

1 action to monitor compliance with the orders of April the
2 29th, the responsible officials in the Department of
3 Labour failed in their statutory duties. Implicit in the
4 orders of April the 29th was the recognition that the
5 coal dust problem at Westray was a threat to safety that
6 required urgent attention. The failure of the Department
7 of Labour to act accordingly is, in our submission,
8 indefensible.

9 The inspectors also failed to respond to a serious
10 threat to the safe ventilation of the mine that was
11 obvious on April the 29th. That threat was posed, as we
12 know, by the plywood barriers to the abandoned Southwest
13 section.

14 Now the evidence shows that the mine inspectors
15 lacked the capacity to deal with mine ventilation on
16 anything but the most rudimentary level. During his
17 testimony, Mr. McLean admitted his lack of knowledge
18 about ventilation. He was able to take gas readings in a
19 general air body, but that was about it. He didn't
20 understand the phenomenon of layering. He didn't check
21 air volumes or air velocity. He didn't review the
22 company's ventilation surveys or its ventilation plans.
23 Indeed, during his testimony he showed that he did not
24 understand the ventilation route, as it existed, in the
25 Southwest section when he was in the mine on April the