MR. LIPSHUTZ: Good morning, Commander. Good morning,
8 everyone. My name is Gary Lipshutz. I am first assistant
9 corporation counsel for the City of Newark. I'm here on behalf of
10 the Deputy Chief, the City of Newark, and the Newark Fire Division
11 of the Department of Public Safety. Thank you.

12 CDR BARGER: Grimaldi Deep Sea.

13 MR. O'CONNOR: Good morning. Robert O'Connor, O-'-C-o-n-n-o-
14 r, from Montgomery McCracken for Grimaldi. Thank you.

15 CDR BARGER: Thank you. Ports America.

16 MR. ZONGHETTI: On behalf of Ports America, Gino Zonghetti,
17 Z-o-n-g-h-e-t-t-i, from the law firm of Kaufman Dolowich. Good
18 morning.

19 CDR BARGER: Good morning. Thank you. American Maritime
20 Services of New York.

21 MR. HONEA: Good morning. For American Maritime Services of
22 New York, this is Matthew Pally, P-a-l-l-a-y, Freehill Hogan and
23 Mahar.

24 CDR BARGER: Okay. Thank you. And Port Authority of New
25 York and New Jersey.

1 MR. KIM: Good morning. Paul Kim, K-i-m, from Squire Patton
2 Boggs on behalf of the Port Authority of New York and New Jersey.

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

6 Today's witness is Mr. Alfonse Carlucci, deputy chief of the
7 Newark Fire Department on July 5th, 2023. Lieutenant Reed, please
8 swear in the witness.

9 LT REED: Chief Carlucci, good morning.

10 CHIEF CARLUCCI: Good morning.

11 LT REED: If you would, please raise your right hand.

12 (Whereupon,

13 ALFONSE CARLUCCI,
14 was called as a witness, and having been first duly sworn, was
15 examined and testified, as follows:)

16 LT REED: All right. Thank you. I now have a few
17 preliminary questions for you.

18 THE WITNESS: Sure.

19 LT REED: Will you please state your name and spell your last
20 name?

21 THE WITNESS: It's Alfonse R. Carlucci. A-l-f-o-n-s-e, R,
22 last name is C-a-r-l-u-c-c-I, deputy chief with the City of
23 Newark.

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

25 THE WITNESS: I was the deputy chief and commander of the

1 incident.

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

3 THE WITNESS: Division of Public Safety, City of Newark, Fire
4 Division.

5 LT REED: Okay. What professional certificates or
6 certifications do you hold related to that position?

7 THE WITNESS: I have ICS 100, 200, 300, 700, 800, incident
8 command system and I also have a FEMA weapons of mass destruction
9 instructor.

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

12 THE WITNESS: I've been employed by the City of Newark for 27
13 years, and I was a deputy chief for 7.

14 LT REED: Okay. Thank you very much, Chief Carlucci.
15 Commander, the witness is ready to proceed.

16 CDR BARGER: Okay. Thank you, Lieutenant Reed. I will be
17 conducting the direct examination of this witness.

18 DIRECT EXAMINATION

19 BY CDR BARGER:

20 Q. Good morning, Chief.

21 A. Good morning, sir.

22 Q. So Lieutenant Reed just asked some of your background
23 questions but just a couple more so that we can understand your
24 background and your role within your position at the fire
25 department. So you said you've been with the fire department for

1 27 years in total and deputy chief for 7 years. Prior to being a
2 deputy chief, were you a battalion chief?

3 A. That's correct, 5 years as a battalion chief, 5 years as a
4 captain and just under 10 years as a fireman.

5 Q. Okay. And as a battalion chief, what battalion were you in
6 charge of?

7 A. Originally I was Battalion 2. That position has since been
8 disseminated. It's no longer in existence at the moment. And
9 then I was Battalion 3 which was in a different section of the
10 City.

11 Q. Okay.

12 A. But I have filled in, in different aspects in different
13 battalions, you know, as people called out sick, that had me fill
14 in.

15 Q. Okay. And Battalion 2 that you said currently isn't filled,
16 is that -- does that battalion have a special function?

17 A. Yes. I was -- during the day, I was stationed at the
18 training academy, and then after 4 o'clock, my position was we had
19 split the City in half and then I would become the designated
20 incident safety officer of any issue.

21 Q. Okay. And then as a deputy chief --

22 A. Um-hum.

23 Q. -- what were your duties related to that position?

24 A. My morning routine, is that what you're asking me?

25 Q. Yes, sir.

1 A. My daily routine.

2 Q. That's a good place to start.

3 A. Okay. Our shift starts at 8, but we all arrive around prior
4 to 6:30 in the morning because at 6:30 in the morning that's when
5 people begin to call out on sick leave or call back in on sick
6 leave. So we have to get our roll call set and adjusted before 8
7 o'clock in the morning. Then at that point, we send the
8 information over to the battalion chiefs around 7 o'clock in the
9 morning of who called out. They then rearrange their battalions
10 accordingly. It's put into the computer and then I take the roll
11 call down and my roll call is then printed out and it's emailed to
12 the chief of the department letting him know what our roll call is
13 for the day. And then I begin my regular functions, visiting
14 firehouses, checking on firemen. On the day of that incident, we
15 had inspections that day for special units.

16 Q. Okay. And as far as roll call goes, on July 5th, 2023, do
17 you recall any notable or unordinary issues with the roll call?

18 A. No, not unordinary because we ran a little low with manpower
19 but that was a common practice.

20 Q. Okay. Were there any companies or significant pieces of
21 equipment that were out of service that day?

22 A. (Indiscernible).

23 Q. I'm sorry. You froze on my end. I don't know if you heard
24 my question or not. Chief, are you still there?

25 A. I'm still here but I didn't hear anything you said. I

1 apologize.

2 Q. Okay.

3 LT REED: You froze up. It was our end or --

4 CDR BARGER: I'm not sure either.

5 BY CDR BARGER:

6 Q. Can you hear me now?

7 A. I've got you now. Yes, sir.

8 Q. Okay. I'll repeat my question because it froze as I was
9 asking. With regards to the roll call on July 5th, 2023, was
10 there any companies or significant pieces of equipment that were
11 out of service that day?

12 A. Yes, there were. There were -- one engine company was not
13 out of service. They were driving as manpower because their
14 apparatus was unoperational. I had two ladders companies that
15 were in service as ladder companies but they had non-working
16 aerials. And we did inspections that day of the special units.
17 The cascade truck was not working which is our air bottle filling
18 station, and the fire boat was not -- one of the fireboats was not
19 working, Fireboat I.

20 Q. Okay. And is -- I know the Newark Fire Department has two
21 different fireboats. Is Fireboat I the larger one?

22 A. The larger one. Yes, it is.

23 Q. Okay. And what was the issue with Fireboat I that it was out
24 of service?

25 A. When we went to inspect it, it wouldn't start. They couldn't

1 get it started. I'm not mechanically inclined with that. I don't
2 know, but it would not start.

3 Q. And was Fireboat II fully functional?

4 A. Yeah, that one did operate but that's only 28 foot boat.
5 It's a very small boat.

6 Q. Okay. What pumping capacity or firefighting capabilities
7 does Fireboat II have?

8 A. Fireboat II is used really just to, you know, to aid in
9 taking people out of the water. I don't know what it's gallonage
10 is for firefighting. To be quite frank with you, I don't really
11 know that number. But it's a small boat. It would be used maybe
12 to put out a smaller boat that's in, you know, in the water on
13 fire or possibly aid in putting out a dock fire. It's -- really I
14 don't the total capabilities of it.

15 Q. Okay. Does it have a deck water cannon?

16 A. I believe so. I don't know what the gallonage is or the
17 pressure is that would come out of it.

18 Q. And then for the cascade unit, what was your understanding of
19 why that was out of service?

20 A. Again, I don't know exactly why it was out of service. I was
21 just told by my cascade company that it was not in operation.
22 They weren't able to fill bottles. It operated. It ran. It just
23 was unable to fill bottles.

24 Q. And if you have a cascade unit that's not functioning and you
25 need that type of refilling service for a larger incident, what

1 contingency plan exists?

2 A. Well, we have a unit called special services. They have air
3 bottles in storage in a pickup truck. So in the event we have,
4 you know, a fire that needs more air bottles, we would send
5 somebody to special services. They get that pickup truck and then
6 bring more bottles to us or we could call for mutual aid to bring
7 more air.

8 Q. Was there a mutual aid unit on July 5th, 2023, that was
9 available to provide a cascade service that you were aware of?

10 A. Yes, we called. I believe Elizabeth came to do that.

11 Q. Okay. And then as a deputy chief, I know there's a tour
12 system, right, for shifts with the fire department. Is there --
13 do the deputy chiefs have a tour assignment as well?

14 A. I don't understand the question.

15 Q. How does your shift work as a deputy chief?

16 A. I'm on tour 1 if that's the question you're asking, yes.
17 There is four deputies. Normally there's four deputies, one per
18 tour.

19 Q. And then as the deputy chief that is on duty, are you
20 overseeing all of the fire operations within the City?

21 A. Yes, I am.

22 Q. Okay. So all the battalion chiefs at that point would be
23 reporting directly to you for that tour?

24 A. That's correct, yes.

25 Q. So in that capacity then, you would essentially be overseeing

1 all engine companies, ladder companies, rescue companies as well?

2 A. Yes, sir. Yep.

3 Q. And on the rescue side, how many rescue trucks or rescue
4 apparatus does the City have?

5 A. The City has their normal rescue company that responds on
6 every report of a working fire, and then we have Rescue II. That
7 would be part of like our USAR team and so on and so forth. They
8 would man Rescue II.

9 Q. Okay. And were both rescue apparatus functioning on July
10 5th, 2023, to your knowledge?

11 A. Yes. Yes, they were.

12 Q. Okay. And, Chief, do you remember the incident that took
13 place at Port Newark on July 5th, 2023, that evening?

14 A. Yes.

15 Q. When were you initially made aware of that incident?

16 A. It came across on the Locution System which is what is used
17 to notify the whole city. It came through as a, you know, car
18 fire on the top of a boat.

19 MR. LIPSHUTZ: Can you just repeat the name of the system
20 again, Chief?

21 THE WITNESS: It's a Locution System. It's a --

22 MR. LIPSHUTZ: Okay. Thank you.

23 THE WITNESS: It's a voice that comes over the speakers in
24 the firehouse that lets you know there's an assignment coming out.

25 MR. LIPSHUTZ: Okay.

1 BY CDR BARGER:

2 Q. And when you received that notification, what did you do?

3 A. I immediately went towards my gig (ph.) and my driver and I
4 got in the vehicle and began to drive down there and notify via
5 air. Over the air, I checked to see if there was any electric
6 vehicles on the boat before we got on it, and they told me no. I
7 had them -- I then called on my cell phone to reiterate it again
8 to make sure, and then they got -- they did say again that there
9 were no electrical vehicles on the boat.

10 Q. Okay.

11 A. And we responded to the port (indiscernible).

12 Q. Okay. And that conversation occurred before or while you
13 were en route to the scene?

14 A. Correct, en route.

15 Q. Okay. And do you recall what, if any, other information you
16 received while you were en route to the scene --

17 A. No.

18 Q. -- or decisions that you made prior to arriving?

19 A. No other information that I can recall. And the decision
20 making was trying to figure out how we were going to get into
21 where the boat was. That's what we were mostly concerned, finding
22 the boat. I'm not as familiar with Port Newark as I should be or
23 would like to be, but we found it pretty quickly. So that's what
24 my driver and I were mostly concerned with, just finding the --
25 making sure we were going to the right spot.

1 Q. Okay. And if you had to estimate, about how long would you
2 say it took you to go from the station where you were to arrival
3 on scene?

4 A. I don't know, maybe 8, 10 minutes. It's a bit of a ride for
5 me to get down there.

6 Q. And for a working fire, is it standard for the deputy chief
7 on duty to respond?

8 A. Yes, it is. Every working fire we go to.

9 Q. When you arrived on scene, what position did you assume at
10 that point?

11 A. Well, I assumed command at that point and made my way to the
12 boat. I assumed command and I began the functions of my position.

13 Q. Okay. Do you recall approximately when -- what time that
14 was?

15 A. I'm sorry. I do not.

16 Q. Okay.

17 A. I do not.

18 Q. When you arrived on scene, what was your impression of the
19 situation?

20 A. Well, I didn't see any smoke and the little bit that I, the
21 little bit that I did see, was already white which means that they
22 have water on the fire, very little smoke, and I never saw fire,
23 not once throughout the entire incident.

24 Q. Okay. And when you arrived, was there somebody who already
25 had a command function at that point?

1 A. That's correct. Yeah, Battalion Fire Chief Kupko was already
2 in command. I had made my way towards the boat because we parked
3 a distance from it. Just by, you know, just by proximity, it was
4 pretty far of a walk. I was able to take a look at the size of
5 the boat and then I assumed command and he ascended the boat prior
6 to my getting there.

7 Q. Okay. And when you arrived on scene, and there's a battalion
8 chief that already has command, how does that transition process,
9 change of command take place?

10 A. We do it via air. I assume command and if he's still outside
11 at the time, you know, I would do a face-to-face with him. You
12 know, he would tell me what we have or what he has already given
13 orders to, you know, in a standard house fire but that wasn't the
14 case here.

15 Q. Okay. Did you have a face-to-face discussion with the
16 battalion chief?

17 A. No, I did not. Not until a little into the incident.

18 Q. Okay. So by the time you arrived in the command post, he had
19 already transitioned to elsewhere?

20 A. Yes. Yes, he did.

21 Q. Okay. And was that under his own accord or was that
22 something that you had directed?

23 A. I did not direct him, but I believe he saw me coming. I
24 assumed command, and he made his way to do his functions on the
25 boat, to check out, to see what they had.

1 Q. Okay. And once that transition occurred, what was his
2 tasking from you or what was the expectation of him then?

3 A. Well, he was, he was on the top deck which has been
4 determined to be the 12th deck, and he was then, he was then my
5 incident -- my commander on the top deck. He would be, you know,
6 that's his function up there. He's in charge of operations on
7 that deck.

8 Q. Okay. And then when you arrived on scene then to the command
9 post -- I guess I should first ask. Where was the command post or
10 your command post located?

11 A. It was located at the top of the ramp just outside the boat,
12 maybe 40 feet or so from the entrance.

13 Q. Okay. And when you arrived at the command post, there to the
14 ship, who, if anybody, did you speak with?

15 A. There was other companies there, and my safety officer was
16 there, Battalion 4, Chief Maresca, that had rescue. There was
17 still quite a few companies outside.

18 Q. Did you speak with any crewmembers from the ship?

19 A. Not at that point when I first arrived, no, I did not.

20 Q. At what point did you speak with a crewmember?

21 A. After, I don't know, maybe 5 to -- 5 minutes or so, someone
22 came up to me and didn't speak much English. I couldn't
23 understand what he was saying. I used those people as I would say
24 a liaison to get my members up to top of the deck as they were
25 needed because I couldn't -- that's all I was able to get out of

1 them was I need somebody to escort. That's all I was able to do
2 with them.

3 Q. And was that the only crewmember you ever spoke with?

4 A. No, that's not true. There was another one that came down
5 not too long after we began sending crews up. I used him again as
6 an escort because the language barrier was very difficult. I had
7 my driver with me. He's bilingual. So we were trying Spanish.
8 We were trying a little bit of Italian. I was trying English. It
9 was very difficult to communicate. So -- but they were being
10 useful as escorts getting them up and down the boat.

11 Q. Okay. And how did you identify them as ship's crewmembers?

12 A. They had radios. They walked up to me and I hate to say, I
13 assumed but that was easy to tell.

14 Q. And what, if anything, were you told about accountability of
15 the ship's crew?

16 A. Well, Chief Kupko made an announcement on the air that he had
17 contact with the captain and that the crew was accounted for but
18 if I could say, we, as firemen, can't take the word of anybody
19 else, because if one of those crewmembers decided on their own
20 after they were accounted for to make entry somewhere, we have to
21 go look. We do the same thing at every house fire, every
22 warehouse fire. We still have to go and make sure that there's
23 nobody in there. It's part of our function.

24 Q. Okay. And at any point, did you have communications with the
25 ship's captain?

1 A. I did not. I don't recall ever speaking directly with the
2 ship's captain or meeting the ship's captain --

3 Q. Okay.

4 A. -- myself. I never did.

5 Q. Are you aware, are you aware of any -- of your firefighting
6 crew that was there communicating with the captain or acting as a
7 liaison for you with the captain?

8 A. Yes, I believe Battalion 5 did that. Chief Kupko.

9 Q. And then what, if anything, were you told about
10 accountability of longshoremen or the shoreside personnel that had
11 been working on board the ship?

12 A. To be quite frank, I wasn't aware of that at all. No one had
13 mentioned that there was people like that in the boat, working
14 around the boat. I was never approached by anybody looking for
15 their people. I had no idea that there was people working inside
16 that boat.

17 Q. Okay. So you were never approached by anybody at the command
18 post that was either a shoreside representative or the ship -- I
19 believe we would call them a port captain or anybody from the
20 longshoremen, a foreman or superintendent?

21 A. Okay. I stand corrected. Later on, yes, the port captain
22 did come to me, and I don't recall him saying that everybody was
23 accounted for but he asked if I needed anything later on in the
24 operation.

25 Q. Okay.

1 A. But I don't recall anything sooner than that, no.

2 Q. Okay. And if you had to estimate, when you say farther into
3 the incident, what time or around what incident, you know, or
4 period of time in the incident would be --

5 A. I believe --

6 MR. LIPSHUTZ: Just wait for him to finish.

7 THE WITNESS: I believe it might have been after the mayday.
8 I don't really recall.

9 BY CDR BARGER:

10 Q. Okay. And when you arrived on scene as far as accountability
11 of firefighters, was there an accountability process in place?

12 A. Originally when we first walked up, we didn't know what we
13 had. So the accountability was not set up immediately. I already
14 knew there was only a few people on the boat. I knew who they
15 were and where they were, and then as the incident escalated, we
16 went into a full tag system. I have a tactical sheet that I was
17 using and I have my roll call rundown pages.

18 Q. Okay. So as the incident progressed, and you started doing
19 that more formal accountability, I'm not a firefighter, could you
20 help me understand what that looked like?

21 A. Sure. Every company has a tag system, and that tag system is
22 the company identification and the members that are on that
23 company. They bring that tag -- those tags to the command post.
24 My driver at the time was making sure that we had all the
25 companies that were there tags. I had my rundown sheet that we

1 send to the City, and I print in the morning, and I was using that
2 also as my accountability, and then I was writing it on a piece --
3 my piece of paper, on my notes of who was where and I didn't have
4 the individual name. We would send companies up. So -- and then
5 once the companies were up, the battalion chiefs that were on each
6 floor had accountability of those members.

7 Q. Okay. So within -- once a company entered the ship, were you
8 aware of where they were located at any particular time on the
9 ship?

10 A. Well, I would give them a duty, send them to a floor and then
11 they were utilized by the battalion chiefs. So they could have
12 been moved around from floor to floor. I would not know that
13 unless it's radioed down to me.

14 Q. At the command post, did you actually have a physical tag
15 board or were those just being handed in and then kept track on
16 paper?

17 A. Well, there's a small board that we use, we clip, to keep
18 accountability of each company that's there, and that was
19 utilized.

20 Q. And what, if any, plans for the ship or maps of the ship,
21 diagrams, were ever provided to you during the response?

22 A. Chief Kupko on the 12th deck called to make sure that the
23 plans were brought to the command post. They were brought to me.
24 There were -- I was standing outside of the ship at the time.
25 They were rolled up in a small container. The guy had taken it

1 out. The crewmember had taken it out and began to unravel and
2 gave it to me. It was nighttime at this point. I could not see
3 it. So I brought it into the boat. Under the third deck, I laid
4 it, I laid it out, and I had never seen a piece of paper like this
5 in my entire career that I can recall. I could not understand it.
6 I was asking the crewmember to show me where we were so I can get
7 an idea of what the ship was doing, you know, the size and the
8 structure. The communication was an issue. My aide tried to get
9 the guy to also. Again, this is where we were trying to get a
10 little bit of different languages and I couldn't understand it.

11 And at that point, the radio traffic was going. I was
12 getting people outside telling me, they're trying to reach you,
13 Chief, because I couldn't hear inside the boat. So I had to go
14 back outside the boat to answer the radio, and at that point, the
15 -- I did not understand the paperwork at all, and that wasn't the
16 time to get a crash course in this.

17 Q. Okay. And was that diagram of the ship -- could you describe
18 it?

19 A. Yes, it was about -- I'm going to take a shot and say maybe a
20 2 foot by 3 foot piece of paper. There was like five or six --
21 maybe five pages of it, but the schematic, the breakdown the deck
22 and then to the right was different writing indicating I guess
23 locations and so forth of different things. I couldn't read it.
24 I couldn't really see it too well, and nobody was able to give me
25 any information on it. I could not get information from the crew

1 on it, and again I kept running in and out of the boat to get
2 radio transmission. And at that point, it was something I just
3 could not -- I didn't have time to learn it. There as no time to
4 try to figure this out. I had never seen this piece of paper
5 before in my entire career.

6 Q. Okay. And at that point, did you, did you ever ask or seek
7 extra resources to try and help interpret that or to take it to
8 the side and try to review it?

9 A. Not until -- no, I did not. At that point, I did not.

10 Q. And when you arrive to a working fire, a structure fire, is a
11 plan of the building or the structure something that you would
12 normally have as a firefighter or as an incident commander?

13 A. No, that's something that we do throughout your career. You
14 go to different structures and different fires and you start to
15 learn the schematics of most of the buildings. And a lot of them
16 are built relatively the same, with a few alterations. So, no, I
17 have a very good understanding of construction and the way fire
18 travels in that construction.

19 Q. Okay. And then what, if anything, were you told upon your
20 arrival on scene of what fire suppression efforts the ship's crew
21 had done?

22 A. It was radioed down to me that the CO2 system was deployed.
23 At that time, we knew that it was deployed but we have to send
24 members up to check anyway because they had fire. At that point,
25 I only knew there was fire on the 12th deck. So I had no idea

1 that there was fire below us yet.

2 Q. Okay. And then when Battalion Chief Kupko went up on the
3 ship, you said -- he became in charge of operations on deck 12.
4 What was your tasking to him or expectation of his tasking?

5 A. Well, I mean his radio transmission came through very clear
6 that, you know, they had the fire knocked down, and they were
7 mopping -- they were knocking it down and in fireman's terms means
8 it's out and we're pretty much, we're doing okay. So he was doing
9 what he was supposed to do up there. He was in command of the
10 situation. He had water on the fire, and it was out.

11 Q. And then what happened next or what direction did you provide
12 next?

13 A. My safety officer was outside. That was Chief Maresca. And
14 we had some units outside and, you know, we were looking at the
15 magnitude of this boat. It was pretty impressive. I had never
16 seen anything like that. And he said I'm going to go up and go
17 see what's going on, and I said, go ahead, you know. And he went
18 up and took a look and upon his arrival, that's when the report
19 came in that there was possible fire on the 10th deck and he went
20 and checked that area.

21 Q. Okay. And then when he went and checked that area, what
22 information was related to you?

23 A. That he had smoke and some fire on that deck and then we
24 deployed more units.

25 Q. Okay. And then -- sorry. And then at that point in the

1 response, how was the radio communications?

2 A. They were sporadic at best. I was getting pretty decent
3 communication with Kupko on the top deck, but once Maresca went
4 inside, it was a little bit difficult to speak to the people
5 inside the boat.

6 Q. Okay.

7 A. But I did hear, I did hear Maresca call for additional lines
8 to be, you know, brought up, that he had some fire on the 10th
9 deck.

10 Q. Okay. And I'm sorry. So you were hearing Kupko on the
11 radio. Were you hearing Maresca directly or --

12 A. I could him. I guess it was based on wherever he was
13 standing. I don't know. I wasn't up there. So some of his
14 transmissions came in pretty clearly and some were a little
15 difficult to hear. So at that point, I was using some of the
16 people around me saying, what did he say? Did you hear what's
17 going on? So we had that issue a little bit.

18 Q. Okay. And so with Battalion Chief Kupko running operations
19 on the 12th deck, Battalion Chief Maresca going down to
20 investigate. Your role was the incident commander.

21 A. Um-hum.

22 Q. What functions were you performing in direct tasking of
23 operations on the ship?

24 A. During that period?

25 Q. Yes, sir.

1 A. Yeah. Okay. I was outside again. We were beginning -- at
2 that point, we started to, you know, begin to start the tag system
3 and the accountability system, taking note of the members that I
4 had there, looking at where my apparatus was because it was a
5 large open area there on the dockside. So we were trying to
6 locate fire hydrants if needed and so on and so forth.

7 Q. Okay. Were you receiving requests for extra resources of any
8 type? I know you mentioned a hose line.

9 A. From the battalion chief, at the time he just needed more
10 people and I sent people up immediately as soon as he said he had
11 more fire. We brought up extra air bottles. Everybody who
12 ascended the boat brought up some extra air bottles. That's what
13 we needed at the time. The fire was -- you know, I was told it
14 was, you know, a couple of cars on fire on the 10th deck and they
15 put water on it pretty quickly, that it was out.

16 Q. Okay. And for those requested resources and other
17 communications taking place, was that all on one radio channel or
18 were multiple radio channels being used for the incident?

19 A. No, during that period, being in stages of this fire, no, we
20 were just using the regular fire channel.

21 Q. Okay. And did you feel that was effective?

22 A. No. It was -- again, communication was spotty at best.
23 People started to use the radio and they were stepping on each
24 other. So getting your message across was a little difficult.
25 Apparently they didn't hear some of the things I said, and I

1 couldn't hear everything that they were saying.

2 Q. Okay. Again, not being a firefighter, when you establish a
3 command post and an incident command structure, is there somebody
4 designated as a communications officer for the scene?

5 A. No, there was not someone on the scene.

6 Q. Is that something that you would ever expect to have at a
7 working fire in Newark?

8 A. I've never had that. I've never seen that utilized at all.

9 CDR BARGER: Lieutenant Reed, if you could put up Coast Guard
10 Exhibit 17.

11 BY CDR BARGER:

12 Q. And, Chief, if you will let me know if you can verify once
13 you can see the exhibit on your screen.

14 A. Okay.

15 MR. LIPSHUTZ: One moment. Commander, we can see it, but I
16 think you're going to have to magnify it please.

17 CDR BARGER: Yeah. Lieutenant Reed, if you would zoom in,
18 and the first line item I'm going to refer to at 2131 on page 1 of
19 the document.

20 MR. LIPSHUTZ: I'm going to help --

21 CDR BARGER: Yeah.

22 MR. LIPSHUTZ: Commander, I'm just going to point, okay.

23 BY CDR BARGER:

24 Q. And, Chief, for the record, this Coast Guard Exhibit 17, it's
25 a compiled timeline of Newark Fire Department radio transmissions

1 put together from -- by the NIOSH investigator from recorded
2 provided to him from the City. So, I'm going to first ask, at
3 2131 on this timeline --

4 A. Yes.

5 Q. -- there's a transmission from headquarters to you as
6 Deputy 1.

7 A. Correct.

8 Q. Do you need the fireboat? Do you remember what your response
9 was to that?

10 A. I don't know. I don't recall to be quite frank with you. I
11 wasn't on the scene yet. I think I was just pulling in to see
12 what we had. So I don't really recall if I -- I'm sure I said
13 just hold off until we get there. I have to see what we have.
14 Now, the units that were already operating at the ship, are in
15 charge of the fireboat. So we would have to get those units off
16 the ship, move all the other equipment, meaning the engines and
17 the ladders, so they can get out because they were first due at
18 this scene. So they would not have been able to get over to the
19 fireboat that quickly anyway. I didn't realize that. At that
20 point, I didn't know what we had. I was told there was water on
21 the fire. So I didn't -- I don't know if I called them off. I'm
22 sure I did because we wouldn't have needed then. Plus, the
23 magnitude of that boat and the 28 footer is not going to utilize a
24 whole lot.

25 Q. Okay. So at that point you assume or believe that you didn't

1 request the fireboat. At any point, did you request the Newark
2 fireboat to respond?

3 A. I requested an engine company to come and that would have
4 replaced Engine 27 with the engine company that came so they can
5 get down to get the fireboat. But they were already working.
6 They were already into the operation, Engine 27. So I called off
7 the fireboat. And the fireboat would have been really a non-
8 entity at this, at this boat.

9 Q. Okay. And in your experience, how often, if ever, have you
10 worked a or been in charge of a scene where the fireboat was
11 utilized?

12 A. I have never.

13 Q. Okay. And I don't believe I asked this earlier when we were
14 talking about your background, but how many, if any, shipboard
15 fires have you responded to in your career?

16 A. I have never been on a shipboard fire. I've never.

17 Q. Okay. And along those lines then, what experience or
18 familiarity do you have with the shipboard environment?

19 A. I have none.

20 Q. Okay. And have you ever received shipboard or marine
21 firefighting training?

22 A. No.

23 Q. We've heard previously that there was an electric vehicle
24 fire awareness seminar given to the Newark Fire Department at the
25 end of June. Did you attend that?

1 A. I did.

2 Q. And --

3 A. It was a 2 hour, it was a 2 hour classroom setting. They
4 went over, you know, the extinguishment of the electric vehicles
5 and they did mention the transportation of port of boat but that's
6 the only training I've ever been involved in.

7 Q. Okay. All right. Thank you. And so now back to the
8 conversation with regards to the fireboat. What, if any,
9 understanding did you have of what the fireboat could be utilized,
10 except I know you've mentioned it wouldn't have provided any kind
11 of -- or at least I believe you have said that it wouldn't have
12 provided any kind of firefighting capability. Would there have
13 been any other value that the fireboat could have brought for the
14 scene?

15 A. Maybe in the event someone fell into the water. I really
16 don't know it's total capabilities but based on the size of that
17 boat, it's capabilities would have been limited.

18 Q. Okay. Have you ever seen them operate in a drill or training
19 environment?

20 A. No, sir. I don't recall.

21 Q. Okay. All right. And then going back to Exhibit 17 here.

22 CDR BARGER: Lieutenant Reed, if you could scroll down just
23 slightly to 2147.

24 BY CDR BARGER:

25 Q. And, Chief, so at 2147 we have radio traffic of headquarters

1 to you.

2 A. Um-hum.

3 Q. Be advised North Hudson has been notified and they are
4 responding. And then you said you don't believe that we're going
5 to need them.

6 A. That's correct.

7 Q. Can you, can you explain to us what North Hudson is and why
8 you don't believe that you were going to need them?

9 A. Yes. North Hudson's part of the boat taskforce. At the time
10 that they asked me this, the fire -- we had water on the fire. I
11 wasn't told of any other fire anywhere in the boat prior to this.
12 So they were not needed there. The fire was out. So I didn't
13 feel they were needed at all. So I called them off.

14 Q. Okay. When dispatch tells you that North Hudson is
15 responding, what are -- what's your understanding of the assets or
16 capabilities that they would bring to the scene?

17 A. I truly don't know the answer to that question. I don't know
18 what their capabilities are, the size of the boat that, you know,
19 they come with. I do know that at times they are called for
20 bodies in the water like we are. I really don't know their total
21 capabilities.

22 Q. Okay. Had they responded to the scene, it sounds like you
23 would have expected them to arrive on a fireboat?

24 A. I would assume so, but I really didn't expect anything. I
25 didn't really need anybody there at that time. The fire was -- I

1 was told the fire was out. It was no reason to bring in
2 additional resources.

3 Q. Okay. And at this time, were you aware of any other mutual
4 aid assets that had been requested?

5 A. I don't recall.

6 Q. Okay. And then did you ever become aware of an active fire
7 on -- inside the ship?

8 A. No, I -- they radioed down that there was a report of a fire,
9 that the fire started on the 10th deck and they went to
10 investigate. I was never told there was fire on any decks when I
11 arrived.

12 Q. Okay. And once they went and investigated, what, if any,
13 report did you receive back as the incident commander, and who did
14 you receive that from?

15 A. Battalion 4 Chief Maresca relayed via radio that he had some
16 -- he could see -- he had some cars on fire, some drop down fire,
17 and that they were stretching a line and they were putting it out.

18 Q. Okay. And then what happened next?

19 A. The report I got was the fire -- they had knocked the fire
20 down. They were mopping up which means that it's finished, and I
21 thought we were all done with the incident at that point. And he
22 told them to get in there and make sure the fire is out and --
23 which is something we would normally do with any hotspots. And
24 then he asked them to back out. And when you're done, take the
25 line out. And then that's when everything went the other way.

1 Q. Okay. And then when did you first become aware of the mayday
2 called by the firefighters?

3 A. Well, the transmission came through but I could not
4 understand it. Again, we were having a lot of radio issues in the
5 boat. So we were all kind of standing around asking each other,
6 did you hear that? What was that? I wasn't sure if the captain
7 was speaking through his mask which is a difficult task and it
8 happens all the time when you're trying to radio through your mask
9 when you're in a fire. So I didn't hear it. Then it came through
10 again and they wasn't sure what it was, and then I was told by
11 dispatch. And dispatch then relayed to me that there was a
12 mayday.

13 Q. Okay. What was your response to -- well, when you learned
14 that it was a mayday that was called, what was your response?

15 A. Well, I immediately activate my FAST team, my rescue team
16 and, you know, we sent them to where the mayday was. They're
17 going to go up and try to find the guys, and then call for
18 additional resources and have additional manpower come and we
19 began looking for the firefighters that are down. There was a lot
20 of radio traffic at that point, and again transmissions were
21 difficult. So it was a lot of people outside talking, yelling.
22 Did you hear that? Did you get that? We began -- and then I
23 started getting more accountability going, finding out where
24 people were. We conducted a PAR to find the members that are
25 missing, and then we began our operation.

1 Q. Okay. And then at that point, when you -- in that timeframe
2 of when you were first made aware of the mayday and then the PAR
3 was called for and responded to, what was your understanding of
4 how many firefighters were missing?

5 A. Again, that was a little bit difficult to understand. I had
6 a hard time getting the transmissions through. I was told, you
7 know, that there was five guys missing originally, and then we
8 were trying to get accountability of who was missing and where
9 they were located. And then I was getting people saying they were
10 out, people who weren't out. So it was a little difficult at that
11 point trying to figure out. At one point, I believe I had about
12 five guys missing at one point that they were looking for.

13 Q. Okay. How long would you say it took from your perspective
14 at the incident command post --

15 A. Um-hum.

16 Q. -- to get it figured out to become aware of exactly how many
17 firefighters were missing?

18 A. That's a difficult question. I don't know. It was at that
19 point, you know, you start -- your mind clicks into a different
20 mode, and I started to keep track of who was where, where they
21 were last seen. I was listening to the PARs that were coming
22 across on the radio. People were stepping over people. I really
23 don't have a timeline on something like that.

24 Q. Okay. And then with relation to the accountability that was
25 being kept at the command post, and then when you request a PAR,

1 how does that accountability function relate to the PAR? How does
2 that coordination happen?

3 A. Well, they start from the first unit there, and they request,
4 you know, does Engine 27 have PAR. And then I was checking it off
5 as they got it. They all have PAR. And then dispatch then relays
6 to me who does not have PAR, and then we continue to look. And
7 then the dispatcher will begin the LUNAR system which is, you
8 know, the location, the unit, the name, their air supply and what
9 resources are needed but again, while they're doing that, people
10 are still trying to get through on the radio. I'm still trying to
11 get through on the radio. There's a little bit of radio traffic
12 plus again people inside the boat, I could not hear them when they
13 were radioing me.

14 Q. Okay. My understanding is the radios that the Newark Fire
15 Department uses have emergency activation buttons. Is that
16 correct?

17 A. That is correct.

18 Q. If a firefighter were to utilize that resource, is that
19 something that you would have heard over the radio?

20 A. Well, yes. And then -- yes, it does come over the radio but
21 then dispatch will notify me via air because they have -- each
22 radio has a designation to it.

23 Q. Okay. Does it -- how was -- well, when that button is
24 activated, what does that look or sound like over the radio? Is
25 it a distinguishable tone?

1 A. Yes, it is a -- the tone comes and then that radio
2 automatically just clicks on and only that radio is working at
3 that time.

4 Q. Okay. Were you aware if any emergency activation buttons had
5 been triggered during that mayday or incident?

6 A. I don't recall it, no. Again, there was a lot of radio
7 traffic. I don't recall it.

8 Q. Okay. Is utilizing that emergency activation button
9 something that is part of regular training for Newark Fire
10 Department personnel?

11 A. Yes, in a mayday situation, yes.

12 Q. Okay. Could you describe how that's trained or --

13 A. Yeah.

14 Q. -- firefighters are told to do?

15 A. Yes. We're trained to -- when you're in trouble and you have
16 a mayday, you're trained to activate your pass alarm, push your
17 panic button on your radio, and if you're down, you take a
18 flashlight and you shine it towards the ceiling back and forth.
19 You try to make some noise so we can help to find you. It's
20 something that we practiced -- they should have practiced in the
21 academy, and then it's self practiced in the field --

22 Q. Okay.

23 A. -- for a refresher.

24 Q. Is there -- yes. So I guess is there any kind of prescribed
25 refresher training in mayday protocol throughout a firefighter's

1 career or on a regular basis?

2 A. Yes. Over the last -- I would say over the last few years,
3 we started doing mayday drills on Sundays. They would be done
4 three times a day so that each dispatching group would have a
5 chance to utilize the mayday from their perspective. And that
6 goes by company and it changes Sunday to Sunday. So everyone gets
7 a chance.

8 Q. Okay. As you started getting the accountability and who was
9 missing figured out, what was your understanding of where the
10 missing firefighters were located?

11 A. Deck 10. They were all on deck 10 at that time.

12 Q. Okay. And then once the PAR was completed and accountability
13 taken, what was your direction or what was your activity as the
14 incident commander at this point?

15 A. I spoke to dispatch and asked them to try again to reach them
16 via radio. At that point, members were coming down the staircase.
17 So I had two visual on two of the members that were missing. I
18 relayed that through. I'm trying to think -- I'm sorry. What was
19 the exact question again? I apologize.

20 Q. If you could just continue walking us through, you know, what
21 you did, what you observed?

22 A. Yes. Then I was -- then the radio began and people were
23 calling for extra equipment up there. I was turning around
24 getting firefighters that were next to me to bring everything over
25 to the command post, additional air bottles. Go to every rig,

1 bring every air bottle you can get, whatever else they called for,
2 whether it be the cribbing or once they found the one firefighter,
3 whatever equipment was needed, I had it sent up.

4 Q. Okay. And did you ever, did you ever call for additional
5 resources to come to the scene?

6 A. I did, yes, when the mayday was called.

7 Q. Okay. Could you describe what you requested and who came?

8 A. Yes. There was additional personnel came. There was two
9 engines, another truck, another battalion chief and there was a
10 company. I had my special operations company was there, and I
11 also had Engine 19 was utilized as manpower.

12 Q. And when in this scenario or in this incident, I believe Fire
13 chief Jackson arrived on scene. Do you recall at what point he
14 arrived?

15 A. I don't know the exact time. Maybe I'm going to say -- I
16 don't know, maybe 30 to 40 minutes after the mayday was sounded.

17 Q. Okay.

18 A. I don't recall the exact time.

19 Q. Okay. And when he arrived on scene, did he have face-to-face
20 communication with you and what was that, what was that
21 discussion?

22 A. Well, he -- yeah, he was next to me the whole time. We had
23 face-to-face. I told him what we had. I told him who we were
24 missing, what resources were there. I said -- he called and got
25 more people to come. He asked for more resources from Newark, and

1 then he began to activate the UASI teams.

2 Q. Okay. Did Chief Jackson ever take command of the scene?

3 A. No, he did not.

4 Q. Did he ever indicate intention to do so?

5 A. No.

6 Q. Was that ever part of the discussion you had with him as far
7 as whether you would retain command or if that was something that
8 he would take over?

9 A. No, he asked me, are you okay? I said, yeah, I'm okay. So
10 we just worked together.

11 Q. Okay. Is that, is that standard practice for a working fire
12 structure fire that you've responded to and the fire chief shows
13 up? Does the deputy chief retain command at that point?

14 A. Yes. Yes.

15 Q. So that's a standard practice the way this took place?

16 A. It's a standard practice but it's not really how our SOPs are
17 written, but it's a standard practice.

18 Q. And at that point, as far as the command post, who all was I
19 guess in the command post with actual, you know, command post
20 roles? I understand it sounds like there was some equipment being
21 staged there, but as far as functions within the command post, who
22 was there?

23 A. Just myself and Chief Jackson at that time. I was -- again,
24 I was utilizing some of the other firefighters to get equipment
25 from the rigs because it was -- the rigs were placed a large

1 distance from the entrance of the boat, and then I was utilizing
2 more firefighters to bring that up to them because they had to
3 traverse up to the 10th deck.

4 Q. Okay. And you mentioned when we were talking about your
5 background, it sounds like you've taken several courses in
6 incident command system and that incident management system. Was
7 incident command principles being applied to the command post in
8 this incident response?

9 A. They were but they were being done -- most of the tasks were
10 being done by myself. I was operations outside, and I was also
11 accountability outside. And part of the incident command system
12 is, you know, finance which we did not need, did not have enough
13 chiefs in the city to have a full incident command system, but we
14 were taking on multiple roles and Chief Jackson also.

15 Q. Okay. And is that -- would you say the application of the
16 incident command structure in this scene was like other structure
17 fires when they would occur or was there a difference?

18 A. It was much different. This was a very large scene. I have
19 never experienced something like this in my career, no.

20 Q. Okay. As far as your span of control, because that is a
21 principle talked about in incident command, how many direct
22 reports or functions did -- were you directly supervising as far
23 as your span of control?

24 A. Well, I had all three battalion chiefs that were on the
25 scene. I also had -- I was also taking care of another battalion

1 chief that was still running the City, and I was using him as my
2 victim tracking officer. I was also in charge of the operations
3 outside, and I was trying to get equipment and, you know,
4 maintaining people that were coming down going to rehab. So I was
5 also doing that also.

6 Q. Okay. And did you find that to be a workable span of control
7 or was that -- I mean that sounds like a lot of functions for one
8 person?

9 A. It was a lot of functions for one person. We definitely
10 could have and should have had more battalion chiefs there.

11 Q. Okay.

12 A. More chief officers that could have helped with the command
13 structure, but we only carry four in the City now. We used to
14 have six.

15 Q. Okay. And is that a, is that a manpower that particular day
16 or is that just a manpower issue in general?

17 A. That was normal now for over the last few years.

18 Q. Okay. All right. And let's see. You mentioned overseeing
19 four battalion chiefs. I know we've talked about Battalion Chief
20 Kupko and Battalion Chief Maresca. Who were the other two that
21 you were utilizing?

22 A. Yeah, Battalion Chief Sablom (ph.) he came on the additional
23 manpower, and I used him to roam between the 10th deck and the
24 12th deck and assist with any, you know, equipment that was
25 needed, manpower issues. If one of the other battalion chiefs

1 needed to come out and take a blow or break, he was to jump in.
2 So he was very -- he was involved with that portion of it. And,
3 my other battalion chief was Chief Spurley (ph.). He was the only
4 one left in the City. He was working that day, not -- it wasn't
5 his normal tour, and he was my -- I used him as a victim tracking
6 officer as well plus he ran the rest of the City in my absence.

7 Q. And then do you recall Battalion Chief LaPenta (ph.) ever
8 coming on scene?

9 A. Yes, I do. Yes. I'm not sure if he self-deployed or if
10 Chief Jackson called him, but he did arrive, yes, and he was
11 outside in charge of UASI groups that arrived, keeping
12 accountability of them, making sure they had their equipment. I
13 let him run that operation.

14 Q. Okay. And was there ever a second command post identified or
15 implemented on scene?

16 A. I believe that Chief LaPenta along with a few chiefs from the
17 other municipalities that showed up had their own command post,
18 and I let them run that to keep accountability of their members.
19 That was at the bottom of the boat I believe.

20 Q. Okay. What, if any, communication or coordination was there
21 between that UASI command post and the one that you had
22 established in your --

23 A. I was notified that the members were there. They were ready
24 to go. They were being -- they were ready to be deployed if
25 needed. At that time, I was just trying not to put a lot of

1 people into this boat, because I had already now confirmed that I
2 have two people missing. And I was not going to put more people
3 into this boat that weren't -- that I couldn't utilize just to
4 keep track of people. I did not want to, you know, I didn't want
5 to harm anybody else or lose anyone else in that boat.

6 Q. Okay. At what point did -- was there an evacuation of the --
7 I guess the firefighters from the ship called, if ever?

8 A. Well, I believe dispatch called an evacuation, that I did not
9 call. When there's a mayday, we don't evacuate the boat. She
10 called the evacuate but I think she was intending to get them to
11 back out of the deck. I don't know. I can't speak for that. I
12 evacuated the boat around 1 o'clock in the morning or something,
13 at that point because things were deteriorating. I was getting
14 multiple reports of buckling floors and explosions, and we were
15 still looking for one firefighter, and I had people who were
16 calling maydays on the 12th deck. So that's when I evacuated the
17 boat, and that was 2 1/2 hours after he was missing, and I was
18 notified when he came down, that his alarm on his mask was going
19 off, and that's why he left the structure. That only gives you
20 about 4 minutes of air. And now we're an hour -- or 2 hours into
21 this. So the decision had to be made to just not lose anybody
22 else on this boat.

23 Q. Okay. And when it comes to air, what size air packs is
24 standard for the Newark Fire Department?

25 A. Consuming a 30 minute bottle, but it depends on the

1 individual, you know. There's a lot of factors that are involved,
2 you know, size of the member, you know, their physical stature,
3 conditions because when you're in an atmosphere where, you know,
4 where conditions are bad, you breathe a little heavier. So you
5 don't really get 30 minutes out of any bottle.

6 Q. Okay. Was there ever consideration or does Newark even have
7 the availability of larger bottles that could have been used in
8 the scene?

9 A. Yes. We have 1 hour bottles on Rescue II. The members from
10 Rescue II were already at the scene working. I was notified via
11 phone that off duty members from Rescue II along with a battalion
12 chief were there at the firehouse waiting to be deployed, but they
13 were never deployed to come.

14 Q. Okay. And why weren't they deployed?

15 A. That's not my call. That was Chief Jackson. They were not
16 on duty. So I don't believe he wanted to use them.

17 Q. Okay. Was that, was that resource ever actually discussed
18 with you? Is that something that you as the incident commander
19 needed?

20 A. They called me, you know, to tell me they were there. I
21 relayed that message that we were not bring off duty members in.
22 Sure, they could have been used. They're part of the, you know,
23 they're part of the UASI Taskforce, but they were not on duty at
24 the time.

25 Q. Okay. Who actually activated the UASI units that did

1 respond?

2 A. Chief Jackson did that.

3 Q. Okay. Once UASI arrived on the scene, it sounds like they
4 had a separate command post. At what point did you start
5 utilizing them for the search and rescue on the ship? And, was
6 that a decision you made or was that somebody else who decided to
7 start sending them on?

8 A. No, it was a collective decision. As guys were coming down,
9 they needed to rehab, and at that point, we started to deploy some
10 of like Jersey City's team went up. Elizabeth's team went up in
11 the beginning stages. And then more units came, and we started to
12 utilize more members as the incident progressed. But, it was a
13 collective decision.

14 Q. Okay. And was the UASI tasking or their planning something
15 that was being coordinated with you or something they were doing
16 as a separate function?

17 A. I don't recall. I think they coordinated their functions
18 among themselves and then relayed at the end what they had
19 available and ready to deploy. I really don't recall.

20 Q. Okay. Do you ever recall having a direct conversation with
21 the UASI leadership or UASI liaison as far as what their tasking
22 should be or what they were going to be doing?

23 A. Well, at that point, people were coming up to me from all
24 different municipalities and agencies telling me they were there,
25 telling me what they had. It was a very hectic moment and scene.

1 I was getting information coming from members coming down, from
2 members that were there. I was getting equipment. They were
3 calling for more equipment. I don't remember the conversation
4 verbatim but I do know they were there. I do know that they
5 advised me that they were ready and could be deployed if needed,
6 and that we were going to eventually use them, yes.

7 Q. Okay. I know you mentioned at the beginning when we were
8 talking about equipment that was available for that day, that the
9 cascade truck was not functioning. Did a cascade truck or bottle
10 refilling function ever come on scene?

11 A. Yes.

12 Q. Or were you completely relying upon extra spare bottles that
13 units had?

14 A. In the beginning, I was using -- utilizing all the bottles.
15 Each truck carries about 10 extra bottles. So we had all the
16 bottles emptied from the trucks brought over to the command post,
17 and then as bottles were needed, I believe Elizabeth showed up
18 with their cascade truck and they handled that, the bottles,
19 whatever refills we needed.

20 Q. Okay. And then once, once both missing Firefighters Acabou
21 and Brooks were recovered and off the ship, when and how was the
22 decision made to evacuate the ship, essentially stand down from
23 the firefight on board the ship?

24 A. Okay. After Firefighter Brooks was brought down, at that
25 point I was -- things had started to -- the overwhelming portion

1 of this -- of the incident kind of flooded me a little. So when I
2 looked at the boat, I said, listen, we're not putting anybody else
3 in this boat. I'm not losing anybody else today, and it was no
4 more operations on this boat. So everybody came down. We had to
5 figure out -- now at that point, I realized I had heavy fire on
6 the 11th deck. The fire was out but conditions were much worse on
7 the 10th deck. And the 12th deck, my understanding was it was too
8 hot for the guys stand up there, but the fire was out.

9 So, we wound up sending units systematically up to recover.
10 There was a lot of equipment up there. Empty bottles, oxygen
11 tanks, hooks. There were saws. Whatever was up there. So I had
12 to empty the boat of all the equipment. So systematically we
13 brought up units. I said take everything that's yours, bring it
14 down, and whatever else you can carry, we're going to put in a
15 pile, and we did that at the base of the boat on the ramp. And
16 then the next units that went up, I said look in the pile, take
17 what's yours, go up and get it and bring it down and that's how I
18 emptied the boat. That took about 45 minutes to an hour to do
19 that, to gather it. Then I had to get accountability of all the
20 people, make sure everybody had their people, and we moved
21 forward.

22 Q. Okay. And when you say moved forward, what happened at that
23 point then?

24 A. Well, at that point, New York, New York had arrived with
25 their boat. I had no communications directly with their boat.

1 Their boat is a massive boat with the capabilities of doing
2 whatever functions that need to be handled. But I had no direct
3 link with them. A member from their marine division came over to
4 me. He was there with a scribe, the Italian chief, a captain and
5 a couple firemen, and he was pretty much just educating me because
6 I really had no knowledge of how to do that stuff with this boat.

7 At that point, I realized that the biggest problem we had was
8 that door on deck 12, and I wanted to redeploy the CO system now
9 that everybody was off the boat, but the door could never close.
10 We -- I sent up, I sent up two ladder companies, Battalion 4 and
11 Battalion 1 to try to figure out a way to close that door. They
12 brought up air. They were going to try to go in there with a tank
13 on but at that point now, the 11th deck was hot, heavy smoke was
14 coming out, the door was unable to be closed. We came back down.

15 The gentleman from New York went up, and he had more
16 knowledge of the boat. I used him. He was very familiar with it.
17 He said I'm going to see if I can do something with -- please -- I
18 don't recall verbatim. He was going to try to do something with
19 either the pistons or find another way to deactivate that system
20 so they can close the door. That didn't work. He had direct
21 communication with the captain. I did not. He did. I guess it
22 could not be closed from the bridge. And then we came back
23 downstairs, and we came with -- found a tarp. We tried to cover
24 the hole with a tarp. That was unsuccessful. We tried plastic,
25 unsuccessful. The hole was just too big. It was just way too big

1 for us to try to cover.

2 So -- and then at that point, I brought everybody back down
3 and we were towards the end of the operation. New York began --
4 I've learned a few terms now, which I did not know. They began
5 surface cooling the side of the boat and their boat had the
6 capability of shooting up over the deck and the whole object of
7 this thing was to flood that deck, hopefully it goes down inside
8 that doorway and does some effect on the 11th deck. That was the
9 game plan.

10 Q. And prior to the Newark Fire Department representative going
11 up and talking to the captain, did you ever -- were you -- prior
12 to that, were you aware that that door on deck 12 was an issue?

13 A. I was. I was made aware of it as the operation was
14 continuing. They said that they couldn't but I think you said a
15 Newark member went and talked to the captain. It was not a Newark
16 member. He was from New York.

17 Q. New York, yes.

18 A. Yes, yes, he was from New York. He spoke to the captain in
19 an attempt to get it. He was very familiar, very knowledgeable of
20 what was going on. He taught me quite a bit in an hour of
21 terminology outside that I was unfamiliar with, and that was about
22 6 o'clock in the morning at this point. So, they went up and he
23 spoke to the captain. And we tried our best to close that door.
24 We could not close it through the whole operation. I was told it
25 was open. They were unable to close it, and we were unable to do

1 anything with that.

2 Q. Okay. And, prior to that point, had you ever had any
3 conversation about the potential to release more CO2 into the
4 space?

5 A. Yes. After -- well, we could not do that while we were still
6 searching for our members. So that was -- that point never --

7 Q. I'm sorry, Chief. You are frozen on my end.

8 A. -- see if we could drop --

9 MR. LIPSHUTZ: We lost you for a second. So I don't know
10 what you heard.

11 BY CDR BARGER:

12 Q. Yeah, I can hear you but you're both frozen on my side. Are
13 you able to hear me?

14 A. I can hear you, yes.

15 MR. LIPSHUTZ: We can hear you. Maybe it's a good time for a
16 break.

17 CDR BARGER: Yeah, we can do that, and try to reestablish our
18 connection. So, we will go back to that question about the CO2
19 system. We will take -- let's take a 10 minute recess and try to
20 reestablish the connection. The time is now 10:23 a.m., and we
21 will reconvene at 10:33 a.m.

22 (Off the record at 10:23 a.m.)

23 (On the record at 10:33 a.m.)

24 CDR BARGER: Okay. The time is now 10:33. Chief Carlucci,
25 do I have you back on?

1 THE WITNESS: Yes, you do. I'm here.

2 CDR BARGER: Okay. Very good. We'll go ahead and restart
3 the record then. The time is now 10:33 a.m., and the hearing is
4 now reconvened and back on the record regarding the fire on board
5 *Grande Costa D'Avorio*. This is a continuation of Deputy Chief
6 Carlucci's testimony. Chief Carlucci, as a reminder, you are
7 still under oath.

8 THE WITNESS: I understand.

9 BY CDR BARGER:

10 Q. Before we took our recess, we were experiencing a little bit
11 of technical difficulties with the virtual line here. So if we
12 could go back to reanswering the question with regards to the
13 ship's CO2 system. Prior to New York Fire Department being on
14 scene and having that discussion with the captain, was there ever
15 the conversation about possibly redeploying the CO2 system had
16 earlier in the response?

17 A. Yes. There was but again, two variables at the time. We
18 were missing a couple firemen. So we could not deploy the system
19 at that time. I was notified about the problem with deck 12. I
20 was really unfamiliar about how much CO needs to be dropped to
21 contain something like that. So I didn't even know if the ship
22 had the capability of doing that, but it was discussed.

23 Q. Okay. And who was that discussion with?

24 A. I believe we did it at the command post. It was myself. The
25 battalion chiefs were there. Chief Jackson at the time was there

1 I believe. I think he was already there. So we talked about, but
2 we couldn't do it because we could not close 12, the door on 12.

3 Q. Okay. Was that discussion ever had with any members of the
4 ship's crew?

5 A. I don't recall. I believe so. I believe that we did get
6 someone to see if it could be done, but again, because that door
7 wouldn't close, it would have been null and void to use.

8 Q. Okay. And then during your time in command, there at the
9 incident command post, was a member -- were there any outside
10 entities present in the command post to provide any kind of agency
11 liaison or guidance, Coast Guard, Port Authority or any other
12 group like that?

13 A. Yes, they reported to me. They notified me that they were on
14 the scene. To be quite frank, I wasn't sure what their
15 capabilities were. The Port Authority was there. Coast Guard
16 came, told me he was there. You know, I don't know if he had to
17 shut the waterway down. I'm not sure what his function was.

18 Q. Okay. And at what point would you say those individuals came
19 and introduce themselves to you?

20 A. I don't really recall, but it was pretty deep into the
21 incident. I don't really recall though.

22 Q. Okay. And you mentioned when New York Fire Department Marine
23 Battalion arrived on scene, that they gave you a lot of education
24 on the ship and what to do. Had there been any discussions of
25 requesting New York Fire Department respond earlier than that in

1 the incident?

2 A. I don't recall that at all, no. I don't recall.

3 Q. Okay. Were you aware previously of the resources or
4 knowledge that the New York Fire Department Marine Battalion had
5 and could have provided?

6 A. No, I did not. There was a -- there was -- New York did
7 arrive with their rescue crew and they had a chief with them or I
8 believe he was a battalion chief and I'm not sure if he called for
9 the boat or not. I don't know.

10 Q. Okay. Does or have you ever been involved in any training or
11 fields or exercises with regards to marine firefighting or working
12 with New York Fire Department in the Port there?

13 A. No, sir.

14 Q. And, Chief, my last question for you before we go into
15 follow-up questions, what limiting factors do you think challenged
16 your response in this incident?

17 A. I would think, I would think the knowledge of the boat and
18 the -- what we were kind of getting involved in and putting
19 ourselves into, definitely radio communications, language barrier
20 I had with the crew, the amount of people that we had responding
21 and I had to contain it. I had -- the accountability of the
22 members was a key thing for me. I was afraid to lose anybody
23 else. It was just a very -- it became a very emotional,
24 physically draining incident.

25 Q. Okay. And I forgot to ask earlier. With regards to the

1 language barrier, was there -- I know you said you and your driver
2 tried to communicate in Spanish. Did -- was there ever
3 consideration to finding an Italian speaker within the fire
4 department or a translator elsewhere to help assist?

5 A. No, sir. I don't recall asking. I mean I don't know if we
6 have any Italian speaking people in the fire department. I know a
7 little bit. I know enough to get me through a few small things
8 but, no, I don't recall asking for anybody.

9 Q. Okay. And then have you participated in or are you even
10 aware if one has occurred, a post-incident lessons learned? We
11 would call it a hot wash on the Coast Guard side, to discuss how
12 the incident went and what can be learned from it at the fire
13 department?

14 A. We call it a critique. And, yes, we do have that. After
15 that situation, a lot of members were, including myself, were out
16 for about 2 months. The department gave us that time off and then
17 when I did come back to duty, a lot of the members still were not
18 there. So I only spoke really to the battalion chiefs about it,
19 regard it, and I did visit each firehouse where we lost members
20 and spoke to those members.

21 Q. Okay. All right. Thank you, Chief. That's all the
22 questions I have for you.

23 CDR BARGER: We'll now go around to investigation team for
24 any additional questions, and we will start with Lieutenant Reed.

25 LT REED: I have no follow-up questions. Thank you, Chief.

1 THE WITNESS: You're welcome.

2 CDR BARGER: Okay. Thank you. Lieutenant Commander Ward.

3 LCDR WARD: Can you hear me?

4 CDR BARGER: Yes.

5 THE WITNESS: Yes, we hear you.

6 LCDR WARD: Okay. Thank you for your time. I don't have any
7 follow-up questions as well.

8 THE WITNESS: Thank you.

9 CDR BARGER: Okay. Thank you. And over to NTSB, Mr. Barnum.

10 BY MR. BARNUM:

11 Q. Hey, Chief Carlucci. Bart Barnum, NTSB. You were discussing
12 earlier with Commander Barger about some of the out-of-service
13 equipment that your department had. I think the fireboat, the
14 cascade apparatus, maybe a couple of engines. That level of out-
15 of-service equipment, what was your reaction to that? Was that
16 normal or how did that -- yeah. Was that normal?

17 A. At that time, it was a little normal. We had a few, we had a
18 few pieces of equipment out on a regular basis. We had
19 contingency plans to cover that, and that day those units were all
20 used as manpower.

21 Q. So you weren't concerned with the number of pieces of
22 apparatus being out of service?

23 A. To be quite frank, those apparatus that were there, their
24 functions and aerials would not have helped, and I did have
25 working aerials at the scene in the event we needed them, and all

1 those members were utilized that, you know, during the operation.

2 Q. Okay. All right. So, let's say that, you know, this is a
3 normal day prior to July 5th or prior to the fire. Is there a
4 level at -- an out-of-service level for apparatus that, you know,
5 gets brought to your attention or does raise alarm?

6 A. Any piece of equipment that's out of service is usually
7 brought to my attention on a regular basis. I mean there may be
8 times when something, you know, slips through but we try to keep
9 track of what equipment we have and what's operational.

10 Q. Right. Understood. But, is there a certain number of
11 criteria that you have so many engines being out of service, so
12 many, you know, ladder trucks being out of service. Is there a
13 certain number that really, you know, begins to become an issue
14 for you?

15 A. No. No, there's no individual number.

16 Q. Okay. You were also talking a little bit about Chief
17 Maresca, your interaction with him on scene and his kind of
18 deployment onto the vessel. Can you talk a little bit more about
19 that? It was more of -- was he requested to go onto the vessel or
20 was it he was more curious? It kind of sounded like he was kind
21 of curious.

22 A. No, I did not request him to go up, but he requested to go
23 up. And, you know, due to the unfamiliarity of the ship, I had no
24 problem with him ascending the boat.

25 Q. Did he tell you why he wanted to go on board?

1 A. Yeah, he wanted to see what they had. He wanted to see what
2 it looked like.

3 MR. LIPSHUTZ: Not what the boat looked like. The fire.

4 THE WITNESS: Yeah, he wanted to see -- I'm sorry. What they
5 had and what the fire, you know, what they had up there.

6 BY MR. BARNUM:

7 Q. Okay. And do you recall what level of PPE he had on when he
8 went on board?

9 A. I do not recall that, no.

10 Q. And would you have -- would you expect anybody that went on
11 board to be fully dressed out in full PPE?

12 A. That's our standard operating procedure, yes. You know, full
13 PPE at a full assignment.

14 Q. Okay. So if he wasn't in full PPE, would you say something?

15 A. If I noticed it, yes, I would but I didn't notice it.

16 Q. And then we were talking earlier about the CO2 system on
17 board the vessel. What is your experience with CO2 systems,
18 compression systems?

19 A. It's limited, but I understand the process, and most of mine
20 have been in smaller structures, computer rooms and so and so
21 forth. I really didn't know how the CO2 system worked on a ship
22 of that size and/or its capabilities.

23 Q. All right. And so you are familiar, you know, small scale.
24 Could you kind of explain what's the principle on how a CO2
25 suppression will function in extinguishing the fire?

1 A. It's released into the, into the room. It smothers the fire.
2 It puts the fire out. You wait a few minutes, and then we would
3 open the door and mop it up because the amount of CO2 that goes
4 into a smaller computer room, it's not that, it's not that much.
5 We can get in there and put it out. The best thing to do in a
6 situation like that is just to de-energize the room and the fire
7 goes out.

8 Q. On the night on July 5th, did you have any concerns about
9 sending your firefighters into a space where CO2 had been
10 released?

11 A. No, because I didn't know what floor it was released on. I
12 didn't know how much was released. I left that up to the
13 battalion chiefs when they were up there. I had no visibility of
14 the boat at all from my standing.

15 Q. What kind of PPE would you expect a firefighter to wear while
16 going into a space where CO2 had been deployed?

17 A. Full PPE is definitely something they should have on going
18 into that space.

19 Q. Okay. All right. That's all the question I have for you,
20 Chief Carlucci. Thank you.

21 A. You're welcome.

22 CDR BARGER: All right. And, Chief, before we go over to the
23 parties, I have just two follow-up questions for you.

24 BY CDR BARGER:

25 Q. Earlier you mentioned when we were discussing Chief Jackson

1 and yours and his interaction and him arriving on scene, that his
2 not taking over command of the scene was contrary to -- I believe
3 you said contrary to your standard operating procedure. Could you
4 tell us what that SOP says in a case like that?

5 A. Well, any -- at any incident, the highest ranking officer is
6 to assume command. He came really as support for me that day.

7 Q. Okay. And is that a written SOP that specifies that?

8 A. Yes.

9 Q. Okay. All right. And then I think that is all the -- oh,
10 I'm sorry. My last question, as the incident commander for the
11 incident, what was your command objectives or command priorities
12 for the incident?

13 A. In the beginning stage, it was just a simple fire, that I set
14 up the command structure outside. I was in charge of the
15 incident. I placed my battalion chiefs in the proper position to
16 do the job that was needed, and I gave them the resources that
17 were needed, whatever else they had, and I set up the
18 accountability. And then my major one was life priority, like
19 it's incident stabilization, proper conservation, and life safety.
20 So I couldn't flood the boat with people. So I was sending them
21 up as needed.

22 Q. Okay.

23 A. Does that answer your question? I'm sorry. I'm not sure if
24 I answered it.

25 Q. It does. Yes, sir.

1 A. Okay.

2 Q. Thank you.

3 CDR BARGER: We will now go to questions from the parties in
4 interest. As we have done with previous witnesses, in order to
5 ensure equitable time and opportunity for each party in interest
6 to ask questions, each party will have approximately 10 minutes
7 for cross-examination within the scope of the direct examination
8 questions asked by the investigation team and relevant to
9 informing the purposes of our investigation. And we will start
10 with the City of Newark.

11 MR. LIPSHUTZ: Commander, may I request that we go last
12 kindly please?

13 CDR BARGER: That is fine. Yes, sir.

14 MR. LIPSHUTZ: Thank you.

15 CDR BARGER: We will go then to Grimaldi Deep Sea.

16 MR. O'CONNOR: Thank you, Commander.

17 CROSS-EXAMINATION

18 BY MR. O'CONNOR:

19 Q. Good morning, Chief Carlucci. Can you hear me clearly?

20 A. Yes, I can. Good morning to you also.

21 Q. I apologize that I'm not on video, and thank you for working
22 with me here. Earlier I believe you said that you did not
23 personally have any marine firefighting training. Is that right?

24 A. That is correct.

25 Q. And that you initially turned away mutual aid from North

1 Hudson who was a member of the Regional Fireboat Taskforce because
2 at that time you thought that the fire had been knocked down. Do
3 I have that right as well?

4 A. Yes.

5 Q. Do you know what, if any, marine firefighting training North
6 Hudson had --

7 LCDR WARD: I think we're having a little bit of technical
8 difficulties.

9 MR. O'CONNOR: Lieutenant Commander Ward, can you hear me
10 correctly because I was, I was having a little trouble hearing the
11 witness as well?

12 LCDR WARD: Yeah, I can hear you fine. I think his video --
13 Deputy Chief, can you hear us?

14 MR. LIPSHUTZ: I can hear you fine.

15 LCDR WARD: Mr. Lipshutz --

16 MR. LIPSHUTZ: Should we --

17 LCDR WARD: Yeah --

18 MR. LIPSHUTZ: -- and try and fix this on their end?

19 LCDR WARD: Yeah, I think, Mr. Lipshutz, can you -- do you
20 see that he's having issues? I guess you can't see either.

21 CDR BARGER: Okay. Yeah, let's take a quick 5 minute recess.
22 The time is now 10:52 a.m. We'll reconvene at 10:56 -- 10:57 a.m.
23 in order to resolve the technology issue.

24 (Off the record at 10:52 a.m.)

25 (On the record at 10:58 a.m.)

1 CDR BARGER: So the time is now 10:58 a.m. and the hearing is
2 now reconvened and back on the record regarding the fire on board
3 the *Grande Costa D'Avorio*. This is a continuation of Chief
4 Calucci's testimony. And again, Chief Carlucci, as a reminder,
5 you're still under oath.

6 THE WITNESS: I understand.

7 CDR BARGER: Prior to the recess, Mr. O'Connor, on behalf of
8 Grimaldi, was in the middle of asking questions. So,
9 Mr. O'Connor, I'll turn it back over to you.

10 MR. O'CONNOR: Yes. Thank you, Commander Barger.

11 BY MR. O'CONNOR:

12 Q. Chief, we had just talked a little bit about the fact that
13 you did not have any prior marine firefighting training. And then
14 we were starting to talk about mutual aid. I believe you had said
15 that you had initially turned away mutual aid from North Hudson
16 who was a member of the Regional Fireboat Taskforce because at
17 that time you thought that the fire had been knocked down. Do I
18 have that right?

19 A. That's correct. All indications from my command staff that
20 were in the boat told me the fires were knocked down.

21 Q. Do you know what, if any, marine firefighting training that
22 North Hudson had?

23 A. I do not.

24 Q. Was Newark also a part of that Regional Fireboat Taskforce?

25 A. Yes.

1 Q. I believe you said that when the FDNY came to the incident,
2 they were much more knowledgeable and that they taught you a lot
3 in a short period of time. Do you think that marine firefighting
4 training and general awareness of the cargo ship environment
5 before the incident occurred would have helped you and the Newark
6 Fire Division better respond to the incident?

7 A. Yes.

8 Q. I believe you said that Battalion Chief Kupko had gone up to
9 the top deck around the time that you arrived, and talked to the
10 ship's captain, and that he had radioed back down to you and
11 reported that the fire started on deck 10, the states (ph.) were
12 sealed and CO2 had been released. How did that information affect
13 your strategy for responding to this incident?

14 A. We were already on the scene at that point. So the strategy
15 then changed in my response there. He was in charge of that deck,
16 and he was just relaying me the information. I didn't put anybody
17 into that boat until they were requested.

18 Q. I'm sorry. Did you say until they were requested?

19 A. Yeah, when they asked for additional resources up there, I
20 sent them up. They had people up there that were --

21 Q. Okay.

22 A. -- that the fire was out on the 12th deck. That's all we
23 knew about was those cars that were on fire on the 12th deck and
24 they were out.

25 Q. So to be clear, that request came from other firefighters?

1 A. I'm not understanding that question. What request?

2 Q. The person who requested more resources from you up on the
3 top deck, was that Battalion Chief Kupko?

4 A. Well, yes, he had people operating up there, and once they
5 went to go check the 10th deck, and they found fire, then you have
6 to deploy the rest of the people. So I deployed them at that
7 point but if they needed fresh people, they would call and ask for
8 more resources and I gave it to them. I'm not sure if that
9 answers your question.

10 Q. Yes. I believe you also said that you had limited experience
11 with some knowledge about CO2 systems. And I think you had
12 referenced maybe CO2 being deployed into a small computer room.
13 Is that correct?

14 A. Yes.

15 Q. And you said -- I believe you said that when CO2 is deployed
16 into small computer room, you'd wait a couple minutes and then go
17 into mop it all up. Do I have that right?

18 A. Correct.

19 Q. Do you know how long it would take CO2 to suppress the fire
20 on a large cargo ship?

21 A. No idea, no. I was sure if it was compartmentalized either.
22 No, I didn't.

23 Q. All right. I believe you said that as the operations were
24 progressing, at some point in time, you learned that the door on
25 deck 12 was open. Do you know why that door was open?

1 A. I found out later.

2 Q. What did you find out later?

3 A. That the --

4 LCDR WARD: Sorry. Just to clarify. Are you -- I'm sorry.
5 This is Lieutenant Commander Ward. As to finding out later, are
6 you referencing after the incident or during the incident?

7 MR. O'CONNOR: I'm referencing -- well, I'm not sure.

8 BY MR. O'CONNOR:

9 Q. What -- when -- Chief Kupko, when you say you found out
10 later, was that during the incident or after the incident?

11 A. I found out both times that they were unable to close the
12 12th deck because I was trying to figure out where the smoke had
13 started to come from. After the smoke began to turn brown, we
14 were trying to get the smoke out of the structure.

15 MR. LIPSHUTZ: Well, was the question why was the door open?
16 Is that what the question was?

17 LCDR WARD: Yeah, and I just also want to caution any
18 questions directed towards information that the Deputy Chief might
19 have learned after the fact, like after the incident occurred
20 through media or anything in that kind of vein. Does that make
21 sense?

22 MR. O'CONNOR: Yeah, I'll rephrase the question.

23 LCDR WARD: Thank you.

24 BY MR. O'CONNOR:

25 Q. Chief Kupko, I believe that you found out that the door was

1 open both during and after the incident. When you found out that
2 the door was open during the incident, did you know why it was
3 open?

4 A. No, I did not.

5 Q. And I believe you said that firefighters tried to close, and
6 they could not. Why couldn't they close the door?

7 A. I guess it was a mechanical issue. I don't know exactly, but
8 I do know that we sent people up to try to close it, to try to
9 cover it, but it was, you know, we couldn't do it. I didn't see
10 the --

11 Q. Do you know whether that was --

12 A. Hum?

13 Q. Understood. You were on the stern ramp the entire time
14 during the incident. Is that correct?

15 A. That is correct.

16 Q. Do you know whether that was the first effort to close the
17 door? In other words, do you know if the ship's crew had
18 previously tried to close the door?

19 A. I do not know that, no.

20 Q. I believe you said that despite language barriers, the ship's
21 crew were able to provide you and the firefighters with escorts to
22 guide you all around the vessel as well as the fire plan. Did the
23 ship's crew also provide hoses to push into deck 10?

24 A. That's what I was informed of, yes.

25 Q. And did they also help the Fire Division use the crane to

1 lower those downed firefighters?

2 A. I'm not sure who operated that crane. I know that we had
3 just attempted to find someone who could operate the crane, and
4 that was handled up there on the 12th deck.

5 Q. Do you believe that the ship's crew were helping the Fire
6 Division to the best of their ability?

7 A. I don't know to the best of their ability because I don't
8 know what their abilities are, but they were helpful with what was
9 asked of them.

10 Q. So they were helpful, right?

11 A. I believe so.

12 Q. When you evacuated the ship, which I believe you said was
13 after Firefighter Brooks was round, what happened to the ship's
14 crew? Did they also evacuate?

15 A. I'm unsure of that, but I did speak to the battalion chief.
16 We verified that they had the crew intact, and I'm not sure if
17 they evacuated the boat or not.

18 Q. Did anybody order the ship's crew to evacuate?

19 A. I did not.

20 Q. Okay. Just one moment when I scan back through my notes.

21 A. I never had contact with the captain of that ship myself
22 personally.

23 Q. Did you ever ask for the captain to be brought down to the
24 stern ramp to meet with you?

25 A. I don't recall asking for the captain. I just kept asking

1 for someone who spoke English.

2 Q. And you were effectively communicating with the captain
3 through Battalion Chief Kupko. Is that right?

4 A. I never had any contact with the captain. Chief Kupko I
5 believe spoke to the captain in the initial portion of the fire.
6 I don't know what other contact was made with the captain.

7 Q. Okay. Thank you, Chief Kupko. I have -- Chief Carlucci. I
8 have no further questions at this time.

9 A. Thank you.

10 CDR BARGER: Okay. Thank you. Ports America.

11 BY MR. ZONGHETTI:

12 Q. Good morning, Chief. My name is Gino Zonghetti. I have a
13 few questions. If for some reason I speak too quickly, just
14 please let me know. We tend to do that on this proceeding with
15 the time limitations. When you arrived at the scene, your
16 understanding was that the fire had been knocked down, correct?

17 A. Yes.

18 Q. And you observed white smoke. Do you know where you saw that
19 smoke come from or can you explain?

20 A. Just as I was arriving and pulling towards the boat, and when
21 I had a chance to look up, I was able to see just a few wisps of
22 white smoke. I guess it depends on the wind direction. I don't
23 know but that's all I saw.

24 Q. Okay. And your understanding I believe if I'm understanding
25 what you said, is that that would be an indication of some level

1 of control or the fire being in its last stages?

2 A. That's correct. Once you put water on the fire, it begins to
3 change color and then goes to a steamy white.

4 Q. Right. That's because the fire is essentially heating up the
5 water, causing that white sort of steam?

6 A. Correct.

7 Q. Were you ever trained or educated in your years as a fireman
8 and then a leader, in a leadership role, that other things aside
9 from the super heating of water by a fire could cause smoke to be
10 white?

11 A. Yeah, I guess a gas release would be white, but I didn't take
12 notice of that.

13 Q. Okay.

14 A. And I was concerned that they were telling me that they had
15 the fire out.

16 Q. In terms of the Fireboat Taskforce, I understand your
17 testimony about why it was called off at the time. Do you -- you
18 were in a training role with the Newark Fire Department at some
19 point if I understood your testimony earlier?

20 A. Yes.

21 Q. Did you ever receive from the Fireboat Taskforce or do you
22 ever remember receiving the manual for marine firefighting of the
23 FDNY?

24 A. No, I don't remember ever.

25 Q. And you had no training in marine firefighting. I assume to

1 your knowledge, there was never a course or a manual provided to
2 your firefighters with respect to marine firefighting?

3 A. That's unknown to me. I'm sorry. I don't know.

4 Q. Do you know -- were you aware that the members or some
5 members of the New Jersey Fireboat Taskforce did, in fact, have
6 training with respect to marine firefighting?

7 A. That's unknown to me also.

8 Q. Is it fair to say that when you arrived at the scene of this
9 fire, that the situation that was unfolding that you and your
10 firefighters were to deal with was a unique situation, meaning you
11 had not dealt with a ship fire of this magnitude and you had no
12 training with respect to it?

13 A. It was a unique situation, but the fire was on the top deck,
14 and the water was on the fire and the fire was out. So -- other
15 than the size and the structure of the boat, that was the most
16 unique thing at the time.

17 Q. One question I have that's been a little bit vexing
18 throughout is what is your understanding as to why the
19 firefighters were actually sent into this deck 10 at the time they
20 were sent in? And I believe that was by Chief Maresca.

21 A. Well, again, you have a life priority there. We don't know
22 if there's someone in there or not, and as firemen, our job is to
23 go and make the situation better. You have to -- we have to
24 search regardless and we have to make sure that -- if 4 days after
25 this incident someone was found in there, there'd be different

1 questions to answer.

2 Q. But your understanding at the time was that the CO2 system
3 had already been deployed. Is that correct?

4 A. It was announced.

5 Q. Okay. And what you obtained from your chiefs up on deck 12
6 was that the captain had indicated or someone on the vessel had
7 indicated that all the crew was accounted for. Is that also
8 correct?

9 A. That is correct, but in my 27 years of experience, that's not
10 a valid statement. We still need to make sure that life safety is
11 our priority.

12 Q. I understand that. I understand. You have your training and
13 you've been to many, many fires where people have given you
14 misinformation and what you're doing is trying to save lives.

15 A. Correct.

16 Q. But this is a different situation, and I guess what I'm
17 driving at here is did you ever have any training or were you ever
18 given any protocols whereby when you got the scene of a marine
19 fire, you needed to interact with the captain in order to
20 determine, number 1, what had been done and also whose authority
21 there was to enter a space on a vessel, whether -- was it yours or
22 the captain's?

23 A. No, I did not.

24 Q. So when you have -- and I believe earlier you testified one
25 of the reasons that you did not push to reactivate the CO2 system

1 on the vessel after it had already been deployed once -- there was
2 two reasons. One was you were searching for the two firemen, and
3 you couldn't send your crew in if the CO2 was deployed. The other
4 reason was that there was this open door on deck 12, right?

5 A. Correct.

6 Q. But if you couldn't send your guys in with CO2 being
7 deployed, wouldn't that be the same for the situation earlier on
8 when the CO2 had been deployed sending the men in?

9 A. No, that was a different situation. And we didn't know the
10 capabilities of the CO2 system that was deployed. I didn't know
11 if it was compartmentalized, and that was a call made up on the
12 10th deck. I didn't make that call.

13 Q. So one of the things that clearly was going on here was a
14 lack of knowledge about the compartments on the vessel, how the
15 system worked and things of that nature. Is that fair to say?

16 A. That's unknown really. I'm not sure if -- what their actions
17 were on the 10th deck and why they did what they did. They were
18 in there to make the situation better.

19 Q. Sure. Do you know whether there was ever a briefing, like a
20 formal briefing or whatever you want to call it, where the captain
21 came forward to one of the chiefs on deck 10 and said this is what
22 we've done. We don't think anyone should go in there. We need to
23 let the CO2 work. It can work up to 24 to 48 hours on a ship. Do
24 you know whether that ever took place?

25 A. No, that's unknown to me also. I have no knowledge of that.

1 Q. When the FDNY arrived, the marine unit, you indicated that
2 they -- the gentleman in charge, the firefighter in charge, had
3 superior knowledge. I assume that's because of his training and
4 experience. Did you ever learn from him that the ship actually
5 had an emergency plan that they could activate whereby they would
6 get professional salvors firefighters aboard that vessel?

7 A. No, I did not. It's unknown to me. Also I learned about the
8 salvage company at the end of the operation. I had no knowledge
9 of it.

10 Q. Did you learn at any point in time while you were on scene
11 that the protocol for fighting a fire aboard a vessel such as the
12 Grimaldi vessel was to deploy the CO2 and literally let it do its
13 work for up to 48 hours?

14 A. No. I don't think it would have been effective anyway in the
15 long term because the door would never close. And to have an
16 effective CO2 system, everything needs to be sealed.

17 Q. And in addition to that, would it be the case that opening up
18 doors on the decks in order to check the status of the fire or
19 enter while the CO2 was being deployed would undermine the
20 effectiveness of the CO2 system?

21 A. That's -- I'm not clear on that. I'm not sure, but the -- I
22 know the doors, to get into the decks, I was told were only, I
23 don't know, 3 feet by 6 feet, and up on deck 12, you had 24 by 18
24 foot opening. So I mean I don't see -- I really don't -- I don't
25 really know to answer your question.

1 Q. Okay. Fair enough. Just one more. So if I'm understanding
2 correctly to the best of your recollection and reasoning, the
3 reason that the firefighters were sent in to deck 10 was to see if
4 there were any people who were trapped in there or caught in
5 there?

6 A. I don't know what his reasoning was but he did have fire and
7 he went in to put the fire out to make the situation better, and
8 while doing so, you search for people. That's standards.

9 Q. That's all I have. Thank you.

10 A. You're welcome.

11 CDR BARGER: Okay. Thank you. American Maritime Services.

12 BY MR. PALLAY:

13 Q. All right. Good morning, Chief Carlucci. Thank you for your
14 service and testifying today. My name is Matt Pallay from
15 Freehill Hogan and Mahar. I represent AMS in this case. I have a
16 few questions for you today.

17 A. Um-hum.

18 Q. What is the purpose of the safety officer or safety chief who
19 is on the scene of a fire?

20 A. He's there to -- at a regular house fire, he would go around
21 the back, tell me what the situation is. He makes sure that the
22 aerial is placed correctly, that water service is -- we have
23 enough water. He checks to make sure no aerials are close to
24 wires. And then at that point, he would then -- someone would
25 deploy a few extra ladders for a second means of egress and then I

1 use him on the interior.

2 Q. Okay. So is it fair to say a safety officer's there to
3 ensure I guess logistics of fighting the fire is safe, you know,
4 ladders in the right spot. You're not, like you said, not hitting
5 wires and things like that.

6 A. That's correct.

7 Q. Is a safety officer supposed to be actively investigating the
8 location of the fires and fighting fires or is that for other --

9 MR. LIPSHUTZ: Matt, can you repeat your question? We froze.
10 Can you repeat the question? We froze up a little bit. I'm
11 sorry.

12 MR. PALLAY: Okay.

13 BY MR. PALLAY:

14 Q. Is the safety officer supposed to be actively investigating
15 and fighting the fire as opposed to say other teams who will be
16 doing that?

17 A. I'm trying to see if I can understand your says. If he's
18 actively -- can you just repeat it? I'm sorry. One more time.

19 Q. Sure. Is a safety officer, is he supposed to be actively
20 investigating, you know, where a fire is or is he more -- whereas
21 other teams would do that or is he just more or less just supposed
22 to be making sure the logistics of those fighting the fire is that
23 they're safe?

24 A. No, I would use him that way also on the interior of a
25 building. After he did the opening components of his job, I'd

1 send him in and see if he had fire spreading somewhere or someone
2 needs help inside. Then he would become safety officer for the
3 members inside also.

4 Q. Okay. And then how about, you know, would the safety officer
5 also fight fires?

6 A. Not normally, no. I mean he conducts it though. He
7 definitely commands people, puts people in the right position. He
8 doesn't take the hose line himself, no.

9 Q. Okay. You know, the safety on this vessel was Chief Maresca?

10 A. That's correct.

11 Q. And whereas, you know, him going up and he wanted to explore
12 and investigate on the vessel. Was that beyond that the duties of
13 a safety officer?

14 A. No.

15 Q. Okay. As deputy chief the last 7 years, are you in charge of
16 coordinating and selecting, you know, trainings to be done, you
17 know, for the fire department?

18 A. I am not.

19 Q. And who would that be?

20 A. That comes from headquarters, from the chief of the
21 department.

22 Q. Okay.

23 A. The chief of operation.

24 Q. Okay. Were you ever made aware that the ventilation system
25 was turned on, on the vessel, at any time?

1 MR. LIPSHUTZ: You know, Commander and -- this was not really
2 discussed on direct. I suppose -- so I'm going to object. It was
3 not really discussed on direct at all. I'll just leave it at
4 that.

5 LCDR WARD: Yeah. Mr. Lipshutz, thank you. That's correct
6 and you're objection is timely because we just talking about
7 asking that ourselves. So please proceed.

8 MR. PALLAY: Yeah, I was just say my response would be like I
9 don't know if it was forgotten but I would think that that would
10 be something you'd want to ask. So okay. But I'll repeat the
11 question.

12 LCDR WARD: Thank you.

13 BY MR. PALLAY:

14 Q. Chief Carlucci, were you ever made aware that the ventilation
15 system on the vessel being turned on at any time during your
16 operations?

17 A. Yes.

18 Q. Okay. In your 27 years as a firefighter, would a good
19 firefighting practice introduce a large amount of oxygen into
20 areas where there's active fire but no firefighting activities?

21 A. Yes. And you want me to explain. You vent for two reasons.
22 You vent to find fire and you vent for life safety, and at that
23 point, we had a life safety issue. We were going to do whatever
24 we could to get to these people as quickly as possible.

25 Q. Okay. You'll agree with me that previously you testified

1 that the open door on deck 12, that undermined the CO2 system
2 because air was getting in and CO2 was getting out, correct?

3 A. That's what I was -- that's the way I see it, yes.

4 Q. Okay. So then would you agree with me that introducing a
5 large amount oxygen via the ventilation system would further
6 undermine that CO2 system?

7 MR. LIPSHUTZ: Again, this was just asked, and he answered
8 it, but you can answer it again I suppose. Go ahead.

9 THE WITNESS: We had to -- our main objective here was now to
10 find our members.

11 BY MR. PALLAY:

12 Q. And are you aware --

13 A. And to eliminate the smoke was the best option to try to find
14 them.

15 Q. And did -- turning on the ventilation system, it would
16 eliminate the smoke and make it easier to find your members or did
17 it make the smoke worse?

18 A. My understanding was it began to make conditions a little bit
19 worse. So we had it shut down immediately.

20 Q. Okay. And so -- and to your recollection, how long was the
21 ventilation system turned on for?

22 A. I can't answer that. I don't know that timeframe.

23 Q. A few minutes, a few hours, you know.

24 A. Oh, no, a few minutes. A few minutes.

25 Q. So maybe, you know, more or less than 10 minutes?

1 A. Again, I don't know. I would be guessing.

2 Q. Okay. And were you part of any of the chain of command to
3 make that decision to turn on the ventilation system or was that
4 done by someone else?

5 A. It was brought to my attention. We tried to figure out the
6 best way, and I believe Chief Maresca called to have that -- to
7 have the ventilation system done.

8 Q. Okay.

9 A. Try to vent the boat, but it was discussed.

10 Q. Okay. You testified earlier about, you know, on a typical
11 day you would go around to check different firehouses and
12 different departments, checking on their equipment.

13 A. That's negative. I don't check their equipment. I just go
14 in, talk to the members. I see if there's any conditions or any
15 problems. I can't make it to every firehouse. We have a lot of
16 firehouses in the City. So I pick a section and I go to that
17 section. That day, I didn't do that because we had inspections.

18 Q. Okay. And as part of that inspection, you were checking
19 equipment?

20 A. I am not checking the equipment. I'm checking the members.
21 We have another service, special services that comes and then they
22 go through the rig along with Chief Jackson. They go through the
23 equipment.

24 Q. Okay. And when I say you, I mean I guess, you know, who
25 you're with, not necessarily you personally. Is that a better

1 characterization?

2 A. Yes. I'm present if that's your question -- if that's the
3 answer you're looking for. I'm present but I'm not physically
4 checking every piece of equipment.

5 Q. And then that equipment is checked by I guess your team, I'll
6 just, for lack of a better term, are they checking SCBAs?

7 A. No, that's done in the morning, when the firefighters arrive.
8 They check their own SCBAs. If it's broken, they take it out of
9 service, and it's immediately replaced with a spare. They check
10 their air bottles. They're in charge of checking their own
11 equipment.

12 Q. Okay. And the SCBAs, do they have I guess like digital
13 receivers or transmitters that transmit their information on those
14 SCBAs?

15 MR. LIPSHUTZ: I mean I don't recall this being part of any
16 prior questions by the investigative team. So respectfully I will
17 object to this topic.

18 LCDR WARD: Mr. Pallay, do you have anything?

19 MR. PALLAY: I was just trying to get into, you know, what
20 his knowledge of certain equipment that was used or not used that
21 day. I was trying to build my way to that.

22 LCDR WARD: Certain equipment being specifically SCBAs?

23 MR. PALLAY: And I guess the pack tracking technology on
24 them, if they existed and whether or not that was used on the day
25 of the fire.

1 LCDR WARD: I think if the question is limited to are you
2 aware of their use in this incident, that's acceptable.

3 MR. PALLAY: Okay.

4 BY MR. PALLAY:

5 Q. All right. So, Chief Carlucci, are you aware of pack
6 trackers being used on the day of the fire to locate Captain
7 Brooks and Captain Acabou?

8 A. No.

9 Q. And did Newark Fire Department have capability of pack
10 trackers?

11 MR. LIPSHUTZ: Again, this is now -- you give an inch and it
12 goes a mile.

13 LCDR WARD: Is the question do you have them?

14 MR. PALLAY: Yes.

15 LCDR WARD: Okay. That's acceptable.

16 THE WITNESS: Yes.

17 BY MR. PALLAY:

18 Q. Okay. And the purpose of -- and just for -- because I'm not
19 a firefighter, what is the purpose of the pack tracker?

20 MR. LIPSHUTZ: The questions are being allowed. So go ahead.

21 LCDR WARD: To your knowledge. To your knowledge.

22 THE WITNESS: Okay. It's utilized to find a pass alarm that
23 is going off or an actual signal that comes from the harness of
24 the SCBA.

25 BY MR. PALLAY:

1 Q. And so would you agree with me that that's -- we were
2 searching for firefighters and a pack tracker could have been used
3 to help search for them?

4 MR. LIPSHUTZ: You know. Again, you want -- I keep objecting
5 but it seems like --

6 LCDR WARD: I would say that the limit of this being relevant
7 to the investigation is that they weren't present that day.
8 Newark possesses them. So please move on.

9 MR. PALLAY: Okay. All right.

10 BY MR. PALLAY:

11 Q. Deputy Carlucci, when you were first advised I believe -- it
12 was Coast Guard Exhibit 17, we can pull it up if you'd like, if
13 not I'm not going to quiz you on the exact wording of things.
14 Would you agree with me that dispatch had advised that North
15 Hudson was available, correct?

16 A. Yes.

17 Q. And then why would dispatch offer North Hudson to you?

18 A. They may have called our dispatch center. I don't know why
19 they would do that, and at that point, the fires were out.

20 Q. Okay. And then at that point, you told them you didn't need
21 North Hudson, correct?

22 A. Correct.

23 Q. How soon after you told them that you didn't need North
24 Hudson had fires increased or there had been more confirmed fires?

25 A. I don't recall.

1 Q. Okay. And after that canceling of North Hudson, what was the
2 next -- was there ever another call or the idea revisited to have
3 them respond?

4 A. No, I don't recall that either.

5 Q. Okay. Just one more question here. You mentioned earlier
6 that tag system to keep track of firefighters going into spaces.
7 Was the tag system set up and implemented before Chief Maresca
8 went into the decks of the cargo vessel or after?

9 A. No, I just had them on a pad because it was only a few
10 members in there.

11 Q. But the tag system itself was not being utilized when Newark
12 Fire Department was entering the space?

13 A. Not the initial stage, no. It was just a few members, a
14 couple companies. So it was easy to keep track of people at that
15 point, and the fires were out on the 12th deck, and we thought it
16 was done. We thought the situation was over.

17 Q. And my last question.

18 A. We were never informed of fires anywhere else on the boat.

19 Q. Okay. To your recollection, was the fire -- at the time you
20 had arrived on the vessel compared to the time you left, was the
21 fire better or worse?

22 A. That was a 12 hour incident. It was definitely worse when we
23 left.

24 Q. All right. Nothing further. Thank you, Chief.

25 CDR BARGER: Okay. Thank you. Port Authority of New York -

1 New Jersey.

2 MR. KIM: We have no questions at this time. Thank you,
3 Deputy Chief.

4 THE WITNESS: You're welcome. Thank you.

5 CDR BARGER: Okay. Thank you. And the City of Newark.

6 MR. LIPSHUTZ: I appreciate in letting us go last, and I
7 think we don't have anything else to ask at this point. Thank
8 you.

9 CDR BARGER: Okay. Thank you.

10 REDIRECT EXAMINATION

11 BY CDR BARGER:

12 Q. Chief Carlucci, I have just a couple of follow-up questions.
13 Going back to the decision to utilize the ventilation, was that --
14 you mentioned you knew or you were a part of that conversation.
15 Was that your decision to turn it on or was that somebody else's?

16 A. I guess ultimately it would be my decision because I'm in
17 command, but we spoke about it. We were trying to make conditions
18 better. We had already located a fireman. We were still looking
19 for another one. We were just trying to get some of the smoke out
20 to make the rescues quicker and more effective.

21 Q. Okay. Did you ever have any conversation about the use of
22 that ventilation system with the ship's crew?

23 A. I don't recall. I'm not sure who had contact directly with
24 the crew, whether it was Chief Maresca. There was a member
25 standing by me. I mentioned we were going to try to do the

1 ventilation because we have people missing. At that point, they
2 didn't even know we had people missing inside the boat.

3 Q. Okay. Were you ever made aware of any objections from the
4 ship's crew or more appropriately the ship's captain about turning
5 on the ventilation?

6 A. It's unknown. I'm not sure. I don't recall that incident,
7 you know, that situation coming up, you know, whether it was going
8 to be helpful or non-helpful.

9 Q. Okay.

10 A. Again our priority was to get our men out of there.

11 Q. Okay. And were you aware if at all, was the ventilation
12 system turned on and off more than once?

13 A. I don't recall, but I do know that it was turned on. I was
14 told conditions were not good when -- it was bringing more smoke
15 on them and we shut it off. I don't know. I don't remember if I
16 called to have it shut off or I called up to somebody up there to
17 have it shut off or Maresca, but it was shut off. It was very
18 quickly.

19 Q. Okay. And when you say it was making conditions worse on
20 them, was that for the rescue teams on deck 10? Was that for the
21 teams on deck 12? What does that relate to?

22 A. I believe there was a radio transmission from someone who
23 said that the smoke was getting worse, and then I had someone who
24 came down from the vessel. I had a lot of eye-to-eye contact with
25 people that were working coming down to get new bottles or

1 rehabbing, and saying. So that's when we realized that we had to
2 shut it down. It wasn't helping.

3 Q. Okay. And then with regards to the life safety aspect, you
4 know, you mentioned part of the reason going to deck 10 was to
5 verify if there was anybody still left in the space for life
6 safety. Did any members of the fire department or did you direct
7 doing the same for the other decks of the ship?

8 A. Yes. When members began missing, I would send crews up and
9 have them check each deck. We did that more than one time. I
10 checked the stairwells as we were still looking for Firefighter
11 Brooks in case he was able to evacuate himself. I had them
12 checking the stairwells, checking the decks as they went up.
13 Everything I was getting was that all searches for him were
14 negative.

15 Q. Okay. And that was after the mayday was called, correct?

16 A. That is correct.

17 Q. What about prior to the mayday being called, when you first
18 started exploring deck 10, were there other firefighters or any
19 objective to exploring let's say decks 6, 7, 8, 9?

20 A. Yes, they did. They told me there was no fire, no conditions
21 on any of those decks.

22 Q. And then my last lines of questions and follow up here. In
23 your previous experience with structure fires, have you worked
24 with UASI in previous responses?

25 A. I have not personally, no.

1 Q. Okay. So you've never been in charge of an incident where
2 UASI has responded.

3 A. Well, Newark's UASI team, yes. Just before, you know, we had
4 a building collapse, like -- and we called our Rescue II company
5 and they came and they did the shoring and cribbing. So not with
6 outside agencies, no, I've never had a job with the outside
7 agencies.

8 Q. Okay.

9 A. I wouldn't go to those jobs as outside agencies. That is the
10 function of the battalion chief that runs the section of the City.

11 Q. Okay. When the UASI teams did arrive at the incident on July
12 5th, 2023, was your interaction with them as you would expect?

13 A. Yes. They identified themselves. They came to the command
14 post, told me the amount of people they had, and they went over to
15 their section where they were setting up their command structure.
16 I asked them to take -- to keep accountability of their own
17 people, and they did, and that was my most interaction I had until
18 we wound up deploying those units. Then they would come over. We
19 would set up what we were going to do, and we deployed those
20 units.

21 Q. Okay. When those units did deploy -- start deploying onto
22 the ship, would you say that then became a UASI command of the
23 incident or did you feel that you retained command of the
24 incident?

25 A. I remained in command but we worked together.

1 Q. All right. I have no additional questions.

2 CDR BARGER: Do any other members of the investigation team
3 have any last follow-up questions?

4 LT REED: Yes, Commander. I have a couple of follow-up
5 questions.

6 CDR BARGER: Lieutenant Reed.

7 BY LT REED:

8 Q. Okay. Chief, earlier you mentioned that Newark only has four
9 battalion chiefs for any given tour, but they previously had six.

10 A. Correct.

11 Q. Were there any specialty divisions shut down to reduce that
12 number to four?

13 A. I don't understand the question. I'm sorry.

14 Q. What -- so they used to have six. Now, they have four. So
15 what positions were merged or gotten rid of to reduce the
16 battalion chief number to four?

17 A. Well, there was -- they would break the City up between --
18 well, they were called Battalion 2 and Battalion 6, and we would
19 split the City in half. So Battalion 2 would take one and
20 Battalion 6 would take the other. He would become the designated
21 safety officer at every fire, and through attrition and through,
22 you know, people just coming and going, being promoted, those
23 spots were never filled.

24 Q. Okay. And, about how long has the City been operating with
25 four chiefs instead of the previous six?

1 A. A long time.

2 Q. A long time.

3 A. Over 5 years I would say.

4 Q. Okay. That's all the questions I have. Thank you, Chief.

5 A. You're welcome.

6 CDR BARGER: Okay. Any other questions from the
7 investigation team?

8 LCDR MOORE: Nothing from me. Thank you.

9 CDR BARGER: Okay. Hearing none other, Chief Carlucci, I
10 want to thank you for your time and your testimony today. You are
11 subject to recall and my sequestration order will remain in place
12 until you're notified by Lieutenant Reed that you're released from
13 these proceedings. The time is now 11:37 a.m. The hearing remain
14 in recess pending scheduling of any additional virtual testimony.

15 Thank you, Chief Carlucci.

16 CHIEF CARLUCCI: Thank you very much, everyone.

17 (Whereupon, at 11:37 a.m., the hearing in the above entitled
18 matter was recessed pending scheduling of additional virtual
19 testimony.)

20

21

22

23

24

25

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
Interview of Alfonse Carlucci

ACCIDENT NO.: DCA23FM039

PLACE: via Microsoft Teams

DATE: March 13, 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