**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 while 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)**

<table>
<thead>
<tr>
<th>Sample property</th>
<th>Sample type</th>
<th>Results chlorpyrifos</th>
<th>Results phosmet</th>
<th>% of target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barker’s orchard</td>
<td>Vegetation orchard</td>
<td>6.77 ppm</td>
<td>0.177 ppm</td>
<td>NA</td>
</tr>
<tr>
<td>Cadman</td>
<td>Wipe car windshield</td>
<td>3.43 ug</td>
<td>0.475 ug</td>
<td>NA</td>
</tr>
<tr>
<td>Cadman</td>
<td>Wipe storage bin</td>
<td>2.33 ug</td>
<td>0.0972 ug</td>
<td>NA</td>
</tr>
<tr>
<td>Cadman</td>
<td>Vegetation (lawn)</td>
<td>0.656 ppm</td>
<td>0.035 ppm</td>
<td>9.7%</td>
</tr>
<tr>
<td>Pelletier</td>
<td>Vegetation (lawn)</td>
<td>0.249 ppm</td>
<td>0.0098 ppm</td>
<td>3.7%</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>Sample property</th>
<th>Sample type</th>
<th>Results Phosmet</th>
<th>% of target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barker’s orchard</td>
<td>Vegetation (apple leaves)</td>
<td>13.9 ppm</td>
<td>NA</td>
</tr>
<tr>
<td>Cadman</td>
<td>Vegetation near air intake</td>
<td>0.275 ppm</td>
<td>2.0%</td>
</tr>
<tr>
<td>Cadman</td>
<td>Vegetation (grass)</td>
<td>0.662 ppm</td>
<td>4.8%</td>
</tr>
<tr>
<td>Cadman</td>
<td>Wipe (truck tool box)</td>
<td>0.482 ug</td>
<td>NA</td>
</tr>
</tbody>
</table>

**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.