George Schwarzwalder Resume (5-12-70)

Section 3717.30 of the Ohio Revised Code says in part "No person shall sell, deliver or have in his custody or possession with intent to sell or exchange, or expose or offer for sale or exchange milk from diseased or sick cows, adulterated milk or milk to which water or any foreign substance has been added,--"

Section 3715.59 of the Ohio Revised Code says in part "Food is adulterated -- if it bears or contains any added poisonous or added deleterious substance--."

In January, 1970 samples of producer milk collected at a dairy plant, revealed one with a residue of product closely resembling DDT and DDD. On February 19, 1970 George Schwarzwalder, RFD #2 Shreve, Ohio was issued a notice by the Division of Foods, Dairies and Drugs to discontinue the sale of milk until such time as the residue found in his milk was below actionable level.

Subsequent samples from individual cows and the bulk tank on this farm submitted to the agriculture laboratories and the pesticide laboratory at Ohio State University, indicated that this residue found in this milk was a chlorinated hydrocarbon and not DDT or any analogue of DDT.

A conference was held with the Entomology Department of Ohio State University and the Department of Agriculture and it was conceded that the substance found was in fact not normally found in milk and the milk should be withheld from food channels.

The product was then identified as Aroclor 1254 for which there is no legal tolerance. The Federal Food and Drug Administration indicated that they would seize milk containing .2 ppm of Aroclor 1254.

At the time of exclusion, Mr. Schwarzwalder was milking forty two cows with an average income of $2600 per month.

Since the initial examination of the milk, all feed stuffs, hays, silage, soils, water, etc., have been analyzed.

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The contaminate was found in silage being fed to the animals. Further investigation revealed that the contamination was being introduced to the silage from the coating material used to line the inside of the silo in 1967 or 1968.

This product applied by the Michigan Silo Company, Massillon, Ohio, contained great amounts of Aroclor 1254. The producer was advised to cease feeding this silage and dispose of it in some safe, suitable manner.

To this date, Department of Agriculture laboratories have analyzed 88 samples of milk from individual cows, three samples of milk from the bulk tank, and 37 samples of feeds, soils, hays, etc.. The most recent bulk tank sample indicated a level of .76 ppm of Aroclor 1254, still above FDA seizure level.

On May 6, 1970, we had an indication from the U.S. Department of Agriculture that milk excluded from the market because of this adulteration during this period would not be eligible for indemnity payments under Public Law 90-484, Title 7, Subtitle A, Part 16, Regulations governing milk indemnity payments. These two documents provide for indemnity payment for loss of income due to residue of any chemical or pesticide that has been approved for use by any Federal Agency.

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