**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)

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| --- | --- | --- | --- | --- | --- |
| 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 if 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.