

Ministry of the
Environment

Ministère de
l'Environnement

For Immediate Release
October 26, 2006

PHARMACEUTICAL MANUFACTURER FINED \$4,000 FOR ENVIRONMENTAL PROTECTION ACT VIOLATION

ST. CATHARINES—Corporation Biolyse Pharmacopee Internationale (Biolyse) has been fined \$4,000, plus a victim fine surcharge, after pleading guilty to one count of failing to comply with a condition of a Provincial Officer's Order.

Biolyse owns and operates a pharmaceutical manufacturing facility at 59 Welland Vale Road in St. Catharines. The facility produces a cancer treatment drug using a resin extracted from yew tree branches using a chemical called toluene. As a result, waste yew is generated, which can contain residual toluene.

The Court heard that on February 17, 2004, a Ministry of the Environment (MOE) inspection found that a chemical tank storage area on site did not have adequate mechanisms in place to prevent any spilled material from flowing outside the storage area and potentially off site.

The Provincial Officer advised the site coordinator that measures had to be taken to prevent any spills and waste yew leachate from escaping off site. The Officer later requested that Biolyse submit an action plan to the MOE that detailed measures the company intended to take to prevent chemical migration off site.

On April 22, 2004, the chemical tank valves were opened in an act of vandalism, and chemicals flowed beyond the storage area and off site into a ditch near the rear of the property.

A Provincial Officer's Order was then issued to Biolyse, requiring the company to submit and implement an action plan. The plan was submitted to, and approved by the ministry in May 2004, and the company was given until July 15, 2004 to implement it. However, a ministry inspection conducted at a later date revealed that the plan had not been implemented. Specifically, waste yew was not being stored in metal containers and covered with tarp.

Following an investigation conducted by the MOE's Investigations and Enforcement Branch, a charge was laid.

Biolyse pleaded guilty to one count of failing to comply with an item of a Provincial Officer's Order, contrary to section 186(2) of the *Environmental Protection Act*. The company was fined \$4,000 for the offence.

Biolyse had complied with the order prior to the sentencing.

Justice of the Peace Carolyn A. Straughan sentenced the company on September 15, 2006 in the Ontario Court of Justice in St. Catharines.

-30-

Contacts:
John Steele
Communications Branch
(416) 314-6666

Disponible en français