

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ABOARD THE *SPIRIT OF BOSTON*
NEAR THE BOSTON SPORTS DISTRICT
IN BOSTON, MASSACHUSETTS ON
MARCH 24, 2023

* Accident No.: DCA23FM022

* * * * *

Interview of: KEVIN MCCARTHY, Lieutenant
Investigator
Boston Fire Department

Boston, Massachusetts

Thursday,
May 4, 2023

APPEARANCES:

█ █ Lieutenant
First District Formal Investigation Team
U.S. Coast Guard

█ █ Lieutenant Commander
First District Formal Investigation Team
U.S. Coast Guard

BRIAN YOUNG (via telephone)
National Transportation Safety Board

█ █ Lieutenant Commander, Legal Advisor
U.S. Coast Guard

ERIC DENLEY, Counsel
City Cruises

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I N T E R V I E W

(9:57 a.m.)

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2
3 LT [REDACTED] This is a joint U.S. Coast Guard, NTSB
4 investigation, and the Coast Guard is the lead agency, and we are
5 conducting this interview under the applicable Coast Guard
6 regulations. Today is May 4, 2023 at 0957. This is an interview
7 with lieutenant Kevin McCarthy. Location is the First Coast Guard
8 District Legal Conference Room. We are conducting an interview to
9 examine the events surrounding the fire aboard the excursion
10 vessel *Spirit of Boston* which occurred on March 24, 2023.

11 At this time we're going to go around the room to introduce
12 everybody and their affiliation with the investigation. Please
13 spell your last name.

14 My name is Lieutenant [REDACTED], and I am with
15 the First Coast Guard District Investigations Team.

16 LCDR [REDACTED] I am Lieutenant Commander [REDACTED]
17 [REDACTED], and I'm with the First Coast Guard District, Formal
18 Investigations Team.

19 LCDR [REDACTED] Good morning, sir. Lieutenant Commander [REDACTED]
20 [REDACTED], and I'm the legal advisor to the
21 investigation.

22 LT [REDACTED] Just one second.

23 LT MCCARTHY: I'm sorry.

24 LT [REDACTED] Mr. Young.

25 MR. YOUNG: Good morning, Lieutenant. This is Brian Young.

1 I'm an investigator with the NTSB. Last name is spelled
2 Y-o-u-n-g. Thank you for your time today.

3 LT [REDACTED] And our parties-in-interest, Mr. Denley.

4 MR. DENLEY: Yes. Good morning. My name is Eric Denley.
5 That's D-e-n-l-e-y. I'm counsel for City Cruises and the *Spirit*
6 *of Boston*. Glad to meet you. We're a party-in-interest to the
7 investigation.

8 LT [REDACTED] And Mr. McCarthy.

9 LT MCCARTHY: Lieutenant Kevin McCarthy, M-c-C-a-r-t-h-y. I
10 am an investigator with the Boston Fire Department.

11 LT [REDACTED] Mr. McCarthy, some notifications. You may
12 change, modify anything that you say in this interview. If you
13 recall anything at a later time, just let Mr. [REDACTED] know, and
14 we can go ahead, and get that on the record.

15 LT MCCARTHY: Okay.

16 LT [REDACTED] You may also appeal the final results of the
17 Report of Investigation that may result for this interview. For
18 information regarding Coast Guard marine casualty investigations
19 the Coast Guard *Marine Safety Manual*, Volume 5, is our guidance
20 for conducting these investigations, and I can provide that manual
21 to you, if you would like to read through that.

22 LT MCCARTHY: Okay.

23 LT [REDACTED] If nobody has any further questions, we're going
24 to go ahead and begin the interview at this time.

25 Ms. [REDACTED]

1 LCDR [REDACTED] Okay.

2 INTERVIEW OF KEVIN MCCARTHY

3 BY LCDR [REDACTED]

4 Q. Lieutenant McCarthy again thank you for being here. We're
5 kind of just going to break this up. We'll go through some
6 background questions, and then we'll kind of move on to the fire
7 onboard --

8 A. Okay.

9 Q. -- *Spirit of Boston*. So can you just tell us what's your
10 current title, and please describe for us what your job entails.

11 A. Lieutenant in the Boston Fire Department, Fire Investigation
12 Unit. I'm a certified fire investigator in Massachusetts, and I'm
13 also certified fire and explosion investigator with the National
14 Association of Fire Investigators. My job is I am a shift
15 commander. I have two investigators and a photographer that work
16 in my group, and we investigate fires in the entire city of Boston
17 as to origin and cause.

18 Q. And what fire department or station are you -- station are
19 you assigned to?

20 A. It's Boston Fire. It's the Fire Investigation Unit which is
21 just one unit. We're on 920 Mass Ave in Boston, but we, we cover
22 the whole city of Boston.

23 Q. Can you kind of give us a little background in your
24 experience as a fire investigator?

25 A. I came on to the Fire Investigation Unit when I was -- in

1 2001. Part of our training is we're sent to different various
2 schools as far as origin and cause, interrogation, interviewing,
3 what have you. Over the years investigated literally thousands of
4 fires from small fires in a school to multiple fatalities to large
5 loss fires. And what we do is we do origin and cause reports. We
6 have a photographer photograph the scene, document the scene.
7 I've testified in superior court probably 50, 60 times; in
8 district court hundreds of times.

9 Q. You kind of went into a little of your training to become a
10 fire investigator. But since becoming a fire investigator. But
11 since becoming a fire investigator do you do like continuing
12 education courses?

13 A. Yes. Yes, we do. The International Association of Arson
14 Investigator is what we're assigned -- I shouldn't say assigned,
15 but we're part of that group, and there are quarterly continuing
16 education classes. You have to recertify with the National
17 Association of Fire Investigators, I believe, it's every five
18 years if you've continually worked as a fire investigator. And
19 with that recertification you have to produce your continuing
20 education classes that you've taken. You have to submit fires
21 that you've been to. Of course in the city we're very busy. So
22 it's not an issue. Some of the smaller fire investigators in
23 smaller towns might not have that many fires that they actually
24 investigate which can be an issue. And the state certification is
25 every five years. So to get the certification in the first place,

1 you would have to had investigated a certain number of fires which
2 I'm not really sure of. You have to have so many hours of
3 continuing education and training before you're eligible to take
4 the exam for certified fire investigator which is like 150
5 question exam. And once you pass the exam you get the moniker of
6 certified fire investigator. And I've continued to be one since I
7 became a certified fire investigator probably early 2002, by the
8 time I got up there 2001, and by the time I did all my
9 certification and testing to become certified. So probably 2002
10 I've been certified.

11 Q. And you just stated approximately over 1,000. Do you know a
12 number of how many fires you've investigated? I know --

13 A. I mean it's -- I should have had that with me, but well over
14 1,000 fires. And, again, some are major loss, multiple casualty
15 fires, to small kitchen fires. And we go in, and it's a kitchen
16 fire that anybody in the room could probably look at and say,
17 yeah, the fire started on the stove, and it extended to the
18 cabinets, and this is the area of origin, that's the point of
19 origin was the pan with all the oil in it. So they could be as
20 basic as that, or high-rise, you know, multiple triple-decker
21 buildings and different things like that as far as the intensity
22 and scope of the fires you're investigating. So saying thousands
23 of fires doesn't mean thousands of news worthy fires. We had two
24 yesterday in the city that we worked, and none of them will make
25 the news. They -- one might, but, you know, it's -- they're not

1 huge fires.

2 Q. Is there a manual or policy or document that you use to guide
3 you when you conduct your fire investigations?

4 A. Yes. There's a couple. There's a guide. It's 921. It's
5 the NFPA 921, which is a guide to fire investigation as opposed to
6 a standard. It has everything from electrical theory to report
7 writing to, you know, pretty much the whole gamut of fire
8 investigation. And then there's NFPA Form 1033 which is the guide
9 to fire investigation qualifications of basic what you need to
10 have schooling-wise experience-wise to be certified. And those
11 are the two guides that are pretty much across the country that
12 people abide by, and people are expected to follow.

13 Q. Specifically talking to fire investigations on vessels is
14 there like a memorandum of understanding with partner agencies
15 when you conduct fire investigations onboard vessels, or are you
16 just kind of like assigned because the fire department responded
17 to a vessel fire?

18 A. The second, yeah. We just, we just respond. This is a first
19 for me to be, you know, we've -- I've done a lot of boat fires.
20 Most of them are small vessels that are refueling or have some
21 kind of electrical issue onboard, and it's, you know, a lot of
22 them are a total loss with the fiberglass, and there's really
23 nothing much to even investigate, you know, it's a melted blob of
24 plastic, and there's really not a lot to see there. I've never
25 been involved in a multi-agency situation like this.

1 Q. My next question about investigating fires on vessels, and I
2 know you said they can be very different, but approximately how
3 many fires on vessels have you --

4 A. To be honest, not that many. I would say in my career maybe,
5 maybe 50 in 20 plus years. So not a lot. And there's also a
6 jurisdictional situation in Boston where the -- for a while --
7 it's kind of changed a little bit, but the state police because
8 the state police have the waterfront, that a lot of the yacht
9 clubs are really technically in state police property, and the
10 state police have investigators. So there has been fires that
11 Boston Fire has gone and extinguished the fire, but the
12 investigation was passed over to the state police because of
13 jurisdiction-wise. So but, yeah, I haven't been to a lot of boat
14 fires, no.

15 Q. When it comes to the process or the science of the origin,
16 cause and origin in investigating fires are the way you
17 investigate fires onboard vessels any different than the way you
18 investigate fires in buildings or --

19 A. No. It's basically it's the same. It's the same process we
20 use, the scientific method that applies to pretty much everything,
21 and, you know, we look at the evidence, and interview people, and
22 then try to come to a conclusion as far as what the cause was.

23 Q. In your professional expertise from all your years that
24 you've been doing this can you kind of explain for us the science
25 of a fire and how it affects the surrounding environment? How

1 does the smoke and the heat affect when a fire happens the
2 environment around it?

3 A. Well, I mean, obviously, depending on the extent of the fire
4 and what is burning. Now with a lot of the foams and, you know,
5 like say in contents fire of a house, the furniture with a lot of
6 polyurethane and things like that it burns hotter, blacker smoke.
7 There's different -- as far as, like, ventilation patterns and
8 what have you through a building or through a ship, through
9 anything. A window pops out, and obviously the fire is seeking
10 the path of least resistance and seeking oxygen. So they, they --
11 most fires pretty much react the same as far as from their area of
12 origin and how they spread depending on what combustibles are
13 close enough to get -- to burn. But like I said, I mean, we, we
14 kind of come into a scene, whether it's a boat or a house or
15 whatever it is, in the same method where we're just -- we're
16 looking at what could possibly have been the initial point of
17 origin and the cause, and we -- what we basically look at is it's
18 -- is it possible that it was intentional. And, I mean, we like
19 to look at three basic broad kind of intentional, unintentional,
20 or undetermined. And we get to a point where we sit in a room
21 like this. We have my crew. I'll bring in other crews depending
22 on the fire.

23 The next day guys will go out and look at the scene, and if
24 we come to a point where everyone in the room is could it be,
25 maybe, possibly, yes. I always like to equate it when you're

1 going to be testifying in court, and the defense attorney or
2 prosecuting attorney is saying are you absolutely sure 100 percent
3 that this fire started here, and you say if you can say yes I am,
4 then that's what we're going with. So we kind of have an umbrella
5 over if everybody agrees, you know, [REDACTED] says I'm not really sure,
6 and we're not really -- I don't know, and could it be, maybe, then
7 we leave it undetermined. And I was mentioning to [REDACTED] earlier
8 from the public side it's kind of -- it's not an out, but it's an
9 easier thing for us because we don't have the resources to spend
10 5, 6, 8, 10 days at a scene because we're working other cases.
11 Whereas the private guy sometimes will lock on to a certain
12 building or whatever it might be, and be able to spend a week
13 there, which we can't do. Once we rule out the possibility in our
14 opinion that it was intentionally set we try diligently to get the
15 area of origin especially, and then the cause if possible. And
16 then if you can't come up with a cause then we, then we leave it
17 undetermined. And so that's kind of the process from the
18 beginning of going to the fire to the end of the report writing.

19 Q. You had mentioned with the furniture and the burning smoke.
20 Can you kind of take us through how smoke affects the fire team
21 response?

22 A. Well, yeah. I mean, so when the fire crews arrive, and
23 depending on the level of how much smoke, I mean, not being the
24 old guy, but when I came on the -- it was almost like the machese
25 (ph.) ball of who had a mask on and who didn't, you know, and

1 which is total craziness. But now a days the -- it goes out over
2 the air. Everyone remain under air. So you don't have the guys
3 -- I mean, it was -- we'd be in basements pulling ceilings in a
4 triple-decker, and you'd see the guy with the cigarette in his
5 mouth. You can barely even see him. The old school guys. And I
6 had my mask on like I'm trying to -- so the smoke if it's, if it's
7 so thick -- because many times you go in a building you can't see
8 anything. You can't see your partner with you. You hear the
9 breathing apparatus or whatever.

10 So it effects, it effects the initial response as far as
11 getting to where the seat of the fire is. You come into a
12 building or a ship, and the thing is completely filled with smoke,
13 it's like, okay, where do we start? You start going towards the
14 heat is the old school way of trying to figure out where the seat
15 of the fire is. But I've been in many building fires where you
16 look, and you look, and you look, and you're going floor-to-floor,
17 and you realize the roof is burning off, but it started in the
18 basement. So it effects the initial response I would say as far
19 as time-wise. Obviously, a light smoke condition where you can
20 come in and see where the fire is burning you're going to get in
21 there a lot quicker. You come in where it's complete, you know,
22 you can't see your hand in front of your face, it's going to, it's
23 going to delay getting water on the fire.

24 Q. We're going to shift to the events of March 24, 2023. Can
25 you kind of talk about your fire origin investigation onboard the

1 *Spirit of Boston*, and just kind of talk us through what you did,
2 the process, deflection, the findings for the origin of the fire?
3 Just what you did that day.

4 A. Yeah. So we were called that night. We were monitoring on
5 the radio that there was a fire on the, on the ship. And we don't
6 initially respond. We respond if we're called on. So the
7 protocol in the city of Boston the second alarm fire which is --
8 the first alarm response is three engine companies, two ladders,
9 rescue and district chief. When it goes to the second alarm it's
10 -- there's two more engines are added. The second alarm we
11 automatically respond. In this case it went to the second alarm
12 on the ship. So we automatically responded.

13 We got to the scene. There was a state trooper that was in
14 the, was in the roadway. And, again, as we're going over in my
15 mind I'm saying, okay, is this a jurisdictional situation here.
16 Are the state police going to take this? I talked to a state
17 police sergeant that was not an investigator, and he didn't know
18 anything about it. We contacted one of the state police fire
19 investigators who has an accelerant dog. We have an accelerant
20 dogs. And one of my buddies knew this guy, and called out, and
21 said we just want to give you heads up there's a fire on the
22 *Spirit of Boston*. We don't want to be, you know, take your -- if
23 it's your show then it's your show. If it's our show, whatever.
24 It doesn't matter. And he was, like, well, nobody from our group
25 is responding. So we said, okay, we're going to do our deal.

1 So the trooper had told us that there was a group of people
2 that had been on the ship that were at -- across the street in a
3 -- in the -- either in the hotel. I didn't go over there, but
4 there was a group of people there. So my job I go over and report
5 to the incident commander, who is Deputy Chief Lonigan (ph.), and
6 reported to him kind of what do you have? He said there's a fire,
7 you know, on the, on one of the lower decks. They were still
8 putting water on the fire. So we were there for a few minutes
9 before we actually went into the scene. And then we, we went into
10 the, into the ship, and then we started our origin and cause
11 investigation. We came to the kitchen area, galley area. And
12 part of our thing is kind of the basic thing is you're moving from
13 least amount of damage to most amount of damage. You start
14 working your way in to try to get to see where the area of origin.
15 And it was determined that the area of origin was in a, like a
16 prep area in the kitchen.

17 We, first we photograph the scene as it is before we start
18 moving anything. We took some notes of the condition of the room,
19 what was burned, and what was not burned. And we determined that
20 the fire -- the area of origin was in that, I guess, it's probably
21 a four by eight section of the, of the galley. We -- one of my
22 investigators had spoken with one of the people who had been
23 onboard. It was one of the managers. And in my reports which are
24 -- they have them at -- our counsel has all that stuff with the
25 Boston Fire Department. And we spoke to a woman -- he spoke to

1 her, the first woman that saw the fire. And she made a reference
2 that she said she thought it was coming from underneath, from the
3 wall, from underneath the wall, like, like, in an enclosed area
4 along the port side of the ship in the corner, but she couldn't
5 really tell. She told her boss. Her boss came and looked, and
6 they saw that there was fire in there, there was smoke, and they
7 got everybody off the boat. So that was like the extent of
8 eyewitness testimony that we had as far as the fire goes.

9 We were there for a few hours that night. We photographed.
10 We talked about possibilities as far as cause. And then the plan
11 was made that we were going to leave, and then come back and -- in
12 daylight. And one of our investigators is a licensed electrician,
13 and wanted to come back and, you know, just the years of
14 experience -- bring in more years of experience in to come and
15 look. Because we were at a point where there was -- I wasn't
16 saying, like, yeah, it was definitely this or it was definitely
17 that. At that time we were kind of -- it was kind of undetermined
18 what it might be. So we, we ended up leaving that morning. I
19 don't know what time. We had been there for a few hours. And
20 then we came back when it was towed to -- Chelsea. Was it the
21 next day was it towed over to Mr. Gribber (ph.) or was it two
22 days?

23 UNIDENTIFIED SPEAKER: I believe it was two days.

24 LT MCCARTHY: Two days. Okay. Once it was over there we
25 came back with another crew. The electrician probably has 17, 18

1 years investigation. There was a whole other group because we
2 work 24-hour shifts. So now we have eight investigators that are
3 getting a look at it. And that's what we were saying earlier
4 about the maybe, could be, possibly, I don't know. And so we were
5 at a point where none of us could say with 100 percent certainty
6 what we thought the cause was at that point. I don't know if
7 that, if that --

8 Q. No. That's great. Thank you. I'll just have a few follow-
9 up questions to that. Can you kind of just talk us through the
10 equipment that you -- I know you said you took photographs, but
11 what other, what other equipment did you take and use for the
12 investigation?

13 A. Other than the cameras that was about it. We, you know, we
14 moved stuff just physically moving stuff inside there. The
15 equipment that we have on our -- our unit is called Kilo 6 is the
16 investigation unit. Kilo 7 is the photographer. We have some
17 hand tools as far as cutting up stuff. But where the ship is
18 metal we didn't, we didn't have anything to really deal with, to
19 deal with that. But I can say that while we were in there, and
20 just photographing and looking at the damage, which was pretty
21 severe as far as the, the area where the woman said she thought
22 she saw it coming from the wall, was all melted, and all the wires
23 and stuff in there. It gets to a point where, like I said, for us
24 to say can we get an electrical engineer in or can we get this, we
25 can't do that. So it got to the point where two days later when

1 we went, and everybody looked, and then we had a powwow back at
2 the office, and we kind of tossed different scenarios off of each
3 other, and possibilities, and there were multiple possibilities.

4 Was there anything definite? No. That's where we were.

5 Q. Have you completed your fire investigation --

6 A. Yes.

7 Q. -- aboard the *Spirit of Boston*? And I know you said you had
8 discussions with your group and everything, but what did you
9 determine or what was the end result of your report where the
10 origin of the fire started?

11 A. So the origin was in that, that little galley area. So there
12 was the main big section of the kitchen, and then there was like
13 the little almost like a prep area. There was a sink there.
14 There was a bunch of sternos, you know, on the window where the
15 fire first vented that window. And so we had the origin there,
16 and the cause we left undetermined.

17 Q. Can you kind of take us through the fire spread onboard the
18 vessel? Is that part of your investigation? I know your cause
19 and origin, but can you kind of take us through how the fire
20 spread?

21 A. Yeah. We were -- that was one of the kind of the perplexing
22 situation, like, in this room you have the ceiling tile. In the
23 ship there were metal ceiling tiles. The damage inside the plenum
24 area what we call it in between the ceiling and the deck above,
25 the warping of the, the -- I guess it was the -- would that be the

1 second floor deck? And then the flooring up above was all
2 fractured and cracked, and some of the supporting metal beams that
3 were warped. So it, you know, it was in the -- it got into the
4 walls, and into the ceiling at some point. So part of our reason
5 of leaving it undetermined was that, okay, different types of
6 metals melt at different temperatures of course. Steel 2500
7 degrees in and around that depending on how light it is and what
8 gauge. Contents fires, trash fires, in a, in a home at ceiling
9 level with enclosed ceiling can get up to 1500 degrees, right?
10 You have a couch that's burning -- they do these tests of course,
11 and at the ceiling it might be 1500 degrees. Our issue was, okay,
12 if we have a contents fire, meaning paper towels or, you know,
13 what do you call it that the chefs wear like the -- like, yeah,
14 yeah. You could get that hot. And to get into the ceiling space
15 and in that plenum area, and cause the warping of the floor, and
16 cause the warping of the -- of some of those thinner support --
17 they were almost like, almost like bar joists, which kind of threw
18 everybody too. Like that's a high heat. And how it gets up
19 inside those metal ceiling tiles. So we were concerned about
20 that. But in my opinion, the fire was in the wall, and it, you
21 know, it got into the wall. How it got in there, and into the
22 ceiling that's the question. That's why one of the reasons we
23 left it undetermined. But it seems like it spread from aft
24 towards the bow in that ceiling space. And a lot of those heavy
25 cables, which our electrician had pointed out, are just basically

1 covered with rubber. And there was just a lot of heat up in that,
2 up in that space, and so much to buckle the floor. We were kind
3 of shocked at that, like, for that much heat. So I believe that
4 it started in that area, that kind of prep area, was in the wall,
5 in the ceiling however it got in there, and spread from the aft
6 towards the front of the ship. We noticed that along the port
7 side up above was all the storage of life preservers. We found a
8 lot just buckles of like probably 50 of them whatever that were
9 left. So the life preservers were gone which would have added to
10 the fuel if they're made of foam. I assume that they are. But it
11 was a head scratcher as far as we were there just for the
12 temperatures to cause the, the warping and the -- of the steel and
13 the -- for that steel deck to get warped. And so that's where --
14 as far as the spread went there was a little bit of spread back
15 towards the big open kitchen space in that ceiling space, but it
16 was mainly along the big groupings of wire that were running. So
17 like the rubber coating and stuff on the wire that was burned. So
18 kind of I'd say the area of origin was in that room, and it got
19 into the ceiling space, into the wall space, and kind of spread
20 more so towards the front of the boat.

21 Q. Can you kind of talk a little about your -- the electrical
22 investigation, your investigator that dealt with electrical? Can
23 you kind of tell us how he ruled out or if he did that it was not
24 electrical?

25 A. He, like I said, he's an electrician on the side. So he, you

1 know, he's a fire investigator. He does -- he has a background in
2 electricity. I just wanted him to come and look too to see what
3 he was saying. We didn't see anything that, again, was like, yep,
4 right here, this looks like there was a major arc in this spot,
5 and this was the cause. We didn't see any of that. And I was
6 hoping with him there that it was going to be one of those things
7 because we put our pride aside, and you come in and say, wow, what
8 about this? And you go, wow, I didn't even see that. That's,
9 yeah. So he didn't see anything definitively to say I believe
10 this is electrical, I believe that this was electrical event,
11 which puts us back into the undetermined mode because we're like,
12 you know, they had the sternos all on the, on the window, on the
13 window ledge, but none of them were blebbed, none of them had
14 exploded. So we're saying, okay, if you have a high heat event in
15 that area, you would think that some of those cans would have
16 exploded, the sterno at the window. And they were all still
17 intact.

18 So we, you know, so basically the electrician wasn't able to
19 rule anything in as far as saying, yes, it was. And then it goes
20 to the next day I know private guys they had done like the arc
21 mapping and stuff like that. That's a whole other kind of part of
22 investigations where they follow cuts and blobs and stuff and
23 globules they call them in wiring systems to say, okay, there was
24 a short here. And that might have caused. And that's a whole
25 other thing. Most of the guys that do that you have special

1 engineers that come in that do that, that can -- and we don't have
2 that in the city of Boston. We can't call in some company and
3 say, hey, you know, whatever to do arc mapping.

4 So and in my opinion as a fire investigator, again, flashing
5 (indiscernible) I think it's difficult especially in a situation
6 where there's a home or a boat where you've got literally miles of
7 wiring to be able to say with 100 percent certainty that, yeah,
8 this is -- there was a fault there. Sometimes you can. We have
9 fires where there will be a -- someone has a wire running under a
10 couch or something like that, and the foot of the couch is on the
11 wire, and we come in, and you look, and one of the feet of the
12 couch is completely gone, and we dig through and we delayer the
13 area, and we find a wire that was underneath there, and say, yeah,
14 it was here, it was an arc, it was a short-circuit that caused the
15 fire. In this case the electrician wasn't able to do that. He
16 just -- I mean, he just was in awe of all the wires that was
17 there. So --

18 Q. Thank you. Some of our eyewitness testimony when we had our
19 preliminary interviews with some of the members that were onboard
20 the vessel told us they witnessed sparks. Can you tell us in your
21 professional opinion if you know anything that could cause
22 sparking that's other than electrical?

23 A. Not really. I would say that most people when they're seeing
24 sparks they -- you see them coming from an outlet. It's some kind
25 of a short-circuit. But I will say too we take witness testimony

1 as witness testimony. People will say, oh, yeah, that was on
2 fire. Well, that's what they saw, but in reality it was something
3 behind it or something underneath. We have firefighters that go
4 and say, oh, yeah, the fire's on the second floor, but depending
5 on the construction of the building, balloon frame construction,
6 different types of things, we'll go, well, the fire actually
7 started in the basement or it was in the walls, and it came out
8 the roof or whatever. So but sparking, arcing, that -- what
9 people see is -- other than maybe fireworks that would see that
10 kind of explosive stuff is mainly just from electrical events.

11 Q. Kind of on the same line. Some of our eyewitness testimony
12 also mentioned seeing a fire that was thin and curved like. They
13 described it almost like a snake under where they first originally
14 saw it. So in your professional opinion could you tell us
15 anything about a fire that's shaped like an S, what that could be?

16 A. I mean, unless it was a wire. I mean, obviously, if there
17 was something poured, you know, as far as arson, but we had no --
18 there was no reason whatsoever to think that anything like that.
19 I mean, and, again, eyewitness testimony a lot of times when
20 eyewitness when they look at something what they think they see is
21 -- might not necessarily -- I mean, if you have a room like this,
22 and you have a wire that's arcing, it might be giving off spark
23 and look like that. Obviously, if you poured an accelerant to
24 something and lit it, you would have it along like that too. But
25 I didn't speak to those people. So I couldn't really, I couldn't

1 say.

2 Q. That is -- my next one. I know you had mentioned that
3 someone interviewed one of the witnesses there, the restaurant
4 manager. Did you talk to anyone while you were on the -- at the
5 scene, and did they tell you anything? What were your
6 conversations as --

7 A. Yes.

8 Q. -- crewmembers or company representatives --

9 A. Yeah. I did talk to the -- after my -- one of my partners
10 had spoken to the first person who discovered the fire, and told
11 her boss. We were out on the, on the pier, and I spoke to them
12 just a little further to try to -- just to -- exactly what they
13 had seen, and they pretty much said the same thing that she had
14 come down the couple of stairs, looked into that area where we
15 said where the area of origin was, and her, her statement was that
16 she thought it was in the wall. She thought that it was coming
17 out from the wall. That's the way she said it. And she told her
18 boss. And, obviously, the names are in our reports. And then the
19 boss came and looked, and saw the fire in there, and just made the
20 decision at that time to get everybody off of the ship, and that
21 was the extent of what I was told.

22 LCDR ██████ Thank you. Thank you Lieutenant McCarthy.
23 That's all the questions I have.

24 LT ██████ Thank you. A few follow-up questions, sir.

25 BY LT ██████

1 Q. How does direct ventilation affect a fire?

2 A. Well, direct -- basically when you have a compartmentalized
3 fire by venting it does multiple things. The heat has a place to
4 go. So it's not, it's not causing more damage than necessary
5 inside, inside the building. Also too it allows firefighters to
6 have a better atmosphere to conduct their firefighting activity.

7 Q. Okay. And then just kind of on the opposite of that. So in
8 that area which we are calling -- what you're saying is like a
9 service station, right above that service station was an air duct.

10 A. Yes.

11 Q. Providing forced air. Its purpose is to provide forced air
12 into that area --

13 A. Yes.

14 Q. -- whether it's heat or whether it's air conditioning,
15 whatever it's set to. There was an air duct just above that area.
16 If that -- we don't know at the time -- we know that it was
17 operating throughout the night. Not sure if it was shut down or
18 not. If that was on providing air to that space how does that
19 affect the fire?

20 A. I mean any -- obviously, any oxygen, any air being added is
21 going to help to accelerate the fire a little bit. Again, I
22 didn't know whether it was on either or off. And then in the
23 same, in the same aspect if it was, if it was a vent, you know,
24 that's why like in the hotels and stuff now the bathroom vents
25 they don't, they don't have them pretty much anymore because of

1 they would have fires, and would get into the duct systems and
2 stuff like that. So I did see that. I think if it was as far as
3 spreading the fire, if it was blowing air into it, it would feed
4 it. And if it was taking air out of it, and the fire got into
5 the, into the ductwork, it would have, it would have helped to
6 spread it.

7 Q. Okay. Do you know why -- you had mentioned when you guys
8 arrived you talked about the -- I don't know if you said first
9 alarm, but a second alarm type fire. Why was the *Spirit of*
10 *Boston*, do you know why it was designated as a two alarm fire?

11 A. Again, the incident commander would be the guy to answer that
12 question. I wasn't on the scene originally. Usually how fires go
13 from alarm to alarm is in a, in a -- say in -- I'll give you an
14 example of a building fire. You pull up, and you have a light
15 smoke condition, and all of a sudden you look, and the whole back
16 of the building is going. You realize no it's second alarm. Now
17 the fire is spreading to the building next door. So by the third
18 alarm whatever you're bringing in more, you're bringing in more
19 help basically to do it. So because I wasn't there I don't know
20 what his reasoning was for striking the second alarm.

21 Q. Okay. Have you ever investigated any fires that were -- that
22 you deemed to be caused by lithium batteries?

23 A. Yes.

24 Q. Can you explain to me that, how you came to that conclusion,
25 and how a lithium battery -- what's the science behind a lithium

1 battery, and why it causes fires or, or --

2 A. Yeah. The -- we've had multiple fires with lithium
3 batteries. And some of them were very, very easy to come with an
4 origin of cause. One of which was a guy with a vape. We have a
5 lot of the things with vapes. Guy's in the 7-Eleven. You've got
6 the cameras everywhere. He's standing in line like three people
7 deep, and all of a sudden he starts jumping around, and his pants
8 are on fire, and he ends up getting third degree burns on his leg.
9 And he had a, he had a vape, and the lithium ion -- the lithium
10 battery had let go.

11 Now the whole science behind it, I know that, I know that at
12 certain, at a certain point, I believe there's just too much
13 energy in the, in the battery for whatever reason. And I think if
14 there, if there's an outlet -- again, I'm not a scientist. If
15 there's a crack in it or something like that that's letting the
16 energy expel, they can explode.

17 We've had laptop -- we've had laptops that are sitting on a
18 bed that have been charged earlier, and you have a fire in it. So
19 I'm not an expert on why exactly. I know that there's, there's
20 too much energy in the battery, and it -- and for whatever reason
21 it fails. But, I mean, I'm not like a technical expert why. I
22 just know that they do cause, and that we have been to many fires
23 where we'll find a blebbed, what we call a blebby, a split battery
24 that is lithium batteries. And we've had someone video of closed
25 rooms where you have a fire, and then you look and it's --

1 something explodes from a laptop. So but I'm not an expert as far
2 as the inner workings of it and why exactly they do that.

3 Q. In those fire investigations was there any characteristics or
4 anything that preempted to the fire or while the fire was
5 happening I heard a sound, it acted this way, you know, while it
6 was, while it was exploding or causing a fire?

7 A. I mean, we have had people who have talked about hearing
8 something hissing or popping afterwards. Again, not being a
9 technical expert on how exactly they explode. Fire we had
10 yesterday one of the fires there was a couple of vapes in the, in
11 the room, and both of them had the ends had blown off, and it was
12 what we, what we -- that wasn't the cause of the fire. That was
13 effect. But we, you know, we do look for that. But, again, I'm
14 not a technical expert as far as the inner workings of the
15 batteries.

16 Q. Do fires themselves -- I am not a fire expert any ways. But
17 do fires themselves do they make noise? As a fire is starting or
18 is happening, like, what is -- what are some common things that
19 you've heard from eyewitnesses that state, like, the fire was
20 making a noise, was crackling? What are some things that you
21 hear?

22 A. Yeah. I mean, you'll hear statements like that where people
23 where you'll have an electrical short-circuit in a, in a wall.
24 And for whatever reason somebody hangs something and they drive a
25 nail through, and it, and it catches on the insulation of the

1 wire. And over time the wire is arcing and arcing and arcing and
2 arcing. It can be years. It can be a couple years. You get the
3 stud that's in the wall that's continually being heated and heated
4 and heated, and finally there's a term pyro -- charcoaling. But
5 it gets a point where just that one time at that one event and it
6 happens. And people will say I heard crackling in the wall. And
7 it's almost like what you think of when you -- in front of a
8 fireplace at home, and you're listening the wood's burning
9 whatever. And they've heard crackling, and they're listening, and
10 then they see smoke coming from the wall. So you hear that. A
11 lot of car fires we'll hear people say, oh, there was explosion.
12 There was multiple explosions, which are the tires going at a car
13 fire. Could have been the -- I heard -- it must have been a bomb
14 because I heard this boom. But those are the tires that are
15 exploding. So there are sounds. And the sound of fire when, when
16 -- if you have a, have a room fully involved we might say, you
17 know, bed, couch, there's like a, almost like a whistling. You
18 can hear it. It's just the turbulence of the air, and the fire
19 and stuff like that. But, yeah, so those are basic, like, the
20 sounds that they would make, yeah.

21 Q. I appreciate that. You had mentioned an accelerant dog.

22 A. Um-hmm.

23 Q. Did you guys bring an accelerant dog to the *Spirit of Boston*
24 fire?

25 A. We did not bring him in, no.

1 Q. What are -- when you use the term accelerant what are some
2 things that are accelerants?

3 A. They range -- our dogs are trained everything from gasoline
4 to acetones, nail polish removed to diesel. All of our dogs -- we
5 have two dogs that are assigned to our unit that they, they
6 constantly train. So the only time they're fed is when they're
7 working. So if they're off duty -- one of the handlers works in
8 my group -- they have vials of all different accelerants. And
9 everything has to be noted for when they do testify in court or
10 whatever. So they say, okay, today, like my guys worked 24 hours
11 yesterday. So he'll have the dog today. And at a certain point
12 he'll take him to either the training facility at Moon Island or
13 some place, and the dog will be in the car. He'll set a couple of
14 drops of whatever it might be. He writes in his notes, okay,
15 acetone. He'll set them at certain spots. Then he goes to the
16 dog, and you want to go to work, you want to go to work? Well,
17 work means food to the dog. So the dog will come out, and then
18 the dog will work. And they're incredible. I mean, they'll find
19 that spot. And what they do is they'll sit. And he'll show me,
20 show me, show me, and they'll sit. And then they -- he has a
21 pouch and he feeds them out of the pouch, and that's how they're
22 fed.

23 But in this case with the people onboard there was no reason
24 for us at the time to think that someone had poured an accelerant
25 on the, on the ship. So sometimes we'll run the dog just for

1 training purposes. Other times if -- when we get to the scene if,
2 if there's been some kind of a domestic or any kind of an issue
3 like that we'll run the dog because we want to rule out the
4 possibility of an accelerant. In this case we didn't feel that
5 there was any reason to run the dog.

6 Q. Is there ever a case in which an accelerant could be
7 unintentionally introduced into an area which would -- or which
8 -- not, not -- which would, you know, what's the term I'm looking
9 for? Which could help assist in and spread the fire or start a
10 fire?

11 A. Sure, sure. I mean, like, in this situation here you'd said
12 about the sternos that were on the, on the windowsill. We, we
13 -- in all the photos, and being there we looked at that, and
14 we're, like, okay, because none of them had blebbed or whatever,
15 and they still had the sterno stuff in there. If those had been
16 knocked onto the ground and from the dog hitting on stuff as we
17 call it, the dog could have hit on something like that that was
18 inadvertently knocked over or, you know, in a kitchen situation
19 there's not a lot of really flammable stuff. If they had like
20 cognac or something in there maybe that was a -- but stuff does
21 get introduced. Like I say the sternos if they had really gotten
22 going would have accelerated, would have helped to push the fire.

23 Q. Is a sterno considered an accelerant?

24 A. Well, I mean, it is if it's used, sure, right. You could use
25 it as one absolutely, sure.

1 Q. There's also onboard they, they used candles, small candles
2 which had maybe less than an ounce of liquid that was used to
3 burn. Would that also be considered an accelerant?

4 A. It would, yeah. I mean, in the true -- it would have helped
5 to accelerate the fire. Usually when we use an accelerant we kind
6 of use the, the term in fire investigation as something that was
7 intentionally used for it. But absolutely yeah. I mean, if
8 there's -- anything that has a fluid like that, the candles, you
9 know, it's a flammable liquid as a -- more than an accelerant.
10 Like you said the, the stuff in the sterno is flammable liquid.
11 Could it be used as an accelerant? Absolutely if it was intended,
12 you know, for that purpose intentionally used. If it was
13 introduced into a fire, if you had a bag filled with sterno or a
14 bag filled with candles that had oil in it that was burning, and
15 it got caught into the fire, it would definitely help to
16 accelerate it, yes.

17 Q. And this is based upon your experience. If a sterno were to
18 fall on the floor, and it was still lit, fell on the floor and
19 roll, would -- do you believe that that sterno the liquid if it
20 were to fall out would that -- could that create like an S pattern
21 or a pattern on the floor and then burn following that accelerant?

22 A. It probably could, yeah. I mean, if the lid was off. I
23 mean, you know how the, the -- I mean, it could, yeah. If it was
24 in a liquid form, I would assume that it would.

25 Q. In that area in just in the recreation of the area in which

1 we found the fire there's a rubber made trashcan.

2 A. Um-hmm.

3 Q. Which was kind of burned all the way down to the --

4 A. Right.

5 Q. -- deck level. Have you ever investigated a fire in which a
6 rubber made trashcan was the cause of the fire or something in --
7 contents in that trashcan?

8 A. Yeah. We've had a lot of careless disposal cases where
9 people will either, you know, it's a cigarette or something like
10 that that goes into a trash barrel or discarded ashes or something
11 like that. And it definitely happens, yes.

12 Q. If a -- when a fire -- how does -- so just speaking with
13 contents inside the trashcan how does a rubber -- how would it --
14 I mean, any type of plastic trashcan how does that react to a
15 fire? How does plastic react to a fire? Does it stay -- does it
16 just kind of shrink inside itself? Does it turn into a liquid?
17 Like, how does that look?

18 A. Yeah. I mean, it usually, I mean, depending on the contents
19 of the, of the trashcan too. I mean, if you have, if you have a
20 trashcan say plastic trashcan filled with oily rags or something,
21 it's going to, it's going to burn hotter. But usually they just
22 do melt down. Initial when they get going there's usually a lot
23 of black smoke because of the rubber, whether it's rubber made or
24 whatever kind of a type of can that it might be. But yeah. So I
25 mean the thing that's true with careless disposal is we've done,

1 we've done tests with metal cans, and put, you know, just like
2 hand towels and put stuff, and you throw literally hundreds of
3 cigarettes in. Perfect timing, perfect one you can maybe get the
4 thing going. But as far as in this case, I mean, with the high
5 heat that was in that compartment in the area it's going to --
6 anything plastic like that is going to melt for sure, yeah.

7 Q. Do you know offhand does the City of Boston Fire Department
8 do they conduct a marine firefighting training?

9 A. Yes.

10 Q. They do? Okay. Have you ever participated in --

11 A. I haven't done it. I mean, and I, and I tell you what, I
12 would have to really kind of defer on that because we're
13 constantly training. We have had fires on ships. I'd have to
14 kind of retract that, and say I don't think that -- I don't know
15 that there's a specific, like, schools or whatever that they, that
16 they send people to specifically for onboard firefighting. But I
17 know there is an SOP for it. And, again, I haven't studied for a
18 while, but there is an SOP, I believe, on marine fires, yeah. But
19 as far as the type of training, I'm not really sure. That would
20 be, that would have to be somebody at a higher pay grade.

21 LT [REDACTED] Appreciate that. Thanks. That's all the
22 questions I have for right now.

23 Mr. Young.

24 MR. YOUNG: Thank you.

25 BY MR. YOUNG:

1 Q. Thank you, Lieutenant. Really appreciate this very valuable
2 interview. Kind of following up for Lieutenant [REDACTED]
3 questioning about the vapes. In all of the, say, video that
4 you've seen on vapes starting to burn do you see any sort of
5 sparks coming up when they explode? Is that something that's part
6 of the visual when these vapes explode?

7 A. Yes. I mean, the ones I've seen, I guess, let me -- I was
8 saying about the 7-Eleven thing. It was more flame, like, we
9 have, you know. So I guess, I guess the sparks thing I can't say
10 personally that I've seen them spark. I've seen mainly the after
11 effect as far as flaming.

12 Q. And a lot of the -- some of the research we've been doing is
13 they, they tend to ignite when they're charging. But is that also
14 something in addition to a charging state that you also have seen
15 when they're not even being in use that they actually do become
16 ignited?

17 A. Yes.

18 Q. How about during use when someone is actually drawing in air.
19 Is that ever --

20 A. I haven't seen --

21 (Crosstalk)

22 A. I haven't seen that. I haven't seen that, no.

23 Q. But what you have seen is sometimes when they're actually
24 sitting idle in someone's pocket or, or when non-use is that they
25 have ignited?

1 A. Yes.

2 Q. Okay. Have you ever in all your years of experience
3 investigated any fires that have begun because of a sterno?

4 A. I'm sure I have. None really come to mind. But I would say
5 I'm sure over the years of, of like improper disposal maybe, you
6 know, somebody puts it next to something that has paper towels or
7 something that comes in contact with it. But I don't recall in a
8 long time of having myself doing a report on the sterno was the
9 cause of it. I would -- in our, in our breakdown of cause and
10 origin we have these different codes, and one of them is like
11 improper disposal where you might have, again, people that clean
12 out a -- clean out their charcoal grill, and they think that --
13 they think it's been there for a day, it's got to be cold, and
14 they put it next to the shed. Next thing you know the shed's on
15 fire. So I can't say that I've seen exactly. I know that if they
16 were improperly disposed of that it could cause a fire for sure.

17 Q. Thank you. When we were talking to some of the witnesses,
18 one of the witnesses described hearing a very high pressure noise
19 in that area such as if you were to press an air compressor down,
20 and it's releasing pressurized air. And we're trying to determine
21 what may have caused that noise that he had heard. When you're
22 listening or watching videos of vapes igniting did you ever hear
23 anything such as a release of compressed gas?

24 A. I have on the different videos, yes. I mean, I don't know
25 -- I've never been firsthand listening to it, but I have heard it

1 is, it is a release. I don't know how loud. I don't know how,
2 how loud it would be or how far you'd have to be from it to hear
3 it.

4 Q. Okay. Understood. Thank you. I've been to one or two fire
5 investigations so I'm not an expert. But a lot of times they talk
6 about looking for a V pattern where the -- the origin of the fire
7 might be. Is that something you may have noticed at all on the
8 bulkhead in the area of the cold prep room?

9 A. Well, yes, we did. In that area there was a, there was a
10 metal rack that was up against the wall, and there was a section
11 of the aluminum wall that had fused to that area to the back of
12 the -- of that metal rack. So we were looking into as far as
13 that, that pattern. I mean, obviously, perfect V pattern you, you
14 set a small fire against the wall, and just let it go, and you're
15 going to have a perfect V. In a situation like this we were more
16 the -- more area of origin was towards the corner -- I guess the
17 bulkhead is like the port side wall. Is that what we're saying is
18 the bulkhead?

19 Q. There's a -- everything is called the bulkhead. So you have
20 the bulkhead with the, with the window that's facing --

21 A. Yes, yes.

22 Q. -- the --

23 (Crosstalk)

24 A. Yeah. So we were saying, we were saying the area under the
25 window and where the rack was in a, in a, you know, maybe a four

1 or five-foot area is where we thought that, that there was a lot
2 of activity there. Again, the wall, the bulkhead there, the metal
3 was all -- there was high heat inside the wall. So that's where
4 we were confused as far as was it, was it something that was
5 electrically happening there. We weren't really sure.

6 Q. Understood. And I think you did say prior to moving anything
7 around or the overhaul process that some pictures had been taken
8 by the crew.

9 A. Yes.

10 MR. YOUNG: I think that's all the questions. Everyone else
11 had, had got the other questions. But thank you so much for your
12 time. Really appreciate --

13 LT MCCARTHY: Thank you.

14 MR. YOUNG: -- expertise.

15 LT [REDACTED] Thank you, sir.

16 Mr. Denley.

17 MR. DENLEY: Yes.

18 BY MR. DENLEY:

19 Q. Good morning, Lieutenant McCarthy. Really appreciate the
20 opportunity to ask you a few questions. Again, I'm Eric Denley.
21 I'm counsel with City Cruises and the *Spirit of Boston*. And just
22 have a couple of follow-on questions for you. Specifically kind
23 of going back to your cause and origin determination you indicated
24 that your report has been completed. Is that, is that correct?

25 A. Yes.

1 Q. Okay. And has that been submitted to the Coast Guard or will
2 you be providing a copy of that to the Coast Guard?

3 A. That our counsel for the City of Boston Fire Department has
4 that, and I guess, I, I believe they're getting like a packet
5 together with the photos and what have you, and I'll have to talk
6 with them and see when that, when they're going to release it. I
7 know, obviously, they will be sharing it. But I don't know that
8 they --

9 Q. Okay.

10 A. -- shared it yet. So they haven't shared it as of yet.

11 Q. And then just to be clear about the actual, the actual cause
12 and origin, and just so that I understand the cause as you've
13 indicated is undetermined; is that correct?

14 A. Yes, in our opinion, yes.

15 Q. And then and in the origin of the fire there's been a couple
16 different terms used during our previous interviews with people,
17 and I just want to be clear that we're talking about the same,
18 about the same thing. But is it safe to say that you have
19 determined the origin of the fire to be in the space where the
20 eyewitnesses saw the fire? Is that, is that correct? Or was it
21 in a different, was it in a different adjacent space?

22 A. In our opinion it was in the space where the eyewitnesses had
23 seen it, yes.

24 Q. Okay. Yeah. We've been referring -- we've been -- I just
25 want the record to reflect we've been referring to that throughout

1 the, throughout the, throughout our interviews as the wait
2 station, and we've been referring to a different area as the cold
3 prep area. So I just want to be clear that, that you've
4 determined the origin to be in the wait station where the
5 eyewitnesses observed the fire; is that correct, sir?

6 A. Yes.

7 Q. Okay. Thanks. And then specifically within that, that wait
8 station, I believe you just told Mr. Young that the origin was
9 towards the out -- the outboard bulkhead of the vessel. So the
10 window that would have led to the, to the outside that you can see
11 out; is that, is that correct?

12 A. Like I mentioned earlier, we were kind of -- I mean, within a
13 pretty broad area of that, of that area, that prep room as you
14 came in. We -- it was, you know, like in our, in our job you can
15 come like to a point of origin where you can say yeah. And then
16 you have an area of origin where something happened in there, and
17 we weren't able to put our finger on it. And so I would say from,
18 from just -- there was a sink on the right-hand side. Just past
19 the sink looking in towards the left-hand side towards the window
20 in that general area the bulkhead that's where we had the area of
21 origin.

22 Q. Okay. Yeah, no, that's helpful. That station area of
23 origin. So as you're looking -- just to be clear because I want
24 to have this in my mind. But just as you're looking into the
25 space, you're looking towards the window that area of origin was

1 towards the window on the left side?

2 A. Yes.

3 Q. Okay. Thank you. That's very helpful. Appreciate it. I
4 want to talk about two things that came up during, during the
5 Coast Guard's questions. One was this eyewitnesses observed some,
6 some sparking. Not all of them. Some of them observed what they
7 determined or what they thought was sparking. Are you aware of
8 anything that while it's burning could cause sparking or things
9 that look like, like sparking? So, for example, like a, like a
10 sparkler. Do you know how sparklers work, and how they make, you
11 know, what look like sparks?

12 A. Yeah, I mean I've, we've, I've seen sparklers sure. But as
13 far as what they're -- what they're actually -- I think they're
14 ammonium. I don't know what's in them, but that's, I guess,
15 that's subjective. Again, as a, as an investigator we have people
16 tell us different things, and I can't speak to exactly what they
17 saw.

18 Q. Sure.

19 A. We do have fires where there's electrical -- there's wiring
20 or something that, that's catching that starts to spark and arc.
21 Sometimes in automobile fires you'll see the battery get going,
22 and there will be sparks and stuff coming from the battery
23 compartment.

24 Q. Okay. So, I mean, I guess what I'm hearing there's -- I'm
25 hearing you say is that there's a number of things that could burn

1 and cause what looks like sparking.

2 A. Yes.

3 Q. Okay. Yeah, I just, I just quickly Googled how sparklers
4 work, and (indiscernible) it's usually some kind of a metal
5 coating like a, like a metal pottery coating that, that actually
6 makes the, makes the things look like sparkling. I guess it could
7 be aluminum or any number of things. But, no, I, I understand
8 your comments about the eyewitness testimony taking that into
9 consideration. About the -- this, this, like this ribbon of fire
10 that's been described, and I'll just do my best at describing what
11 I recall the eyewitness testimony. It was about 18 inches long.
12 It was about an inch wide. And it was described as a, as a snake.
13 And the fire, the flame was sort of coming up off of this --
14 coming up off of this ribbon a couple of inches is my recollection
15 of the eyewitness testimony. And it was in the area of some of
16 those racks that you talked about. Do you believe that that would
17 be a -- like a liquid based on, on that description or based on
18 your experience?

19 A. I mean, it could be. I don't know.

20 Q. Okay. When did you get, when did you get on scene on the
21 night of the fire?

22 A. I'm going to say -- I don't have the exact time. Obviously,
23 in my reports I do. I would say probably within half an hour to
24 40 minutes after the, after the initial call I would think.

25 Q. Okay. Were there still active firefighting efforts going on

1 or had the fire been extinguished when you got on scene?

2 A. It was mainly -- they were still putting water on the fire.

3 Q. Okay. And you talked a little bit about the firefighting
4 training. Have you received or are you aware of -- and I, I know
5 this has been asked, and you answered it, but I kind of forgot
6 what you said about the training. Have you received marine
7 firefighting training or are you aware if that's a normal part of
8 Boston Fire Department training? Marine as opposed to other types
9 of firefighting training.

10 A. I have not received, and I, I think I had said earlier I kind
11 of retracted because I'm not really sure to what extent the work,
12 the firefighters in the field have training for that. So I, I --
13 that would be somebody at a higher pay grade would have to answer
14 that.

15 Q. Got it. Got it. And when you, when you got there, I mean,
16 were the guys, like, the firefighters did you, did you actually
17 see them putting water on the fire?

18 A. Yeah. There were still hoses inside the -- where, you know,
19 the kitchen area.

20 Q. And were the firefighters did they have their breathing
21 apparatus on, their SCBAs or their breathing apparatus --

22 A. At that --

23 Q. -- to your knowledge?

24 A. -- point, at that point I think that most of them did not. I
25 think that they were, they were able to come off of air at that

1 point. And, again, I think if you heard earlier we didn't respond
2 -- we don't respond just to the fire when it first came in. So we
3 didn't respond until probably, you know, we probably weren't there
4 until at least 45 minutes after the fire was reported.

5 Q. I understand. I see. Is it standard protocol within the
6 fire department if you are, you are actively fighting a fire to
7 have a breathing apparatus on or is that part of normal protocol
8 or is it kind of up to the individual firefighter to decide
9 whether he or she needs it or not?

10 A. No. It's up to -- I mean the incident commander, there's
11 times where depending on the -- like if it's a building fire, and
12 the safety chief -- there's always a safety chief respond, and
13 they monitor the air. And there's a certain percentage of oxygen
14 depletion, and if there is everybody is ordered to remain on air.
15 A lot of times when it's the final stages of a fire where they're
16 just wetting down what we call the hot spot areas that you'll see
17 guys without the masks on.

18 Q. Understood. Are you aware of any differences between marine
19 firefighting and structure (indiscernible) structural firefighting
20 just in terms of concepts?

21 A. No, I'm not.

22 Q. And are you, are you aware of any -- are you aware if a fire
23 department secured the electricity to the *Spirit of Boston* during
24 the course of the firefighting?

25 A. I am not.

1 Q. Are you aware if any of the Boston firefighters implemented
2 any of the -- closed any of the fire doors or fire screen doors
3 that the ship is equipped with as part of the firefighting
4 operations?

5 A. I don't know that either. That, like I say, that would be
6 more incident commander, the people that are on the scene
7 originally.

8 MR. DENLEY: Got it. Understood. I don't have any other
9 questions. I appreciate it.

10 I did just want to ask, Mr. [REDACTED] is Commander [REDACTED] is
11 he dialed in or is he participating in this interview at all?

12 LT [REDACTED] He is not.

13 MR. DENLEY: (Indiscernible) later.

14 LT [REDACTED] He is not at this time. He is not dialed in.
15 He's not on the interview.

16 MR. DENLEY: Okay. Understood. Thanks.

17 LT [REDACTED] Thank you.

18 MR. DENLEY: I don't have any further questions. Yeah.
19 Thank you.

20 LT [REDACTED] Thank you, sir.

21 Ms. [REDACTED] you have any further questions?

22 BY LT [REDACTED]

23 Q. I just have one follow-on questions. Were you able -- did
24 you see any video of the active fire? Were you provided with any
25 video from the witnesses?

1 A. Yes.

2 Q. You were?

3 A. Yes.

4 Q. You were able to see the video. Can I -- if I bring it up,
5 can you tell me if that's the same video?

6 A. Sure.

7 Q. Okay.

8 LT [REDACTED] Mr. [REDACTED] if you could bring that up for me.

9 Mr. Denley, Mr. Young, are you able to see the --

10 Did you do share a screen?

11 LCDR [REDACTED] No. I'm about to.

12 LT [REDACTED] We're going to share a screen here real quickly.

13 Just hold on a second.

14 UNIDENTIFIED SPEAKER: Sure. Let you know when we see it.

15 LT [REDACTED] Thank you.

16 So click to window left, and then go down to --

17 UNIDENTIFIED SPEAKER: Screen, not window.

18 LT [REDACTED] Yeah, screen. And then go ahead, and make

19 your --

20 Are you guys able to see that now?

21 UNIDENTIFIED SPEAKER: Yeah, we see it, but it's not playing

22 yet but --

23 LT [REDACTED] No, yeah, we have not, we have not played it yet.

24 Thanks. Thank you, sir.

25 BY LT [REDACTED]

1 Q. Lieutenant McCarthy is this the video or appears to be the
2 same video that you've seen?

3 A. Yes.

4 Q. Okay.

5 LT [REDACTED] [REDACTED] keep going, play it once for us.

6 LCDR [REDACTED] Yeah. Can you just for the record explain
7 what it is first?

8 LT [REDACTED] Yes. What we are seeing here is a video that was
9 provided to us from City Cruises, which was a video taken by a
10 crewmember outside on the port side of the fire after the -- after
11 everybody had disembarked the vessel.

12 Go ahead and play.

13 Thank you.

14 So what we are seeing here is through the window on the port
15 side that was at the end of the area of origin which you
16 described. We see what I -- what we believe is to be that metal
17 rack that was against the far port side. And then next to that
18 would have been a kind of a roolly cart which had a stack of
19 glasses on top.

20 BY LT [REDACTED]

21 Q. Can you explain -- can you describe to us in your
22 professional experience and your expertise what you see?

23 A. I mean, we had seen that. Again, that's where we had the
24 area of origin where you can see that the, you know, the fire is
25 just kind of rolling around as we see right there. There's a lot

1 of heat that's there. Again, what we had said earlier about the
2 -- in my opinion how a fire, say, there, if it was something that
3 was burning there, and gets into the, the space inside the ceiling
4 and into the bulkhead and warps the floor was one of the reasons
5 why we left it undetermined. Because we were thinking is that, is
6 that effect, is that, is that drop down from something in the
7 ceiling burning? We weren't really sure.

8 Q. Okay. And can you explain, so and looking at the fire, so we
9 see the flame, and then to the, to the left of the fire you see
10 like a dark -- you see a contrast in color --

11 A. Right.

12 Q. -- from a dark to like an orange-ish. Can you explain to me
13 what that dark area is, how you explain that? Or is that --

14 A. I really can't. I mean, I see exactly what you're saying.
15 What that is or what that caused that I don't, I don't know.

16 LT [REDACTED] Okay. All right. I have no further questions.

17 Hold on. Keep it up for a second there, [REDACTED]

18 Mr. Young or Mr. Denley would you like to -- do you have any
19 further questions with regards to this video or anything else?

20 MR. DENLEY: I do just have one.

21 LT [REDACTED] Go ahead, sir.

22 LCDR [REDACTED] Would you -- do you want this video on,
23 Mr. Denley, or are you good with this?

24 MR. DENLEY: No, you can take it down.

25 BY MR. DENLEY:

1 Q. Yeah, Lieutenant McCarthy, just one quick follow-on question
2 that I failed to ask before, and after seeing the video just want
3 to be clear that in your opinion you can't determine whether the
4 cause was for outside the bulkhead, and then, and then the -- it
5 impacted the bulkhead or in, inside the bulkhead, and then
6 proceeded outside the bulkhead; is that, is that correct? The
7 cause is undetermined --

8 A. Yes.

9 Q. -- in terms of --

10 A. That's correct.

11 Q. And then also when the electrician -- when the fire
12 investigator with electrical training reviewed the scene I just
13 want to be clear that there was really no determination whether or
14 not electrical was the cause? No evidence to suggest that it was
15 or that it wasn't. Obviously, you can't rule it out. But I just
16 want to be clear on what your comments were.

17 A. Yes. (Indiscernible) there was nothing that was -- that
18 jumped out that, you know, to -- would lead us to say that it was
19 absolutely this or it was absolutely not this. So if he was here,
20 I would say he basically didn't help us, and he would laugh at
21 that. But, yeah, there was nothing that was glaringly obvious in
22 other words. There was nothing glaringly obvious that said, hey,
23 right here, did you see this. So we didn't see any of that.

24 MR. DENLEY: Understood. Thank you. I appreciate it. No
25 further questions from me.

1 LT [REDACTED] Thank you, sir.

2 Before we conclude, I'm sorry, I have one more question.

3 BY LT [REDACTED]

4 Q. In your report or in your investigation are you able to
5 determine time of initiation or based upon eyewitness testimony or
6 the size of the fire or whatever do you, do you provide a prior to
7 this was -- prior to the fire being identified by the crewmembers
8 it had been initiated zero to 5 minutes prior to 5 to 10? Are you
9 able to make that determination?

10 A. No, no. We have our computer-aided dispatch sheet that came
11 in that has the time that the fire was reported; had it, you know,
12 was it 2 minutes, 5 minutes, 6 minutes before it was discovered, I
13 don't know that.

14 LT [REDACTED] Okay, great. Thank you.

15 Any further questions?

16 LCDR [REDACTED] No questions.

17 LT [REDACTED] Nobody has any further questions. The time is
18 10:11 [sic], and that will conclude our interview with Lieutenant
19 McCarthy. We're going to stop recording.

20 (Whereupon, the interview was concluded.)

21

22

23

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ABOARD THE *SPIRIT OF BOSTON*
 NEAR THE BOSTON SPORTS DISTRICT
 IN BOSTON, MASSACHUSETTS
 ON MARCH 24, 2023
 Interview of Kevin McCarthy

ACCIDENT NO.: DCA23FM022

PLACE: Boston, Massachusetts

DATE: May 4, 2023

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.



Katherine Motley
Transcriber