OCT 7 1977

KENTON, OHIO
TIMES
D. 8,000

SEP 15 1977

Dairymen seek damages from Monsanto

TOLEDO — E. Burke Jones and his partner, Roger E. Barnes of Kenton, as well as Joseph B. Schulte and his son, Wilfred J., of Ottawa, have filed separate suits in Toledo Federal District Court seeking damages totalling more than $75,000 from Monsanto Industrial Chemical Co. of St. Louis, Mo., which produced a chemical silo sealant which they claim poisoned cows' milk produced on their farms.

Holding the Monsanto firm "strictly liable" for placing a toxic substance into "the stream of commerce without adequate testing," the suit further alleges the company failed "to warn... that the substance was dangerous and would cause damage to... cows, making them unsuitable for their intended uses and purposes."

Jones, when contacted by The Times, expressed some frustration with the Monsanto company which "wouldn't offer any support" and with the state and federal authorities who "never determined whether the people who consumed the questionable milk were ever ill."

According to the suits, prior to May, 1976, the farmers contracted with Michigan Silo Co., Massillon, a now dissolved corporation, to coat the interior of the silos with a sealant containing "Aroclar 1254," which contains polychlorinated byphenyls (PCBs). The Aroclar substance was produced by Monstanto at that time for use as a silo sealer.

However the sealant "flaked off" and permeated the stored silage which was then consumed by the farmers' livestock.

After the 70 head of cattle ate the contaminated silage, the toxic residues were absorbed and the poisons transferred into their milk, making it unfit to drink, based on Federal Drug Administration standards, according to the suit.

Burke and Jones are claiming losses of $50,000 plus interest and costs, claiming they were "required to destroy cattle, dispose of toxic milk and were deprived the use of their silos and feed... finally resulting in the closing down of a profitable dairy business and the loss of future earnings."

PCBs, a complex group of heterogenous chemicals, are insoluable, and have caused reduction in the sales of plasticizers, surface coatings and sealers, adhesives, printing inks, pesticide extenders, wax modifiers and more recently in Lake Erie fish, and paper packaging.

The highest rate of PCBs allowed by the Department of Agriculture at the time of the milk testing was 2.5 parts per million (ppm), although Jones and Edison Klingler, cooperative extension agent, said that the tolerance level has now been lowered to 1.5 ppm.

The length of the contamination is the result of the PCBs ability to be retained within the body of the animal as well as on the walls of the silos. Silos last coated in the 1940s still can contaminate silage and the livestock when fed this material, according to Dr. L. B. Willett in "Milk Reporter," May, 1977.

"When the feeding of PCB-contaiminated silage is stopped, the concentration in milk fat declines by about 50 per cent within 15 days. Thereafter the decline is very slow, with a half-life of about 10 weeks. Following withdrawal of the contaminated feed, body fat concentrations will be about 2.5 times greater than milk fat concentrations."

Therefore, although Jones' silo was empty at the time of the high reading, he was still ordered to dump his milk in a predetermined area where it would not cause further contamination.

His milk was periodically tested until such time as the residues had sufficiently declined to allow for the sale of his milk.

Jones said between May 27 and Oct. 19, 1976, milk from his cattle showed a PCB rating of 8 ppm and less, requiring dumping of $26,000 worth of milk.

The dairymen have demanded a jury trial.

MONS 000365

10/6/77

FYI: R. A. Stohr
D. Wood
E. T. Mollica
R. C. Isham

FROM: G. F. Barton

VC WE McCurdy
Rome 10-7