

## Hemingway Orchard Case Timeline

### **April 25, 2010,**

- Dennis Barker sprays orchard with an airblast sprayer
  - Drexel Damoil/Imidan 70-W/BASF Sovran Fungicide/Lorsban 75WG/Polyram 80DF
- Bradley Cadman calls BPC, alleges drift from 5-25-2010 application

### **April 26, 2010,**

- Inspector follow-up inspection
  - Met with Cadman,
    - 3 samples collected
    - photos taken
  - Kim Pelletier abutting property owner complains whiles inspector is at site
    - 1 sample collected
    - photos taken showing sample site
  - Inspection with Dennis Barker
    - 1 sample collected
    - photos taken showing sample site

**May 3, 2010,** above five samples (Cadman's, Pelletier's and Barker's) sent to lab

- Request lab analyze for Lorsban (chlorpyrifos) and Imidan (phosmet)

**June 4, 2010,** Lab results report all 5 samples positive for Lorsban (chlorpyrifos) and Imidan (phosmet)

Sample property	Sample type	Results chlorpyrifos	Results phosmet	% of target	
Barker's orchard	Vegetation orchard	6.77 ppm	0.177 ppm	NA	NA
Cadman	Wipe car windshield	3.43 ug	0.475 ug	NA	NA
Cadman	Wipe storage bin	2.33 ug	0.0972 ug	NA	NA
Cadman	Vegetation (lawn)	0.656 ppm	0.035 ppm	9.7%	19.8%
Pelletier	Vegetation (lawn)	0.249 ppm	0.0098 ppm	3.7%	5.5%

### **July 7, 2010,**

- Consent agreement (CA) sent to Barker for drift incidents from April 25, 2010, application
  - \$700 reduced to \$350 if applicator submits corrective action plan at time consent agreement is signed
  - This consent agreement was never signed

### **April 29, 2011,**

- A revised copy of the July 7, 2010, CA sent to Dennis Barker (reduced penalty amount)
  - \$500 reduced to \$250 if remedial action take to prevent future incidents
  - This revised CA was never signed

### **May 7, 2011,**

- Dennis Barker sprays orchard with an airblast sprayer
  - Polyram 80 DF, Sovran Fungicide

**May 10, 2011,**

- Bradley Cadman calls BPC, alleges drift from May 7, 2011, application
  - Inspection with Jan Barker
    - 1 sample collected from orchard
    - Photos taken
  - Met with Cadman, samples collected from Cadman property
    - Vegetation sample by pool
    - Wipe sample truck in front of garage
    - Wipe sample from plastic bin by garage
    - Wipe sample from truck tool box by side of garage
    - Vegetation by side of garage
    - Photos taken

(Lab results were later reported as negative for selected samples sent for analyses)

**May 22, 2011,**

- Dennis Barker sprays orchard with an airblast sprayer
  - Captec 4L

**May 23, 2011,**

- Bradley Cadman calls BPC, alleges drift from May 22, 2011, application
  - Inspector follow-up investigation with Jan Barker
    - Two vegetation samples collected from orchard
    - Photos taken
  - Met with Cadman, samples collected Cadman property
    - Wipe sample from truck
    - Vegetation sample from lawn
    - Photo taken

(Lab results for Cadman samples were later reported as negative)

**June 4, 2011,**

- Dennis Barker sprays orchard with an airblast sprayer
  - Captec 4L and Imidan 70-W

**June 9, 2011,**

- Bradley Cadman calls BPC, alleges drift from June 4, 2011, application
  - Inspector follow-up investigation with Jan Barker
    - Vegetation sample from orchard
    - Photo taken
  - Met with Cadman, samples collected
    - Vegetation by back porch by air intake system
    - Vegetation by garage
    - Wipe on truck tool box on lawn by garage
    - Photos taken

**June 13, 2011,** Above four samples sent to lab

- Request lab analyze for Imidan (phosmet)

**July 15, 2011,** Lab results for all four samples collected on June 9, 2011, positive for Phosmet

Sample property	Sample type	Results Phosmet	% of target
Barker's orchard	Vegetation (apple leaves)	13.9 ppm	NA
Cadman	Vegetation near air intake	0.275 ppm	2.0%
Cadman	Vegetation (grass)	0.662 ppm	4.8%
Cadman	Wipe (truck tool box)	0.482 ug	NA

**August 4, 2011,**

- CA sent to Barker combining the original unsettled CA and this new drift violation from the drift investigation on June 9, 2011.
  - Penalty of \$1,000
  - No response by deadline set (August 26, 2011) in cover letter to respond to CA

**November 9, 2011,**

- BPC staff called Barker residence spoke with Jan Barker.
  - Jan agreed to talk to her husband Dennis and reply with a counter offer to settle the new CA that combined both drift incidents.

**November 14, 2011,**

- Jan Barker called with \$100 counter offer.

**November 18, 2011,**

- BPC called Barker residence left voice message
  - Staff counter offer of \$750 and offer to discuss payment plan.

**November 29, 2011,**

- BPC staff called Barker residence left voice message
  - Offer of \$500 to resolve CA.
  - Jan Barker calls at a later date and asked for "mediation" to resolve. Board staff explained that mediation could help to prevent future incidents, but would not resolve the existing CA.