

1 testify.

2 Mr. Commissioner, there is no evidence that the
3 underground employees of Westray Coal carelessly or
4 wantonly engaged in unsafe conduct. As Jay Dooley
5 testified, the underground employees did their best to
6 work safely in the circumstances in which they found
7 themselves.

8 It has been alleged, for example, that some
9 continuous miner operators developed a practice of
10 overriding the automatic shutoff on their mining machines
11 to continue mining the coal face. There was a lot of
12 testimony on this point and the evidence is clear. There
13 was no such practice in the mine. No one saw it done and
14 no one admitted to having done it. It's not even clear,
15 Mr. Commissioner, if it was possible to do what is
16 alleged, that is, simultaneously ride the reset button,
17 lower the heads, operate the heads, and drive into the
18 mine face. We submit that issue has --

19 MR. COMMISSIONER My information is that the most
20 acceptable way to do that is to jump it.

21 MR. ROBERTS Well, fair enough. We submit the evidence
22 on that issue has been put to rest, Mr. Commissioner.

23 Another area of testimony concerns the blocking of
24 ventilation tubing. The evidence is that this was done
25 on the instruction of supervisors in order to increase