

1 29th. We submit Albert McLean was not capable of
2 carrying out his duties of inspecting the Westray mine in
3 relation to ventilation issues.

4 The inspectors knew that methane gas was being
5 produced by the crushing of the pillars behind the
6 barriers to the Southwest section and they knew the
7 plywood barriers would not and could not keep the gas
8 from coming out. They knew the intake air of the
9 Southwest 2 section flowed past the barriers and the
10 barriers were leaking. Westray employees recorded
11 methane readings of anywhere from one and a quarter to
12 nine percent within ten feet of the barriers. And the
13 barriers had buckled from the weight of the roof above.
14 By April the 29th the evidence is the holes were big
15 enough for someone to stick their head in if they were so
16 inclined.

17 On that date three inspectors toured the mine and a
18 look at the barriers. And as a result of their
19 inspections, Mr. Commissioner, we submit they knew gas
20 was escaping from the barriers.

21 Now there is conflict in the evidence on this point,
22 but we submit Albert McLean's testimony that he recorded
23 no gas at all when he checked the barrier on B Road is
24 not believable. We know the stopping had buckled. We
25 know that same day Trevor Eagles recorded readings of