UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	*	
LOSS OF THE SUBMARINE *TITAN* IN THE NORTH ATLANTIC OCEAN ON JUNE 18, 2023	*	Accident No.: DCA23FM036

Interview of: PAUL McDEVITT, Retired Investigator
Occupational Safety and Health Administration

Via Videoconference

Monday,
July 17, 2023

APPEARANCES:

LCDR [redacted] [redacted]
United States Coast Guard

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I N T E R V I E W

(1:00 p.m.)

LCDR [redacted] -- and record this interview.

MR. McDEVITT: Sure.

LCDR [redacted] Thank you. I'm starting the recording, and as well as Marcel Muise from the NTSB.

Now, sir, this is a joint U.S. Coast Guard-NTSB investigation, and the Coast Guard is the lead agency. And we are conducting this interview under the applicable Coast Guard regulations.

Today is July 17th, 2023. The time on deck is 1300 Eastern Standard Time, and it is the interview of Mr. Paul McDevitt. And the location is virtual.

I'm going to go ahead and go around the virtual room to introduce everybody, and if you can, please state and spell your last name.

My name is Lieutenant Commander [redacted] [redacted] spelled [redacted]. Mr. Neubauer.

MR. NEUBAUER: Good afternoon. My name is Jason Neubauer, spelled N-e-u-b-a-u-e-r, and I'm the chair of the Marine Board of Investigations for the Coast Guard. Thank you for being here today, sir.

LCDR [redacted] Ms. [redacted]

MS. [redacted] Good afternoon. My name is Lieutenant [redacted] [redacted]. I am the recorder for the Marine Board of

Investigations for the United States Coast Guard.

LCDR [redacted] Mr. [redacted]

MR. [redacted] Hi, good afternoon. My name is [redacted] I'm with the Investigations NCOE. My last name is spelled [redacted]

LCDR [redacted] And Mr. [redacted]

MR. [redacted] Good afternoon. [redacted] U.S. Coast Guard. I'm the legal advisor and also investigating officer. Last name spelled [redacted]. Thank you.

LCDR [redacted] And, Mr. Muise.

MR. MUISE: Good morning -- or good afternoon. This is Marcel Muise, M-u-i-s-e. I'm the investigator-in-charge for the National Transportation Safety Board's investigation.

LCDR [redacted] And, Mr. McDevitt, if you can go ahead and introduce yourself please.

MR. McDEVITT: Sure. I'm Paul McDevitt, last name M-c-D-e-v-i-t-t.

LCDR [redacted] Thank you, Mr. McDevitt. And are you represented by counsel today?

MR. McDEVITT: No.

LCDR [redacted] Okay. So I just want to let you know a few things. So, sir, you may change, modify anything you say in this interview if you recall at a later time. Just make notification to me and I can make those edits in the transcription.

Also you may appeal any final results of any report of

investigation that may result from this interview. For information regarding the Coast Guard's Marine Casualty Investigations, you may look up *Marine Safety Manual Volume 5* of the Coast Guard *Marine Safety Manual*, and that can be found on the internet.

For this team's interview, if you are not speaking in the interview at the time, if you can please turn off your camera and microphone. And at this time, I'm going to go ahead and begin, if nobody has any further questions.

(No response.)

LCDR [redacted] Okay. Hearing none.

INTERVIEW OF PAUL McDEVITT

BY LCDR [redacted]

Q. Mr. McDevitt, can you please give us a brief background, your brief -- a brief employment background?

A. Sure. I was employed with the Occupational Safety and Health Administration from 2001 until 2022. My job was investigator inside the Whistleblower Protection Program, and I worked in the Seattle Regional Office of OSHA. And that was for my entire career.

Q. And what were your duties in that job?

A. I did everything from intake when people would call up with an issue, and if it wasn't something that our program would help them with, then we would refer them or try to refer them to the appropriate Government agency or other department within OSHA.

Then if -- I had to determine whether or not the cases, if there was a complaint, whether or not there was a prima facie allegation, enough information for us to open up an investigation. And then conducting the investigation, you know, basically making -- deciding what evidence I needed to get, who I needed to talk to, scheduling interviews until I felt I had enough information to make a decision as to whether or not the law had been violated. And all of the laws that we enforced had to do with retaliation of some sort of whistleblower retaliation under -- at the end, it was 25 different laws that we had to investigate under.

Q. Oh, wow. And did you receive any type of investigative training or have any education with regards to conducting whistleblower investigations?

A. Yes, I got all of my training through OSHA, through the Government. My educational background, I do have a legal degree, a JD from the SUNY, University of New York Law School. But all of the specifically whistleblower training was with -- at the OSHA Training Institute in Arlington Heights, Illinois.

Q. Thanks. You had mentioned the acronym JD, and just for transcription purposes, can you please tell me what JD stands for?

A. Sure, Juris Doctor.

Q. Great. Thank you. And so now, to get into some of the questions pertaining to OceanGate, how did you become affiliated or come to investigate OceanGate?

A. Okay. To the best of my knowledge, and it's been several

years, I believe the whistleblower in question, I think -- I believe his name is Mr. Lockridge (ph.). He contacted our office. He was -- his employment was terminated by OceanGate, and he felt that it was done in retaliation for him raising safety concerns to the CBO.

Q. Okay. And when was that investigation started?

A. I believe it was in 2018.

Q. Okay. And how does that -- how did the process with Mr. Lockridge work? How did you get assigned to that case?

A. Okay. So I believe that I was on duty. We each took intake duty. Basically each of the investigators would -- it changed from, you know, the whole time, my career, but at the end, we were taking I guess about a week of intake duty. So anything that came in during that week, you had to basically screen to see whether or not it was a viable case or refer it to where it should go. So I'm assuming that's how I got assigned to it.

But, I believe Mr. Lockridge actually came into the office which is not -- that's not usual. I mean it does happen, but I think he, I think he just actually -- I do remember talking to him, interviewing him face-to-face. The OceanGate is in the local Seattle area. So that, you know, that wouldn't be unusual but my -- I can have investigations anywhere in the western U.S. So a lot of my interviews were done this way, over the phone.

Q. Roger. And when he came in, and I know you're just trying to recall, and it's based upon the knowledge. Did you know -- what

was the basis of his complaint?
A. From what I recall, his main concern was that the CEO of the company, what was testing a submersible, and he believed that he was doing it in an unsafe manner, that he was going beyond the limits of what the vessel could -- would stand in pressure, and that he was basically risking his life by testing this in a manner where he was inside the vessel. And that is the CEO. I don't believe, I don't believe there was anyone else in the vessel when he was testing. I think it was just the CEO that was testing it by himself.
Q. Understood. And do you remember or do you recall the name of the submersible that Mr. Lockridge had stated that the CEO was testing?
A. I do not, but I don't believe it was *Titan*. It was an earlier prototype I guess you would say.
Q. Okay. And, do you remember at the time, did Mr. Lockridge tell you what his position was at OceanGate?
A. I believe he was in charge of safety. That was one of his main duties. He was concerned that basically that the CEO was not listening to his advice and his knowledge. I do remember Mr. Lockridge, he was Scottish, and I do believe he served in the British Navy, and his background was pretty extensive. And, he was, he was pretty concerned that the CEO was not, was not conducting himself in a way that was, you know, he felt there was going to be a disaster, you know. I mean he was, he was very

concerned about the way that he was -- his manner regarding safety. And, he -- Mr. Lockridge felt that in his position that this was going to come back to him, that he was responsible for safety and that the CEO was not listening to him and put him in a very precarious position.

Q. Do you -- if gave you -- if I provided you with a name of -- a possible name of the submersible, do you -- if you could -- if it was it or not, if it could jog your memory. Could it have been the *Cyclops II*?

A. I think so. That sounds right. *Cyclops*, yes.

Q. Okay. Great. Thank you. And so when Mr. Lockridge came in for that interview in the office, did he, did he provide you any documents? Did he come in with any reports or anything like that?

A. I don't know. I assume he probably had some documents. Most complainants do have some documents to support their claim, but I, you know, I would say the way to find that out would be to request a copy of the case file.

Q. Roger. And so after he comes in for the initial complaint, you as an investigator, did you find or believe that there was enough truth to the claims that it warranted an investigation?

A. Yes, we -- if I remember correctly, we did, we did open up an investigation, and we notified the parties. And I believe this investigation was under the Seaman's Protection Act, if I'm -- which is one of the laws that -- well, we -- so there's 25 different laws that we enforce, and the primary enforcement agency

where we notify. So in this case, I believe it was the Coast Guard because of the Seaman's Protection Act. And so whenever we open up an investigation, we send a letter out to the enforcement agency responsible notifying them that we've opened up an investigation. And then at the end, we also send a letter out saying that we've closed our investigation. So I believe, I believe it was under the SPA, the Seaman's Protection Act, and I believe those letters did go out to the Coast Guard.

Q. Okay.

A. But again, that information would in the file.

Q. Roger. Of course. And so, those letters, now when they got out, do they go out to a local unit or do you know offhand, do they go to the Headquarters? Does it goes to, you know, U.S. Coast Guard, Washington, D.C., or is it like a localized unit?

A. I believe it goes to the Headquarters. We had -- it has changed over time. So, yeah, who the contact person is, our national office keeps a record of who you're supposed to send these letters to at each different agency --

Q. Okay.

A. -- and that has changed over time. And I don't know what we were doing in 2018 exactly. I also don't know -- I can't remember exactly, when the Seaman's Protection Act was, you know, when that was passed, when that became law. So it may have been new at that time. I don't, I don't -- I'm not sure. And there has been times when a law is new, we don't have a contact at the agency at that

time, and our national office will say we're working on it, you know. So, I don't know exactly who the contact person was at that time. So I can't say for certain if the letter went out who it went to.

Q. Okay. All right. I appreciate that. That's a lot of very good information. So, after the investigation is initiated, and again we know that this is -- you're going from your memory from some 5 years ago. What was your next step or what do you believe was your next step after the letter, you know, Mr. Lockridge came in. You said this is enough to do an investigation, the Seaman's Protection Act. You mailed out the letters. What's your next step as an investigator for OSHA?

A. So the letter, the letter that goes out to the employer requests a response within 20 days to the allegations that -- the allegations of retaliation and, of course, that the employer usually requests additional time. And we ask them for supporting evidence as well, documents to support their position statement. So that's the, that's the next step. And if I remember correctly, I believe in this case, OceanGate was quite quick to respond. I think they actually filed a lawsuit against Mr. Lockridge and -- or claiming that he had violated confidentiality or provided information to OSHA that he shouldn't have or something along those lines.

Q. Okay. And at that point, in the investigation, did you continue on with the investigation or did -- were you able to

actually interview anybody from OceanGate?
A. I don't remember. So, what I do remember is that for most of my career, especially towards the end, we were extremely backlogged in our investigations. And so there would be a lag time between when an investigation -- when we would send out what we called notification letters to the parties that we were starting an investigation, and when the investigation could really get into an active phase. And so there's kind of -- there were kind of this holding pattern, as each investigator was working, you know, as much as possible in chronological order with the caseload that they had. So, it wouldn't be unusual for the investigation to just kind of, you know, be pending while I would be working on other cases.

Another thing that I remembered about this case, when the company filed the lawsuit against Mr. Lockridge, that was a big red flag for us. I had another case where that happened, and it's considered a SLAPP suit, and most states have an anti-SLAPP suit law that says you can't, you can't basically intimidate people with lawsuits who are exercising their right under the law to file a complaint with the Government. And these laws are usually very -- they're very strictly interpreted. It's not like you have to go to a jury and that kind of stuff, but it's very basic. It's like, you know, did this person file a complaint with the Government? Yes. Did the, you know, the company, you know, file a lawsuit against that person because they went to the Government?

Yeah. Okay. $10,000 fine, and you're lawsuit is denied, you know. So, usually it's a very swift punishment for the employer. And I do remember that at this time, Washington, the Washington State Supreme Court had ruled -- I believe it was just a year or so before this, that the Washington State anti-SLAPP suit law was unconstitutional under the state constitution. And so I believe Mr. Lockridge was kind of in a quandary. There's no real avenue for him to redress, and I believe at some point he decided to just withdraw his complaint with OSHA.

Q. Okay. And, prior to him withdrawing his complaint, had you ever attended OceanGate?

A. Had I ever -- did I talk to anyone at OceanGate? Is that what you mean?

Q. Had you, had you ever gone to the facility at OceanGate?

A. I don't believe I did, no.

Q. Okay. Were you -- did you ever speak with the CEO at the time?

A. I don't think so. I think the only person I spoke to for the company was probably the lawyer.

Q. Okay. And did --

A. But again that would -- yeah, sorry. Go ahead.

Q. No, no, you go ahead. No, sorry.

A. I was just going to say if I did speak to the CEO in a formal capacity, then that interview would be in the case file. I spoke to him informally, there should be a memo or some record in there

of some conversation, but I -- offhand, I can't remember speaking to him.

Q. And, did the lawyer or representative for OceanGate provide you everything that you requested?

A. I really don't remember.

Q. Okay.

A. I -- yeah, I don't know if they did or didn't. They sound -- I mean their position seemed pretty -- I wouldn't be surprised if they didn't provide us with information we requested because their -- it's not very usual for the company to sue the whistleblower to be so kind of blatant in their treatment. Usually there's more discussion than that. So I wouldn't be surprised if they refused to provide us with documents that we requested.

Q. So on the basis of Mr. Lockridge's investigation, were you able to -- were you ever able to actually look into the OceanGate operation to deem it safe, unsafe?

A. That's not our investigation. That's not what I look at. We only have jurisdiction to look into the retaliation. So, basically all of our laws regarding -- if the whistleblowing protected activity is safety related, the only thing that we have to make a call on basically, not a judgment call. That's a little too informal, but basically we have to decide whether or not there's protected activity. And so if this person had a reasonable belief that there was a safety, you know, a safety concern, then that's all they need to meet. They don't have to be

100 percent. So we don't have to wait for a decision to be made about whether or not there actually was a safety concern as long as there's evidence that this person was acting reasonably. And, based on the fact of Mr. Lockridge's background, I'm sure that I, you know, found that he engaged in protected activity, that his concerns about safety were reasonable and not for us to conduct an investigation, and they reasonable enough to conclude an investigation. But like I said, we never concluded it because Mr. Lockridge withdraw the complaint before the investigation was finished.

Q. Roger. Understood. So now, you had stated earlier that you send a letter to the governing agency. So that a letter with the Seaman's Protection Act would have been sent to the Coast Guard. And then you had stated that once the investigation is complete, another letter would be sent. Does a letter get sent when an investigation is dropped or it doesn't reach its full investigation?

A. Well, when I, when I retired last year, the answer to that would have been yes. At the time in 2018, I'm not so sure. That was an issue that came up. It was an issue that came up in the last several years, and that had been corrected. Basically what -- so not only do we send out when a complaint is closed, not only do we send out a letter to the other enforcement agency involved, but we also have an appeals process. And so a letter goes -- we notify the Chief ALJ, Administrative Law Judge in the Department

of Labor. And so what were doing was if a case was like settled or otherwise we were not giving them their appeal rights, we were also I think not notifying the enforcement agency. And so it's quite possible that in 2018, when Mr. Lockridge withdrew his complaint, that the Coast Guard was notified about that. I really don't know again. It would be in the case file if the letter did go out.

Q. Okay. So once that file or once the complaint is withdrawn, as an investigator, what do -- do you provide a closing statement? What do you provide?

A. So in this case, so if he wanted to withdraw his complaint, we would accept this withdrawal, and we would send out closing letters just notifying the parties that he chose to withdraw the complaint. Of course, you know, it has to go up to the -- it would have to go to my supervisor to approve the withdrawal and that kind of thing. So in this case, I, you know, I don't know if there was any qualms about accepting the withdrawal or not. I'm sure that -- there seemed like there was quite a bit of evidence of retaliation but because we didn't conclude our investigation and probably because of the workload, I'm sure we probably just accepted the withdrawal and didn't take any further action.

Q. Understood. Thank you. In the course -- over the course of the investigation, do you remember how long it was from -- roughly from when the investigation was started until when it was withdrawn?

A. I don't remember.
Q. Okay. And do you remember how many times you either met in person or via phone interview with Mr. Lockridge?
A. I would say -- I really -- yeah. I would say I do recall, you know, interviewing him face-to-face at least once, and I'm sure I must have talked to him several other times on the phone, but that's, yeah, I can't remember any more than that.
Q. Okay. And did -- in anything that you remember, did he ever talk to you about any fear of, you know, excessive retaliation or a fear of, you know, his own personal safety?
A. I don't recall.
Q. Okay. As a 21 year investigator, you obviously are very good at reading people and understanding people, and you stated -- kind of gave a little bit on his background and how he was extremely -- you used the word credible but how would you describe Mr. Lockridge in your interactions with him as a professional or, you know, how would you describe him to me in your words?
A. Yeah. I mean I -- yeah, I found him very credible. I mean he seemed to have a very extensive background in what he was talking about. And obviously, I don't remember talking to the CEO or actually any other witnesses, but based on my interactions with Mr. Lockridge, he seemed very competent in subject matter, yeah. And, I didn't see any -- just from the interaction that came from the other side, from the company, it sure didn't dispel any -- it sure didn't make me question that it was. Let me put it that way.

Q. Understood. And just one final question from me, sir. So looking back -- again from what you remember, looking back at it now, you know, and obviously the horrific casualty, is there anything that sticks out in your mind or comes back with something that he possibly had stated that can help in our investigation?
A. Well, something that he said. I just remember, you know, I -- so when this, when this happened, you know, it took a few days but then I was reading an article and it was like OceanGate. I'm like OceanGate. I recognized that. I recognized that name, and then I'm like, oh, my God. You know, then all of a sudden my memory came of this case. And, I was like, you know, someone -- you know, it's because then I put in, you know, the fact that they were -- the company was -- basically their whole reason for existing was to take people to the *Titanic*, and I -- you know, so a lot of the memories came back. And I was like this was, you know, this was like an accident waiting to happen, that basically this, you know, I didn't even remember Mr. Lockridge's name at that time. I just remembered there was a whistleblower and I remember he was very concerned about this CEO, you know, the way he was acting and conducting himself and this was, you know, an accident waiting to happen. So, you know, that came to me right away, you know. He felt that this CEO was definitely not following proper safety protocols, and that it seemed like he, you know, he was dead set against ever following them, that, you know, basically that this was going -- there was going to be a serious

accident in the future. It was just a matter of time basically, and that was kind of the feeling I got. And it came back when this tragedy happened.

Q. Thank you very much, sir. Just one final, and I apologize. I said the last one was the last one. Had you ever investigated OceanGate other than the 2018 Mr. Lockridge investigation?

A. Not that I remember, no.

Q. Okay. Great. Again, thank you very much.

LCDR [redacted] I'm now going to kick over to Lieutenant [redacted] Ms. [redacted] do you have any questions for Mr. McDevitt?

LT. [redacted] I don't have any questions at this time.

LCDR [redacted] Thank you, ma'am. And, Mr. [redacted] do you have any questions for Mr. McDevitt?

MR. [redacted] No, sir, not at this time.

LCDR [redacted] Okay. And, Mr. Neubauer, do you have any questions?

MR. NEUBAUER: I do. Thank you, Tom.

BY MR. NEUBAUER:

Q. Good afternoon, sir. This is Jason Neubauer. I have just a couple of follow-up questions. For OSHA, like standard operating procedure, would it be normal for you as the investigator to ever reach out to the agency directly with a phone call or email? So is it always kind of a letter without any direct interaction?

A. So, sometimes and this usually happens on a Sarbanes Oxley complaint, a corporate fraud complaint, a lot of times. I can

recall getting a phone call from somebody at DSEC, from the investigators there, that want to talk to me as the investigator to get some information. That -- yeah, that and maybe the Federal Motor Carrier Safety Administration for truck driving safety, we have a lot more individual contact with other investigators, but -- yeah, I don't recall ever contacting anyone -- well, no, that's not true. I actually -- yeah. So I actually did do an investigation up at Kodiak, Alaska, and I actually worked pretty closely actually with a Coast Guard investigator, and -- but -- yeah. So it does, it does happen that we get involved with, yeah, in a more informal kind of communication.

Q. Yes, sir. Do you remember for reference what the Kodiak case that was so we can see what kind of cases you've worked before?

A. Sure. Boy. It was a EPA case. It was environmental. The complainant was a contractor in charge of -- she was an environmental -- she had environmental duties. I forget exactly what the job title was. We did find merit to her retaliation complaints, and it was settled, yeah. Yeah, that's all I can remember.

Q. But like you said, do you know what timeframe -- approximate timeframe for that one?

A. Yeah, that one was pretty -- towards the end. That was probably '21 or '22.

Q. Okay. Thank you. And then so normally you don't remember any contact at all with the Coast Guard for this case, between you

and anybody in the Coast Guard, correct?
A. I don't remember. No, I don't remember. Yeah, I mean it's possible. If you look at the case file, I mean it's possible that there was some kind of contact. Yeah, but I don't -- yeah, and I don't know if Mr. Lockridge contacted the Coast Guard or not.
Q. Understood.
A. I don't, I don't recall. Yeah, I don't recall. I don't recall talking directly to anybody at the Coast Guard about this case.
Q. Okay. And then just one last question. Does OSHA have the ability to continue investigating when a whistleblower withdraws or at that point, are you forced to close the case?
A. I believe -- I don't know. We would probably have to -- it would definitely be a legal issue that we would have to refer to our solicitor's office to find out. My -- just off the top of my head, I would assume that we could pursue it, but again, it's up to -- so retaliation complaints are very individualized opposed to enforcement. Like OSHA's enforcement, you know, going out and conducting inspections of, you know, whether or not safety and health standards are being following, that's an independent kind of investigation. Retaliation complaints are always about specific individuals and compensating them if they have been illegally retaliated against. So there's usually not -- if the complainant does not want to cooperate, doesn't want to continue with the investigation, it's usually not -- we're usually not

going to pursue it because of that.
Q. I understand. I just thought there might be a provision that the complainant was being somehow pressured or leveraged?
A. There might be, and I don't -- that's a tricky, yeah, that's a tricky area that I'm not sure, yeah.
Q. I understand. Well, we can ask OSHA. I was just curious if you ever saw that before.
A. Yeah, I don't think that's something I've ever seen.
Q. Okay. Well, thank you. So that's all the questions I have. I was hoping to check in with NTSB. Marcel, do you have any questions?
MR. MUISE: I have nothing to ask. Thank you for your time, sir.
LCDR [redacted] Okay. And just really quickly, Mr. [redacted] do you have any questions left?
MR. [redacted] Yeah, Tom, really quick.
BY MR. [redacted]
Q. Good afternoon, sir. I was just wondering, how many cases did you work on with the Coast Guard in your time? Approximate.
A. So -- yeah. I worked on hundreds of cases. How many with the Coast Guard that were -- see, we had (indiscernible) involved. We had the Seaman's Protection Act that we referred to the Coast Guard and we had more. I'm trying to -- there were 13 laws that we dealt with the Coast Guard in. I'm blanking now on the other ones. Yeah. So it's so hard for me to say how many cases I

worked with the Coast Guard on. You know, maybe 5 percent.
Q. Okay.
A. Probably not even 5 percent.
Q. And do you remember in those cases, the 5 percent, did the Coast Guard always respond to letters that you were initiating an investigation or that you were closing an investigation?
A. I don't recall. It's not uncommon for the enforcement agency not to respond to our letters. So, different agencies have different procedures and different requirements. Like for instance, our air safety cases, we notify the FAA and the FAA is very proactive in responding back to us with a lot of communication, and that's because of the law that Congress passed. They basically -- I think they put a lot of requirements in there for the FAA and OSHA to cooperate regarding these complaints.
Q. Okay.
A. But other agencies, like the EPA, a lot of times, the EPA we would never hear anything from the EPA.
Q. Okay. And do you remember in your cases at the time that the Coast Guard did respond, were they heavily involved in the investigation or what was their level of involvement?
A. The Coast Guard?
Q. Yes, sir.
A. Yeah, I -- okay. So the one case that I was mentioning in Kodiak, basically the Coast Guard had -- they had better resources than the Whistleblower Protection Program and OSHA. And so they

conducted an investigation. Their investigation was about the underlying environmental concerns that were raised and whether or not there was any EPA violations, and they also investigated the retaliation issue under a different law. And, so they -- the -- so I basically requested a lot of information from that investigation because as I explained earlier, we were backlogged, and we could not get to our investigations as quickly as the Coast Guard did. And so we didn't want to have to reinvent the wheel. So we were able to get interview recordings and transcripts and emails. I remember emails were very important in that, in that investigation. So it was very helpful. So I didn't -- it wasn't like I went out on interviews with the Coast Guard investigator. It was more they did their, they did their investigation and they -- and the investigator, you know, contacted me and then I was able to use what he had collected, all of the evidence that he had collected in his investigation in my investigation which then helped me out incredibly to reach a decision in our case.

Q. Okay. And based on your knowledge and experience, in this case, with the *Cyclops II* and Mr. Lockridge's complaint, did you find that the Coast Guard didn't respond?

A. I feel 2018 versus 2022, again, I don't remember when, I don't remember when we got the Seaman's Protection Act. So when I first started working for OSHA in 2001, we had 14 laws that we enforced, and then when I left OSHA last year, it was 25. So, I don't -- again, I don't remember, yeah, whether or not I thought

it was odd or not. Again, there's 25 different laws. We deal with all the different agencies. They all have their own procedures, yeah. I, you know, I -- yeah, I don't remember thinking it was odd or not odd or -- yeah, I can't remember.

Q. Okay. Then maybe --

A. I can say one thing. This case I remember -- I remember feeling very -- what can I say? I felt frustrated that we couldn't do more. Let me put it to you that way. I felt that a lot in my job, but this was definitely one of the cases where I felt pretty -- like my hands were being, you know, tied behind my back. The -- what the Washington State Supreme Court, kind of nullifying of the anti-SLAPP suit law and, it felt like we were really up against a lot of legal blocks. There were a lot of things that were not going our way -- were not going Mr. Lockridge's way, and I do remember feeling frustrated with the whole thing and wishing that there was some avenue of redress. Yeah, I -- yeah. I can remember not feeling too great about the fact that Mr. Lockridge decided to withdraw his complaint. I do feel like he was retaliated against, and I, you know, I wish that was able to finish that investigation and that something could have been done.

Q. Thanks for providing that. I think that's a good stop for me. So thank you, sir. I appreciate it.

A. Okay.

LCDR [redacted] All right. I believe if nobody has any

questions, Mr. McDevitt, do you have any questions before we conclude this interview?

MR. McDEVITT: So your investigation is -- I guess -- are you, are you -- is this an internal investigation of the Coast Guard to see if the Coast Guard failed to take action back in 2018? Am I allowed to know this is about or --

LCDR [redacted] I'm going to go ahead and defer that to Mr. Neubauer. Mr. Neubauer.

MR. NEUBAUER: Yes, sir. Yes, part of the Marine Board into the incident is looking at the Coast Guard's performance. So, yeah, that is part of the scope to see if there was something we could have done earlier to prevent this. We can also look at OSHA, you know, to see if there's something in place to, you know, if something that needs to be done to help us connect better. So really the scope of NBI does span federal agency performance, or anybody's, you know, any agency conduct.

MR. McDEVITT: Okay. All right. So this is -- okay.

MR. [redacted] Yeah. We're -- go ahead.

MR. McDEVITT: Go ahead.

MR. [redacted] We always looking at really more of a system in place, you know, was the system in place to really catch one of these at a time, you know, so that usually where we lean towards the scope of the investigation.

MR. McDEVITT: Yeah. Okay. Well, that's all my questions.

LCDR [redacted] Mr. McDevitt, thank you very much for your time

and for your service for OSHA, 21 years, and thank you for your time here in the interview. If at a later date or some other time something comes up and you want -- you have my number and my email, feel free to give a call at any time or send me an email, and I'll provide you any answers. Again, thank you very much from the NBI. I greatly appreciate your time.

MR. McDEVITT: Okay. Thank you.

LCDR [redacted] Thank you, sir. Bye.

(Whereupon, the interview was concluded.)

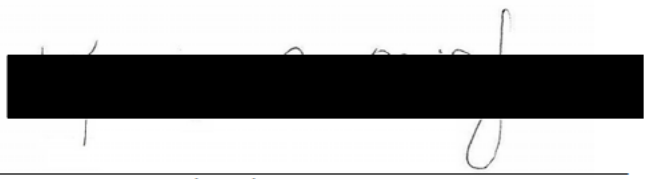
CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	LOSS OF THE SUBMARINE *TITAN* IN THE NORTH ATLANTIC OCEAN ON JUNE 18, 2023 Interview of Paul McDevitt
ACCIDENT NO.:	DCA23FM036
PLACE:	via videoconference
DATE:	July 17, 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.



Kathryn A. Mirfin
Transcriber

NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF MARINE SAFETY
WASHINGTON, D.C. 20594

Errata

Interview with Mr. Paul McDevitt

Loss of the submersible *Titan*
DCA23FM036

Page/ Line	Original	Correction
15/12	Usually there's more discussion	Usually there's more discretion
21/1	DSEC	SEC
27/15	NBI	MBI